4–21–05 Thursday
Vol. 70 No. 76 Apr. 21, 2005

Pages 20691–20806

Federal Register

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.archives.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** *www.gpoaccess.gov/nara,* available through GPO Access, is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

For more information about GPO Access, contact the GPO Access User Support Team, call toll free 1-888-293-6498; DC area 202-512-1530; fax at 202-512-1262; or via e-mail at *gpoaccess@gpo.gov.* The Support Team is available between 7:00 a.m. and 9:00 p.m. Eastern Time, Monday–Friday, except official holidays.

The annual subscription price for the **Federal Register** paper edition is $749 plus postage, or $808, plus postage, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 70 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC	
Subscriptions:	
Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**
General online information	**202–512–1530; 1–888–293–6498**
Single copies/back copies:	
Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**
FEDERAL AGENCIES	
Subscriptions:	
Paper or fiche	**202–741–6005**
Assistance with Federal agency subscriptions	**202–741–6005**

Printed on recycled paper.

Contents

Federal Register

Vol. 70, No. 76

Thursday, April 21, 2005

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
955.....20693
982.....20695
1728.....20698
1955.....20703
Proposed Rules:
29.....20724

12 CFR
225.....20704
347.....20704

14 CFR
23.....20706
39 (4 documents) 20708, 20710, 20713, 20715
Proposed Rules:
39.....20724

15 CFR
742.....20805
744.....20805
774.....20805

17 CFR
210.....20717
228.....20717

31 CFR
10.....20805

40 CFR
300.....20719

48 CFR
Proposed Rules:
211.....20726
212.....20726
252.....20726

49 CFR
575.....20720

Federal Register
Vol. 70, No. 76
Thursday, April 21, 2005

Presidential Documents

Title 3—

The President

Proclamation 7888 of April 19, 2005

Education and Sharing Day, U.S.A., 2005

By the President of the United States of America

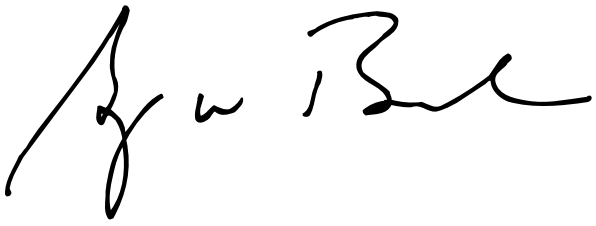
A Proclamation

As we enjoy the great freedoms of our country, we are mindful of our obligation to pass on to our children the values that sustain our liberty and our democracy. On Education and Sharing Day, we reaffirm our commitment to teach young people the lessons they need to preserve and strengthen our Nation, and to reach as far as their vision and character can take them.

Education and Sharing Day honors the memory of Rabbi Menachem Mendel Schneerson, the Lubavitcher Rebbe, who established education and outreach centers that offer social services and humanitarian aid around the world. Commemorating his life and legacy teaches the next generation that a single life of conscience and purpose can touch and lift up many lives. By helping to heal a broken heart, surrounding a friend with love, feeding the hungry, or providing shelter for the homeless, we can change America for the better, one heart, one soul, and one conscience at a time.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 20, 2005, as Education and Sharing Day, U.S.A. I call upon all our citizens to dedicate their time and talents to help our rising generation grow into caring and responsible adults.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of April, 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. 05–8161
Filed 4–20–05; 8:45 am]
Billing code 3195–01–P

Rules and Regulations

Federal Register
Vol. 70, No. 76
Thursday, April 21, 2005

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 955

[Docket No. FV04–955–1 FIR]

Vidalia Onions Grown in Georgia; Change in Assessment Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim final rule changing the assessment collection requirements prescribed under the Vidalia onion marketing order (order). The order regulates the handling of Vidalia onions grown in Georgia and is administered locally by the Vidalia Onion Committee (Committee). This rule continues in effect the action that allows handlers to mail their assessment payments to the Committee office without incurring late payment penalties as long as the payment is postmarked on or before the due date. Prior to this change, assessment payments received in the Committee office later than 4 p.m. on the Tuesday following the week in which shipments were made were subject to late payment penalties.

DATES: Effective May 23, 2005.

FOR FURTHER INFORMATION CONTACT: Doris Jamieson, Marketing Specialist, Southeast Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 799 Overlook Drive, Suite A, Winter Haven, FL 33884; Telephone: (863) 324–3375, Fax: (863) 325–8793; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: *Jay.Guerber@usda.gov*.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 955, both as amended (7 CFR part 955), regulating the handling of Vidalia onions grown in Georgia, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

USDA is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule continues in effect the action that changed the assessment collection requirements prescribed under the order. This action allows handlers to mail their assessment payments to the Committee office without incurring late payment penalties as long as the payment is postmarked on or before the due date. Assessment payments are due not later than 4 p.m. on the Tuesday following the week in which the shipments were made. This change was unanimously recommended by the Committee at a meeting held on August 12, 2004.

Section 955.42 of the order provides the authority for the formulation of an annual budget of expenses and the collection of assessments from handlers to administer the order. Section 955.42(f) provides the authority to impose a late payment charge or an interest charge or both, on any handler who fails to pay assessments in a timely manner and the authority to establish the time and rate of such charges. Section 955.142 of the order's rules and regulations outlines the procedures for applying interest charges to delinquent assessments. Both handler reports and assessment payments are to be submitted for each week during the fiscal period in which onions are shipped. Prior to this change, handler reports and assessment payments were due at the Committee office not later than 4 p.m. on the Tuesday immediately following the week in which shipments were made.

This rule continues in effect the rulemaking action that modified the requirements under § 955.142 to provide that as long as assessment payments received by mail are postmarked on or before the due date, the payments will be considered to be timely regardless of when they arrive at the Committee office. This change allows handlers the opportunity to mail their assessment payments without risking late payment penalties. This rule makes no change to the date and time handler reports and assessments are due.

Many handlers have been submitting their weekly reports to the Committee via fax in order to have their reports in on time. Assessment checks are usually prepared at the same time and are hand carried to the Committee office or mailed. Checks mailed to the Committee office are often received several days after the date due. This has subjected handlers to an interest charge of one percent per week, beginning the day immediately after the date the assessments were due.

The production area covered under the order encompasses all or parts of twenty counties in Georgia. It is not

always cost effective to drive the distance to the Committee office to hand deliver the assessment check to ensure it makes it there on time. Depending on their location in the production area, handlers can be more than 100 miles from the Committee office. Even if the handler is within 20 miles of the Committee office, considering the costs involved, using the mail still represents the most effective method of delivering assessment payments.

In its discussions of this issue, the Committee agreed that handlers should have the option to pay their assessments on time by the use of mail. If a check is postmarked by the required date, the Committee believes that handler should be viewed as paying their assessments in a timely manner.

Therefore, the Committee unanimously voted to change the assessment collection requirements so that assessments received that are postmarked on or before the date they are due will be considered as meeting the deadline and will not be subject to late payment charges.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 145 producers of Vidalia onions in the production area and approximately 110 handlers subject to regulation under the marketing order. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts less than $750,000, and small agricultural service firms, which include handlers, are defined as those whose annual receipts are less than $6,000,000.

Based on information from the Georgia Agricultural Statistical Service and Committee data, around 90 percent of Vidalia onion handlers ship under $6,000,000 worth of onions on an annual basis. In addition, based on acreage, production, grower prices reported by the National Agricultural Statistics Service, and the total number of Vidalia onion growers, the average annual grower revenue is approximately $489,000. In view of the foregoing, it can be concluded that the majority of handlers and producers of Vidalia onions may be classified as small entities.

This rule continues in effect the action that changed the assessment collection requirements previously prescribed under the order. This action allows handlers to mail their assessment payments to the Committee office without incurring late payment charges as long as the payment is postmarked on or before the due date. Assessment payments are due in the Committee office or are to be postmarked by the Tuesday following the week in which the shipments were made. This rule continues in effect the action that revised the provisions of § 955.142 of the rules and regulations outlining the procedures for applying interest charges to delinquent assessments. Authority for this action is provided for in § 955.42 of the order. This change was unanimously recommended by the Committee at a meeting held on August 12, 2004.

This rule will not result in any additional costs for the handler or the grower. The purpose of this rule is to make it easier for the handler to submit their assessment payments using the mail without having to risk incurring additional costs and interest charges. For many handlers living a long distance from the Committee office, this will save them the time and costs associated with driving in to the Committee office in order to pay their assessments on a timely basis. Having better access to the mail for their payment method will provide many handlers with a more cost-effective option. Thus, it is expected that this option will result in an overall cost savings. The savings will be available to all handlers, regardless of size. Also, as the vast majority of handlers are also growers, this action will have a like benefit for both large and small growers.

The Committee did consider the option of making no change in the current regulation. However, Committee members believe that handlers also should be able to mail their assessments in a timely manner. Therefore, this option was rejected.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large Vidalia onion handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, as noted in the initial regulatory flexibility analysis, USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

Further, the Committee meeting was widely publicized throughout the Vidalia onion industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the August 12, 2004 meeting was a public meeting and all entities, both large and small, were able to express their views on this issue.

An interim final rule concerning this action was published in the **Federal Register** on November 26, 2004. Copies of the rule were mailed by the Committee's staff to all Committee members and Vidalia onion handlers. In addition, the rule was made available through the Internet by USDA and the Office of the Federal Register. That rule provided for a 60-day comment period which ended January 25, 2005. One comment was received.

The commenter stated that the Committee should be disbanded and that the marketing order is an outdated form of agricultural marketing. The commenter also stated that assessments were not equitably collected. USDA disagrees with these assertions. The marketing order was implemented and is being administered consistent with the authority in the Agricultural Marketing Agreement Act of 1937, and favored by Vidalia onion growers in a recent continuance referendum. Under the marketing order, all handlers are required to pay their pro rata share of expenses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html*. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the Committee's recommendation, and other information, it is found that finalizing the interim final rule, without change, as published in the **Federal Register** (69 FR 68759, November 26, 2004) will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 955

Onions, Marketing agreements, Reporting and recordkeeping requirements.

PART 955—VIDALIA ONIONS GROWN IN GEORGIA

■ Accordingly, the interim final rule amending 7 CFR part 955 which was published at 69 FR 68759 on November 26, 2004, is adopted as a final rule without change.

Dated: April 15, 2005.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 05–8028 Filed 4–20–05; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 982

[Docket No. FV05–982–1 FIR]

Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 2004–2005 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture is adopting, as a final rule, without change, an interim final rule establishing final free and restricted percentages for domestic inshell hazelnuts for the 2004–2005 marketing year under the Federal marketing order for hazelnuts grown in Oregon and Washington. This rule continues in effect the final free and restricted percentages of 6.4921 and 93.5079 percent, respectively. The percentages allocate the quantity of domestically produced hazelnuts which may be marketed in the domestic inshell market (free) and the quantity of domestically produced hazelnuts that must be disposed of in approved outlets (restricted). Volume regulation is intended to stabilize the supply of domestic inshell hazelnuts to meet the limited domestic demand for such hazelnuts with the goal of providing producers with reasonable returns. This rule was recommended unanimously by the Hazelnut Marketing Board (Board), which is the agency responsible for local administration of the marketing order.

DATES: Effective May 23, 2005.

FOR FURTHER INFORMATION CONTACT: Barry Broadbent, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, Suite 385, Portland, Oregon 97204–2807; Telephone: (503) 326–2724, Fax: (503) 326–7440; or George J. Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: *Jay.Guerber@usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 115 and Marketing Order No. 982, both as amended (7 CFR Part 982), regulating the handling of hazelnuts grown in Oregon and Washington, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is intended that this action apply to all merchantable hazelnuts handled during the 2004–2005 marketing year (July 1, 2004 through June 30, 2005). This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule continues in effect marketing percentages which allocate the quantity of inshell hazelnuts that may be marketed in domestic markets. The Board is required to meet prior to September 20 of each marketing year to compute its marketing policy for that year, and compute and announce an inshell trade demand if it determines that volume regulations would tend to effectuate the declared policy of the Act. At the same time, the Board computes and announces preliminary free and restricted percentages for that marketing year.

The inshell trade demand is the amount of inshell hazelnuts that handlers may ship to the domestic market throughout the marketing season. The order specifies that the inshell trade demand be computed by averaging the preceding three ''normal'' years' trade acquisitions of inshell hazelnuts. The Board may increase the computed inshell trade demand by up to 25 percent, if market conditions warrant an increase. The Board may also modify the inshell trade demand to account for abnormalities due to crop or marketing conditions. The Board's authority to recommend volume regulations and the computations used to determine the percentages are specified in § 982.40 of the order.

Volume regulation under the order utilizes free and restricted percentages to allocate available hazelnuts which may be marketed in domestic inshell markets (free) and hazelnuts which must be exported, shelled, or otherwise disposed of by handlers (restricted). Prior to September 20 of each marketing year, the Board must compute and announce preliminary free and restricted percentages. The preliminary free percentage releases 80 percent of the adjusted inshell trade demand to the domestic market. The purpose of releasing only 80 percent of the inshell trade demand under the preliminary percentage is to guard against an underestimate of crop size. The preliminary free percentage is expressed as a percentage of the total supply subject to regulation (supply) and is based on the preliminary crop estimate.

On August 24, 2004, the National Agricultural Statistics Service (NASS) released an estimate of 2004 hazelnut production for the Oregon and Washington area at 44,000 dry orchard-run tons. On August 26, 2004, the Board met and estimated total available supply for the 2004 crop year at 44,954 tons. The Board arrived at this estimate by using the crop estimate compiled by NASS (44,000 tons) and then adjusting that estimate to account for disappearance and carry-in. The order

requires the Board to reduce the estimate by the average disappearance over the preceding three years (1,584 tons) and to increase it by the amount of undeclared carryin from previous years' production (2,538 tons.)

Disappearance is the difference between the estimated orchard-run production and the actual supply of merchantable product available for sale by handlers. Disappearance can consist of (1) unharvested hazelnuts, (2) culled product (nuts that are delivered to handlers but later discarded), (3) product used on the farm, sold locally, or otherwise disposed of by producers, and (4) statistical error in the orchard-run production estimate.

The Board computed the adjusted inshell trade demand of 2,064 tons by taking the average of the past three years' sales (2,952 tons) and reducing it by the declared carry-in from last year's crop (888 tons). Declared carry-in is product regulated under the order during a preceding marketing year but held in inventory for future sale. Undeclared carry-in is product that was produced in a previous marketing year but was not subject to regulation at that time. Undeclared carry-in is subject to regulation under the order and is accounted for as such by the Board.

The Board computed and announced preliminary free and restricted percentages of 3.6726 percent and 96.3274 percent, respectively, at its August 26, 2004, meeting. The Board computed the preliminary free percentage by multiplying the adjusted trade demand by 80 percent and dividing the result by the adjusted crop estimate (2,064 tons × 80 percent/44,954 tons = 3.6726 percent). The preliminary free percentage thus initially released 1,651 tons of hazelnuts from the 2004 supply for domestic inshell use, and the preliminary restricted percentage withheld 43,303 tons for the export and shelled (kernel) markets.

Under the order, the Board must meet again on or before November 15 to recommend interim final and final percentages. The Board uses current crop estimates to calculate interim final and final percentages. The interim final percentages are calculated in the same way as the preliminary percentages and release the remaining 20 percent (to total 100 percent of the inshell trade demand) previously computed by the Board. Final free and restricted percentages may release up to an additional 15 percent of the average of the preceding three years' trade acquisitions to provide an adequate carryover into the following season (*i.e.*, desirable carryout). The order requires that the final free and restricted percentages shall be effective 30 days prior to the end of the marketing year, or earlier, if recommended by the Board and approved by USDA. Revisions in the marketing policy can be made until February 15 of each marketing year, but the inshell trade demand can only be revised upward, consistent with § 982.40(e).

The Board met on November 3, 2004, and reviewed and approved an amended marketing policy and recommended the establishment of final free and restricted percentages. The NASS crop production estimate was 44,000 tons. However, based upon industry information, the Board reduced the estimate to 37,425 tons. The Board also decided that market conditions were such that the immediate release of an additional 15 percent for desirable carryout will not adversely affect the 2004–2005 domestic inshell market. No interim final free and restricted percentages were recommended. The Board recommended final free and restricted percentages of 6.4921 and 93.5079 percent, respectively. The final free percentage releases 2,507 tons of inshell hazelnuts from the 2004 supply for domestic use.

The final marketing percentages are based on the Board's final production estimate (which is lower than its initial estimate) and the following supply and demand information for the 2004–2005 marketing year:

Total available supply		Tons
(1) Production forecast (crop estimate)		37,425
(2) Less disappearance (three year average; 3.60 percent of Item 1)		1,347
(3) Merchantable production (Item 1 minus Item 2)		36,078
(4) Plus undeclared carryin as of July 1, 2004 (subject to regulation)		2,538
(5) Available supply subject to regulation (Item 3 plus Item 4)		38,616
Inshell trade demand		
(6) Average trade acquisitions of inshell hazelnuts (three prior years domestic sales)		2,952
(7) Less declared carryin as of July 1, 2004 (not subject to 2004–2005 regulation)		888
(8) Adjusted inshell trade demand (Item 6 minus Item 7)		2,064
(9) Desirable carryout on August 31, 2005 (15 percent of Item 6)		443
(10) Adjusted inshell trade demand plus desirable carryout (Item 8 plus Item 9)		2,507
Percentages	Free	Restricted
(11) Final percentages (Item 10 divided by Item 5) × 100	6.4921	93.5079
(12) Final free tonnage (Item 10)	2,507	.....
(13) Final restricted tonnage (Item 5 minus Item 10)	.....	36,109

In addition to complying with the provisions of the order, the Board also considered USDA's 1982 ''Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders'' (Guidelines) when making its computations in the marketing policy. This volume control regulation provides a method to collectively limit the supply of inshell hazelnuts available for sale in domestic markets. The Guidelines provide that the domestic inshell market has available a quantity equal to 110 percent of prior years' shipments before allocating supplies for the export inshell, export kernel, and domestic kernel markets. This provides for plentiful supplies for consumers and for market expansion, while retaining the mechanism for dealing with oversupply situations. The established final percentages make available an additional 443 tons for desirable carryout. The total free supply for the 2004–2005 marketing year is 3,395 tons of hazelnuts, which is the sum of the final trade demand of 2,952 tons and the 443 ton desirable carryout. This amount is 115 percent of prior years' sales and exceeds the goal of the Guidelines.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of

this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $750,000, and small agricultural service firms are defined as those having annual receipts of less than $6,000,000. There are approximately 750 producers of hazelnuts in the production area and approximately 18 handlers subject to regulation under the order. Average annual hazelnut revenue per producer is $39,025. This is computed by dividing NASS figures for the average value of production for 2002 and 2003 ($29,268,500) by the number of producers. The level of sales of other crops by hazelnut producers is not known. In addition, based on Board records, about 89 percent of the handlers ship under $6,000,000 worth of hazelnuts on an annual basis. In view of the foregoing, it can be concluded that the majority of hazelnut producers and handlers may be classified as small entities.

Board meetings are widely publicized in advance of the meetings and are held in a location central to the production area. The meetings are open to all industry members and other interested persons who are encouraged to participate in the deliberations and voice their opinions on topics under discussion. Thus, Board recommendations can be considered to represent the interests of small business entities in the industry.

Currently, U.S. hazelnut production is allocated among three main market outlets: Domestic inshell, export inshell, and kernel markets. Handlers and growers receive the highest return for sales in the domestic inshell market. They receive less for product going to export inshell, and the least for kernels. Based on Board records of average shipments for 1994–2003, the percentage going to each of these markets was 11 percent (domestic inshell), 43 percent (export inshell), and 34 percent (kernels). Other minor market outlets in total make up the remaining 12 percent.

The inshell hazelnut market can be characterized as having limited and inelastic demand with a very short primary marketing period. On average, 78 percent of domestic inshell hazelnut shipments occur between October 1 and November 30, primarily to supply holiday nut demand. The inshell market is, therefore, prone to oversupply and low grower prices in the absence of supply restrictions. Volume regulation provides a method for the U.S. hazelnut industry to limit the supply of domestic inshell hazelnuts available for sale in the continental U.S. and to prevent oversupplied market conditions.

Many years of marketing experience led to the development of the current volume control procedures. These procedures have helped the industry solve its marketing problems by keeping inshell supplies in balance with domestic needs. Volume controls ensure that the domestic inshell market is fully supplied while protecting the market from the negative effects of oversupply.

The relatively high level of production in 2004 and the large carryin from previous year's production were key market factors leading to the relatively low 6.4921 percent final free percentage. Hazelnut production was originally estimated by NASS to be 44,000 tons, which would have made it the third largest crop on record. The Board revised the forecast to 37,425 tons after harvest was completed, a level that is still 21 percent above the prior 10-year average. Even if carryin had been zero, the amount of production that handlers typically ship into the domestic inshell market (*i.e.*, average trade acquisitions of 2,952 tons) equals only about 8.1 percent of supply (the 36,078 tons subject to regulation).

Although the domestic inshell market is a relatively small proportion of total sales (11 percent of total shipments), it remains a profitable market segment. The volume control provisions of the marketing order are designed to avoid oversupplying this particular market segment, because that would likely lead to substantially lower grower prices. The other market segments, export inshell and kernels, are expected to continue to provide good outlets for U.S. hazelnut production.

Recent production and price data reflect the stabilizing effect of the volume control regulations. Data from NASS shows that total hazelnut production has varied widely over the 10-year period between 1994 and 2003, from a low of 15,500 tons in 1998 to a high of 49,500 tons in 2001. Production in the shortest crop year and the biggest crop year were 50 percent and 160 percent, respectively, of the 10-year average tonnage of 31,035. Grower price has not fluctuated to the extent of production. Prices in the lowest price year and the highest price year were 93 percent and 115 percent, respectively, of the 10-year average price of $898 per ton. The considerable lower variability of price versus production provides an illustration of the order's price-stabilizing impacts.

Comparing grower revenue to cost is useful in highlighting the impact on growers of recent product and price levels. A recent hazelnut production cost study from Oregon State University estimated cost-of-production per acre to be approximately $1,340 for a typical 100-acre hazelnut enterprise. Average grower revenue per bearing acre (based on NASS acreage and value of production data) equaled or exceeded that typical cost level only twice from 1994 to 2003. Average grower revenue was below typical costs in the other years. Without the stabilizing impact of the order, growers may have lost more money. While crop size has fluctuated, volume regulations contribute to orderly marketing and market stability and help moderate the variation in returns for all producers and handlers, both large and small.

While the level of benefits of this rulemaking is difficult to quantify, the stabilizing effects of the volume regulations impact both small and large handlers positively by helping them maintain and expand markets even though hazelnut supplies fluctuate widely from season to season. This regulation provides equitable allotment of the most profitable market, the domestic inshell market. That market is available to all handlers, regardless of size.

As an alternative to this regulation, the Board discussed not regulating the 2004–2005 hazelnut crop. However, without any regulations in effect, the Board believes that the industry would tend to oversupply the inshell domestic market. The 2004–2005 hazelnut crop is larger than last season and much larger than expected due to the cyclical nature of hazelnut production. Generally, a large crop one season is followed by a reduced crop the following season, and a small crop is followed by a large crop the following season. The unregulated release of 38,616 tons on the domestic inshell market would oversupply that small market and would cause producer returns to decrease dramatically, thereby disrupting the market.

Section 982.40 of the order establishes a procedure and computations for the Board to follow in recommending to USDA release of preliminary, interim final, and final quantities of hazelnuts to

be released to the free and restricted markets each marketing year. The program results in plentiful supplies for consumers and for market expansion while retaining the mechanism for dealing with oversupply situations.

Hazelnuts produced under the order comprise virtually all of the hazelnuts produced in the U.S. This production represents, on average, less than 4 percent of total U.S. production for other tree nuts, and less than 5 percent of the world's hazelnut production.

Last season, 79 percent of the kernels were marketed in the domestic market and 21 percent were exported. Domestically produced kernels generally command a higher price in the domestic market than imported kernels. The industry is continuing its efforts to develop and expand other markets with emphasis on the domestic kernel market. Small business entities, both producers and handlers, benefit from the expansion efforts resulting from this program.

Inshell hazelnuts produced under the order compete well in export markets because of quality. Based on Board statistics, Europe has historically been the primary export market for U.S. produced inshell hazelnuts, with a 10-year average of 5,255 tons out of total average exports of 14,048 tons. Recent years have seen a significant shift in export destinations. Last season, inshell shipments to Europe totaled 5,526 tons, representing 24 percent of exports, with the largest share going to Germany. Inshell shipments to Southwest Pacific countries, and Hong Kong in particular, have increased dramatically in the past few years, rising to 70 percent of total exports of 23,319 tons in 2003. The industry continues to pursue export opportunities.

There are some reporting, recordkeeping, and other compliance requirements under the order. The reporting and recordkeeping burdens are necessary for compliance purposes and for developing statistical data for maintenance of the program. The information collection requirements have been previously approved by the Office of Management and Budget under OMB No. 0581–0178. The forms require information which is readily available from handler records and which can be provided without data processing equipment or trained statistical staff. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. This rule does not change those requirements. In addition, USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

Further, the Board's meetings were widely publicized throughout the hazelnut industry and all interested persons were invited to attend the meetings and participate in Board deliberations. Like all Board meetings, those held on August 26, and November 3, 2004, were public meetings and all entities, both large and small, were able to express their views on this issue.

An interim final rule concerning this action was published in the **Federal Register** on December 21, 2004. Copies of this rule were mailed by the Board's staff to all Board members. In addition, the rule was made available through the Internet by the Office of the Federal Register and USDA. A 60-day comment period ending February 22, 2005, was provided to allow interested parties to respond to the rule.

Two comments were received during the comment period in response to the interim final rule. Both commenters opposed the action as a restriction of free trade that artificially inflates prices.

USDA disagrees with the commenters. As previously stated, the marketing of domestic inshell hazelnuts is regulated by USDA upon the recommendation of the Board to balance the supply of such hazelnuts with the demand. The Board believes that equilibrium in the supply and demand of domestic inshell hazelnuts benefits consumers and improves returns to producers. USDA guidelines stipulate that the domestic inshell hazelnut market has at least 110 percent of the prior years' sales are available to supply consumers' needs and facilitate market expansion. In order to ensure that the supply is not unduly restricted, the Board recommended releasing 115 percent of the estimated trade demand of inshell hazelnuts to the domestic market. Even with regulation, hazelnuts generally trade at price levels below that of walnuts, almonds, and pistachios, all of which compete in the marketplace with hazelnuts.

One of the commenters expressed concern that taxpayer dollars were used to cover Board costs. Taxpayer dollars are not used to fund the Board. Funds generated from assessments on the handlers of hazelnuts are used to pay these costs.

Accordingly, no changes will be made in the finalization of the interim final rule based on the comments received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Board and other available information, it is hereby found that finalizing the interim final rule, without change, as published in the **Federal Register** (69 FR 76385, December 21, 2004) will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 982

Filberts, Hazelnuts, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

PART 982—HAZELNUTS GROWN IN OREGON AND WASHINGTON

■ Accordingly, the interim final rule amending 7 CFR part 982 which was published at 69 FR 76385 on December 21, 2004, is adopted as a final rule without change.

Dated: April 15, 2005.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 05–8027 Filed 4–20–05; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1728

Specifications and Drawings for 12.47/7.2 kV Line Construction

AGENCY: Rural Utilities Service, USDA.

ACTION: Final rule.

SUMMARY: The Rural Utilities Service (RUS), an agency delivering the U.S. Department of Agriculture's Rural Development Utilities Programs, is amending its regulations regarding RUS Bulletin 50–3, Specifications Drawings for 12.5/7.2 kV Line Construction. This bulletin is currently incorporated by reference in RUS regulations and the revised and renumbered RUS Bulletin 1728F–804 would continue to be incorporated by reference. This rule is necessary to provide the latest RUS specifications, materials, equipment, and construction methods for RUS electric borrowers to construct their rural overhead electric distribution systems. RUS proposes to update, renumber and reformat this bulletin in accordance with the agency's new publications and directives system.

DATES: This rule will be effective October 21, 2005.

Incorporation by reference: RUS Bulletin 1728F–804, Specifications and Drawings for 12.47/7.2 kV Line Construction, is approved for the incorporation by reference by the Director, Office of the Federal Register as of October 21, 2005.

FOR FURTHER INFORMATION CONTACT: Mr. James L. Bohlk, Electric Engineer, Distribution Branch, Electric Staff Division, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., STOP 1569, Washington, DC 20250–1569. Telephone: (202) 720–1967. Fax (202) 720–7491. e-mail: *Jim.Bohlk@usda.gov.*

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule is exempted from the Office of Management and Budget (OMB) review for purposes of Executive Order 12866 and, therefore, has not been reviewed by OMB.

Executive Order 12372

This final rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation, which may require consultation with State and local officials. See the final rule-related notice title ''Department Programs and Activities Excluded from Executive Order 12372'' (50 FR 47034) advising that rural electrification loans and loan guarantees are excluded from the scope of Executive Order 12372.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. RUS has determined that this final rule meets the applicable standards provided in section 3 of the Executive Order. In addition, all state and local laws and regulations that are in conflict with this rule will be preempted, no retroactive effect will be given to this rule, and, in accordance with section 212(e) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912 (e)), administrative appeals procedures, if any are required, must be exhausted before an action against the Department or its agencies may be initiated.

Executive Order 13132, Federalism

The policies contained in this rule do not have any 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. Nor does this rule impose substantial direct compliance costs on State and local governments. Therefore, consultation with states is not required.

Regulatory Flexibility Act Certification

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Rural Utilities Service is not required by 5 U.S.C. 551 *et seq.* or any other provision of law to publish a notice of final rule making with respect to the subject matter of this rule.

Information Collection and Recordkeeping Requirements

This rule contains no additional information collection or recordkeeping requirements approval under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Unfunded Mandates

This final rule contains no Federal mandates (under the regulatory provision of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. Chapter 25)) for State, local, and tribal governments or the private sector. Thus, this final rule is not subject to the requirements of sections 202 and 205 of the Unfunded Mandates Reform Act.

National Environmental Policy Act Certification

The Administrator of RUS has determined that this final rule will not significantly affect the quality of the human environment as defined by the National Environment Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Catalog of Federal Domestic Assistance

The program described by this final rule is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.850, Rural Electrification Loans and Loan Guarantees. This catalog is available on a subscription basis from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402–9325, telephone number (202) 512–1800.

Background

Pursuant to the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 *et seq.*), the Rural Utilities Services (RUS) is amended Title 7 CFR Chapter XVII, Part 1728, Electric Standards and Specification for Materials and Construction, by revising RUS Bulletin 50–3 (D–804), ''Specification and Drawings for 12.5/7.2 kV Line Construction.'' This revised bulletin will be renumbered as RUS Bulletin 1728F–804 and will be re-titled as, ''Specification and Drawings for 12.47/7.2 kV Line Construction.'' RUS maintains a system of bulletins that contains construction standards and specifications for materials and equipment which must be utilized when system facilities are constructed by RUS electric and telecommunication borrowers in accordance with the RUS loan contract. These standards and specifications contain standard construction units, material, and equipment units used in RUS electric and telecommunication borrowers' systems.

RUS Bulletin 50–3 provides standard construction drawings and specification of 12.5/7.2 kV overhead electric distribution lines. RUS is proposing to change the bulletin number room RUS Bulletin 50–3 (Standard D 804) to RUS Bulletin 1728F–804 (D 804). The change in the bulletin number and reformatting is necessary to conform to RUS new publications and directives system. This rule will incorporate the bulletin by reference in 7 CFR 1728.97.

Changes to RUS Bulletin 50–3 (D 804)

RUS has made the following changes and additions to RUS Bulletin 50–3 (D–804) renumbering it as Bulletin 1728F–804:

(1) The new bulletin contains a total of 382 assemblies. (An assembly is a construction unit which incorporates the description and quantity of material needed to construct the assembly and a dimensioned schematic diagram showing how the material needs to be arranged or assembled to meet RUS specifications.) Bulletin 50–3 currently contains a total of 257 assemblies. In both bulletins, more than one similar assembly is often depicted on one drawing.

(2) Of the 382 total assemblies in the new bulletin, 215 are new assemblies and 95 of these 215 new assemblies are new ''narrow profile'' assemblies. The drawing numbers and titles of the 215 new assemblies and the 24 new guide drawings of the new bulletin are tabulated in Exhibit 4 at the end of new Bulletin 1728F–804.

(3) Of the 382 total assemblies in the new bulletin, 167 are standard assemblies of present Bulletin 50–3 that are being redrawn, renumbered, and re-used in new Bulletin 1728f–804. Of these 167 re-used assemblies, 94 are previous standard assemblies with no material changes, 37 are previous standard assemblies with only a change in the number or type of washers, and 36 are previous standard assemblies with other slight material changes.

(4) The new bulletin also contains 32 new guide drawings and 8 renumbered, redrawn and thus re-used guide drawings from Bulletin 50–3. Present Bulletin 50–3 contains a total of 32

guide drawings. (A guide drawing is a dimensioned schematic diagram that shows details of how the material of one or more assemblies needs to be arranged or assembled to meet RUS specifications but does not list the material required for construction.)

(5) A listing the 167 re-used assemblies and 8 re-used guide drawings, with both their old numbers and their new assigned numbers, and the required assembly material changes, are tabulated in new Exhibit 3 at the end of new Bulletin 1728F–804. Exhibit 3 also lists the 90 assemblies and 24 guide drawings that are being discontinued from Bulletin 50–3.

(6) Each of the 382 assemblies and 40 guide drawings in new Bulletin 1728F–804 are being given a new number in accordance with the assembly numbering format as updated by RUS in 1998. In the updated numbering format, each letter and number in the assembly or drawing number has a functional meaning.

(7) New Exhibit 5 at the end of the new bulletin summarizes the new RUS assembly numbering format and briefly explains the meanings of each letter or number in the new assembly and drawing numbers.

(8) The assembly drawings, the 19 drawing indexes and Exhibit 3 of new Bulletin 1728F–804 show the new assigned assembly numbers and the old numbers (in parentheses) of the 167 re-used assemblies and 8 re-used guide drawings from present Bulletin 50–3. RUS allows the borrowers to use either the old or the new assigned assembly number, but only for the 167 re-used standard assemblies and 8 re-used guide drawings. The borrower is being required to make the slight material changes to 73 of the re-used assemblies and to construct the assemblies as depicted.

(9) The new bulletin is being reformatted into 19 separate sections or categories. Each section contains an index of drawings and also the construction drawings of assemblies designed to perform a similar function. Several sections contain construction specifications pertaining to the assemblies in that section.

(10) New tables are being added in the new bulletin that define maximum line angles (contained in Exhibit 1), permitted unbalanced conductor tensions on crossarm assemblies (contained in Exhibit 2), and soil classification data (contained in Section F).

(11) Exhibit, 1 being added at the end of the new bulletin, documents the formula and data used to determine the maximum line angles in the tables. Also, Exhibit 2, being added at the end of the new bulletin, documents the formula and data used to determine permitted unbalanced conductor tensions on crossarm assemblies.

(12) Each drawing is being given a new, uniform, shorter, and more descriptive title. Each drawing also has a new, uniform title block that contains, when applicable, the primary voltage and number of phases of the depicted assemblies.

(13) ''Design parameters'' which define and usually limit maximum line angles or mechanical loading (tension) is being added, when applicable, to the drawings of the new bulletin.

RUS is discontinuing 90 assemblies and 24 guide drawings presently contained in Bulletin 50–3 for one or more of the following reasons:

- They contain material no longer accepted by RUS for use by RUS borrowers,
- Either the spacing or the strength of the assembly no longer meets the minimum requirements of RUS or the rules of the National Electrical Safety Code (NESC),
- They contain technical errors such as a neutral conductor support that is not coordinated with the primary conductor support,
- They are redundant of other assemblies or for other reasons may no longer be needed, or
- They require so many modifications that it is prudent that they be discontinued and subsequently replaced with new assemblies.

RUS also is modifying and adding to the construction specifications in present Bulletin 50–3 incorporate the following significant changes in Bulletin 1728F–804:

(1) Compliance and specific references to the 2002 Edition of the NESC,

(2) Definitions of and provisions for the use of large and extra large conductors,

(3) Permission to lower the neutral conductor under specific circumstances,

(4) Requirement to use a washer under the shoulder of 7.2kV crossarm pins,

(5) Requirement to use a 3-inch (minimum) square, curved, washer abutting the pole for primaries, neutrals and guys that deadend on poles,

(6) Requirement to multiply applied loads by the appropriate NESC overload factors,

(7) Minimum insulated spacing (wood and fiberglass) between primary conductors and guys,

(8) Choice of arrester location on transformer assemblies,

(9) Requirement that all secondary and service wires be covered conductors,

(10) Permission to use stirrups provided certain given criteria are met,

(11) Permission to insulate guy wires provided certain given criteria are met,

(12) Permission to modify assembly drawings without further approval from RUS within certain given parameters, and

(13) New rights-of-ways clearing specifications.

RUS Responses to Comments

On February 12, 2004, RUS published a proposed rule in the **Federal Register** at 69 FR 6926 to incorporate by reference new Bulletin 1728F–804 into its rules and regulations. A copy of the proposed bulletin was made available to the general public on the RUS website and through the U.S. mail. Members of the public were allowed 60 days to furnish RUS with written comments regarding the proposed bulletin. Subsequently, employees of the following rural electric cooperatives and other business firms furnished RUS with written comments, suggestions and questions regarding the proposed bulletin:

(1) Adams Electric Cooperative, Inc.

(2) Allgeier, Martin and Associates, Inc.

(3) Cookson Hills & East Central Electric Cooperative.

(4) Harrison Rural Electric Membership Cooperative.

(5) Hi-Line Engineering, LLC.

(6) Minnesota Valley Cooperative Light and Power.

(7) Morgan County Rural Electric Association.

(8) National Rural Electric Cooperative Association.

(9) Northern Neck Electric Cooperative.

In response to the comments and suggestions received, RUS has added the following new assemblies and drawings to the bulletin:

Fifty-three assemblies with various combinations of secondary brackets, swinging clevis', extension eyebolts and insulated extension links to the A3, A5, B3, B5, C3 and C5 series of assemblies and also added top views of assemblies to improve clarity, assemblies D1.5N and D1.5NP to utilize offset neutral brackets on double circuit, narrow profile assemblies, equipment assemblies R3.3 S2.3, Y3.1, and Y3.4, guide drawing G1.2 (and consequently deleted some notes and the schematic diagram on guide drawing G1.1), transformed the 9 ''tying guides'' in Section L into 20 new assemblies, transformed guide drawings E5.1G and

S1.1NG into assemblies, modified assemblies B4.2 and C4.2 to permit line angles from 15 to 90 degrees, and transformed them into guide drawings.

Also in response to the comments and suggestions received, RUS also made the following changes and corrections:

(1) Corrected 85 errors and omissions pertaining to old assembly numbers on the drawings, indexes, and exhibits,

(2) Changes the guy attachment location on 24 drawings to be consistent with all of the other guyed assemblies,

(3) Changed the crossarm attachment location on 9 drawings so that all crossarms are installed 18 inches from the top of the pole on all assemblies to utilize standard pole drilling and to accommodate pole top pins when needed,

(4) Added connectors (item ''p'') and jumper wires (item ''av'') to the material lists on 18 drawings,

(5) Deleted notes referring to ''tying guides'' from 22 assemblies because they were deemed not useful nor needed,

(6) Removed the note ''(When Req'd)'' referring to down guys from 12 drawings and added the same note to 5 drawings for the purpose of accuracy and consistency,

(7) Added the ANSI class and size of spool insulator to the design parameters of the 10 drawings that refer to the maximum line angles in Tables VI and VII,

(8) Added or changed the distance from the face of the pole to the nearest vertical jumper wired to 19 inches on 8 drawings to comply with the rules of the NESC,

(9) Added an additional note in the design parameters utilizing pre-assembled crossarms (item ''gj'') to multiply the manufacturer's strength rating by the appropriate NESC strength factor to determine the permitted loading on the assembly.

RUS also made the following changes to specific assembly drawings in response to the comments and suggestions received:

- Changed drawing numbers ''A1'', ''A2'' and ''N5'' to be the same as the assembly numbers on the drawings to be consistent with all of the other drawing numbers and removed ''Miscellaneous'' from the drawing title,
- Eliminating drawing ''A5'' and relocated its assemblies to other drawings,
- Corrected the line angle table reference errors in the design parameters on drawings C1.3N, C2.3N and C2.3N,
- Added a top view to assemblies A3.1, B3.1 and C3.1,
- Increased the permitted line angle on assemblies A4.1, B4.1, and C4.1 to the range of 90 to 175 degrees,
- Deleted the note regarding down guys on the drawings of assemblies A3.2, A3.3 and A4.1 because it was confusing. RUS added information regarding the proper installation and location of guys to the ''Specifications for Guying Assemblies,''
- Corrected error in design parameters of drawing of assembly C6.21 to refer to Note 2,
- Changed the design parameters in the drawings of assemblies C6.51 and A2.021 to reference Table B of Exhibit 2,
- Deleted the un-referenced word ''ungrounded'' from guide drawing G3.2G,
- Added a note referencing NESC Table 232–2 to guide drawing K4.1G,
- Added crossarm mounting hardware to assembly S1.01 and a note indicating that these switches may be installed on double deadend crossarm assemblies,
- Corrected the drafting errors pertaining to the conductors on assembly Q1.1 and darkened the secondary conductors line on drawings Q1.1, Q2.1 and Q3.1 to improve clarity,
- Added a note to assembly drawings Q3.2 and Q3.3 requiring customer-owned or maintained equipment be located a minimum for 5 feet from the assembly,
- Changed the materials on grounding assembly H1.1 to show the installation of steel ground wire connecting to the anchor rod,
- Added a note to drawing Q3.2 recommending PT's for voltages over 240 volts,
- Added a note to drawing S2.32 indicating that RUS accepted pre-assembled switches may be used and to install them according to the manufacturer's specifications,
- Added notes to guide drawings D3.1G and D4.1G to adjust material for only one neutral attachment subassembly and that the minimum clearance between and guy and any primary conductor shall be 5 feet,
- Modified assembly C5.22 so that the distance from the neutral to the center phase conductor is 4 feet, 0 inches,
- Changed the ground clearance to live parts on assembly drawing Y1.1 to meet NESC requirements; the ground clearance to the bottom of the regulator platform (which does not have braces) was found to conform to the NESC and was not changed.

The following are RUS' responses to comments, suggestions and questions that did not result in any additions or changes by RUS to the proposed assemblies or drawings:

(1) RUS did not change any assembly numbers as suggested in some of the comments, but did add the following to help borrowers understand implement the new assembly numbers:

(a) A new paragraph on the title page of the bulletin states that borrowers are required to use the new specification and drawings, however the borrowers can choose to use the old assembly numbers for 167 specified assemblies that have duel numbers, and

(b) New Exhibit 5 at the end of the bulletin that summarizes the new RUS assembly numbering format and the new numbers' designated meanings. This exhibit also tells where additional information can be found.

(2) RUS found it necessary to renumber the 167 re-used assemblies so that all of the overhead distribution assembly numbers would have a consistent meaning and a standard format. RUS believes that by allowing the dual number system for a majority of the new assemblies, it will aid the borrowers in implementing the new specifications.

(3) RUS recommends that borrowers keep copies of old Bulletin 50–3 for reference purposes and also keep all of their present assemblies in their engineering and accounting records until (1) further guidance is issued by RUS regarding the proper procedure to retire discontinued assemblies and (2) updates and publishes Bulletin 1767B–2, ''Work Order Procedure (Electric).''

(4) Whereas some borrowers may prefer not to turn any line angles on tangent or small angle pole top assemblies, NESC rules and RUS requirements are not violated if angles no greater than those referenced in the design parameters on the drawings are turned on these types of assemblies.

(5) Since the main purpose of the vertical style of narrow profile pole top assemblies, (*e.g.,* A1.4N) is not to ''straighten the line,'' there is no need to offset the neutral conductor in vertical line with the primary conductor(s).

(6) Several drawings state that the depicted assembly is to be used for NESC Grade B construction. The sixth paragraph in the ''General Construction Specification'' explains some of the needs for Grade B construction. Additional details regarding the rules of the NESC and their applications are beyond the scope of this bulletin.

(7) Page 1 of Exhibit 1 presents the formula, numerical constants and variables used to calculate the permitted line angles on pole top assemblies. In part, the calculated angles are a function of the number of pins installed on the

assembly and the RUS designated (allowed) loading on pin and insulator subassemblies. RUS agrees that sometimes it is not readily apparent why some types of pole top assemblies can accommodate larger angles than other types of assemblies. All of the input data, calculations and resulting permitted line angles have been reviewed and found to be correct.

(8) The line angle on the drawing of assembly A4.1 is purposely drawn at an angle less than 90 degrees to show the general range of angles that can be used on this assembly.

(9) RUS believes that it is more convenient for most borrowers to have A4.1 and A4.2 as separate assemblies instead of merging them into one assembly.

(10) RUS agrees that guide drawing A5.7NG does not depict a ''squirrel friendly'' assembly. Nor is it raptor friendly. If squirrels or raptors are perceived to be a problem in a borrower's specific service area, then RUS recommends using of other assemblies (such as crossarm assemblies) that are available in the new bulletin.

(11) If needed for raptor protection, borrowers may install offset neutral brackets and may install the neutral on either side of the pole of narrow profile assemblies without further approval from RUS if the modified assemblies have a minimum of 4 feet of vertical clearance between the neutral and the primary conductor directly above it.

(12) These specifications are minimum requirements, as a result, borrowers may modify the anchor assembly drawings to show the diameter of the anchor helixes and may modify the drawings of the pole top assemblies to show the maximum permitted transverse loading without approval from RUS,

(13) Borrowers may make copies, re-group and re-arrange the assembly drawings of this bulletin for their own convenience and do not need from RUS,

(14) An extension bracket (item ''fl'') is specified by RUS on assembly R1.1 and other similar equipment assemblies to provide climbing space for line workers. The extension bracket may be omitted if the assembly is accessible for work from bucket trucks designed for such work.

(15) The RUS assembly drawings do not show a pre-manufactured platform for the installation of line regulators because these types of platforms have not been accepted for listing in RUS Informational Publication 202–1 (''List of Materials'').

(16) Assembly drawing Q4.1 shows the use of crossarms because a cluster bracket for installing primary metering equipment has not been accepted for listing in RUS Informational Publication 202–1.

(17) RUS believes that restricting conductors to 2,000 pounds is unnecessarily too restrictive.

(18) RUS no longer permits pin type insulator to be installed in a horizontal position, like in old assembly M5–4 because it has been reported that horizontally installed pin insulators sometimes fill with water and when the water froze the insulator cracked.

(19) A new statement was added in the ''Conductor Installation Specifications'' stating that small conductors can be installed on large conductor assemblies (number suffix ''L'') but that their tensions cannot exceed the permitted loads shown design parameters on the assembly drawings.

(20) Assemblies C5.22 and C5.32, whose crossarm mounting position is different that the other crossarm assemblies and have limited applications, are included in the new bulletin upon request by some RUS borrowers.

(21) New single-phase and two-phase assemblies similar to proposed assembly C5.71L for the application of large conductors or NESC Grade B construction were not added to the bulletin because RUS perceives that these additional assemblies would have very limited use.

(22) The suggestion to add several new large conductor assemblies was not used. However, a statement was added in the ''General Construction Specifications'' that makes it clear that borrowers may modify standard crossarm assemblies to make them suitable for large conductor construction without approval by RUS.

(23) New double deadend assemblies with conductor spacing the same as proposed assemblies C5.22 and C5.32 was not used because these assemblies are not RUS preferred construction and are reduntant of other available assemblies.

(24) RUS added new alternative construction information and details in the ''Specifications for Guying Assemblies'' for situations where a down guy might need to be installed very close to the neutral conductor on double deadend assemblies.

(25) RUS did not add a new double deadend crossarm assembly with a manufactured crossarm assembly (item ''gj'') in which the neutral deadends on the crossarm because this new assembly would have very limited use.

(26) RUS did not add a new assembly with manufactured crossarm assemblies and spacing the same as proposed assembly D6.91 because this assembly would be redundant of new assembly D6.92, is relatively expensive, and thus would have very limited use.

(27) RUS did not add a new, two-phase, feedthrough guide drawing because it is unnecessary. When needed, jumper conductors and connectors can be added to assembly B6.21 similar to that shown on guide drawing C6.52G.

(28) RUS did not add any new double circuit assemblies with one circuit installed above the other circuit because RUS has standardized on the style of double circuit construction as shown on assembly drawings in the new bulletin. The suggested alternative double circuit design can be constructed using assemblies C1.11 and B1.14 with slight material modifications.

(29) No changes were made regarding the guy attachments, bolts, washers, bolt hole sizes, and the permitted loads of proposed assemblies E1.1 and E1.1L. The comments appear to be the result of misunderstanding. The 6,600 pound permitted load of assembly E1.1 is based on the surface area of a 3-inch washer. The 8,500 pound permitted load of assembly E1.1L is based on 85 percent of the RUS designated load (capacity) of the guy attachment with a 4-inch washer. RUS has (already) multiplied the RUS designated strength of the guy attachments by the 0.85 factor to determine the permitted loads shown in the design parameters on the drawings of these assemblies. Both sized washers have thirteen-sixteenths inch bolt holes and can accommodate either a five-eights inch or three-fourths inch bolt.

(30) The suggestion that an additional flat washer or a three-fourth inch bolt be used with washers with thirteen-sixteenths inch holes was not used because RUS has never received reports that five-eighths inch bolts have slipped through the holes in standard washers.

(31) The reasons why old pole protection assemblies M2–1 and M2–2 were discontinued by RUS was added to the ''Specification for Guying Assemblies,''

(32) RUS specifies the installation of anti-split bolts on all non-tangent, primary pole-top assemblies that have double pole-top pins or double post-type insulator brackets. Borrowers may install anti-split bolts on other pole top assemblies at their own discretion; however, the RUS permitted transverse loading on these assemblies must not be increased. Some borrowers have reported to RUS that the installation on anti-split bolts on all pole top assemblies to be advantageous, especially on cedar poles.

(33) Where appropriate, borrowers may replace a cutout (item ''af'') and an arrester (item ''ae'') with a combination cutout/arrester (item ''ax'') without additional review and approval by RUS. The material for the assembly needs to be changed accordingly.

(34) Additional information was added to the ''Specifications for Pole Top Assemblies'' stating that for NESC Grade B construction, the permitted line angles referenced on the pole top assemblies may need to be reduced based on the design engineer's calculations.

(35) Whereas the drawings for pole top assemblies do not show the permitted transverse load on the assemblies, the subtitles of the tables in Exhibit 1 referenced in the design parameters on the drawings specify the permitted transverse loads.

(36) The alleged errors regarding the ''wild leg'' and the high side grounding on guide drawing G3.1G were checked and determined to be correct as drawn.

Electronic (pdf) copies of this final rule and the new bulletin are available on the RUS Web site at *http://www.usda.gov/rus/electric/regs/index.htm.* Electronic and printed copies of the bulletin are also available from Publications Office, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Ave., SW., Washington, DC 20250–1522.

List of Subjects in 7 CFR Part 1728

Electric power, Incorporation by reference, Loan programs-energy, Rural areas.

■ For reasons set out in the preamble, chapter XVII of title 7 of the Code of Federal Regulations, is amended to read as follows:

PART 1728—ELECTRIC STANDARDS AND SPECIFICATIONS FOR MATERIALS AND CONSTRUCTION

■ 1. The authority citation for part 1728 continues to read as follows:

Authority: 7 U.S.C. 901 *et seq.*; 7 U.S.C. 1921 *et seq.*; 6941 *et seq.*

■ 2. Section 1728.97 is amended by:

■ A. Revising the second sentence in paragraph (a), and

■ B. Amending paragraph (b) by removing the entries for Bulletin 50–3 and Bulleting 50–6; and adding to the list of bulletins, in numerical order, the entry for Bulletin 1728F–804.

These revisions are to read as follows:

§ 1728.97 Incorporation by reference of electric standards and specifications.

(a) * * * The bulletins containing construction standards (50–4 and 1728F–803 to 1728F–811), may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. * * *

* * * * *

(b) *List of Bulletins.*

* * * * *

Bulletin 1728F–804 (D–804), Specification and Drawings for 12.47/7.2 kV Line Construction October 2005.

* * * * *

Dated: March 28, 2005.

Curtis M. Anderson,

Acting Administrator, Rural Utilities Service.

[FR Doc. 05–7920 Filed 4–20–05; 8:45 am]

BILLING CODE 3410–15–M

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Rural Business—Cooperative Service

Rural Utilities Service

Farm Services Agency

7 CFR Part 1955

Management of Property

AGENCIES: Rural Housing Service, Rural Business—Cooperative Service, Rural Utilities Service and Farm Service Agency, USDA.

ACTION: Final rule.

SUMMARY: The Rural Housing Service (RHS) is amending this regulation to remove an incorrect reference. The intended effect of this change is to ensure that Agency regulations continue to provide current information.

DATES: *Effective Date:* April 21, 2005.

FOR FURTHER INFORMATION CONTACT: Brinder Billups, Chief, Policy and Program Management Branch, Procurement Management Division, Rural Development, U.S. Department of Agriculture, Stop 0741, 1400 Independence Avenue, SW., Washington, DC 20250–0741, Telephone: (202) 692–0247.

SUPPLEMENTARY INFORMATION:

Classification

This action is not subject to the provisions of Executive Order (E.O.) 12866 since it involves only internal Agency management. This action is not published for prior notice and comment under the Administrative Procedure Act since it involves only internal Agency management and publication for comment is unnecessary and contrary to the public interest.

Programs Affected

The Catalog of Federal Domestic Assistance programs affected by this action are 10.406—Farm Operating Loans and 10.407—Farm Ownership Loans.

Intergovernmental Consultation

Programs with Catalog Federal Domestic Assistance numbers 10.406 and 10.407 are not subject to the provisions of E.O. 12372 which requires intergovernmental consultation with State and local officials.

Civil Justice Reform

This final rule has been reviewed under E.O. 12988, Civil Justice Reform. When published: (1) Unless otherwise specifically provided, all State and local laws that are in conflict with this rule will be preempted; (2) no retroactive effect will be given this rule except as specifically prescribed in the rule; and (3) administrative proceedings of the National Appeals Division (7 CFR part 11) must be exhausted before litigation against the Department is instituted.

Paperwork Reduction Act

There are no new reporting and recordkeeping requirements associated with this rule.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandate Reform Act of 1995 (UMRA), Public Law (Pub. L.) 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, Federal agencies generally must prepare a written statement, including cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, or tribal governments, in the aggregate, or to the private sector, or $100 million or more in any 1 year. When such statement is needed for a rule, section 205 of the UMRA generally requires a Federal agency to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective, or least burdensome alternative that achieves the objectives of the rule.

This rule contains no Federal mandates (under the regulatory provisions of Title II of the UMA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, ''Environmental Program.'' It is the determination of RHS that the proposed action does not constitute a major Federal action significantly affecting the quality of the environment and in accordance with the National Environmental Policy Act of 1969, Public Law 91–190, an Environmental Impact Statement is not required.

Executive Order 13132, Federalism

The policies contained in this rule do not have any 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. Nor does this rule impose a substantial direct compliance cost on State and local governments. Therefore, consultation with the States is not required.

List of Subjects in Part 1955

Government acquired property, Government property management.

■ Accordingly, Chapter XVIII, Title 7, Code of Federal Regulations, is amended as follows:

PART 1955—PROPERTY MANAGEMENT

■ 1. The authority citation for part 1955 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989; 42 U.S.C. 1480.

Subpart B—Management of Property

■ 2. Section 1955.65 is amended by revising paragraph (c)(3) to read as follows:

§ 1955.65 Management of inventory and/or custodial real property.

* * * * *

(c) * * *

(3) *Specification of services.* All management contracts will provide for termination by either the contractor or the Government upon 30 days written notice. Contracts providing for management of multiple properties will also provide for properties to be added or removed from the contractor's assignment whenever necessary, such as when a property is acquired or taken into custody during the period of a contract or when a property is sold from inventory. If a contractor prepares repair specifications, that contractor will be excluded from the solicitation for making the repairs to avoid a conflict of interest.

If a management contract calls for specification writing services, a clause must be inserted in the contract prohibiting the preparer or his/her associates from doing the repair work.

* * * * *

Dated: April 4, 2005.

Gilbert Gonzalez,

Under Secretary, Rural Development.

Dated: April 11, 2005.

J.B. Penn,

Under Secretary, Farm and Foreign Agricultural Service.

[FR Doc. 05–7982 Filed 4–20–05; 8:45 am]

BILLING CODE 3410–XV–P

FEDERAL RESERVE SYSTEM

12 CFR Part 225

[Regulation Y]

Bank Holding Companies and Change in Bank Control

AGENCY: Board of Governors of the Federal Reserve System (Board).

ACTION: Final rule; correction.

SUMMARY: This correction amends a footnote reference in the text of 12 CFR part 225, Appendix A.

DATES: Effective on April 21, 2005.

FOR FURTHER INFORMATION CONTACT: John F. Connolly, Senior Supervisory Financial Analyst (202–452–3621 or *john.f.connolly@frb.gov*), Division of Banking Supervision and Regulation. For users of Telecommunications Device for the Deaf (TDD) only, contact 202–263–4869.

SUPPLEMENTARY INFORMATION:

■ In part 225, Appendix A, Section III, D.1.b., footnote reference 52 in the text should be redesignated as footnote reference 55. The correction reads as follows:

Appendix A to Part 225—Capital Adequacy Guidelines for Banking Holding Companies: Risk-Based Measure [Corrected]

III. * * *

D. * * *

1. * * *

b. * * * 55 * * *

By order of the Board of Governors of the Federal Reserve System, April 15, 2005.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 05–8020 Filed 4–20–05; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 347

RIN 3064–AC85

International Banking

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule; correction.

SUMMARY: The Federal Deposit Insurance Corporation published in the **Federal Register** of April 6, 2005, a final rule amending parts 303, 325, and 327 and revising subparts A and B of part 347. The regulations contained in subpart C of part 347 were not included in the publication. This document corrects the final rule by adding the regulations in subpart C of part 347 to the regulatory text.

DATES: Effective on July 1, 2005.

FOR FURTHER INFORMATION CONTACT: Rodney D. Ray, Counsel, Legal Division, (202) 898–3556 or *rray@fdic.gov,* Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: The Federal Deposit Insurance Corporation published in the **Federal Register** of April 6, 2005, a final rule amending parts 303, 325, and 327 and revising subparts A and B of part 347. Although the regulations in subpart C of part 347 were listed in the Table of Contents for part 347, the regulatory text of subpart C was not contained in the final rule. This document corrects the final rule by adding the regulations in subpart C of part 347 to the regulatory text.

■ In the final rule published on April 6, 2005, (70 FR 17550) make the following correction. On page 17572, in the third column after section 347.216, add Subpart C to read as follows:

Subpart C—International Lending

§ 347.301 Purpose, authority, and scope.

Under the International Lending Supervision Act of 1983 (Title IX, Pub. L. 98–181, 97 Stat. 1153) (12 U.S.C. 3901 *et seq.*) (ILSA), the Federal Deposit Insurance Corporation prescribes the regulations in this subpart relating to international lending activities of banks.

§ 347.302 Definitions.

For the purposes of this subpart:

(a) *Administrative cost* means those costs which are specifically identified with negotiating, processing and consummating the loan. These costs include, but are not necessarily limited to: legal fees; costs of preparing and

processing loan documents; and an allocable portion of salaries and related benefits of employees engaged in the international lending function. No portion of supervisory and administrative expenses or other indirect expenses such as occupancy and other similar overhead costs shall be included.

(b) *Banking institution* means an insured state nonmember bank.

(c) *Federal banking agencies* means the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, and the Federal Deposit Insurance Corporation.

(d) *International assets* means those assets required to be included in banking institutions' ''Country Exposure Report'' form (FFIEC No. 009).

(e) *International loan* means a loan as defined in the instructions to the ''Report of Condition and Income'' for the respective banking institution (FFIEC Nos. 031, 032, 033 and 034) and made to a foreign government, or to an individual, a corporation, or other entity not a citizen of, resident in, or organized or incorporated in the United States.

(f) *Restructured international loan* means a loan that meets the following criteria:

(1) The borrower is unable to service the existing loan according to its terms and is a resident of a foreign country in which there is a generalized inability of public and private sector obligors to meet their external debt obligations on a timely basis because of a lack of, or restraints on the availability of, needed foreign exchange in the country; and

(2) Either:

(i) The terms of the existing loan are amended to reduce stated interest or extend the schedule of payments; or

(ii) A new loan is made to, or for the benefit of, the borrower, enabling the borrower to service or refinance the existing debt.

(g) *Transfer risk* means the possibility that an asset cannot be serviced in the currency of payment because of a lack of, or restraints on the availability of, needed foreign exchange in the country of the obligor.

§ 347.303 Allocated transfer risk reserve.

(a) *Establishment of Allocated Transfer Risk Reserve.* A banking institution shall establish an allocated transfer risk reserve (ATRR) for specified international assets when required by the FDIC in accordance with this section.

(b) *Procedures and standards*—(1) *Joint agency determination.* At least annually, the federal banking agencies shall determine jointly, based on the standards set forth in paragraph (b)(2) of this section, the following:

(i) Which international assets subject to transfer risk warrant establishment of an ATRR;

(ii) The amount of the ATRR for the specified assets; and

(iii) Whether an ATRR established for specified assets may be reduced.

(2) *Standards for requiring ATRR*—(i) *Evaluation of assets.* The federal banking agencies shall apply the following criteria in determining whether an ATRR is required for particular international assets:

(A) Whether the quality of a banking institution's assets has been impaired by a protracted inability of public or private obligors in a foreign country to make payments on their external indebtedness as indicated by such factors, among others, as whether:

(*1*) Such obligors have failed to make full interest payments on external indebtedness; or

(*2*) Such obligors have failed to comply with the terms of any restructured indebtedness; or

(*3*) A foreign country has failed to comply with any International Monetary Fund or other suitable adjustment program; or

(B) Whether no definite prospects exist for the orderly restoration of debt service.

(ii) *Determination of amount of ATRR.* (A) In determining the amount of the ATRR, the federal banking agencies shall consider:

(*1*) The length of time the quality of the asset has been impaired;

(*2*) Recent actions taken to restore debt service capability;

(*3*) Prospects for restored asset quality; and

(*4*) Such other factors as the federal banking agencies may consider relevant to the quality of the asset.

(B) The initial year's provision for the ATRR shall be ten percent of the principal amount of each specified international asset, or such greater or lesser percentage determined by the federal banking agencies. Additional provision, if any, for the ATRR in subsequent years shall be fifteen percent of the principal amount of each specified international asset, or such greater or lesser percentage determined by the federal banking agencies.

(3) *FDIC notification.* Based on the joint agency determinations under paragraph (b)(1) of this section, the FDIC shall notify each banking institution holding assets subject to an ATRR:

(i) Of the amount of the ATRR to be established by the institution for specified international assets; and

(ii) That an ATRR established for specified assets may be reduced.

(c) *Accounting treatment of ATRR*—(1) *Charge to current income.* A banking institution shall establish an ATRR by a charge to current income and the amounts so charged shall not be included in the banking institution's capital or surplus.

(2) *Separate accounting.* A banking institution shall account for an ATRR separately from the Allowance for Loan and Lease Losses, and shall deduct the ATRR from ''gross loans and leases'' to arrive at ''net loans and leases.'' The ATRR must be established for each asset subject to the ATRR in the percentage amount specified.

(3) *Consolidation.* A banking institution shall establish an ATRR, as required, on a consolidated basis. For banks, consolidation should be in accordance with the procedures and tests of significance set forth in the instructions for preparation of Consolidated Reports of Condition and Income (FFIEC Nos. 031, 032, 033 and 034).

(4) *Alternative accounting treatment.* A banking institution need not establish an ATRR if it writes down in the period in which the ATRR is required, or has written down in prior periods, the value of the specified international assets in the requisite amount for each such asset. For purposes of this paragraph (c)(4), international assets may be written down by a charge to the Allowance for Loan and Lease Losses or a reduction in the principal amount of the asset by application of interest payments or other collections on the asset; provided, that only those international assets that may be charged to the Allowance for Loan and Lease Losses pursuant to generally accepted accounting principles may be written down by a charge to the Allowance for Loan and Lease Losses. However, the Allowance for Loan and Lease Losses must be replenished in such amount necessary to restore it to a level which adequately provides for the estimated losses inherent in the banking institution's loan and lease portfolio.

(5) *Reduction of ATRR.* A banking institution may reduce an ATRR when notified by the FDIC or, at any time, by writing down such amount of the international asset for which the ATRR was established.

§ 347.304 Accounting for fees on international loans.

(a) *Restrictions on fees for restructured international loans.* No banking institution shall charge, in connection with the restructuring of an international loan, any fee exceeding the administrative cost of the restructuring unless it amortizes the amount of the fee

exceeding the administrative cost over the effective life of the loan.

(b) *Accounting treatment.* Subject to paragraph (a) of this section, banking institutions shall account for fees on international loans in accordance with generally accepted accounting principles.

§ 347.305 Reporting and disclosure of international assets.

(a) *Requirements.* (1) Pursuant to section 907(a) of ILSA, a banking institution shall submit to the FDIC, at least quarterly, information regarding the amounts and composition of its holdings of international assets.

(2) Pursuant to section 907(b) of ILSA, a banking institution shall submit to the FDIC information regarding concentrations in its holdings of international assets that are material in relation to total assets and to capital of the institution, such information to be made publicly available by the FDIC on request.

(b) *Procedures.* The format, content and reporting and filing dates of the reports required under paragraph (a) of this section shall be determined jointly by the federal banking agencies. The requirements to be prescribed by the federal banking agencies may include changes to existing forms (such as revisions to the Country Exposure Report, Form FFIEC No. 009) or such other requirements as the federal banking agencies deem appropriate. The federal banking agencies also may determine to exempt from the requirements of paragraph (a) of this section banking institutions that, in the federal banking agencies' judgment, have *de minimis* holdings of international assets.

(c) *Reservation of Authority.* Nothing contained in this subpart shall preclude the FDIC from requiring from a banking institution such additional or more frequent information on the institution's holdings of international assets as the agency may consider necessary.

Dated: April 15, 2005.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 05–7983 Filed 4–20–05; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. CE222; Special Conditions No. 23–162–SC]

Special Conditions: Garmin International Inc.; Cessna Model 182T/T182T Airplane; Installation of Electronic Flight Instrument System and the Protection of the System From High Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for Garmin International Inc., 1200 E. 151st St., Olathe, KS 66062, for a Supplemental Type Certificate on the Cessna Model 182T/T182T airplanes. These airplanes, as modified by Garmin, will have a novel or unusual design feature(s) associated with the installation of a Garmin GFC–700 digital autopilot system. These special conditions address the protection of these systems from the effects of high intensity radiated field (HIRF) environments. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is April 8, 2005. Comments must be received on or before May 23, 2005.

ADDRESSES: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Regional Counsel, ACE–7, Attention: Rules Docket CE222, 901 Locust, Room 506, Kansas City, Missouri 64106; or delivered in duplicate to the Regional Counsel at the above address. Comments must be marked: CE222. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Wes Ryan, Federal Aviation Administration, Aircraft Certification Service, Small Airplane Directorate, ACE–114, 901 Locust, Room 301, Kansas City, Missouri, 816–329–4127, fax 816–329–4090.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice and opportunity for prior public comment hereon are impracticable because these procedures would significantly delay issuance of the approval and thus delivery of the affected aircraft. In addition, the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon issuance.

Comments Invited

Interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or special condition number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. The special conditions may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a self-addressed, stamped postcard on which the following statement is made: ''Comments to CE222.'' The postcard will be date stamped and returned to the commenter.

Background

On October 27, 2004, Garmin International Inc. applied for a Supplemental Type Certificate for the Cessna Model 182T and Model T182T to install a Garmin GFC–700 digital autopilot. The Cessna Model 182T and T182T are single engine, high wing airplanes capable of carrying four passengers. The proposed modification incorporates a novel or unusual design feature, such as a digital electronic autopilot system that may be vulnerable to HIRF external to the airplane.

Type Certification Basis

Under the provisions of 14 CFR part 21, Sec. 21.101, Garmin International, Inc. must show that the Cessna 182T and T182T aircraft meet the following original certification basis provisions or the applicable regulations in effect on the date of application for the change to the Cessna 182T and T182T:

For the 182 Series

Part 3 of the Civil Air Regulations dated November 1, 1949, as amended by 3–1 through 3–12 and Paragraph 3.112, as amended October 1, 1959, for the Model 182E and on. In addition, effective S/N 18266591 through 18268586, 14 CFR, part 23, § 23.1559, effective March 1, 1978; 14 CFR part 36, dated December 1, 1969, plus Amendments 36–1 through 36–6 for Model 182Q and on. In addition, effective S/N 18268435 through 18268486, 14 CFR, part 23, § 23.1545(a), Amendment 23–23, dated December 1, 1978; exemptions, if any, and the special conditions adopted by this rulemaking action.

For the Model T182

Part 3 of the Civil Air Regulations dated November 1, 1949, as amended by 3–1 through 3–12 and Paragraph 3.112 as amended October 1, 1959; and 14 CFR, part 23, §§ 23.901, 23.909, 23.1041, 23.1043, 23.1143, and 23.1305, dated February 1, 1965, as amended February 14, 1975; 14 CFR, part 23, § 23.1559, effective March 1, 1978; 14 CFR, part 36, dated December 1, 1969; plus Amendments 36–1 through 36–10. In addition, effective S/N 18268435 through 18268541, 14 CFR, part 23, § 23.1545(a); Amendment 23–23, dated December 1, 1978; exemptions, if any, and the special conditions adopted by this rulemaking action.

For the GFC–700 Autopilot

The following certification requirements were applied to the GFC–700 digital autopilot, so they also become part of the certification basis of the Cessna 182T and T182T when modified with the GFC–700 autopilot system: § 23.1301, Amendment 20; § 23.1309, Amendment 49; § 23.1311, Amendment 49; § 23.1321, Amendment 49, § 23.1322, Amendment 43; § 23.1327, Amendment 20; § 23.1329, Amendment 49; § 23.1335, Amendment 20; § 23.1351, Amendment 49; Amendment 20; § 23.1353, Amendment 49; Amendment 20; § 23.1357, Amendment 43; Amendment 20; § 23.1359, Amendment 49; Amendment 20; § 23.1365, Amendment 49; and § 23.1431, Amendment 49; exemptions, if any, and the special conditions adopted by this rulemaking action.

If the Administrator finds that the applicable airworthiness regulations (*i.e.*, 14 CFR part 23) do not contain adequate or appropriate safety standards for the Cessna Model 182T and T182T because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions, as appropriate, as defined in § 11.19, are issued in accordance with § 11.38, and become part of the type certification basis in accordance with § 21.101(b)(2).

Should the applicant apply for a supplemental type certificate to modify any other model already included on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101.

Novel or Unusual Design Features

Garmin International, Inc. plans to incorporate certain novel and unusual design features into the Cessna 182T and T182T airplanes for which the airworthiness standards do not contain adequate or appropriate safety standards for protection from the effects of HIRF. These features include a digital autopilot that may be susceptible to the HIRF environment, not envisaged by the existing regulations for this type of airplane.

Protection of Systems From High Intensity Radiated Fields (HIRF)

Recent advances in technology have given rise to the application in aircraft designs of advanced electrical and electronic systems that perform functions required for continued safe flight and landing. Due to the use of sensitive solid-state advanced components in analog and digital electronics circuits, these advanced systems are readily responsive to the transient effects of induced electrical current and voltage caused by HIRF. The HIRF can degrade electronic systems performance by damaging components or upsetting system functions.

Furthermore, the HIRF environment has undergone a transformation that was not foreseen when the current requirements were developed. Higher energy levels are radiated from transmitters that are used for radar, radio, and television. Also, the number of transmitters has increased significantly. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling to cockpit-installed equipment through the cockpit window apertures is undefined.

The combined effect of the technological advances in airplane design and the changing environment has resulted in an increased level of vulnerability of electrical and electronic systems required for the continued safe flight and landing of the airplane. Effective measures against the effects of exposure to HIRF must be provided by the design and installation of these systems. The accepted maximum energy levels in which civilian airplane system installations must be capable of operating safely are based on surveys and analysis of existing radio frequency emitters. These special conditions require that the airplane be evaluated under these energy levels for the protection of the electronic system and its associated wiring harness. These external threat levels, which are lower than previous required values, are believed to represent the worst case to which an airplane would be exposed in the operating environment.

These special conditions require qualification of systems that perform critical functions, as installed in aircraft, to the defined HIRF environment in paragraph 1 or, as an option to a fixed value using laboratory tests, in paragraph 2, as follows:

(1) The applicant may demonstrate that the operation and operational capability of the installed electrical and electronic systems that perform critical functions are not adversely affected when the aircraft is exposed to the HIRF environment defined as follows:

Frequency	Field strength (volts per meter)	
	Peak	Average
10 kHz–100 kHz	50	50
100 kHz–500 kHz	50	50
500 kHz–2 MHz	50	50
2 MHz–30 MHz	100	100
30 MHz–70 MHz	50	50
70 MHz–100 MHz	50	50
100 MHz–200 MHz	100	100
200 MHz–400 MHz	100	100
400 MHz–700 MHz	700	50
700 MHz–1 GHz	700	100
1 GHz–2 GHz	2000	200
2 GHz–4 GHz	3000	200
4 GHz–6 GHz	3000	200
6 GHz–8 GHz	1000	200
8 GHz–12 GHz	3000	300
12 GHz–18 GHz	2000	200
18 GHz–40 GHz	600	200

The field strengths are expressed in terms of peak root-mean-square (rms) values.

or, (2) The applicant may demonstrate by a system test and analysis that the electrical and electronic systems that perform critical functions can withstand a minimum threat of 100 volts per meter, electrical field strength, from 10 kHz to 18 GHz. When using this test to show compliance with the HIRF requirements, no credit is given for signal attenuation due to installation.

A preliminary hazard analysis must be performed by the applicant, for approval by the FAA, to identify either electrical or electronic systems that

perform critical functions. The term ''critical'' means those functions whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane. The systems identified by the hazard analysis that perform critical functions are candidates for the application of HIRF requirements. A system may perform both critical and non-critical functions. Primary electronic flight display systems, and their associated components, perform critical functions such as attitude, altitude, and airspeed indication. The HIRF requirements apply only to critical functions.

Compliance with HIRF requirements may be demonstrated by tests, analysis, models, similarity with existing systems, or any combination of these. Service experience alone is not acceptable since normal flight operations may not include an exposure to the HIRF environment. Reliance on a system with similar design features for redundancy as a means of protection against the effects of external HIRF is generally insufficient since all elements of a redundant system are likely to be exposed to the fields concurrently.

Applicability

As discussed above, these special conditions are applicable to the Cessna 182T and T182T airplanes with the Garmin GFC–700 digital autopilot. Should Garmin International Inc. apply later for a Supplemental Type Certificate on another model on the same type certification data sheet to incorporate the same novel or unusual design feature, the special conditions would apply to that model as well under the provisions of § 21.101.

Conclusion

This action affects only certain novel or unusual design features on the Cessna 182T and T182T airplanes. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. For this reason, and because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

Citation

■ The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113 and 44701; 14 CFR 21.16 and 21.101; and 14 CFR 11.38 and 11.19.

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, ACROBATIC, AND COMMUTER CATEGORY AIRPLANES

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Cessna 182T and T182T airplanes to include a Garmin GFC–700 Autopilot system.

1. Protection of Electrical and Electronic Systems from High Intensity Radiated Fields (HIRF). Each system that performs critical functions must be designed and installed to ensure that the operations, and operational capabilities of these systems to perform critical functions are not adversely affected when the airplane is exposed to high intensity radiated electromagnetic fields external to the airplane.

2. For the purpose of these special conditions, the following definition applies: Critical Functions: Functions whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Kansas City, Missouri on April 8, 2005.

Nancy C. Lane,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–7977 Filed 4–20–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2004–20006; Directorate Identifier 2004–CE–49–AD; Amendment 39–14059; AD 2005–08–07]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Limited Models B4–PC11, B4–PC11A, and B4–PC11AF Sailplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA adopts a new airworthiness directive (AD) for all Pilatus Aircraft Limited (Pilatus) Models B4–PC11, B4–PC11A, and B4–PC11AF sailplanes. This AD requires you to repetitively inspect the control-column support for cracks and, if any cracks are found, replace the control-column support with a new support. This AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland. We are issuing this AD to detect and correct cracks in the control-column support, which could result in failure of the support. This failure could lead to loss of the primary flight control system.

DATES: This AD becomes effective on June 2, 2005.

As of June 2, 2005, the Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulation.

ADDRESSES: To get the service information identified in this AD, contact Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 6208; facsimile: +41 41 619 7311; email: *fodermatt@pilatus-aircraft.com* or from Pilatus Business Aircraft Ltd., Product Support Department, 11755 Airport Way, Broomfield, Colorado 80021; telephone: (303) 465–9099; facsimile: (303) 465–6040.

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 20590–001 or on the Internet at *http://dms.dot.gov.* The docket number is FAA–2004–20006; Directorate Identifier 2004–CE–49–AD.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City,

Missouri 64106; telephone: (816) 329–4059; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

What events have caused this AD? The Federal Office for Civil Aviation (FOCA), which is the airworthiness authority for Switzerland, recently notified FAA that an unsafe condition may exist on all Pilatus Aircraft Limited (Pilatus) Models B4–PC11, B4–PC11A, and B4–PC11AF sailplanes. The FOCA reports nine occurrences of cracks in the support of the control-column (part number (P/N) 112.35.11.072).

What is the potential impact if FAA took no action? Cracks in the control-column support could result in failure and lead to loss of the primary flight control system.

Has FAA taken any action to this point? We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all Pilatus Aircraft Limited (Pilatus) Models B4–PC11, B4–PC11A, and B4–PC11AF sailplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on February 11, 2005 (70 FR 7217). The NPRM proposed to require you to repetitively inspect the control-column support for cracks and, if any cracks are found, replace the control-column support with a new support.

Comments

Was the public invited to comment? We provided the public the opportunity to participate in developing this AD. We received no comments on the proposal or on the determination of the cost to the public.

Conclusion

What is FAA's final determination on this issue? We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial corrections. We have determined that these minor corrections:

—Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and

—Do not add any additional burden upon the public than was already proposed in the NPRM.

Changes to 14 CFR Part 39—Effect on the AD

How does the revision to 14 CFR part 39 affect this AD? On July 10, 2002, the FAA published a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the 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 does this AD impact? We estimate that this AD affects 32 sailplanes in the U.S. registry.

What is the cost impact of this AD on owners/operators of the affected sailplanes? We estimate the following costs to do the inspection of the control-column support:

Labor cost	Parts cost	Total cost per sailplane	Total cost on U.S. operators
1 work hour × $65 per hour = $65	Not applicable	$65	32 × $65 = $2,080

We estimate the following costs to do any necessary replacements that would be required based on the results of this inspection. We have no way of determining the number of sailplanes that may need this replacement of the control-column support:

Labor cost	Parts cost	Total cost per sailplane
5 work hours × $65 per hour = $325	$250	$575

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

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

Will this AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under 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 AD (and other information as included in the Regulatory Evaluation) 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 ''Docket No. FAA–2004–20006; Directorate Identifier 2004–CE–49–AD'' in your request.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. FAA amends § 39.13 by adding a new AD to read as follows:

2005–08–07 Pilatus Aircraft Limited: Amendment 39–14059; Docket No. FAA–2004–20006; Directorate Identifier 2004–CE–49–AD.

When Does This AD Become Effective?

(a) This AD becomes effective on June 2, 2005.

What Other ADs Are Affected by This Action?

(b) None.

What Sailplanes Are Affected by This AD?

(c) This AD affects Models B4–PC11, B4–PC11A, and B4–PC11AF sailplanes, all serial numbers, that are certificated in any category.

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 Switzerland. The actions specified in this AD are intended to detect and correct cracks in the control-column support, which could result in failure of the support. This failure could lead to loss of the primary flight control system.

What Must I Do To Address This Problem?

(e) To address this problem, you must do the following:

Actions	Compliance	Procedures
(1) Inspect the control-column support (part number (P/N) 112.35.11.072) for cracks.	Initially inspect within 12 calendar months after the last inspection under Pilatus Aircraft Ltd. Service Bulletin No. 1005, Revision No. 1, dated April 9, 2003, or Pilatus Aircraft Ltd. Service Bulletin No. 1005, Revision No. 2, dated April 22, 2004, where no cracks were found or within the next 30 days after June 2, 2005 (the effective date of this AD), whichever occurs later, unless already done. Repetitively inspect 2004. thereafter at intervals not to exceed every 12 calendar months regardless of whether the control-column support was replaced.	Follow Pilatus B4–PC 11 Aircraft Ltd. Service Bulletin No. 1005, Revision No. 2, dated April 22, 2004.
(2) If any cracks are found after the inspection required by paragraph (e)(1) of this AD, replace the control-column support (P/N 112.35.11.072) with a new control-column support (P/N 112.35.11.072).	Before further flight after the inspection required by paragraph (e)(1) of this AD where you found the crack. Continue the repetitive inspections required by paragraph (e)(1) of this AD.	Follow Pilatus B4–PC 11 Aircraft Ltd. Service Bulletin No. 1005, Revision No. 2, dated April 22, 2004.

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 Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; facsimile: (816) 329–4090.

May I Obtain a Special Flight Permit for the Initial Inspection Requirement of This AD?

(g) No. Special flight permits are not allowed for this AD.

Is There Other Information That Relates to This Subject?

(h) Swiss AD Number HB 2004–491, dated December 23, 2004, also addresses the subject of this AD.

Does This AD Incorporate Any Material by Reference?

(i) You must do the actions required by this AD following the instructions in Pilatus B4–PC 11 Aircraft Ltd. Service Bulletin No. 1005, Revision No. 2, dated April 22, 2004. The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To get a copy of this service information, contact Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 6208; facsimile: +41 41 619 7311; email: *fodermatt@pilatus-aircraft.com* or from Pilatus Business Aircraft Ltd., Product Support Department, 11755 Airport Way, Broomfield, Colorado 80021; telephone: (303) 465–9099; facsimile: (303) 465–6040. To review copies of this service information, go to the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html* or call (202) 741–6030. 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 20590–001 or on the Internet at *http://dms.dot.gov.* The docket number is FAA–2004–20006; Directorate Identifier 2004–CE–49–AD.

Issued in Kansas City, Missouri, on April 11, 2005.

Nancy C. Lane,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–7563 Filed 4–20–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–CE–65–AD; Amendment 39–14065; AD 2005–08–13]

RIN 2120–AA64

Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG–800B Sailplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA adopts a new airworthiness directive (AD) for all Glaser-Dirks Flugzeugbau GmbH (DG Flugzeugbau) Model DG–800B

sailplanes equipped with a SOLO 2625 engine or a Mid-West AE 50T engine. This AD requires you to modify the coolant pump and fuel pump electrical circuits, remove the non-resettable digital engine indicator (DEI) circuit breaker (4-ampere) and replace with a resettable 5-ampere circuit breaker, secure (for sailplanes with a SOLO 2625 engine) the choke butterfly valve axis, install edge protection at the sharp edges of the resettable 5-ampere DEI circuit breaker, and incorporate changes in the FAA-approved sailplane flight manual. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. We are issuing this AD to prevent electrical failure of the fuel and coolant pumps if a non-resettable circuit breaker trips. This could result in power loss with the inability to restart the fuel pump during a critical phase of flight (for example, takeoff under own power).

DATES: This AD becomes effective on June 6, 2005.

As of June 6, 2005, the Director of the **Federal Register** approved the incorporation by reference of certain publications listed in the regulation.

ADDRESSES: You may get the service information identified in this AD from DG Flugzeugbau, Postbox 41 20, D–76625 Bruchsal, Federal Republic of Germany; telephone: 011–49 7257–890; facsimile: 011–49 7257–8922.

You may view the AD docket at FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2003–CE–65–AD, 901 Locust, Room 506, Kansas City, Missouri 64106. Office hours are 8 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Greg 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:

Discussion

What events have caused this AD? The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified FAA that an unsafe condition may exist on DG Flugzeugbau Model DG–800B sailplanes. The LBA reports both electrical circuits of the fuel pump and the coolant pump (on a SOLO 2625 engine or a Mid-West AE 50T engine) are protected by a non-resettable digital engine indicator (DEI) circuit breaker. The pumps will stop running if the non-resettable circuit breaker activates.

What is the potential impact if FAA took no action? If a non-resettable circuit breaker trips, this could result in power loss with the inability to restart the fuel pump during a critical phase of flight (for example, takeoff under own power).

Has FAA taken any action to this point? We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all Glaser-Dirks Flugzeugbau GmbH (DG Flugzeugbau) Model DG–800B sailplanes equipped with a SOLO 2625 engine or a Mid-West AE 50T engine. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on April 12, 2004 (69 FR 19135). The NPRM proposed to require you to modify the coolant pump and fuel pump electrical circuits, replace the non-resettable circuit breaker with a resettable circuit breaker, and (for a version of the Mikuni carburetor) secure the choke butterfly valve axis.

As a result of our further analysis of the service information and determining that important actions were omitted in the NPRM and should be incorporated, we issued a supplemental proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all Glaser-Dirks Flugzeugbau GmbH (DG Flugzeugbau) Model DG–800B sailplanes equipped with a SOLO 2625 engine or a Mid-West AE 50T engine sailplanes. This proposal was published in the **Federal Register** as a supplemental NPRM on November 8, 2004 (69 FR 64692). The supplemental NPRM proposed to require you to do the following:

—Modify the coolant pump and fuel pump electrical circuits;

—Remove the non-resettable digital engine indicator (DEI) circuit breaker (4-ampere) and replace with a resettable 5-ampere circuit breaker;

—Secure the choke butterfly valve axis that is on the SOLO 2625 engine (new version Mikuni carburetor);

—Install edge protection at the sharp edges of the resettable 5-ampere DEI circuit breaker; and

—Incorporate ''Flight Manual'' changes that are listed in the service information.

Comments

Was the public invited to comment? We provided the public the opportunity to participate in developing this AD. We received no comments on the proposal or on the determination of the cost to the public.

Conclusion

What is FAA's final determination on this issue? We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial corrections. We have determined that these minor corrections:

—Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and

—Do not add any additional burden upon the public than was already proposed in the NPRM.

Changes to 14 CFR Part 39—Effect on the AD

How does the revision to 14 CFR part 39 affect this AD? On July 10, 2002, the FAA published a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the 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 does this AD impact? We estimate that this AD affects 25 sailplanes in the U.S. registry.

What is the cost impact of this AD on owners/operators of the affected sailplanes? We estimate the following costs to do the modification:

Labor cost	Parts cost	Total cost per sailplane	Total cost on U.S. operators
6 workhours at $65 per hour = $390	$100	$490	25 × $490 = $12,250

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

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

Will this AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under 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 AD (and other information as included in the Regulatory Evaluation) 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 No. 2003–CE–65–AD'' in your request.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. FAA amends § 39.13 by adding a new AD to read as follows:

2005–08–13 Glaser-Dirks Flugzeugbau GmbH: Amendment 39–14065; Docket No. 2003–CE–65–AD.

When Does This AD Become Effective?

(a) This AD becomes effective on June 6, 2005.

What Other ADs Are Affected by This Action?

(b) None.

What Sailplanes Are Affected by This AD?

(c) This AD affects all Model DG–800B sailplanes, all serial numbers, that are:

(1) Certificated in any category; and

(2) Equipped with a SOLO 2625 engine or a Mid-West AE 50T engine.

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 electrical failure of the fuel and coolant pumps if a non-resettable circuit breaker trips. This could result in power loss with the inability to restart the fuel pump during a critical phase of flight (for example, takeoff under own power).

What Must I Do To Address This Problem?

(e) To address this problem, you must do the following:

Actions	Compliance	Procedures
(1) Modify the coolant pump and fuel pump electrical circuits.	Within the next 50 hours time-in-service (TIS) after June 6, 2005 (the effective date of this AD), unless already done.	*For sailplanes with a SOLO 2625 engine:* Follow DG Flugzeugbau GmbH Technical Note No. 873/26, dated November 12, 2001; *For sailplanes with a Mid-West AE 50T engine:* Follow DG Flugzeugbau GmbH Technical Note No. 873/27, dated November 29, 2001.
(2) Remove the non-resettable digital engine indicator (DEI) circuit breaker (4-ampere) and replace with a resettable 5-ampere circuit breaker.	Before further flight after the modification of the coolant pump and fuel pump electrical circuits required by paragraph (e)(1) of this AD.	*For sailplanes with a SOLO 2625 engine:* Follow DG Flugzeugbau GmbH Technical Note No. 873/26, dated November 12, 2001; *For sailplanes with a Mid-West AE 50T engine:* Follow GD Flugzeugbau GmbH Technical Note No. 873/27, dated November 29, 2001.
(3) *For sailplanes with engine SOLO 2625 (New version Mikuni carburetor):* Secure the choke butterfly valve axis.	Before further flight after the modificaiton of the coolant pump and fuel pump electrical circuits required by paragraph (e)(1) of this AD and the removal and replacement required by paragraph (e)(2) of this AD.	*For sailplanes with a SOLO 2625 engine:* Follow DG Flugzeugbau GmbH Technical Note No. 873/26, dated November 12, 2001.
(4) Install edge protection at the sharp edges of the resettable 5-ampere DEI circuit breaker.	Before further flight after the modification of the coolant pump and fuel pump electrical circuits required by paragraph (e)(1) of this AD and the removal and replacement required by paragraph (e)(2) of this AD.	*For sailplanes with a SOLO 2625 engine:* Follow DG Flugzeugbau GmbH Technical Note No. 873/26, dated November 12, 2001; *For sailplanes with a Mid-West AE 50T engine:* Follow DG Flugzeugbau GmbH Technical Note No. 873/27, dated November 29, 2001.

Actions	Compliance	Procedures
(5) Incorporate changes in the FAA-approved sailplane flight manual (SFM). (i) The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may do the flight manual changes requirement of this AD. (ii) Make an entry in the aircraft records showing compliance with this portion of the AD following section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).	Before further flight after the modifications required by paragraphs (e)(1), (e)(2), (e)(3), and (e)(4) of this AD.	*For sailplanes with a SOLO 2625 engine:* Follow DG Flugzeugbau GmbH Technical Note No. 873/26, dated November 12, 2001; *For sailplanes with a Mid-West AE 50T engine:* Follow DG Flugzeugbau GmbH Technical Note No. 873/27, dated November 29, 2001.
(6) Do not install any SOLO 2625 engine or Mid-West AE 50T engine unless the modifications required by paragraphs (e)(1), (e)(2), (e)(3), and (e)(4) of this AD have been done.	As of June 6, 2005 (the effective date of this AD).	Not Applicable.

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, FAA. For information on any already approved alternative methods of compliance, contact Greg Davison, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4130; facsimile: (816) 329–4090.

Does This AD Incorporate Any Material by Reference?

(g) You must do the actions required by this AD following the instructions in DG Flugzeugbau GmbH Technical Note No. 873/26, dated November 12, 2001, and DG Flugzeugbau GmbH Technical Note No. 873/27, dated November 29, 2001. The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may get a copy from DG Flugzeugbau, Postbox 41 20, D–76625 Bruchsal, Federal Republic of Germany; telephone: 011–49 7257–890; facsimile: 011–49 7257–8922. You may review copies at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106; 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.*

Is There Other Information That Relates to This Subject?

(h) German AD Number 2002–083, dated April 4, 2002, also addresses the subject of this AD.

Issued in Kansas City, Missouri, on April 12, 2005.

Nancy C. Lane,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–7790 Filed 4–20–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–20135; Directorate Identifier 2003–NM–231–AD; Amendment 39–14060; AD 2005–08–08]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–8–33 and –43 Airplanes; Model DC–8F–54 and DC–8F–55 Airplanes; and Model DC–8–50, –60, –60F, –70, and –70F Series Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD), which applies to certain McDonnell Douglas series airplanes. That AD currently requires repetitive inspections of the electrical connectors of the explosive cartridge wiring of the engine fire extinguisher containers to verify if the identification number labels are installed and legible; repetitive electrical tests of all explosive cartridge wiring of the engine fire extinguisher containers to verify proper installation and function; and corrective actions if necessary. This new AD requires an inspection of the emergency shut off wire assembly; installation of lanyards on the electrical connectors for the engine fire extinguishing agent containers and for the auxiliary power unit fire extinguishing agent containers if applicable; and related investigative/corrective actions, as applicable. This AD is prompted by reports of cross-wired electrical connectors of the engine fire extinguishing agent containers. We are issuing this AD to detect and correct cross-wired electrical connectors of the fire extinguishing system, which could release fire extinguishing agent into the incorrect engine nacelle in the event of an engine fire.

DATES: This AD becomes effective May 26, 2005.

The incorporation by reference of a certain publication listed in the AD is approved by the Director of the Federal Register as of May 26, 2005.

On December 20, 2001 (66 FR 63157, December 5, 2001), the Director of the Federal Register approved the incorporation by reference of a certain other publication listed in the AD.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024).

Docket: The AD docket contains the proposed AD, comments, and any final disposition. You can examine the AD docket on the Internet at *http://dms.dot.gov*, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the U.S. Department of Transportation, 400 Seventh Street SW., room PL–401, Washington, DC. This docket number is FAA–2005–20135; the directorate

identifier for this docket is 2003–NM–231–AD.

FOR FURTHER INFORMATION CONTACT: William S. Bond, Aerospace Engineer, Propulsion Branch, ANM–140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5253; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) with an AD to supersede AD 2001–25–01, amendment 39–12553 (66 FR 63157, December 5, 2001). The existing AD applies to certain McDonnell Douglas Model DC–8–33 and –43 airplanes; Model DC–8F–54 and DC–8F–55 airplanes; and Model DC–8–50, –60, –60F, –70, and –70F series airplanes. The proposed AD was published in the **Federal Register** on January 28, 2005 (70 FR 4055), to continue to require repetitive inspections of the electrical connectors of the explosive cartridge wiring of the engine fire extinguisher containers to verify if the identification number labels are installed and legible; repetitive electrical tests of all explosive cartridge wiring of the engine fire extinguisher containers to verify proper installation and function; and corrective actions if necessary. That action also proposed to require an inspection of the emergency shut off wire assembly; installation of lanyards on the electrical connectors for the engine fire extinguishing agent containers and for the auxiliary power unit (APU) fire extinguishing agent containers if applicable; and related investigative/corrective actions, as applicable.

Comments

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

Conclusion

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

Costs of Compliance

There are about 233 airplanes of the affected design in the worldwide fleet. The following table provides the estimated costs, using an average labor rate of $65 per hour, for U.S. operators to comply with this AD.

ESTIMATED COSTS

Action	Work hours	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Inspection of the electrical connectors of the explosive cartridge wiring and electrical test of all explosive cartridge wiring (required by AD 2001–25–01).	3	$0	$195, per inspection/testing cycle.	177	$34,515
General visual inspection of the emergency shut off wire assembly (new action).	1	$0	$65, per inspection cycle.	177	11,505
Installation of lanyards on electrical connectors for engine fire extinguishing agent containers (new action).	4	$58 (For engine firex).	$318	177	56,268
Installation of lanyards on electrical APU connectors for APU fire extinguishing agent containers if applicable (new action).	1	$52 (For APU firex)	$117	177	20,709

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866;

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing amendment 39–12553 (66 FR 63157, December 5, 2001), and by adding the following new airworthiness directive (AD):

2005–08–08 McDonnell Douglas: Amendment 39–14060. Docket No. FAA–2005–20135; Directorate Identifier 2003–NM–231–AD.

Effective Date

(a) This AD becomes effective May 26, 2005.

Affected ADs

(b) This AD supersedes AD 2001–25–01, amendment 39–12553 (66 FR 63157, December 5, 2001).

Applicability

(c) This AD applies to McDonnell Douglas Model DC–8–33, DC–8–43, DC–8–51, DC–8–52, DC–8–53, DC–8F–54, DC–8–55, DC–8F–55, DC–8–61, DC–8–61F, DC–8–62, DC–8–62F, DC–8–63, DC–8–63F, DC–8–71, DC–8–71F, DC–8–72, DC–8–72F, DC–8–73, and DC–8–73F airplanes; certificated in any category; as identified in Boeing Service Bulletin DC8–26–047, Revision 1, dated September 4, 2003.

Unsafe Condition

(d) This AD was prompted by reports of cross-wired electrical connectors of the engine fire extinguishing agent containers. We are issuing this AD to detect and correct cross-wired electrical connectors of the fire extinguishing system, which could release fire extinguishing agent into the incorrect engine nacelle in the event of an engine fire.

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.

Restatement of Requirements of AD 2001–25–01

Repetitive Inspections and Tests, and Corrective Action(s), if Necessary

(f) Within 30 days after December 20, 2001 (the effective date of AD 2001–25–01, amendment 39–12553), do the action(s) specified in paragraphs (f)(1) and (f)(2) of this AD, in accordance with Boeing Alert Service Bulletin DC8–26A046, dated November 7, 2001.

(1) Do an inspection of the electrical connectors of the explosive cartridge wiring of the engine fire extinguisher containers to verify if the identification number labels are installed and legible. If any identification number label is missing or is not legible, before further flight, install a label or replace the label with a new label, as applicable. Repeat the inspection after each maintenance action for the Firex Discharge system.

(2) Do an electrical test of all explosive cartridge wiring of the engine fire extinguisher containers to verify proper installation and function, using the cockpit warning lamps. If the lamp fails to illuminate, before further flight, troubleshoot and repair the wiring of the Firex Discharge system. Repeat the test after each maintenance action for the Firex Discharge system.

Note 1: Inspections, tests, and corrective actions, if necessary, done per Boeing BOECOM M–7200–01–02632, dated November 5, 2001, before December 20, 2001 (the effective date of AD 2001–25–01, amendment 39–12553), are considered acceptable for compliance with the requirements of paragraph (f) of this AD.

New Requirements of This AD

Inspection and Installation

(g) Within 18 months of the effective date of this AD, do a general visual inspection of the emergency shut off wire assembly to determine if the length of wire harness AAG at P1–510 can be connected to R5–74 and to determine if the length of wire harness ABG at P1–511 can be connected to R5–73; and, before further flight, do the corrective action, as applicable; by accomplishing all of the actions specified in paragraph B.1.b. of the Accomplishment Instructions of Boeing Service Bulletin DC8–26–047, Revision 1, dated September 4, 2003.

Note 2: For the purposes of this AD, a general visual inspection is defined as: ''A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to enhance visual access to all exposed surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

(h) Within 18 months of the effective date of this AD, install lanyards on the electrical connectors for the engine fire extinguishing agent containers in the left and right wing front spar; and, before further flight, do all the related investigative/corrective actions, as applicable; by accomplishing all of the actions specified in paragraph B.1.c. of the Accomplishment Instructions of Boeing Service Bulletin DC8–26–047, Revision 1, dated September 4, 2003.

Installation if Applicable

(i) For airplanes equipped with an auxiliary power unit (APU) installation in the forward cargo compartment at station Y=640.000: Within 18 months of the effective date of this AD, install lanyards on the electrical connectors for the APU fire extinguishing agent containers; and, before further flight, do all the related investigative/corrective actions, as applicable; by accomplishing all of the actions specified in paragraph B.2. of the Accomplishment Instructions of Boeing Service Bulletin DC8–26–047, Revision 1, dated September 4, 2003.

Terminating Action

(j) Accomplishment of the actions specified in paragraphs (g) and (h) of this AD terminates the repetitive inspections and electrical tests required by paragraph (f) of this AD.

Credit for Previous Service Bulletin

(k) Actions done before the effective date of this AD in accordance with Boeing Service Bulletin DC8–26–047, dated April 2, 2003, are acceptable for compliance with the corresponding requirements in paragraphs (g), (h), and (i) of this AD.

Alternative Methods of Compliance (AMOCs)

(l) The Manager, Los Angeles Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

Material Incorporated by Reference

(m) You must use Boeing Service Bulletin DC8–26–047, Revision 1, dated September 4, 2003; and Boeing Alert Service Bulletin DC8–26A046, dated November 7, 2001; as applicable; to perform the actions that are required by this AD, unless the AD specifies otherwise.

(1) The incorporation by reference of Boeing Service Bulletin DC8–26–047, Revision 1, dated September 4, 2003, is approved by the Director of the Federal Register, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of Boeing Alert Service Bulletin DC8–26A046, dated November 7, 2001, was approved previously by the Director of the Federal Register as of December 20, 2001 (66 FR 63157, December 5, 2001).

(3) To get copies of the service information, contact Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024. To view the AD docket, go to the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL–401, Nassif Building, Washington, DC. To review copies of the service information, go to the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Issued in Renton, Washington, on April 11, 2005.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–7684 Filed 4–20–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2004–19522; Directorate Identifier 2004–CE–36–AD; Amendment 39–14064; AD 2005–08–12]

RIN 2120–AA64

Airworthiness Directives; CENTRAIR 101 Series Gliders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA adopts a new airworthiness directive (AD) for certain

CENTRAIR 101 series gliders. This AD requires you to replace non-strengthened rudder pedals with reinforced rudder pedals. This AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France. We are issuing this AD to replace the non-strengthened rudder pedals and to prevent failure of the rudder controls. This failure could lead to loss of directional control of the glider.

DATES: This AD becomes effective on June 6, 2005.

As of June 6, 2005, the Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulation.

ADDRESSES: To get the service information identified in this AD, contact CENTRAIR, Aerodome B.P.N. 44, 36300 Le Blanc, France; telephone: 02.54.37.07.96; facsimile: 02.54.37.48.64.

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 20590–001 or on the Internet at *http://dms.dot.gov.* The docket number is FAA–2004–19522.

FOR FURTHER INFORMATION CONTACT: Greg 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:

Discussion

What events have caused this proposed AD? The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified FAA that an unsafe condition may exist on certain CENTRAIR 101 series gliders. The DGAC reports finding previously undetected cracks or poorly repaired cracks on several CENTRAIR 101 series gliders at the weld seam between the hinge tube and the vertical tube of the rudder pedal. The rupture of this weld could lead to failure of the rudder controls.

What is the potential impact if FAA took no action? Failure of the rudder controls could lead to loss of directional control of the glider.

Has FAA taken any action to this point? We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain CENTRAIR 101 series gliders. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on December 13, 2004 (69 FR 72134). The NPRM proposed to require you to replace non-strengthened rudder pedals with reinforced rudder pedals.

Comments

Was the public invited to comment? We provided the public the opportunity to participate in developing this AD. We received no comments on the proposal or on the determination of the cost to the public.

Conclusion

What is FAA's final determination on this issue? We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial corrections. We have determined that these minor corrections:

—Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and

—Do not add any additional burden upon the public than was already proposed in the NPRM.

Changes to 14 CFR Part 39—Effect on the AD

How does the revision to 14 CFR part 39 affect this AD? On July 10, 2002, the FAA published a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the 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 gliders does this AD impact? We estimate that this AD affects 56 gliders in the U.S. registry.

What is the cost impact of this AD on owners/operators of the affected gliders? We estimate the following costs to do this rudder pedal replacement. We have no way of determining the number of gliders that may need this rudder pedal replacement:

Labor cost per rudder pedal	Parts cost	Total cost per glider
4 workhours × $65 per hour = $260	$162 (for each rudder pedal) × 2 = $324	$584

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

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

Will this AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under 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 AD (and other information as included in the

Regulatory Evaluation) 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 ''Docket No. FAA–2004–19522; Directorate Identifier 2004–CE–36–AD'' in your request.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. FAA amends § 39.13 by adding a new AD to read as follows:

2005–08–12 Centrair: Amendment 39–14064; Docket No. FAA–2004–19522; Directorate Identifier 2004–CE–36–AD.

When Does This AD Become Effective?

(a) This AD becomes effective on June 6, 2005.

What Other ADs Are Affected by This Action?

(b) None.

What Gliders Are Affected by This AD?

(c) This AD affects Models 101, 101A, 101AP, and 101P gliders, serial numbers 101xx001 through 101xx285 and 101D0501 through 101D0530, certificated in any category.

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 France. We are issuing this AD to replace the non-strengthened rudder pedals, and prevent failure of the rudder controls. This failure could lead to loss of directional control of the glider.

What Must I Do To Address This Problem?

(e) To address this problem, you must do the following:

Actions	Compliance	Procedures
(1) Replace any non-strengthened rudder pedals with reinforced rudder pedals. (i) the left-hand reinforced rudder pedal is part number (P/N) $Y185A; and. (ii) the right-hand reinforced rudder pedal is P/N $Y196A.	Within the next 25 hours time-in-service (TIS) after June 6, 2005 (the effective date of this AD), unless already done.	Follow Société Nouvelle Centrair Service Bulletin No. 101–24, dated March 5, 2003 (this is the date of French AD 2003–095(a) that transmitted the service bulletin).
(2) Do not install any non-strengthened rudder pedal as specified in paragraphs (e)(1)(i) and (e)(1)(ii) of this AD.	As of June 6, 2005 (the effective date of this AD).	Not Applicable.

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, Small Airplane Directorate, FAA. For information on any already approved alternative methods of compliance, contact Greg 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) French AD 2003–095(A), dated March 5, 2003, also addresses the subject of this AD.

Does This AD Incorporate Any Material by Reference?

(h) You must do the actions required by this AD following the instructions in Société Nouvelle Centrair Service Bulletin No. 101–24, dated March 5, 2003 (this is the date of French AD 2003–095(a) that transmitted the service bulletin). The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To get a copy of this service information, contact CENTRAIR, Aerodome B.P.N. 44, 36300 Le Blanc, France; telephone: 02.54.37.07.96; facsimile: 02.54.37.48.64. To review copies of this service information, go to the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html* or call (202) 741–6030. 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 20590–0001 or on the Internet at *http://dms.dot.gov*. The docket number is FAA–2004–19522.

Issued in Kansas City, Missouri, on April 12, 2005.

Nancy C. Lane,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–7784 Filed 4–20–05; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210 and 228

[Release Nos. 33–8568; 34–51558; 35–27959; IC–26833; FR–74]

RIN 3235–AJ39

Amendment to Rule 4–01(a) of Regulation S–X Regarding the Compliance Date for Statement of Financial Accounting Standards No. 123 (Revised 2004), Share-Based Payment

AGENCY: Securities and Exchange Commission

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission (''SEC'' or ''Commission'') is amending Regulation S–X to amend the date for compliance with Statement of Financial Accounting Standards No. 123 (revised 2004), *Share-Based Payment* (''Statement No. 123R'') so that each registrant that is not a small business issuer will be required to prepare financial statements in accordance with Statement 123R beginning with the first interim or annual reporting period of the registrant's first fiscal year beginning on or after June 15, 2005. We also are amending the effective date for

compliance with Statement No. 123R so that each small business issuer will be required to prepare financial statements in accordance with Statement 123R beginning with the first interim or annual reporting period of the registrant's first fiscal year beginning on or after December 15, 2005.

DATES: *Effective Date:* April 21, 2005.

FOR FURTHER INFORMATION CONTACT: Robert E. Burns, Chief Counsel, Office of the Chief Accountant, at (202) 942–4400, U.S. Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–1103.

SUPPLEMENTARY INFORMATION: The Commission historically has recognized pronouncements of the Financial Accounting Standards Board (''FASB'') as authoritative in the absence of any contrary determination by the Commission.[1] More recently, in Financial Reporting Release No. 70 [2] the Commission announced its determination that the FASB and its parent organization, the Financial Accounting Foundation, satisfied the criteria in section 108 of the Sarbanes-Oxley Act of 2002 [3] and section 19(b) of the Securities Act of 1933 [4] and, accordingly, FASB's financial accounting and reporting standards are recognized as ''generally accepted'' for purposes of the federal securities laws. As a result, registrants are required to comply with those standards in preparing financial statements filed with the Commission, unless the Commission provides otherwise.[5]

In December 2004, the FASB published a revision to its standard on the accounting for stock-based compensation. The new publication is Statement of Financial Accounting Standards No. 123 (revised 2004), *Share-Based Payment* (''Statement No. 123R''). The FASB determined that Statement No. 123R should be effective:

- For public entities that do not file as small business issuers,[6] as of the beginning of the first interim or annual reporting period that begins after June 15, 2005.
- For public entities that file as small business issuers, as of the beginning of the first interim or annual reporting period that begins after December 15, 2005.[7]

Under the FASB's effective dates, calendar year-end registrants that are not small business issuers, for example, would be permitted to file interim financial statements for the first and second quarters of 2005 that comply with the pre-existing accounting standard and would be required to file interim financial statements for the third quarter that comply with the provisions in Statement No. 123R.

Based on feedback from public companies, industry groups, and registered public accounting firms, we are concerned that initial implementation of Statement No. 123R in a period other than the first quarter of a fiscal year may make compliance more complicated for registrants and potentially could make comparisons more difficult for investors. In addition, phasing in Statement No. 123R at the beginning of a registrant's fiscal year would relieve registrants from having to change their accounting systems in the middle of the fiscal year and allow them to implement in a more orderly fashion the software programs that may facilitate compliance with the standard. Implementing the standard at the beginning of the fiscal year also would allow auditors to conduct more consistent audit, review and attest procedures in this area.

For example, under the Commission's amendment, a domestic registrant [8] is required to file financial statements that comply with Statement 123R in its Form 10–Q for the first quarter of the first fiscal year that begins after June 15, 2005 (or after December 15, 2005 for small business issuers).[9] Under the Commission's amendment, registrants would be permitted, but not required, to comply with Statement 123R for periods before the effective date of the Commission's new rule.

We believe that the rule being adopted will lower compliance costs for companies. Any burden that may be imposed on investors by the amendment will be reduced because, among other things: (1) The information required by Statement No. 123R will be provided within months of the effective date established by the FASB; (2) implementing these requirements at the beginning of a fiscal year should allow for easier comparison of quarterly data prepared under consistent standards; and (3) related information currently is disclosed in the footnotes to the financial statements.[10]

Sections 3(f) and 23(a)(2) of the Securities Exchange Act of 1934,[11] section 2(b) of the Securities Act of 1933,[12] and section 2(c) of the Investment Company Act of 1940 [13] require the Commission, when engaging in rulemaking, to consider whether the action will promote efficiency, competition, and capital formation. The Commission has considered the effect of the amendment on efficiency, competition and capital formation. We believe that this amendment will not burden competition because registrants of similar size and fiscal year will be treated alike. The increased comparability of quarterly financial information and more orderly transition to the new accounting standard provided by this amendment will not adversely impact the efficiency of the securities markets nor adversely impact capital formation.[14]

Public companies and their auditors may already be in the process of attempting to comply with Statement 123R. Changing companies' financial and tax systems in the middle of the

---

[1] Rule 4–01(a)(1) of Regulation S–X, 17 CFR 210.4–01(a)(1). *See* Accounting Series Release (''ASR'') No. 150 (December 20, 1973) and ASR No. 4 (April 25, 1938).

[2] Release Nos. 33–8221; 34–47743; IC–26028; FR–70 (April 25, 2003) (''FR–70''); 68 FR 23333 (May 1, 2003).

[3] 15 U.S.C. 7218.

[4] 15 U.S.C. 77s(b).

[5] *See* FR–70; Rule 4–01(a)(1) of Regulation S–X, 17 CFR 210.4–01(a)(1).

[6] Regulation S–B, item 10, 17 CFR 228.10, defines small business issuer as a company that meets all of the following criteria: (1) Has revenues of less than $25,000,000; (2) is a United States or Canadian issuer; (3) is not an investment company; and (4) if a majority owned subsidiary, the parent corporation is also a small business issuer; provided however, that an entity is not a small business issuer if it has a public float (the aggregate market value of the issuer's outstanding voting and non-voting common equity held by non-affiliates) of $25,000,000 or more.

[7] Statement 123R, ¶ 69. The FASB also provided that Statement No. 123R is effective for nonpublic entities as of the beginning of the first annual reporting period that begins after December 15, 2005. The rule adopted by the Commission in this release does not alter the FASB's effective date for nonpublic entities, as provided in Statement 123R. *See* the definition of ''nonpublic entity'' in the Glossary to Statement No. 123R.

[8] Similarly, a foreign private issuer is required to comply with Statement No. 123R in its annual report on Form 20–F for the first fiscal year that begins after June 15, 2005, or in a prospectus or registration statement that is required to include an interim period of the first fiscal year that begins after June 15, 2005.

[9] Annual or interim financial statements for any reporting period beginning on or after the beginning of the registrant's first fiscal year after June 15, 2005 (or after December 15, 2005 for small business issuers) that are contained in a registration statement under the Securities Act of 1933 must be prepared in accordance with Statement No. 123R. A non-public entity that meets the definition of a ''public entity'' in Statement 123R after June 15, 2005 should apply the provisions of Statement No. 123R applicable to its new status together with the Commission's amendment. *See also* Statement No. 123R, at ¶ § B257.

[10] *See* Statement of Financial Accounting Standards No. 123, *Accounting for Stock-Based Compensation* (October 1995).

[11] 15 U.S.C. 78c(f) and 78w(a)(2).

[12] 15 U.S.C. 77b(b).

[13] 15 U.S.C. 80a–2(c).

[14] The Paperwork Reduction Act, 44 U.S.C. 3501 *et seq*., is not applicable to the promulgation of the amendment because it does not impose any collection of information requirements that would require approval of the Office and Management and Budget.

year while the Commission publishes notice and seeks comment may add unnecessary costs to the implementation of the standard. In addition, some companies will, if the Commission does not act immediately, file a quarterly filing using the new standard, potentially making comparisons of quarterly information more difficult for analysts and investors. Accordingly, in light of these concerns, the impending deadline and the other reasons discussed above, the Commission for good cause finds that providing notice and an opportunity for comment would be impracticable and contrary to the public interest.[15] In addition, for good cause and because implementing Statement No. 123R at the beginning of a fiscal year will relieve a restriction or obligation on registrants, the Commission's rule will be effective on April 21, 2005.[16]

The statutory basis for this amendment to Regulation S–X includes sections 3(a) and 108 of the Sarbanes-Oxley Act of 2002 and Schedule A and sections 7, 8, 10 and 19 of the Securities Act of 1933, sections 3, 10A, 12, 13, 14, 17 and 23 of the Securities Exchange Act of 1934, sections 5, 10, 14 and 20 of the Public Utility Holding Company Act of 1935 and sections 8, 30, 31, 32 and 38 of the Investment Company Act of 1940.

List of Subjects

17 CFR Part 210

Accountants, Accounting, Reporting and recordkeeping requirements, Securities.

17 CFR Part 228

Reporting and recordkeeping requirements, Securities.

Text of Rule Amendments

■ In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

[15] See Section 553(b)(3)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), which states that an agency may dispense with prior notice and comment when it finds, for good cause, that notice and comment are ''impracticable, unnecessary, or contrary to the public interest.'' The Regulatory Flexibility Act (''RFA'') is not applicable to the promulgation of the amendment because the RFA applies only when an agency must publish a general notice of proposed rulemaking for notice and comment and the Commission has determined that notice and comment are not required for this amendment. *See* 5 U.S.C. 603.

[16] 5 U.S.C. 553(d).

PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

■ 1. The authority for part 210 continues to read as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 77z–2, 77z–3, 77aa(25), 77aa(26), 78c, 78j–1, 78*l*, 78m, 78n, 78o(d), 78q, 78u–5, 78w(a), 78*ll*, 78mm, 79e(b), 79j(a), 79n, 79t(a), 80a–8, 80a–20, 80a–29, 80a–30, 80a–31, 80a–37(a), 80b–3, 80b–11, 7202 and 7262, unless otherwise noted.

* * * * *

■ 2. Section 210.4–01 is amended by removing the authority citation following the section and adding paragraph (a)(3) to read as follows:

§ 210.4–01 Form, order, and terminology.

(a) * * *

(3)(i) Notwithstanding the effective dates set forth in Statement of Financial Accounting Standards No. 123 (revised 2004), *Share-Based Payment* (''Statement No. 123R''), financial statements shall be prepared in accordance with Statement No. 123R beginning with:

(A) The first interim or annual reporting period of the registrant's first fiscal year beginning on or after June 15, 2005, provided the registrant does not file as a small business issuer; and

(B) The first interim or annual reporting period of the registrant's first fiscal year beginning on or after December 15, 2005, provided the registrant files as a small business issuer.

(ii) For periods prior to the effective dates set forth in this paragraph, both Statement No. 123R and Statement of Financial Accounting Standards No. 123, *Accounting for Stock-Based Compensation* (October 1995), shall be considered to be generally accepted accounting principles.

* * * * *

PART 228—INTEGRATED DISCLOSURE SYSTEM FOR SMALL BUSINESS ISSUERS

■ 3. The authority citation for Part 228 continues to read in part as follows:

Authority: 15 U.S.C. 77e, 77f, 77g, 77h, 77j, 77k, 77s, 77z–2, 77z–3, 77aa(25), 77aa(26), 77ddd, 77eee, 77ggg, 77hhh, 77jjj, 77nnn, 77sss, 78*l*, 78m, 78n, 78o, 78u–5, 78w, 78*ll*, 78mm, 80a–8, 80a–29, 80a–30, 80a–37, 80b–11, and 7201 *et seq.*; and 18 U.S.C. 1350.

* * * * *

■ 4. Section 228.310 is amended by adding Note 6 to read as follows:

§ 228.310 (Item 310) Financial Statements.

Notes:

* * * * *

6. Rule 4–01(a)(3) of Regulation S–X, 17 CFR 210.4–01(a)(3), shall apply to the preparation of financial statements of small business issuers.

* * * * *

By the Commission.

Dated: April 15, 2005.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 05–8013 Filed 4–20–05; 8:45 am]

BILLING CODE 8010–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–7901–7]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Final Rule: Notice of Deletion of the Firestone Tire and Rubber Company Superfund Site from the National Priorities List.

SUMMARY: The U.S. Environmental Protection Agency (EPA) Region IX announces the deletion of the Firestone Tire and Rubber Company Superfund Site in Salinas, Monterey County, California from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended. EPA and the State of California, through the California Department of Toxic Substances Control (DTSC), have determined that the remedial action for the site has been successfully executed.

DATES: *Effective Date:* April 21, 2005.

FOR FURTHER INFORMATION CONTACT: Patricia Bowlin, Remedial Project Manager, U.S. EPA Region IX (SFD–7–3), 75 Hawthorne Street, San Francisco, CA 94105–3901, (415) 972–3177 or 1–800–231–3075.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is the Firestone Tire and Rubber Company Superfund Site, Salinas, Monterey County, California. A Notice of Intent to Delete

for this Site was published in the **Federal Register** on February 14, 2005 (70 FR 7455). The closing date for comments on the Notice of Intent to Delete was March 16, 2005. No comments were received; therefore, EPA has not prepared a Responsiveness Summary.

EPA identifies the sites that appear to present a significant risk to public health, welfare, or the environment, and it maintains the NPL as the list of those sites. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: April 11, 2005.

Keith Takata,

Acting Regional Administrator, Region IX.

■ For the reasons set out in this document, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

■ 2. Table 1 of Appendix B to Part 300 is amended under California (''CA'') by removing the site name ''Firestone Tire & Rubber Co.'' and the city ''Salinas''

[FR Doc. 05–8024 Filed 4–20–05; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. 2005–21020]

Consumer Information; Uniform Tire Quality Grading Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Interim final rule; request for comments.

SUMMARY: The Uniform Tire Quality Grading Standards (UTQGS) contain detailed testing procedures for generating consumer information about the treadwear, traction, and temperature resistance of passenger car tires. To ensure the uniformity of treadwear grades, the grading procedures specify a 400-mile test course located near San Angelo, Texas. Two or four-vehicle convoys equipped with candidate tires travel along this course to evaluate the tire treadwear performance.

Because of flooding now affecting several water crossings along a small portion of the test course, NHTSA is issuing this interim final rule to revise the specified treadwear test course route. This change will not compromise the reliability of the treadwear grades, and will not impose or relax any substantive requirements or burdens on manufacturers.

DATES: This interim final rule becomes effective April 21, 2005.

Comments must be received by NHTSA not later than June 20, 2005, and should refer to this docket and the notice number of this document.

ADDRESSES: You may submit comments (identified by the DOT DMS Docket Number above) by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *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 20590–001.
- *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.

Instructions: All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the Request for Comments 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 Analyses and 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: For non-legal issues, you may call George Gillespie, Office of Vehicle Safety Compliance. Telephone: (202) 366–5299. Fax: (202) 366–1024.

For legal issues, you may call George Feygin, Office of the Chief Counsel, at (202) 366–2992, facsimile (202) 366–3820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. UTQGS and the Treadwear Test Course

UTQGS require motor vehicle and tire manufacturers and tire brand name owners to provide information indicating the relative performance of passenger car tires in the areas of treadwear, traction, and temperature resistance. This information aids consumers in making informed choices in the purchase of replacement passenger car tires.

The treadwear grades inform consumers about the amount of expected tread life for passenger car tires. Treadwear grades are expressed, in multiples of 20, as a percentage of a nominal treadwear value of 100.[1] For example, a treadwear grade of 160 means the candidate tire tread life should be 1.6 times longer compared to NHTSA's ''control tire.'' [2] Although treadwear grades do not predict the actual mileage that a particular tire will

[1] *See* 49 CFR 575.104(e)(2)(ix)(F).

[2] *See http://www.safercar.gov/Tires/pages/TireRatTreadwear.htm.*

achieve, they are sufficiently accurate to help consumers choose among tires based on their relative tread life.

Appendix A of 49 CFR 575.104 specifies the treadwear test course and driving procedures for convoys evaluating candidate tire treadwear performance. The test course consists of three loops totaling 400 miles in the geographical vicinity of Goodfellow Air Force Base near San Angelo, Texas. The first loop (''Southern Loop'') runs south 143 miles through the cities of Eldorado, Sonora, and Juno, Tex. to the Camp Hudson Historical Marker, and returns by the same route. The second loop (''Eastern Loop'') runs east over Farm and Ranch Roads and returns to its starting point. The third loop (''Northwestern Loop'') runs northwest to Water Valley, northeast toward Robert Lee and returns via Texas 208 to the vicinity of Goodfellow AFB.[3]

As a result of recent overflow of the Devils River, the treadwear testing convoys cannot cross at least one of the several water crossings along Texas 163 and therefore, cannot safely use a small portion of the Southern Loop.[4] Specifically, several low water crossings along Texas 163, located between Franks Crossing and Camp Hudson Historical Marker, are submerged under several inches of water.[5]

Based on agency data, Texas 163 of the Southern Loop represents the ''fastest'' tire wear area of the entire course. That is, the affected portion of the road produces the most adverse affects on the candidate tires, compared to other portions of the treadwear test course. Because of this characteristic of the affected area, substituting another road could substantively affect the treadwear grades of candidate tires.

II. Change to the Treadwear Test Course

The agency is revising the treadwear test course. Because the affected portion of the treadwear test course produces the most adverse treadwear conditions (compared to other portions of the road), the agency is not substituting a different road for the flooded portion of the test course. Instead, we will specify that as an alternative to following the current route, the test convoys will have the option of driving through the unaffected portions of Texas 163 several times, by making a series of U-turns. This maneuver will make up the distance that is usually traveled on Texas 163.

Specifically, instead of traveling south down to Camp Hudson Historical Marker, each test convoy will reverse course at Frank's Crossing on Texas 163 and proceed north back to Highway 189 junction. At the Highway 189 junction, the test convoy will reverse course and proceed back to Frank's Crossing; reverse course again and proceed to the completion of the loop.

The distance between the Highway 189 junction and Frank's Crossing on Texas 163, is approximately one half of the distance between the Highway 189 junction and Cam Hudson Historical Marker. Thus, traveling between Highway 189 junction and Frank's Crossing twice, produces the approximate distance traveled on Texas 163, if the convoys proceeded all the way to Cam Hudson Historical Marker. This change ensures that the treadwear test course change will not substantively affect wear characteristics of the Southern Loop, and consequently, will not affect treadwear grades.

Because flooding is presently affecting the treadwear test course, NHTSA finds good cause to issue this interim final rule to revise the treadwear test course route. Because there is an immediate need to continue testing, we find good cause that it should take effect immediately. The agency has concluded that this course change will not compromise the reliability of the treadwear grades, and will not impose or relax any substantive requirements or burdens on manufacturers.[6] We are accepting comments on test course route change.

III. Regulatory Analyses and Notices

a. Executive Order 12866 and DOT Regulatory Policies and Procedures

Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993), provides for making determinations whether a regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and to the requirements of the Executive Order. The Order defines a ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

This rulemaking document was not reviewed under Executive Order 12866. It is not significant within the meaning of the DOT Regulatory Policies and Procedures. This interim final rule will not impose or relax any substantive requirements or burdens on manufacturers. Instead, it revises a small portion of the treadwear test course. The agency believes that this impact is so minimal as to not warrant the preparation of a full regulatory evaluation.

b. Environmental Impacts

We have not conducted an evaluation of the impacts of this interim final rule under the National Environmental Policy Act. This rulemaking does not impose any change that would have any environmental impacts. Accordingly, no environmental assessment is required.

c. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, we have considered the impacts of this rulemaking action will have on small entities (5 U.S.C. 601 *et seq.*). I certify that this rulemaking action will not have a significant economic impact upon a substantial number of small entities within the context of the Regulatory Flexibility Act.

The following is our statement providing the factual basis for the certification (5 U.S.C. 605(b)). The interim final rule affects manufacturers of motor vehicles and tires. Specifically, the agency is revising a small portion of the treadwear test course. This change will have no economic impact on any entities affected by this rulemaking and will not result in any additional financial expenditures. Accordingly, we have not prepared a Regulatory Flexibility Analysis.

d. Executive Order 13132, Federalism

E.O. 13132 requires NHTSA to develop an accountable process to

[3] *See* Figure 3, Appendix A, 49 CFR 575.104.

[4] Because the Devils River is usually dry more than 90% of the time, there are no bridges where Texas 163 crosses the river. Instead, the roadway is graded down to the level of the riverbed at five ''crossings.'' During the rare rain events, the river is supposed to flow over the roadway at the crossings. Recently, however, the Devils River became flooded for a continuous period of over 3 months.

[5] Normally, testing convoys proceed to a paved shoulder located at Camp Hudson Historical Marker before reversing course back to the starting point of the Southern Loop.

[6] Because the treadwear test course change affects only ≈10 miles, or 2.5% of the 400-mile test course, the agency concludes that this change is so minor that it does not warrant establishing a new baseline with NHTSA's ''control tire.''

ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' E.O. 13132 defines the term ''Policies that have federalism implications'' 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.'' Under E.O. 13132, NHTSA may not issue a regulation that has federalism implication, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or NHTSA consults with State and local officials early in the process of developing the proposed regulation.

This interim final rule 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 E.O. 13132. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

e. The Unfunded Mandates Reform Act

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 the private sector, of more than $100 million annually. This action will not result in additional expenditures of more than $100 million by state, local or tribal governments or by any members of the private sector. Therefore, the agency has not prepared an economic assessment pursuant to the Unfunded Mandates Reform Act.

f. Paperwork Reduction Act

There are no information collection requirements in this rule.

g. 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 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*.

h. Civil Justice Reform

This final rule does not have any retroactive effect. Under 49 U.S.C. 30103(b), whenever a Federal motor vehicle safety standard is in effect, a state or political subdivision may prescribe or continue in effect a standard applicable to the same aspect of performance of a Federal motor vehicle safety standard only if the standard is identical to the Federal standard. However, the United States Government, a state, or political subdivision of a state, may prescribe a standard for a motor vehicle or motor vehicle equipment obtained for its own use that imposes a higher performance requirement than that required by the Federal standard. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending, or revoking Federal motor vehicle safety standards. A petition for reconsideration or other administrative proceedings are not required before parties file suit in court.

i. Executive Order 13045

This rule is not subject to E.O. 13045 because it is not ''economically significant'' as defined under E.O. 12866, and does not concern an environmental, health or safety risk that NHTSA has reason to believe may have a disproportionate effect on children.

IV. Request for Comments

How Do I Prepare and Submit Comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the docket number of this document in your comments. Your comments must not be more than 15 pages long. We established this limit to encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments. Please submit two copies of your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES**. Comments may also be submitted to the docket electronically by logging onto the Docket Management System website at *http://dms.dot.gov*. Click on ''Help & Information'' or ''Help/Info'' to obtain instructions for filing the document electronically. If you are submitting comments electronically as a PDF (Adobe) file, we ask that the documents submitted be scanned using Optical Character Recognition (OCR) process, thus allowing the agency to search and copy certain portions of your submissions.[7] Please note that pursuant to the Data Quality Act, in order for substantive data to be relied upon and used by the agency, it must meet the information quality standards set forth in the OMB and DOT Data Quality Act guidelines. Accordingly, we encourage you to consult the guidelines in preparing your comments. OMB's guidelines may be accessed at *http://www.whitehouse.gov/omb/fedreg/reproducible.html.* DOT's guidelines may be accessed at *http://dmses.dot.gov/submit/DataQualityGuidelines.pdf*.

How Can I Be Sure That My Comments Were Received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How Do I Submit Confidential Business Information?

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given above under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above under **ADDRESSES**. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation. (49 CFR part 512.)

Will the Agency Consider Late Comments?

We will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that Docket Management receives after that date. If Docket Management receives a comment

[7] Optical character recognition (OCR) is the process of converting an image of text, such as a scanned paper document or electronic fax file, into computer-editable text.

too late for us to consider in developing a final rule (assuming that one is issued), we will consider that comment as an informal suggestion for future rulemaking action.

How Can I Read the Comments Submitted by Other People?

You may read the comments received by Docket Management at the address given above under **ADDRESSES**. The hours of the Docket are indicated above in the same location. You may also see the comments on the Internet. To read the comments on the Internet, take the following steps:

(1) Go to the Docket Management System (DMS) Web page of the Department of Transportation (*http://dms.dot.gov/*).

(2) On that page, click on ''Simple Search.''

(3) On the next page (*http://dms.dot.gov/search/*), type in the four-digit docket number shown at the beginning of this document. Example: If the docket number were ''NHTSA–1998–1234,'' you would type ''1234.'' After typing the docket number, click on ''Search.''

(4) On the next page, which contains docket summary information for the docket you selected, click on the desired comments. You may download the comments. However, since the comments are imaged documents, instead of word processing documents, the downloaded comments are not word searchable.

List of Subjects in 49 CFR Part 575

Consumer protection, Motor vehicle safety, Reporting and recordkeeping requirements, Tires.

■ In consideration of the foregoing, NHTSA amends 49 CFR part 575 as follows:

PART 575—CONSUMER INFORMATION

■ 1. The authority citation for part 575 continues to read as follows:

Authority: 49 U.S.C. 32302, 30111, 30115, 30117, 30166, and 30168, and Pub. L. 106–414, 114 Stat. 1800; delegation of authority at 49 CFR 1.50.

■ 2. Section 575.104 is amended by revising the paragraph entitled ''Southern Loop'' in Appendix A to read as follows:

§ 575.104 Uniform tire quality grading standards.

* * * * *

Southern Loop. The course begins at the intersection (1) of Ft. McKavitt Road and Paint Rock Road (FM388) at the northwest corner of Goodfellow AFB. Drive east via FM 388 to junction with Loop Road 306 (2). Turn right onto Loop Road 306 and proceed south to junction with US277 (3). Turn onto US277 and proceed south through Eldorado and Sonora (4), continuing on US277 to junction with FM189 (5). Turn right onto FM189 and proceed to junction with Texas 163 (6). Turn left onto Texas 163, and at the option of the manufacturer:

(A) Proceed south to Camp Hudson Historical Marker and onto the paved shoulder (7). Reverse route to junction of Loop Road 306 and FM 388 (2); or

(B) Proceed south to junction with Frank's Crossing. Reverse route at Frank's Crossing and proceed north on Texas 163 to junction with Highway 189; Reverse route at junction with Highway 189; proceed south on Texas 163 to junction with Frank's Crossing; reverse route at Frank's Crossing and proceed north to junction of Loop Road 306 and FM 388 (2).

* * * * *

Issued on: April 15, 2005.

Jacqueline Glassman,

Chief Counsel.

[FR Doc. 05–7971 Filed 4–20–05; 8:45 am]

BILLING CODE 4910–59–P

Proposed Rules

Federal Register
Vol. 70, No. 76
Thursday, April 21, 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

Agricultural Marketing Service

[Docket No. TB–05–03]

7 CFR Part 29

Tobacco Inspection, Growers Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of referendum.

SUMMARY: This notice announces that a referendum will be conducted by mail during the period May 9–13, 2005, for producers of all kinds of tobacco who sold their tobacco at auction on designated markets in 2004/05. The referendum is being conducted to determine if the designation of all existing tobacco auction markets should be terminated, thus eliminating the requirement for mandatory, federal inspection and grading for the 2005 and succeeding crop years.

DATES: The referendum will be held May 9–13, 2005.

FOR FURTHER INFORMATION CONTACT: William O. Coats, Acting Deputy Administrator, United States Department of Agriculture (USDA), Agricultural Marketing Service (AMS), Tobacco Programs, Room 502 Cotton Annex Building, Stop 0280, 1400 Independence Avenue, SW., Washington, DC 20250–0280, (202) 205–0567.

SUPPLEMENTARY INFORMATION: The Fair and Equitable Tobacco Reform Act of 2004 eliminated the price support and quota system for U.S. produced tobacco. Although mandatory grading is eliminated on types of tobacco eligible for price support, mandatory federal grading of any tobacco sold at auction on a designated market continues under the Tobacco Inspection Act. Currently, there are 70 designated auction markets that sell flue-cured, burley, dark fire-cured, and dark air-cured types of tobacco. The user fee for the inspection of tobacco at auction markets is $.90 per hundred pounds.

At a February 1, 2005, meeting of the National Advisory Committee for Tobacco Inspection Services, a request was made to the USDA to conduct a referendum to determine if tobacco producers favored the termination of the designation of all current auction markets, thereby eliminating the requirement for mandatory, federal inspection and grading if they sell their crop at auction. The Committee, which is comprised of members from Farm Bureaus and Granges representing all tobacco producing states, strongly advised that mandatory federal grading, without the benefit of price support, would reduce the monetary returns to producers and create a competitive disadvantage for operators of auction warehouses.

Because the recently enacted legislation eliminates all mandatory inspection except for tobacco sold at auction on designated markets, the USDA determined that a referendum would be an appropriate means of deciding whether to discontinue mandatory grading on all designated auction markets. It is hereby determined that the referendum will be held by mail during the period May 9–13, 2005. Only producers who sold tobacco at auction on a designated market in 2004 are eligible to vote. The purpose of the referendum is to determine whether producers of Flue-Cured tobacco, Types 11–14, Burley tobacco, Type 31, Virginia Fire-Cured tobacco, Type 21, Kentucky and Tennessee Fire-Cured tobacco, Types 22–23, and Dark Air-Cured tobacco, Types 35–37, are in favor of or opposed to terminating the designation of all tobacco auction markets and thereby eliminating mandatory, federal grading of their crop for the 2005 and succeeding crop years. Accordingly, if a majority of the tobacco producers who vote in the referendum favor termination of auction market designations, the designation of all 70 auction markets will be terminated.

The referendum will be held in accordance with the provisions for referenda of the Tobacco Inspection Act, as amended (7 U.S.C. 511d), and the regulations for such referendum set forth in 7 CFR 29.74.

Authority: 7 U.S.C. 511 *et seq.*

Dated: April 15, 2005.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 05–8030 Filed 4–20–05; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–21023; Directorate Identifier 2004–NM–262–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A320 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 A320 series airplanes. This proposed AD would require installing insulator and cable ties to the electrical cables of the S routes at the gaps in the raceway in the wing trailing edge and the wing tip and wing root areas. This proposed AD is prompted by the results of fuel system reviews conducted by the manufacturer. We are proposing this AD to prevent injection of high voltage current into the low voltage wiring that passes through the fuel tanks, which could result in a possible fuel tank explosion.

DATES: We must receive comments on this proposed AD by May 23, 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–2005–21023; the directorate identifier for this docket is 2004–NM–262–AD.

FOR FURTHER INFORMATION CONTACT: Tim Dulin, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2141; 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–2005–21023; Directorate Identifier 2004–NM–262–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 FAA has 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.

The Joint Aviation Authorities (JAA) has issued a regulation that is similar to SFAR 88. (The JAA is an associated body of the European Civil Aviation Conference (ECAC) representing the civil aviation regulatory authorities of a number of European States who have agreed to co-operate in developing and implementing common safety regulatory standards and procedures.) Under this regulation, the JAA stated that all members of the ECAC that hold type certificates for transport category airplanes are required to conduct a design review against explosion risks.

We have determined that the actions identified in this 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.

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 A320 series airplanes. The DGAC advises that review of electrical installation on an in-service airplane has shown that insulation was not installed on the S cable routes of the wing trailing edge at all the gaps between raceways. Lack of insulation could lead to the injection of high voltage current from the M cable routes into the low voltage wiring S cable routes that pass through the fuel tanks. This condition, if not corrected, could result in a possible fuel tank explosion.

Relevant Service Information

Airbus has issued Service Bulletin A320–24–1062, Revision 05, dated June 27, 2002. The service bulletin describes procedures for installing insulator and cable ties to the electrical cables of the S routes at the gaps in the raceway of the wing trailing edge and the wing tip and wing root areas. 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–2004–173, dated October 27, 2004, to ensure the continued airworthiness of these airplanes in France.

FAA's Determination and Requirements of the Proposed AD

This airplane model is manufactured in France and is 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, except as discussed under ''Difference Between the Proposed AD and French Airworthiness Directive.''

Difference Between the Proposed AD and French Airworthiness Directive

The applicability of French airworthiness directive F–2004–173, dated October 27, 2004, excludes airplanes that have accomplished Airbus Service Bulletin A320–24–1062, Revision 05, dated June 27, 2002, in service. However, we have not excluded those airplanes in the applicability of this proposed AD; rather, this proposed AD includes a requirement to accomplish the actions specified in that service bulletin. This requirement would ensure that the actions specified in the service bulletin and required by this proposed AD are accomplished on all affected airplanes. Operators must continue to operate the airplane in the configuration required by this proposed AD unless an alternative method of compliance is approved. This difference has been coordinated with the DGAC.

Costs of Compliance

This proposed AD would affect about 54 airplanes of U.S. registry. The proposed actions would take about 35 work hours per airplane, at an average labor rate of $65 per work hour. Required parts would cost about $0 per airplane. Based on these figures, the estimated cost of the proposed AD for U.S. operators is $122,850, or $2,275 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–2005–21023; Directorate Identifier 2004–NM–262–AD.

Comments Due Date

(a) The Federal Aviation Administration must receive comments on this AD action by May 23, 2005.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Airbus Model A320 series airplanes, certificated in any category, except those modified in production by Airbus Modification 22626.

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 injection of high voltage current into the low voltage wiring that passes through the fuel tanks, which could result in a possible 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.

Modification

(f) Within 60 months after the effective date of this AD, install insulator and cable ties to the electrical cables of the S routes at the gaps in the raceway in the wing trailing edge and the wing tip and wing root areas, in accordance with Airbus Service Bulletin A320–24–1062, Revision 05, dated June 27, 2002.

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–2004–173, dated October 27, 2004, also addresses the subject of this AD.

Issued in Renton, Washington, on April 13, 2005.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–7997 Filed 4–20–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF DEFENSE

48 CFR Parts 211, 212, and 252

[DFARS Case 2004–D011]

Defense Federal Acquisition Regulation Supplement; Radio Frequency Identification

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 add policy pertaining to package marking with passive radio frequency identification (RFID) tags. The proposed changes require contractors to affix passive RFID tags at the case and palletized unit load levels when shipping packaged operational rations, clothing, individual equipment, tools,

personal demand items, or weapon system repair parts, to the Defense Distribution Depot in Susquehanna, PA, or the Defense Distribution Depot in San Joaquin, CA.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before June 20, 2005, to be considered in the formation of the final rule.

ADDRESSES: You may submit comments, identified by DFARS Case 2004–D011, 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–D011 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

This proposed rule contains requirements for contractors to affix passive RFID tags at the case and palletized unit load levels. The proposed rule requires that specified commodities delivered to specified DoD locations be tagged with a readable passive RFID tag in accordance with the applicable implementation plan at *http://www.dodrfid.org/supplierimplementationplan.htm.* The data encoding schemes that contractors may write to the tags are identified in the proposed clause and are also located at *http://www.dodrfid.org/tagdata.htm.* In addition, contractors must send an advance shipment notice in accordance with the procedures at *http://www.dodrfid.org/asn.htm,* to provide the association between the unique identification encoded on the passive tag(s) and the product information at the applicable case and palletized unit load levels.

DoD is particularly interested in receiving comments on the following aspects of the rule:

1. The definitions of the terms ''case'' and ''palletized unit load'' and their use throughout the rule.
2. The impact of providing electronic advance shipment notice information.
3. Whether small business considerations have been fully addressed in the regulatory flexibility analysis.
4. Scientific, industry, or manufacturing based evidence from changes or additions to packaging or package systems in order to assess the possible impact, if any, on the environment and materials recycling, including corrugated, metal, and plastic shipping containers and pallets.
5. What are the options for minimizing and mitigating the impacts on the materials recycling process from the use of RFID tags on shipping containers and pallets?

This rule was subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This proposed rule may have an impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* DoD has prepared a separate initial regulatory flexibility analysis, available at *http://www.dodrfid.org/regflex.htm,* which is summarized as follows:

This proposed rule adds requirements for DoD contractors supplying materiel to the Department to affix passive RFID tags at the case and palletized unit load levels for specified commodities delivered to specified DoD locations. To create an automated and sophisticated end-to-end supply chain, DoD is dependent upon initiating the technology at the point of origin, the DoD commercial suppliers. Without the assistance of the DoD supplier base to begin populating the DoD supply chain with passive RFID tags, a fully integrated, highly visible, automated end-to-end supply chain is untenable. DoD contractors are presently required to print and affix military shipping labels to every package delivered to DoD. Options to comply with the requirements of the proposed rule can be as simple as replacing existing military shipping label printers with RFID-enabled printers. This will allow DoD contractors to print military shipping labels with embedded RFID tags. The regulatory flexibility analysis also details other options and approximate costs to comply. The proposed rule will also require contractors to provide an electronic advance shipment notice in accordance with the procedures at *http://www.dodrfid.org/asn.htm,* to associate RFID tag data with the corresponding shipment. The objective of the rule is to improve visibility of DoD assets in the supply chain, increase accuracy of shipments and receipts, and reduce the number of logistic ''touch points'' in order to decrease the amount of time it takes to deliver material to the warfighter. The rule does not duplicate, overlap, or conflict with any other Federal rules.

C. Paperwork Reduction Act

This proposed rule contains a new information collection requirement. DoD has submitted the following proposal to OMB under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology.

Title: Defense Federal Acquisition Regulation Supplement (DFARS); Radio Frequency Identification Advance Shipment Notices.

Type of Request: New requirement.

Number of Respondents: 17,000.

Responses Per Respondent: 3,981.

Annual Responses: 67,677,000.

Average Burden Per Response: Approximately 1.12 seconds.

Annual Burden Hours: 21,038.

Needs and Uses: DoD needs an advance shipment notice prior to shipment of materiel containing RFID tag data. DoD receiving personnel use the advance shipment notice to associate the unique identification encoded on the RFID tag with the corresponding shipment. Use of RFID technology permits DoD to create an automated and sophisticated end-to-end supply chain, thereby increasing visibility of assets and permitting delivery of supplies to the warfighter more quickly.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Mr. Lewis Oleinick.

Written comments and recommendations on the proposed information collection should be sent to Mr. Oleinick at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503, with a copy to the Defense Acquisition Regulations Council, Attn: Ms. Michele Peterson, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Comments can be received from 30 to 60 days after the date of this notice, but comments to OMB will be most useful if received by OMB within 30 days after the date of this notice.

To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Acquisition Regulations Council, Attn: Ms. Michele Peterson, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.

List of Subjects in 48 CFR Parts 211, 212, and 252

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

Therefore, DoD proposes to amend 48 CFR parts 211, 212, and 252 as follows:

1. The authority citation for 48 CFR parts 211, 212, and 252 continues to read as follows:

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

PART 211—DESCRIBING AGENCY NEEDS

2. Sections 211.275 through 211.275–3 are added to read as follows:

211.275 Radio frequency identification.

211.275–1 Definitions.

Bulk commodities, case, palletized unit load, passive RFID tag, and *radio frequency identification* are defined in the clause at 252.211–7XXX, Radio Frequency Identification.

211.275–2 Policy.

Radio frequency identification (RFID), in the form of a passive RFID tag, is required for individual cases and palletized unit loads that—

(a) Contain items in any of the following classes of supply, as defined in DoD 4140.1–R, DoD Supply Chain Materiel Management Regulation, AP1.1.11, except that bulk commodities are excluded from this requirement:

(1) Subclass of Class I—Packaged operational rations.

(2) Class II—Clothing, individual equipment, tentage, organizational tool kits, hand tools, and administrative and housekeeping supplies and equipment.

(3) Class VI—Personal demand items (non-military sales items).

(4) Class IX—Repair parts and components including kits, assemblies and subassemblies, reparable and consumable items required for maintenance support of all equipment, excluding medical-peculiar repair parts; and

(b) Will be delivered to one of the following locations:

(1) Defense Distribution Depot, Susquehanna, PA.

(2) Defense Distribution Depot, San Joaquin, CA.

211.275–3 Contract clause.

Use the clause at 252.211–7XXX, Radio Frequency Identification, in solicitations for contracts that will require delivery of items meeting the criteria at 211.275–2.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

3. Section 212.301 is amended by adding paragraph (f)(vii) to read as follows:

212.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(f) * * *

(vii) Use the clause at 252.211–7XXX, Radio Frequency Identification, as prescribed in 211.275–3.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. Section 252.211–7XXX is added to read as follows:

252.211–7XXX Radio Frequency Identification.

As prescribed in 211.275–3, use the following clause:

Radio Frequency Identification (XXX 2005)

(a) *Definitions.* As used in this clause—

Advance shipment notice means an electronic notification used to list the contents of a shipment of goods as well as additional information relating to the shipment, such as order information, product description, physical characteristics, type of packaging, marking, carrier information, and configuration of goods within the transportation equipment.

Bulk commodities means the following commodities, when shipped in rail tank cars, tanker trucks, trailers, other bulk wheeled conveyances, or pipelines:

(1) Sand.

(2) Gravel.

(3) Bulk liquids (water, chemicals, or petroleum products).

(4) Ready-mix concrete or similar construction materials.

(5) Coal or combustibles such as firewood.

(6) Agricultural products such as seeds, grains, or animal feed.

Case means either an exterior container within a palletized unit load or an individual shipping container.

Electronic Product Code™ (EPC) means an identification scheme for universally identifying physical objects via RFID tags and other means. The standardized EPC data consists of an EPC (or EPC identifier) that uniquely identifies an individual object, as well as an optional filter value when judged to be necessary to enable effective and efficient reading of the EPC tags. In addition to this standardized data, certain classes of EPC tags will allow user-defined data. The EPC tag data standards will define the length and position of this data, without defining its content.

EPCglobal™ means a joint venture between EAN International and the Uniform Code Council to establish and support the EPC network as the global standard for immediate, automatic, and accurate identification of any item in the supply chain of any company, in any industry, anywhere in the world.

Exterior container means a MIL–STD–129 defined container, bundle, or assembly that is sufficient by reason of material, design, and construction to protect unit packs and intermediate containers and their contents during shipment and storage. It can be a unit pack or a container with a combination of unit packs or intermediate containers. An exterior container may not be used as a shipping container.

Palletized unit load means a MIL–STD–129 defined quantity of items, packed or unpacked, arranged on a pallet in a specified manner and secured, strapped, or fastened on the pallet so that the whole palletized load is handled as a single unit. A palletized load is not considered to be a shipping container.

Passive RFID tag means a tag that reflects energy from the reader/interrogator or that receives and temporarily stores a small amount of energy from the reader/interrogator signal in order to generate the tag response. Acceptable tags are—

(1) EPC Class 0 passive RFID tags that meet the EPCglobal Class 0 specification;

(2) EPC Class 1 passive RFID tags that meet the EPCglobal Class 1 specification; and

(3) EPC UHF Generation 2 passive RFID tags that meet the EPCglobal UHF Generation 2 specification.

Radio Frequency Identification (RFID) means an automatic identification and data capture technology comprising one or more reader/interrogators and one or more radio frequency transponders in which data transfer is achieved by means of suitably modulated inductive or radiating electromagnetic carriers.

Shipping container means a MIL–STD–129 defined exterior container that meets carrier regulations and is of sufficient strength, by reason of material, design, and construction, to be shipped safely without further packing (*e.g.,* wooden boxes or crates, fiber and metal drums, and corrugated and solid fiberboard boxes).

(b)(1) Except as provided in paragraph (b)(2) of this clause, the Contractor shall affix passive RFID tags, at the case and palletized unit load packaging levels, for shipments of items that—

(i) Are in any of the following classes of supply, as defined in DoD 4140.1–R, DoD Supply Chain Materiel Management Regulation, AP1.1.11:

(A) Subclass of Class I—Packaged operational rations.

(B) Class II—Clothing, individual equipment, tentage, organizational tool kits, hand tools, and administrative and housekeeping supplies and equipment.

(C) Class VI—Personal demand items (non-military sales items).

(D) Class IX—Repair parts and components including kits, assemblies and subassemblies, reparable and consumable items required for maintenance support of all equipment, excluding medical-peculiar repair parts; and

(ii) Are being shipped to—

(A) Defense Distribution Depot, Susquehanna, PA; or

(B) Defense Distribution Depot, San Joaquin, CA.

(2) Bulk commodities are excluded from the requirements of paragraph (b)(1) of this clause.

(c) The Contractor shall ensure that—

(1) The data encoded on each passive RFID tag are unique (*i.e.,* the binary number is never repeated on any contract) and conforms to the requirements in paragraph (d) of this clause;

(2) Each passive tag is readable at the time of shipment in accordance with MIL–STD–129P (Section 4.9.1.1) readability performance requirements; and

(3) The passive tag is affixed at the appropriate location on the specific level of packaging, in accordance with MIL–STD–129P (Section 4.9.2) tag placement specifications.

(d) *Data syntax and standards.* The Contractor shall use one or more of the following data constructs, depending upon the type of passive RFID tag being used in accordance with the tag construct details located at *http://www.dodrfid.org/tagdata.htm* (version in effect as of the date of the solicitation):

(1) Class 0, 64 Bit Tag—EPCglobal Serialized Global Trade Item Number (SGTIN), Global Returnable Asset Identifier (GRAI), Global Individual Asset Identifier (GIAI), or Serialized Shipment Container Code (SSCC).

(2) Class 0, 64 Bit Tag—DoD Tag Construct.

(3) Class 1, 64 Bit Tag—EPCglobal SGTIN, GRAI, GIAI, or SSCC.

(4) Class 1, 64 Bit Tag—DoD Tag Construct.

(5) Class 0, 96 Bit Tag—EPCglobal SGTIN, GRAI, GIAI, or SSCC.

(6) Class 0, 96 Bit Tag—DoD Tag Construct.

(7) Class 1, 96 Bit Tag—EPCglobal SGTIN, GRAI, GIAI, or SSCC.

(8) Class 1, 96 Bit Tag—DoD Tag Construct.

(9) UHF Generation 2 Tag—EPCglobal SGTIN, GRAI, GIAI, SSCC.

(10) UHF Generation 2 Tag—DoD Tag Construct.

(e) *Receiving report.* The Contractor shall electronically submit advance shipment notice(s) with the RFID tag identification (specified in paragraph (d) of this clause) in advance of the shipment in accordance with the procedures at *http://www.dodrfid.org/asn.htm.*

(End of clause)

[FR Doc. 05–7978 Filed 4–20–05; 8:45 am]

BILLING CODE 5001–08–P

Notices

Federal Register

Vol. 70, No. 76

Thursday, April 21, 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

Agricultural Marketing Service

[Docket Number FV–05–303]

United States Standards for Grades of Bunched Italian Sprouting Broccoli

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS), prior to undertaking research and other work associated with revising official grade standards, is soliciting comments on the possible revisions to the United States Standards for Grades of Bunched Italian Sprouting Broccoli. At a 2003 meeting with the Fruit and Vegetable Industry Advisory Committee, AMS was asked to review all the fresh fruit and vegetable grade standards for usefulness in serving the industry. As a result, AMS has identified broccoli crowns and florets for possible inclusion into the standards. Additionally, AMS is seeking comments regarding any other revisions of the broccoli grade standards that may be necessary to better serve the industry.

DATES: Comments must be received by June 20, 2005.

ADDRESSES: Interested persons are invited to submit written comments to the Standardization Section, Fresh Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Ave. SW., Room 1661 South Building, Stop 0240, Washington, DC 20250–0240; Fax (202) 720–8871, E-mail *FPB.DocketClerk@usda.gov.* Comments should make reference to the dates and page number of this issue of the **Federal Register** and will be made available for public inspection in the above office during regular business hours. The United States Standards for Grades of Bunched Italian Sprouting Broccoli is available either at the above address or by accessing the Fresh Products Branch Website at: *http://www.ams.usda.gov/standards/stanfrfv.htm.*

FOR FURTHER INFORMATION CONTACT: David L. Priester, at the above address or call (202) 720–2185; E-mail *David.Priester@usda.gov.*

SUPPLEMENTARY INFORMATION: Section 203(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), as amended, directs and authorizes the Secretary of Agriculture ''to develop and improve standards of quality, condition, quantity, grade and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices * * *.'' AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The United States Standards for Grades of Fruits and Vegetables not connected with Federal Marketing Orders or U.S. Import Requirements, no longer appear in the Code of Federal Regulations, but are maintained by the USDA/AMS/Fruit and Vegetable Programs.

AMS is proposing to revise the U.S. Standards for Grades of Bunched Italian Sprouting Broccoli using the procedures that appear in Part 36, Title 7 of the Code of Federal Regulations (7 CFR Part 36). These standards were last revised in 1943.

Background

At a 2003 meeting with the Fruit and Vegetable Industry Advisory Committee, AMS was asked to review all the fresh fruit and vegetable grade standards for usefulness in serving the industry. AMS has identified the United States Standards for Grades of Bunched Italian Sprouting Broccoli for a possible revision. As a result, AMS has identified the currently marketed forms of Italian Sprouting Broccoli crowns and florets for possible inclusion into the standards. These terms are used by the industry in the marketing of broccoli in which the main stem is cut back considerably or in the case of florets where only a single smaller secondary stem remains with the large main stem removed. The new terms will be defined and sizes for the terms standardized and included in the U.S. standards. The title of the standard would be modified by deleting ''Bunched,'' to make the standards generic to cover crowns and florets. Additionally, references to the word ''bunched'' would be removed from the current sections of U.S. grades to the section pertaining to size specifications. The section entitled ''Unclassified'' would also be removed from the standards to help eliminate confusion concerned with this designation. However, prior to undertaking detailed work to develop proposed revisions to the standards, AMS is soliciting comments on the possible revision to the standards and the probable impact on distributors, processors, and growers. Additionally, AMS is seeking comments regarding any other revisions that may be necessary to better serve the industry.

This notice provides for a 60-day comment period for interested parties to comment on changes to the standards. Should AMS conclude that there is a need for the revisions of the standards, the proposed revisions will be published in the **Federal Register** with a request for comments in accordance with 7 CFR Part 36.

Authority: 7 U.S.C. 1621–1627.

Dated: April 15, 2005.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 05–8025 Filed 4–20–05; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[No. DA–03–07]

Milk for Manufacturing Purposes and Its Production and Processing; Requirements Recommended for Adoption by State Regulatory Agencies

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice; request for comments.

SUMMARY: This document proposes to amend the recommended manufacturing milk requirements (Recommended Requirements) by providing provisions for sheep milk, adding follow-up procedures used when plant-commingled milk in storage tanks exceeds the maximum allowable bacterial estimate, and providing a definition for heat-treated cream. The

notice to add to the Recommended Requirements was initiated at the request of the Dairy Division of the National Association of State Departments of Agriculture (NASDA) and developed in cooperation with NASDA, the Food and Drug Administration (FDA), dairy trade associations, and producer groups. This document also proposes certain other changes to the Recommended Requirements for clarity and consistency.

DATES: Submit written or electronic comments on or before June 20, 2005.

ADDRESSES: You may use any of the following methods to file comments on this action: *By mail:* Reginald Pasteur, Marketing Specialist, Standardization Branch, Dairy Programs, STOP 0230 (Room 2746 South Building), Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington, DC 20250–0230.

By fax: (202) 720–2643.

By e-mail: Reginald.Pasteur@usda.gov or via the electronic process available at the Federal eRulemaking portal at *http://www.regulations.gov.*

Comments should reference the docket number and the date and page number of this issue of the **Federal Register**. Any comments received may be inspected at the above address during regular business hours (8 a.m.—4:30 p.m.) or accessed via the Internet at *http://www.ams.usda.gov/dairy/stand.htm.*

The current Recommended Requirements are available either from the above mailing address or by accessing the following internet address: *http://www.ams.usda.gov/dairy/manufmlk.pdf.* The proposed changes to the Recommended Requirements are also available from the above mailing address or by accessing the following internet address: *http://www.ams.usda.gov/dairy/dockets.htm.*

FOR FURTHER INFORMATION CONTACT: Reginald Pasteur, Marketing Specialist, Standardization Branch, Dairy Programs, AMS, USDA, telephone (202) 720–7473 or e-mail *Reginald.Pasteur@usda.gov.*

SUPPLEMENTARY INFORMATION: Under the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627), the U. S. Department of Agriculture maintains a set of model regulations relating to quality and sanitation requirements for the production and processing of manufacturing grade milk. These Recommended Requirements are developed by AMS and recommended for adoption and enforcement by the various States that regulate manufacturing grade milk. The purpose of the model requirements is to promote uniformity in State dairy laws and regulations relating to manufacturing grade milk.

In consultation with representatives from NASDA, State regulatory agencies, FDA, and dairy industry trade associations, the Department prepared the Recommended Requirements to promote uniformity in State dairy laws and regulations for manufacturing grade milk. To accommodate changes that have occurred in the dairy industry, NASDA and various State officials have from time to time requested USDA to update the Recommended Requirements.

During its July 2003 annual meeting, the Dairy Division of NASDA passed resolutions requesting USDA to provide provisions for sheep milk, add follow-up procedures used when plant-commingled milk in storage tanks exceeds the maximum allowable bacterial estimate, and provide a definition for heat-treated cream. AMS reviewed these resolutions and developed a draft that identified the changes associated with this request. This draft was provided to State regulatory officials and dairy trade association representatives for informal discussion prior to publication in the **Federal Register**. AMS is now soliciting comments on the proposed notice to the Recommended Requirements.

The requirements of Executive Order 13132, Federalism, were considered in developing this notice, and it has been determined that this action does not have federalism implications as defined under the executive order. This action does not have substantial effects on the States (the relationship between the national government and the States or on the distribution of power and responsibilities among the various levels of government). The adoption of the Recommended Requirements by State regulatory agencies is voluntary. States maintain the responsibility to establish dairy regulations and continue to have the option to establish regulations that are different from the Recommended Requirements. A State may choose to have requirements less restrictive or more stringent than the Recommended Requirements. Their decision to have different requirements would not affect the ability of milk producers to market milk or of processing plants to produce dairy products in their state. AMS is publishing this notice with a 60-day comment period to provide a sufficient time for interested persons to comment on the changes.

Based on the Recommended Requirements which were published in the **Federal Register** April 7, 1972 (37 FR 7046) and amended August 27, 1985 (50 FR 34726); May 6, 1993 (58 FR 86); and September 12, 1996 (61 FR 48120), the changes are summarized as follows:

Sheep Milk Definition

The definition of sheep milk will include: *Section B2(l)(3)*—Sheep milk is the lacteal secretion practically free from colostrums obtained by the complete milking of one or more healthy ewes. Sheep milk shall be produced according to the sanitary standards of this ordinance.

Water Buffalo Milk Definition

The definition of water buffalo milk will include: *Section B2(l)(4)*—Water buffalo milk is the normal lacteal secretion practically free of colostrums, obtained by the complete milking of one or more healthy water buffalo. Water buffalo milk shall be produced according to the sanitary standards of this ordinance.

Lactating Animals Definition

The definition of lactating animals will include: *Section B2(l)(5)*—Lactating animals are cows, goats, sheep, and water buffalo producing milk for manufacturing purposes.

Milk Term

The term ''milk'' will include: *Section B2(l)(6)*—The word ''milk'' used herein includes only milk, goat milk, sheep milk, and water buffalo milk for manufacturing purposes.

Somatic Cell Count

The requirements for sheep milk somatic cell count will include: *Section C11(e), (e)2, and (f)*—750,000 per ml for sheep milk.

Farm Requirements

The requirements for abnormal sheep milk will include: *Section D1(d)*—Abnormal milk is milk which is ropy, stringy, clotted, thick, or abnormal in any way. It includes milk containing pesticides, insecticides, or medicinal agents. Regular equipment may be used but not until all other animals are milked.

Milking Facility and Housing

The requirements for a sheep milking facility will include: *Section D2(b)*—Floors for a sheep milking facility shall be constructed of concrete or equally impervious material maintained free of breaks or depressions. They must be

sloped to drain properly. Joints between the floor and wall shall be watertight.

Ramps and platforms used to elevate the sheep for milking must be constructed of an impervious material such as steel (wooden platforms and ramps are not allowed.) Rubber cow mats may be used as long as they are not placed over a wooden platform. Sheep are generally housed in a loose housing building near the milking parlor. This area should be kept reasonably clean. No excessive accumulation of manure is allowed. Complete separation between the sheep housing area and the sheep milking parlor is required if sheep milker units are stored in the parlor. Hogs and fowl shall not be housed with sheep.

Milking Procedure

The requirements for sheep milking procedures will include: Section D3(d) Milking equipment used for handling abnormal milk must be washed and sanitized after such use.

Section D3(e)—Abnormal milk must not be squirted on the floor, on the platform, or in the producer's hand. Producers should also wash their hands after handling such equipment and handling the teats and udders of animals producing abnormal milk.

Cooling and Storage

The requirements for cooling sheep milk will include:

A. Milk in plastic bags shall be cooled to 40° F or lower within two hours of milking. Sheep milk shall be cooled to 45 degrees Fahrenheit or less within two (2) hours of milking. Cooling water used in bulk tanks in which bags of sheep milk are cooled shall be chlorinated. If milk is cooled by pouring into plastic bags and then floating the bags of milk in cooling water, the process must preclude contamination of the milk by the water. All water must be safe and of sanitary quality in accordance to Section D7.

B. Bags used to store frozen sheep milk shall be constructed of plastic that is listed under the NCIMS Certified Manufacturers of Single-Service Containers and Related Products.

C. Bags may be up to 5 gallons in size.

Each bag shall be numbered, dated, and identified with a patron name or number.

D. Frozen sheep milk should remain frozen at 0° F or less for a period not to exceed 12 months.

Milkhouse or Milkroom

The requirements will include: *Section D5(a)(i)*—A milkhouse must be provided for storage and cooling of milk and proper cleaning and storage of equipment. The milkhouse area is the area that needs to be modified to meet the peculiar needs of sheep milking operations. The following requirement applies to a milkhouse whether or not a bulk tank is used: milk may not be placed directly in the freezer prior to cooling.

Natural and/or artificial light shall be provided in all working areas for conducting milkhouse operations. At least 20 foot-candles of artificial light are required in a milking parlor. Parlors must be properly ventilated in order to prevent excessive condensation and odors. Light fixtures shall not be installed directly above bulk milk tanks, areas where milk may be strained, or areas where equipment is stored.

Section D5(b)(i)—A double compartment wash sink with hot and cold running water plumbed to the sink is required. Each compartment must be large enough to accommodate the largest piece of equipment. Hot water heaters or hot water supply systems for use in the milkhouse or milk room shall have a capacity of at least 30 gallons for the manual washing of equipment. CIP washing of pipelines, units, and bulk tanks requires the capacity of 75 gallons. Water under pressure must be piped into the milk house to perform cleaning of the equipment. Walls and ceilings must be reasonably smooth and be painted or whitewashed or have other acceptable finish; it shall be kept in good repair and surfaces shall be finished whenever wear or discoloration is evident. Ceilings must be dust tight. Hay or straw chutes must have dust-tight doors that must be kept closed during milking.

Utensils and Equipment

Requirements will include: *Section D6(a)(i)*—Milk contact surfaces shall be made of stainless steel of the 300 series, equally corrosion-resistant non-toxic metals or heat-resistant glass. Plastic or rubber-like material must be relatively inert and resistant to scoring, chipping, or decomposition, and it must be non-toxic and not impair flavor or odor of the product. All milk contact material must be easily cleaned and must be cleaned after each use. Sanitizers must be an approved type with full label directions. Syringes and bolus guns shall be stored in a manner to preclude any contamination of milk or milk contact surfaces.

All containers and utensils must be free from breaks and corrosion, and points must be free from pits or cracks. Bulk tank and freezer thermometers should be accurate within +/−2 degrees Fahrenheit.

All milk containers and equipment, including milking machine vacuum hoses, must be stored in the milkhouse. Milking equipment must be stored to assure complete drainage. Filters and single-service plastic bags shall be stored in the original container inside a protective box. Bags for milk storage must be stored in a manner which protects them from contamination. It is recommended they be stored in an enclosed cabinet.

Commingled Milk

Requirements will include:

Section E1.8 Raw Product Storage

A. All milk shall be held and processed under conditions and at temperatures that will avoid contamination and rapid deterioration. Drip milk from can washers or any other source shall not be used for the manufacture of dairy products. Bulk milk in storage tanks within the dairy plant shall be handled in such a manner as to minimize bacterial increase and shall be maintained at 45 degrees Fahrenheit or lower until processing begins. This does not preclude holding milk at higher temperatures for a period of time where applicable to particular manufacturing or processing practices.

B. The bacterial estimate of commingled milk in plant storage tanks shall be 1 million per ml or lower.

C. During any consecutive 6 months, at least four samples of commingled raw milk for processing shall be taken by the regulatory agency from each plant.

D. A laboratory test of these samples to determine the bacterial estimate shall be performed at a laboratory approved by the regulatory agency.

E. Whenever a bacterial estimate of commingled milk in a plant indicates the presence of more than 1 million per ml, the following procedures shall be applied:

1. The regulatory agency shall notify plant management with a warning of excessive bacterial estimate and recommend that appropriate action be taken to eliminate the bacterial problem.

2. Whenever two of the last four consecutive commingled milk bacterial estimates exceed 1 million per ml, the regulatory agency shall notify plant management with a written warning notice. The notice shall be in effect so long as two of the last four consecutive samples exceed 1 million per ml. Plant management should continue to work to eliminate the bacterial problem.

3. An additional sample shall be taken by the regulatory agency after a lapse of 3 days but within 21 days of the notice required in paragraph (e)(1) of this section. If this sample also exceeds 1

million per ml, the plant license shall be suspended. A temporary status may be assigned to the plant by the appropriate regulatory agency when an additional sample of commingled milk is tested and found satisfactory. The plant shall be assigned a full reinstatement status when three out of four consecutive commingled bacterial estimates do not exceed 1 million per ml. The samples shall be taken at a rate of not more than two per week on separate days within a 3-week period.

Heat-Treated Cream Definition

The definition of heat-treated cream will be added to include:

E 1.9(i) Heat-treated cream—Heat-treated cream is cream in which the product may be heated to less than 160 degrees Fahrenheit in a continuing heating process and immediately cooled to 45 degrees Fahrenheit or less for a functional reason.

(Authority: 7 U.S.C. 1621–1627)

Dated: April 15, 2005.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 05–8029 Filed 4–20–05; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal And Plant Health Inspection Service

[Docket No. 04–081–1]

Notice of Availability of Draft Document Concerning the Identification of EU Administrative Units

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability and request for comments.

SUMMARY: We are advising the public that a draft document has been prepared by the Animal and Plant Health Inspection Service that identifies the smallest administrative jurisdictions within 11 Member States of the European Union that we would consider ''regions'' in the event of future animal disease outbreaks. The draft document refers to these jurisdictions as ''administrative units'' and also reevaluates the administrative units already identified for Italy. We are making this draft document available to the public for review and comment.

DATES: We will consider all comments that we receive on or before June 20, 2005.

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

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

Postal Mail/Commercial Delivery: Please send four copies of your comment (an original and three copies) to Docket No. 04–081–1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 04–081–1.

Reading Room: You may read the draft document and any comments we receive on the draft document in the reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

You may request a copy of the draft document by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT.** The draft document is also available on the Internet. Instructions for accessing the draft document on the Internet are provided below under **SUPPLEMENTARY INFORMATION.**

Other Information: You may view APHIS documents published in the **Federal Register** and related information on the Internet at *http://www.aphis.usda.gov/ppd/rad/webrepor.html.*

FOR FURTHER INFORMATION CONTACT: Dr. Chip Wells, Senior Staff Veterinarian, Regionalization Evaluation Services Staff, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231; (301) 734–4356.

SUPPLEMENTARY INFORMATION:

Background

The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA) regulates the importation of animals and animal products into the United States to guard against the introduction of animal diseases not currently present or prevalent in this country. The regulations pertaining to the importation of animals and animal products are set forth in the Code of Federal Regulations (CFR), title 9, chapter I, subchapter D (9 CFR parts 91 through 99).

On June 25, 1999, we published in the **Federal Register** (64 FR 34155–34168, Docket No. 98–090–1) a proposal to, among other things, amend the regulations regarding the importation of swine and swine products from a specifically defined region in the European Union (EU) consisting of Austria, Belgium, France, Greece, Luxembourg, the Netherlands, Portugal, Spain, and parts of Germany and Italy. Consistent with EU terminology, we refer to individual EU countries as ''Member States.'' In proposing to recognize smaller ''regions'' within the countries of Germany and Italy as free of classical swine fever (CSF, which we referred to in the proposed rule as hog cholera), we chose to use the German ''kreis'' and the Italian ''Region'' because we considered them to be the smallest administrative jurisdictions that have ''effective oversight of normal animal movements into, out of, and within that jurisdiction, and that, in association with national authorities, if necessary, have the responsibility for controlling animal disease locally.''

On April 7, 2003, we published in the **Federal Register** (68 FR 16922–16941, Docket No. 98–090–5) a final rule that, among other things, amended the regulations to recognize a region in the EU consisting of Austria, Belgium, Greece, the Netherlands, Portugal, and parts of Germany and Italy as free of CSF. In the final rule, APHIS did not recognize France, Spain, or Luxembourg as free of CSF, as we had proposed to do in our June 1999 proposed rule. This was because CSF outbreaks had occurred in domestic swine in each of those Member States after the publication of the proposed rule and we had not identified the smallest administrative jurisdictions within those Member States that we could use as ''regions'' in restricting the importation of swine and swine products from less than the whole Member State.

Following the elimination of CSF in domestic swine in France and Spain (April 26, 2002, and April 30, 2002, respectively), on November 24, 2003, we published in the **Federal Register** (68 FR 65869–65871, Docket No. 98–090–6) a supplemental risk analysis which examined the risk of introducing CSF from the importation of swine and swine products from those two Member States. The supplemental risk analysis also identified the smallest administrative jurisdictions in France

and Spain that could be considered ''regions'' in each of those Member States.

On April 20, 2004, we published in the **Federal Register** (69 FR 21042–21047, Docket No. 98–090–7) a final rule that recognized France and Spain as regions in which CSF does not exist and affirmed the designation of the Commune in France and the Comarca in Spain as the smallest administrative jurisdictions within those Member States that we will use for regionalization purposes.

We are giving notice that a draft document entitled ''APHIS Considerations on the Identification of Administrative Units for Certain Member States of the European Union'' is available for public review and are requesting comments on the draft document for 60 days. In the draft document we identify the smallest administrative jurisdictions in 11 Member States that we would use to regionalize those Member States in the event of future animal disease outbreaks. As discussed in the draft document, we believe that each of those jurisdictions is the smallest that can be demonstrated to have effective oversight of normal animal movements into, out of, and within that Member State, and that, in association with national authorities, if necessary, has effective control over animal movements and animal diseases locally. For the sake of convenience, the draft document and any future rulemakings will refer to these jurisdictions as ''administrative units'' (AUs).

The draft document designates AUs for 11 Member States within the EU region. These Member States are: Austria, Belgium, Denmark, Finland, Greece, Ireland, Luxembourg, the Netherlands, Portugal, Sweden, and the United Kingdom. Because APHIS considers the entire territory of Luxembourg to be the smallest possible administrative jurisdiction with effective control over animal movement and control of animal disease locally, the entire country of Luxembourg will be considered one AU. The draft document also reidentifies the AU for Italy as the Aziende Sanitarie Locali (Local Health Unit). In the event of an animal disease outbreak, APHIS could regionalize a Member State to the AU level specified in our draft document. Although addressed in the document in the context of the specific disease, CSF, the concept of regionalization to the AU level is not disease specific.

Accessing the Draft Document on the Internet

The draft document may be viewed on the may be viewed on the EDOCKET Web site (see **ADDRESSES** above for instructions for accessing EDOCKET). You may request paper copies of the draft document by calling or writing to the person listed under **FOR FOR FURTHER INFORMATION CONTACT**. Please refer to the title of the draft document when requesting copies. The draft document is also available for review in our reading room (information on the location and hours of the reading room is listed under the heading **ADDRESSES** at the beginning of this notice).

Done in Washington, DC, this 18th day of April 2005.

W. Ron DeHaven,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E5–1881 Filed 4–20–05; 8:45 am]

BILLING CODE 3410–34–P

ANTITRUST MODERNIZATION COMMISSION

Public Meeting

AGENCY: Antitrust Modernization Commission.

ACTION: Notice of public meeting.

SUMMARY: The Antitrust Modernization Commission will hold a public meeting on May 9, 2005. The purpose of the meeting is for the Antitrust Modernization Commission to approve plans (including proposed requests for public comment and public hearings) for studying issues selected by the Commission in its January 13 and March 24, 2005, meetings.

DATES: May 9, 2005, 1 p.m. to 3:30 p.m. Interested members of the public may attend. Registration is not required.

ADDRESSES: Federal Trade Commission, Conference Center Rooms A & B, 601 New Jersey Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Andrew J. Heimert, Executive Director & General Counsel, Antitrust Modernization Commission: telephone: (202) 233–0701; e-mail: *info@amc.gov.* Mr. Heimert is also the Designated Federal Officer (DFO) for the Antitrust Modernization Commission.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is for the Antitrust Modernization Commission to approve plans prepared by its study groups for studying issues selected by the Commission in its January 13 and March 24, 2005, meetings, including proposed requests for public comment and public hearings. Materials relating to the meeting will be made available on the Commission's Web site (*http://www.amc.gov*) in advance of the meeting.

The AMC has called this meeting pursuant to its authorizing statute and the Federal Advisory Committee Act. Antitrust Modernization Commission Act of 2002, Public Law No. 107–273, section 11058(f), 116 Stat. 1758, 1857; Federal Advisory Committee Act, 5 U.S.C. App., section 10(a)(2); 41 CFR § 102–3.150 (2004).

Dated: April 18, 2005.

By direction of Deborah A. Garza, Chair of the Antitrust Modernization Commission.

Approved by Designated Federal Officer.

Andrew J. Heimert,

Executive Director & General Counsel, Antitrust Modernization Commission.

[FR Doc. 05–8026 Filed 4–20–05; 8:45 am]

BILLING CODE 6820–YM–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020705D]

Endangered and Threatened Wildlife and Plants; Initiation of a 5–Year Review of Listed Sea Turtles

AGENCIES: Fish and Wildlife Service (FWS), Interior, and National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of 5–year status review of sea turtles.

SUMMARY: We, the FWS and NMFS (collectively the Services), announce a 5–year review of the green turtle (*Chelonia mydas*), hawksbill turtle (*Eretmochelys imbricata*), Kemp's ridley turtle (*Lepidochelys kempii*), leatherback turtle (*Dermochelys coriacea*), loggerhead turtle (*Caretta caretta*), and olive ridley turtle (*Lepidochelys olivacea*) under the Endangered Species Act of 1973, as amended (ESA). A 5–year review is a periodic process conducted to ensure that the listing classification of a species is accurate. It is based on the best scientific and commercial data available at the time of the review. New data are available since the last reviews were completed in 1985 for the green turtle and in 1995 for the hawksbill, Kemp's

ridley, leatherback, loggerhead, and olive ridley turtles. Therefore, the Services are initiating a 5–year status review and soliciting information and comments pertaining to these species from any interested party. Based on the results of this 5–year review, we will make the requisite findings under the ESA.

DATES: Written comments and information related to this 5–year review must be received by July 20, 2005.

ADDRESSES: Written comments and information should be addressed to Barbara Schroeder, National Sea Turtle Coordinator, Marine Mammal and Marine Turtle Conservation Division, NMFS Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD, 20910; or by fax (301) 427–2522, or by e-mail at: *Seaturtle.Statusreview@noaa.gov*. Information received in response to this notice will be available for public inspection, by appointment, during normal business hours, at the above address.

FOR FURTHER INFORMATION CONTACT: At NMFS, Barbara Schroeder (ph. 301–713–1401, fax 301–713–0376, e-mail *barbara.schroeder@noaa.gov*) or at FWS, Sandy MacPherson (ph. 904–232–2580, fax 904–232–2404, e-mail *Sandy__MacPherson@fws.gov*).

SUPPLEMENTARY INFORMATION:

Background

Six species of sea turtles are listed under the ESA. In 1970, the hawksbill was listed as endangered (35 FR 8495); the Kemp's ridley as endangered (35 FR 18320); and the leatherback as endangered (35 FR 8495). In 1978 (43 FR 32808), the green turtle was listed as endangered for breeding colonies in Florida and on the Pacific coast of Mexico and threatened elsewhere; the loggerhead as threatened; and the olive ridley as endangered for the breeding colony population on the Pacific coast of Mexico and threatened elsewhere.

Under the ESA, section 4(c)(2)(A) requires that we conduct a review of listed species at least once every 5 years. Then, on the basis of such reviews, we determine under section 4(c)(2)(B) whether or not any species should be removed from the threatened or endangered species list (List), or reclassified from endangered to threatened or from threatened to endangered. Removing a species from the List must be supported by the best scientific and commercial data available and under 50 CFR 424.11(d), only considered if data substantiate that the species is neither endangered nor threatened for one or more of the following reasons: (1) The species is considered extinct; (2) the species is considered to be recovered; and/or (3) the original data available when the species was listed, or the interpretation of such data, were in error. Any change in Federal classification would require a separate rulemaking process. The regulations in 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing species currently under active review.

The 5–year review provides an opportunity to review whether the listed entity is appropriately identified and delineated, determine appropriate classification, and recommend changes, as appropriate. In accordance with the February 7, 1996, Policy Regarding the Recognition of Distinct Vertebrate Population Segments (DPS) (61 FR 4722), the DPS policy will be considered and applied as appropriate during the 5–year review. The DPS policy states that ''Any Distinct Population Segment of a vertebrate taxon that was listed prior to implementation of the DPS policy will be reevaluated on a case-by-case basis as recommendations are made to change the listing status for that distinct population segment.'' For a population to be listed under the ESA as a DPS, three elements are considered: (1) The discreteness of the population segment in relation to the remainder of the species to which it belongs; (2) the significance of the population segment to the species to which it belongs; and (3) the population segment's conservation status in relation to the ESA's standards for listing (i.e., is the population segment endangered or threatened?). Distinct population segments of vertebrate species, as well as subspecies of all listed species, may be proposed for separate reclassification or for removal from the List. The DPS policy will be applied during the 5–year review.

Previous 5–year reviews were conducted in 1985 and in 1995. However, in the 1995 review, the green turtle review was not completed. This notice announces our active review of the green, hawksbill, Kemp's ridley, leatherback, loggerhead, and olive ridley turtles.

Public Solicitation of New Information

To ensure that the 5–year review is complete and based on the best available scientific and commercial information, we are soliciting new information from the public, concerned governmental agencies, Tribes, the scientific community, industry, environmental entities, and any other interested parties concerning the status of green turtles, hawksbill turtles, Kemp's ridley turtles, leatherback turtles, loggerhead turtles, and olive ridley turtles.

The 5–year review considers the best scientific and commercial data and all new information that has become available since the listing determination or most recent status review. Categories of requested information include: (1) Species biology, including but not limited to, population trends, distribution, abundance, demographics, and genetics; (2) habitat conditions, including but not limited to, amount, distribution, and suitability; (3) conservation measures that have been implemented that benefit the species; (4) threat status and trends; and (5) other new information, data, or corrections, including but not limited to, taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

See **ADDRESSES** for where to submit comments and materials for this 5–year review. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold a respondent's identity. If you wish us to withhold your name or address, you must write this request prominently at the beginning of your comment. We will withhold this information to the extent consistent with applicable law. 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. Comments and materials received will be available for public inspection, by appointment, during normal business hours (see **ADDRESSES** section). The Services will continue to accept new information on listed sea turtles outside of the comment period for this 5–year review.

Authority

This document is published under the authority of the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*).

March 25, 2005.

Sam D. Hamilton,

Regional Director, Southeast Region, Fish and Wildlife Service.

Dated: March 3, 2005.

P. Michael Payne,

Chief, Marine Mammal and Marine Turtle Conservation Division, National Marine Fisheries Service.

March 9, 2005.

Ren Lohoefener,

Acting Regional Director, Southwest Region, Fish and Wildlife Service.

[FR Doc. 05–8032 Filed 4–20–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 041805A]

Fisheries of the Exclusive Economic Zone Off Alaska; Notice of Crab Rationalization Program Public Workshop

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

ACTION: Notice of public workshop.

SUMMARY: NMFS will present a public workshop on the new Crab Rationalization Program (Program) for participants in the Bering Sea and Aleutian Islands (BSAI) king and Tanner crab fisheries. At this workshop, NMFS will provide an overview of the Program, discuss the key Program elements, provide information on the application process, and answer questions. This workshop is specifically intended to address issues related to the Arbitration System portion of the Program. NMFS is conducting this public workshop to provide assistance to fishery participants in complying with the requirements of this new Program.

DATES: Workshop will be held May 9, 2005. See **SUPPLEMENTARY INFORMATION.**

ADDRESSES: Workshop will be held in Seattle, WA.

FOR FURTHER INFORMATION CONTACT: Sheela McLean, 907–586–7032 or *sheela.mclean@noaa.gov*.

SUPPLEMENTARY INFORMATION: On March 2, 2005, NMFS published a final rule implementing the Crab Rationalization Program (Program) as Amendments 18 and 19 to the Fishery Management Plan for Bering Sea/ Aleutian Islands King and Tanner Crabs. In January 2004, the U.S. Congress amended section 313(j) of the Magnuson-Stevens Act through the Consolidated Appropriations Act of 2004 (Pub. L. No. 108–199, section 801). As amended, section 313(j)(1) requires the Secretary to approve and implement by regulation the Program, as it was approved by the North Pacific Fishery Management Council (Council) between June 2002 and April 2003, and all trailing amendments, including those reported to Congress on May 6, 2003. In June 2004, the Council consolidated its actions on the Program into the Council motion, which is contained in its entirety in Amendment 18. Additionally, in June 2004, the Council developed Amendment 19, which represents minor changes necessary to implement the Program. The Notice of Availability for these amendments was published in the **Federal Register** on September 1, 2004 (69 FR 53397). NMFS approved Amendments 18 and 19 on November 19, 2004. NMFS published a proposed rule to implement Amendments 18 and 19 in the **Federal Register** on October 29, 2004 (69 FR 63200).

NMFS conducted four public workshops in March and April in Alaska, Oregon, and Washington to provide assistance to fishery participants in complying with the requirements of this new Program (70 FR 10992). At these workshops, NMFS provided an overview of the Program, discussed the key Program elements, and provide information on the application process.

The May 9, 2005 workshop is intended to specifically focus on the Arbitration System. Elements related to economic data collection, monitoring and enforcement, electronic reporting, quota share and individual fishing quota application and transfer provisions, the appeals process, fee collection, and the loan program may be addressed secondarily. Additionally, NMFS will answer questions from workshop participants. For further information on the Crab Rationalization Program, please visit the NMFS Alaska Region Internet site at *www.fakr.noaa.gov*.

Workshop Dates, Times, and Locations

NMFS will hold the public workshop as follows:

Monday, May 9, 2005, 10 a.m.–4 p.m. Pacific Standard Time (PST)–Leif Erickson Hall, 2245 Northwest 57th Street, Seattle, WA.

Special Accommodations

This workshop is physically accessible to people with disabilities. Requests for special accommodations should be directed to Sheela McLean (see **FOR FURTHER INFORMATION CONTACT**) at least five working days before the workshop date.

Dated: April 18, 2005.

Emily Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E5–1874 Filed 4–20–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 041505G]

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene public meetings. See **SUPPLEMRNTARY INFORMATION** for specific meeting schedule.

DATES: The meetings will be held May 9 - 12, 2005.

ADDRESSES: These meetings will be held at the Palace Casino Resort, 158 Howard Avenue, Biloxi, MS.

Council address: Gulf of Mexico Fishery Management Council, 3018 North U.S. Highway 301, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council; telephone: 813.228.2815.

SUPPLEMENTARY INFORMATION:

Council Meetings - Shedule

Wednesday, May 11, 2005

8:30 a.m. – Convene.

8:45 a.m. – 12 Noon - Receive public testimony on (a) Final Shrimp Amendment 13/EA and (b) Exempted fishing permits (if any).

1 p.m. – 1:30 p.m. - Receive a report on the Administration's Ocean Action Plan.

1:30 p.m. – 2:45 p.m. - Receive a presentation on major law enforcement issues regarding red snapper violations and illegal seafood imports.

2:45 p.m. – 3 p.m. - Receive the National State Fishery Directors' Meeting report.

3 p.m. – 4 p.m. - Receive the Shrimp Management Committee report.

4 p.m. – 4:15 p.m. - Receive the AP Selection Committee Report (CLOSED SESSION).

4:15 p.m. – 4:30 p.m. - Receive the SSC Selection Committee Report (CLOSED SESSION).

4:30 p.m. – 4:45 p.m. - Receive the SEDAR Committee Report (CLOSED SESSION).

4:45 p.m. – 5 p.m. - Receive the Joint Budget/Personnel Committee Report (CLOSED SESSION).

Thursday, May 12, 2005

8:30 a.m. – 8:35 a.m. - Receive the AP Selection Committee Report.

8:35 a.m. – 8:40 a.m. - Receive the SSC Selection Committee Report.

8:40 a.m. – 8:45 a.m. - Receive the SEDAR Committee Report.

8:45 a.m. – 9 a.m. - Receive the Joint Budget/Personnel Committee Report.

9 a.m. – 9:30 a.m. - Receive the Reef Fish Management Committee report.

9:30 a.m. – 9:45 a.m. - Receive the Joint Administrative Policy/Budget/ Personnel Committee Report.

9:45 a.m. – 10 a.m. Receive the Habitat Protection Committee Report.

10 a.m. – 10:15 a.m. - Receive the Joint Reef Fish/Mackerel Committee Report.

10:15 a.m. – 10:30 a.m. - Receive the Data Collection Committee Report.

10:30 a.m. – 10:45 a.m. - Receive the NMFS Billfish and HMS AP Meeting Report.

10:45 a.m. – 11 a.m. - Receive Enforcement Reports.

11 a.m. – 11:15 a.m. - Receive the NMFS Regional Administrator's report.

11:15 a.m. – 11:30 a.m. - Receive Directors' Reports.

11:30 a.m. – 11:45 a.m. - Other Business.

Committee

Monday, May 9, 2005

9:30 a.m. – 10 a.m. - The Advisory Panel (AP) Selection Committee will meet in closed session to appoint AP members.

10 a.m. – 10:15 a.m. - The Scientific and Statistical (SSC) Selection Committee will meet in closed session to appoint SSC members.

10:15 a.m. – 11:30 a.m. - The Joint Budget/Personnel Committee will meet in closed session to make recommendations to Council on the selection of an Ecosystem Facilitator and then open session to review the Council's operational budget for CY2005.

1 p.m. – 3 p.m. - The Shrimp Management Committee will review public hearing summaries, public letters, AP recommendations, LEAP recommendations, SEP comments, SSC recommendations and committee recommendations on Final Shrimp Amendment 13/EA, which addresses limited access in the shrimp fishery in order to make recommendations to the Council.

3 p.m. – 4 p.m. - The Joint Administrative Policy/Budge/Personnel Committee will meet to review the Family Medical Leave Act (FMLA) revision to the SOPPs.

4 p.m. – 4:45 p.m. - The Habitat Protection Committee will hear reports on the Essential Fish Habitat (EFH) Coordinators' Meeting and the Southeast Aquatic Resources Partnership (SARP) Meeting. They will then hear an update on liquefied natural gas (LNG) Facility Permitting.

4:45 p.m. – 5:30 p.m. - The Data Collection Committee will receive a presentation on the Gulf of Mexico Coastal Ocean Observing System.

Tuesday, May 10, 2005

8:30 a.m. – 9:15 a.m. - The SEDAR Committee will meet in closed session to select panel participants for SEDAR workshops for amberjack, vermilion snapper and gray triggerfish.

9:15 a.m. – 12:00 noon - The Reef Fish Management Committee will meet to review Public Hearing Draft Reef Fish Amendment 18A/EA, which addresses the grouper fishery and receive a demonstration of bycatch release gear. The Committee will then receive the red grouper 2004/2005 landings data and hear a status report on the interim red grouper rule. The Committee will review a revised options paper for the Red Grouper Regulatory Amendment providing for commercial vessel trip limits and a revised total allowable catch (TAC) and then discuss the red grouper industry buy-out business plan.

1:30 p.m. – 3:30 p.m. - The Joint Reef Fish/Mackerel Management Committees will review a public hearing draft of a Generic Amendment for Extension of Charter Vessel Permit Moratorium.

Although other non-emergency issues not on the agendas may come before the Council and Committees for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (M-SFCMA), those issues may not be the subject of formal action during these meetings. Actions of the Council and Committees will be restricted to those issues specifically identified in the agendas and any issues arising after publication of this notice that require emergency action under Section 305(c) of the

M-SFCMA, provided the public has been notified of the Council's intent to take action to address the emergency. The established times for addressing items on the agenda may be adjusted as necessary to accommodate the timely completion of discussion relevant to the agenda items. In order to further allow for such adjustments and completion of all items on the agenda, the meeting may be extended from, or completed prior to the date established in this notice.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Dawn Aring at the Council (see **ADDRESSES**) by May 2, 2005.

Dated: April 18, 2005.

Emily Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E5–1873 Filed 4–20–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 041805B]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator) has made a preliminary determination that the subject application to modify an existing Exempted Fishing Permit (EFP) contains all the required information and warrants further consideration. The Assistant Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Northeast (NE) Multispecies Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made to issue the EFP. Therefore, NMFS announces that the Assistant Regional Administrator proposes to recommend that an EFP be issued to modify a recently approved EFP by allowing additional exemptions from the regulations governing the fisheries of the Northeastern United States. The EFP would add an exemption from the FMP as follows: The Gulf of Maine (GOM) Rolling Closure Area III; Western GOM Closure

Area for the month of May 2005; and the minimum gillnet mesh size for the month of May 2005. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Written comments on this document must be received on or before May 6, 2005.

ADDRESSES: Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope ''Comments on Revised GOM Gillnet Study.'' Comments may also be sent via fax to (978) 281–9135 or submitted via e-mail to *da660r@noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Karen Tasker, Fishery Management Specialist, phone (978) 281–9273.

SUPPLEMENTARY INFORMATION: The Gulf of Maine Research Institute, Massachusetts Division of Marine Fisheries, and Angelica Fisheries, Inc., submitted an application for an EFP on August 13, 2004. The primary goal of the research is to establish gillnet selectivity curves for haddock in the GOM, and to test whether it is possible to catch legal-size haddock with gillnet gear with mesh size that is less than 6.5 inches (16.5 cm) while avoiding catching cod or other species of concern in an area east of Cape Ann, Massachusetts, from January through April 2005. An EFP was granted on January 6, 2005, which allowed for exemptions from the regulations implementing the FMP as follows during 14 days in January through March 2005: The Western GOM Closure Area specified at 50 CFR 648.81(e) and the minimum gillnet mesh size specified at 50 CFR 648.80(a)(3)(iv)(B)(*1*).

Five gillnets of mesh sizes ranging from 4.5 to 6.5 inches (11.4 to 16.5 cm), in 0.5–inch (1.3–cm) increments, would be fished by one vessel in six groups (each group containing one net of each mesh size), for a total of 30 nets. The nets would be of standard commercial length, 300 ft (91.4 m), and approximately two-thirds the standard commercial height, resulting in a height of 7.5 ft (2.3 m). This net size was selected based on the applicants' belief that cod typically are captured in the upper meshes of standard nets when standard nets are fished in this area.

In order to conduct this project, researchers requested, and were granted, an exemption to the minimum mesh size regulation of 6.5 inches(16.5 cm) in the GOM. Additionally, in the initial EFP application, researchers requested, and were granted, access to fish in an area off of Cape Ann, Massachusetts, between 42°35′ and 42°50′ N. lat. and 69°50′ to 70°15′ W. long. (30 minute squares 131 and 132), including the Western GOM Closure Area. Researchers requested access to a portion of the Western GOM Closure Area during January through April 2005 because historical commercial fishing experience indicates that haddock are present in high densities in this area during the study period. However, because the month of April is a peak spawning period for cod in the GOM, and the Western GOM Closure Area is closed in part to protect spawning cod, this EFP was prevented from occurring in the Western GOM Closure Area and thus was restricted to January through March 2005.

On March 14, 2005, and April 11, 2005, researchers submitted requests to modify their EFP in order to allow them the opportunity to collect data in the month of May 2005. The additional time is needed because research could not begin until March due to the experimental gear not being ready until that time. The EFP would continue an exemption from the minimum mesh size requirements for the GOM RMA. In addition, researchers requested to change the study area for the month of May 2005 to an area between 42°35′ and 43°00′ N. latitude and 69°50′ to 70°15′ W. longitude, including access to the Western GOM Closure Area. They also requested an exemption from the regulations pertaining to GOM Rolling Closure Area III. Finally, the number of sea days during which this research would take place is anticipated to increase from 14 days proposed in the initial EFP request to 17 days.

The data collection activities aboard the participating vessels would be conducted by observers from the Gulf of Maine Research Institute and Massachusetts Division of Marine Fisheries to ensure compliance with the experimental fishery objectives.

If the proposed EFP modification is approved, the applicant may place requests for minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and result in only a minimal change in the scope or impact of the initially approved EFP request.

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

Dated: April 18, 2005.

Alan D. Risenhoover

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E5–1880 Filed 4–20–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 032405A]

Endangered Species; Permits No. 1509 and 1522

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

ACTION: Issuance of permits.

SUMMARY: Notice is hereby given that Michael Salmon (Permit No. 1509) and Kenneth Lohmann (Permit No. 1522) have been issued permits to take endangered and threatened sea turtles for purposes of scientific research.

ADDRESSES: The permits 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

Assistant Regional Administrator for Protected Resources, Southeast Region, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701 (tel: 727/824–5312, fax 727/824–5517).

FOR FURTHER INFORMATION CONTACT: Patrick Opay or Ruth Johnson, (301)713–2289.

SUPPLEMENTARY INFORMATION: On March 9, 2005, notice was published in the Federal Register (70 FR 11619) that a request for a scientific research permit to take threatened sea turtles had been submitted by Jeanette Wyneken (Permit No. 1509). Ms. Wyneken subsequently requested that the permit be issued to Michael Salmon. On February 23, 2005, notice was published in the **Federal Register** (70 FR 8767) that a request for a scientific research permit to take endangered and threatened sea turtles had been submitted by Kenneth Lohmann. The requested permits have 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).

Michael Salmon, Ph.D., Florida Atlantic University, Dept. of Biological Sciences, 777 Glades Rd., Boca Raton, FL 33431: Permit No. 1509 authorizes Dr. Salmon to take ESA-listed turtles in the waters of Florida. Researchers may capture a total of 80 loggerhead (*Caretta caretta*) sea turtle hatchlings over a 2-year period. Animals will be tracked, captured by hand or dip net, have a float tether removed from their carapace, and released. A subset of these animals may also be transported to the Gulf Stream if they need help to reach it. The research will investigate whether mis-oriented turtles remain behaviorally competent when released at beach sites and are likely to complete their offshore migration, and whether they are likely to survive and contribute to population recovery.

Kenneth Lohmann, Ph.D., Department of Biology, Wilson Hall, CB#3280, University of North Carolina at Chapel Hill, Chapel Hill, NC 27599: Permit No. 1522 authorizes Dr. Lohmann to annually capture up to 120 loggerhead and 40 green (*Chelonia mydas*) sea turtle hatchlings over a 5-year period. Turtles will be tracked, captured by hand or dip net, have experimental gear removed, and be released. The research will take place in the waters off the Florida coast as part of magnetic orientation studies of hatchlings.

Dr. Lohmann will also take up to 6 adult loggerhead sea turtles annually over five years. Animals will be tracked and have their float tether removed while at sea in waters off the coast of Florida as part of sea turtle navigation studies.

Issuance of these permits, as required by the ESA, was based on a finding that such permits (1) were applied for in good faith, (2) will not operate to the disadvantage of any endangered or threatened species, and (3) are consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: April 15, 2005.

Stephen L. Leathery,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 05–8033 Filed 4–20–05; 8:45 am]

BILLING CODE 3510–22–S

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

FOIA Fee Schedule Update

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Notice.

SUMMARY: The Defense Nuclear Facilities Safety Board is publishing its annual update to the Freedom of Information Act (FOIA) Fee Schedule pursuant to 10 CFR 1703.107(b)(6) of the Board's regulations.

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

FOR FURTHER INFORMATION CONTACT: Kenneth M. Pusateri, General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004–2901, (202) 694–7060.

SUPPLEMENTARY INFORMATION: The FOIA requires each Federal agency covered by the Act to specify a schedule of fees applicable to processing of requests for agency records. 5 U.S.C. 552(a)(4)(i). On March 15, 1991, the Board published for comment in the **Federal Register** its proposed FOIA Fee Schedule. 56 FR 11114. No comments were received in response to that notice and the Board issued a final Fee Schedule on May 6, 1991.

Pursuant to 10 CFR 1703.107(b)(6) of the Board's regulations, the Board's General Manager will update the FOIA Fee Schedule once every 12 months. Previous Fee Schedule updates were published in the **Federal Register** and went into effect, most recently, on May 5, 2004, 69 FR 25072.

Board Action

Accordingly, the Board issues the following schedule of updated fees for services performed in response to FOIA requests:

DEFENSE NUCLEAR FACILITIES SAFETY BOARD SCHEDULE OF FEES FOR FOIA SERVICES

[Implementing 10 CFR 1703.107(b)(6)]

Search or Review Charge	$60.00 per hour.
Copy Charge (paper)	$.05 per page, if done in-house, or generally available commercial rate (approximately $.09 per page).
Electronic Media	$5.00.
Copy Charge (audio cassette)	$3.00 per cassette.
Duplication of Video	$25.00 for each individual videotape; $16.50 for each additional individual videotape.
Copy Charge for large documents (*e.g.*, maps, diagrams).	Actual commercial rates.

Dated: April 13, 2005.

Kenneth M. Pusateri,

General Manager.

[FR Doc. 05–8010 Filed 4–20–05; 8:45 am]

BILLING CODE 3670–01–P

DEPARTMENT OF EDUCATION

Office of Safe and Drug-Free Schools—Grants for School-Based Student Drug-Testing Programs

AGENCY: Office of Safe and Drug-Free Schools, Department of Education.

ACTION: Notice of proposed eligibility and application requirements, priorities, and selection criteria.

SUMMARY: The Assistant Deputy Secretary for Safe and Drug-Free Schools proposes eligibility and application requirements, priorities, and selection criteria under Safe and Drug-Free Schools and Communities National Programs for the School-Based Student Drug-Testing Programs. The Assistant Deputy Secretary may use these requirements, priorities, and selection criteria for competitions in fiscal year 2005 and later years. We take this action to focus Federal financial assistance on an identified national need. We intend for these priorities to increase the use of drug testing as a means to deter student drug use.

DATES: We must receive your comments on or before May 23, 2005.

ADDRESSES: Address all comments about these requirements, priorities, and selection criteria to Robyn L. Disselkoen or Sigrid Melus, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202–6450. If you prefer to send your comments through the Internet, use the following address: *OSDFSdrugtesting@ed.gov.*

You must include the term ''Comments on FY 2005 Student Drug-

Testing Notice'' in the subject line of your electronic message.

FOR FURTHER INFORMATION CONTACT: Robyn Disselkoen or Sigrid Melus at (202) 260–3954.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.,* Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT.**

SUPPLEMENTARY INFORMATION:

Invitation To Comment

We invite you to submit comments regarding these proposed requirements, priorities, and selection criteria.

We invite you to assist us in complying with the specific requirements of Executive Order 12866 and its overall requirement of reducing regulatory burden that might result from these proposed requirements, priorities, and selection criteria. Please let us know of any further opportunities we should take to reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about these proposed requirements, priorities, and selection criteria in room 3E253, 400 Maryland Avenue, SW., Washington DC, between the hours of 8:30 a.m. and 4 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for these proposed requirements, priorities, and selection criteria. If you want to schedule an appointment for this type of aid, please contact one of the persons listed under **FOR FURTHER INFORMATION CONTACT.**

Background

Although drug use among America's youth has declined in recent years, far too many young people continue to use these harmful substances. Results of the 2004 Monitoring the Future survey, for example, show that the proportions of 8th-, 10th-, and 12th-grade students indicating any use of an illicit drug in the 12 months prior to the survey were 15 percent, 31 percent and 39 percent, respectively.

The consequences of drug use by this vulnerable population are clear. According to the Substance Abuse and Mental Health Services Administration (SAMHSA), Department of Health and Human Services, students using illegal drugs are more likely to have negative attitudes about school and to have engaged in the following delinquent behaviors during the past year: Gotten into a serious fight at school or work, attacked someone with the intent to inflict serious injury, carried a handgun, sold illegal drugs, or had stolen or tried to steal something worth $50 or more. (2003 National Survey on Drug Use and Health) In addition, an analysis of data from the National Household Survey on Drug Abuse over a three year period from 1994–96 found that frequent marijuana users were more likely than less frequent users to report delinquent behaviors such as running away from home, stealing, and cutting classes or skipping school. Clearly, drug abuse both interferes with a student's ability to learn and disrupts the orderly environment necessary for academic achievement.

Steroid abuse is also a problem for young people. The 2004 Monitoring the Future Study shows that 1.9 percent of eighth graders, 2.4 percent of tenth graders, and 3.4 percent of twelfth graders reported using steroids at least once in their lifetime. The Youth Risk Behavior Surveillance System (YRBSS) sponsored by the Centers for Disease Control and Prevention (CDC) reported that 6.1% of all high school students surveyed by CDC in 2003 reported lifetime use of steroid pills/shots without a doctor's prescription. This figure includes 7.1 percent of ninth graders, 6.1 percent of tenth graders, 5.6 percent of eleventh graders, and 4.9 percent of twelfth graders. According to research carried out by the National Institute on Drug Abuse, the consequences for teens of both sexes who use steroids can include severe acne; hormone imbalances; stunted growth; heart attacks; liver cancer (National Institute on Drug Abuse. *NIDA Research Report—Steroid Abuse and Addiction* Printed 1991. Reprinted 1994, 1996. Revised April, 2000); and extreme mood changes. (National Institute on Drug Abuse. *Mind Over Matter: The Brain's Response to Steroids.* Printed 1997. Reprinted 1998, 2000)

President Bush, in his January 20, 2004, State of the Union Address, noted: ''One of the worst decisions our children can make is to gamble their lives and futures on drugs.'' He proposed to ''continue our aggressive, community-based strategy to reduce demand for illegal drugs'' and stated: ''Drug testing in our schools has proven to be an effective part of this effort.''

Further, the Office of National Drug Control Policy (ONDCP), in its 2004 National Drug Control Strategy Update, states that student drug testing programs ''advance the Strategy's goal of intervening early in the young person's drug career, using research-based prevention approaches to guide users into counseling or drug treatment, and deterring others from starting in the first place.'' ONDCP describes student drug testing as a ''remarkable grassroots tool that the Federal Government is moving aggressively to support with research funding as well as support for program design and implementation.''

The Department of Education, through these proposed requirements, priorities, and selection criteria, is encouraging schools and communities to consider the use of mandatory random and voluntary student drug-testing programs as a tool to support other drug-prevention efforts.

Discussion of Requirements, Priorities, and Selection Criteria

We will announce the final requirements, priorities, and selection criteria in a notice in the **Federal Register**. We will determine the final requirements, priorities, and selection criteria after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing or using additional requirements, priorities, and selection criteria subject to meeting applicable rulemaking requirements.

Note: This notice does not solicit applications. In any year in which we choose to use one or more of these proposed priorities, we invite applications through a notice in the **Federal Register**. When inviting applications, we designate the priorities as absolute, competitive preference, or invitational. The effect of each type of priority follows:

Absolute priority: Under an absolute priority we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority we give competitive preference to an application by either (1) awarding additional points, depending on how well or the extent to which the application meets the competitive priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the competitive priority over an application

of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority we are particularly interested in applications that meet the invitational priority. However, we do not give an application that meets the invitational priority a competitive or absolute preference over other applications (34 CFR 75.105(c)(1)).

Proposed Eligibility Requirements

We propose to limit eligibility for grants to local educational agencies (LEAs) and public and private entities.

Proposed Priorities

Proposed Priority #1: Mandatory Random and Voluntary Student Drug-Testing Programs

Under this proposed priority, we would provide Federal financial assistance to eligible applicants to develop and implement, or expand, school-based mandatory random or voluntary drug-testing programs for students in one or more grades 6 through 12. We propose that any drug-testing program conducted with funds awarded under this priority be limited to one or more of the following:

(1) Students who participate in the school's athletic program;

(2) students who are engaged in competitive, extracurricular, school-sponsored activities; and

(3) a voluntary drug-testing program for students who, along with their parent or guardian, have provided written consent to participate in a random drug-testing program.

Applicants who propose voluntary drug testing for students who, along with their parent or guardian, provide written consent, must not prohibit students who do not consent from participating in school or extracurricular activities.

Proposed Priority #2: National Evaluation of Mandatory Random Student Drug-Testing Programs

Under this proposed priority, we would provide Federal financial assistance to eligible applicants to develop and implement school-based mandatory random drug-testing programs for students in one or more grades 6 through 12. We propose that any drug-testing program conducted with funds awarded under this priority be limited to one or more of the following:

(1) All students who participate in the school's athletic program; and

(2) All students who are engaged in competitive, extracurricular, school-sponsored activities.

Applicants for Priority #2 must propose drug testing in two or more schools that do not have an existing drug-testing program in operation. Each school must include, at a minimum, three or more grades from 9 through 12.

In addition, applicants for Priority #2 must:

(1) Not have a voluntary testing component proposed as part of their program;

(2) provide an assurance that the non-drug-testing schools will not implement any drug-testing program for the duration of the national evaluation; and

(3) agree to participate in all data collection activities that the national evaluation will conduct in all the schools.

At the time of the grant award, the Department of Education's evaluator will randomly assign the schools either to receive the intervention (mandatory random drug testing) or not receive the intervention (no mandatory random drug testing). The evaluator will collect outcome data for both drug testing and non-drug testing schools.

Proposed Application Requirements:

We propose the following requirements for applications submitted under this program:

(1) Applicants may not submit more than one application for a competition conducted under this program.

(2) Applicants may not have been the recipient or beneficiary of a prior grant in 2003 under the Department of Education Demonstration Grants for Student Drug-Testing competition.

(3) Non-LEA applicants must submit a letter of agreement to participate from an LEA. The letter must be signed by the applicant and an authorized representative of the LEA. Letters of support are not acceptable as evidence of the required agreement.

(4) Funds may not be used for the following purposes:

(a) Student drug tests administered under suspicion of drug use;

(b) incentives for students to participate in programs;

(c) drug treatment; or

(d) drug prevention curricula or other prevention programs.

(5) Applicants must:

(a) Identify a target population and demonstrate a significant need for drug testing within the target population;

(b) explain how the proposed drug-testing program will be part of an existing, comprehensive drug prevention program in the schools to be served;

(c) provide a comprehensive plan for referring students who are identified as drug users through the testing program to a student assistance program, counseling, or drug treatment if necessary;

(d) provide a plan to ensure the confidentiality of drug testing results, including a provision that prohibits the party conducting drug tests from disclosing to school officials any information about a student's use of legal medications;

(e) limit the cost of site-based evaluations to no more than 10 percent of total funds requested;

(f) provide written assurances of the following:

(i) That results of student drug tests will not be disclosed to law enforcement officials;

(ii) that results of student drug tests will be destroyed when the student graduates or otherwise leaves the LEA or private school involved;

(iii) that all positive drug tests will be reviewed by a certified medical review officer; and

(iv) that legal counsel has reviewed the proposed program and advised that the program activities do not appear to violate established constitutional principles or State and Federal requirements related to implementing a student drug-testing program.

Proposed Selection Criteria: The Secretary proposes to select from the following those criteria and factors that will be used to evaluate applications under any competition conducted under this program.

Note: The maximum score for all of these criteria will be 100 points. We will inform applicants of the points or weights assigned to each criterion for any future competition in a notice published in the **Federal Register** or in the application package for the competition.

(1) *Need for Project.*

(a) The documented magnitude of student drug use in schools to be served by the drug-testing program, including the nature, type, and frequency, if known, of drugs being used by students in the target population; and,

(b) Other evidence of student drug use, such as reports from parents, students, school staff, or law enforcement officials.

(2) *Significance.*

(a) The extent to which the proposed project includes a thorough, high-quality review of Federal and State laws and relevant Supreme Court decisions related to the proposed student drug-testing program;

(b) The extent to which the applicant demonstrates school and community support for the student drug-testing program and has included a diversity of perspectives such as those of parents, counselors, teachers, and school board

members, in the development of the drug-testing program; and

(c) The importance or magnitude of the results or outcomes likely to be attained by the student drug-testing program.

(3) *Quality of Project Design.*

(a) The extent to which the project will be based on up-to-date knowledge from research and effective practice, including the methodology for the random selection of students to be tested and procedures outlining the collection, screening, confirmation, and review of student drug tests by a certified medical review officer;

(b) The extent to which the applicant identifies the drugs for which it plans to test and includes a rationale for the type of testing device it plans to use for each drug test;

(c) The quality of the applicant's plan to develop and implement a drug-testing program that includes—

(i) Detailed procedures for responding to a positive drug test, including parental notification and referral to student assistance programs, drug education, or formal drug treatment, if necessary; and

(ii) Clear consequences for a positive drug test.

(4) *Management Plan.*

(a) The extent to which the applicant describes appropriate chain-of-custody procedures for test samples and demonstrates a commitment to use labs certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) to process student drug tests.

(b) The quality of the applicant's plan to ensure confidentiality of drug test results, including limiting the number of school officials who will have access to student drug-testing records.

(5) *Quality of Project Evaluation.*

(a) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project.

(b) The quality of the applicant's plan to collect data on the Government Performance and Results Act (GPRA) performance measure established by the Department for this program and to report these data to the Department.

Note: The Department has established the following GPRA performance measure for the School-Based Student Drug Testing program: the reduction of the incidence of drug use in the past month and past year. The Secretary has set an overall performance target that calls for the prevalence of drug use by students in the target population to decline by five percent annually.

Executive Order 12866

This notice of proposed requirements, priorities, and selection criteria has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the notice of proposed requirements, priorities, and selection criteria are those we have determined as necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of this notice of proposed requirements, priorities, and selection criteria, we have determined that the benefits of the proposed requirements, priorities, and selection criteria justify the costs.

We have also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

Summary of potential costs and benefits: The potential cost associated with these proposed requirements, priorities, and selection criteria is minimal while the benefits are significant. Grantees may anticipate costs related to completing the application process in terms of staff time, copying, and mailing or delivery.

The primary benefit of these proposed requirements, priorities, and selection criteria is that grantees may reduce student drug use by supporting school-based student drug-testing programs.

Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Electronic Access to This Document

You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF, you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO) toll free at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

(Catalog of Federal Domestic Assistance Number 84.184D Office of Safe and Drug-Free Schools National Programs—Grants for School-Based Student Drug-Testing Programs)

Program Authority: 20 U.S.C. 7131.

Dated: April 18, 2005.

Deborah A. Price,

Assistant Deputy Secretary for Safe and Drug-Free Schools.

[FR Doc. 05–8039 Filed 4–20–05; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Vocational and Adult Education (OVAE)—Tech-Prep Demonstration Program

ACTION: Notice inviting application for new awards for fiscal year 2005; correction.

SUMMARY: On April 14, 2005, we published in the **Federal Register** (70 FR 19741) a notice inviting applications for new awards under OVAE's Tech-Prep Demonstration Program (TPDP).

On page 19743, second column, the Deadline for Transmittal of Applications is corrected to read ''May 24, 2005.''

FOR FURTHER INFORMATION CONTACT: Laura Messenger, U.S. Department of Education, 400 Maryland Avenue, SW., room 11028, Potomac Center Plaza, Washington, DC 20202–7241. Telephone: (202) 245–7840 or by e-mail: *laura.messenger@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the program contact person listed in this section.

Electronic Access to this Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.goc/news/fedregister.*

To use PDF you must have the Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO) toll free at 1–888–293–6498, or in the Washington, DC area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: April 18, 2005.

Susan Sclafani,

Assistant Secretary for Vocational and Adult Education.

[FR Doc. 05–8038 Filed 4–20–05; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Office of Arms Control and Nonproliferation; Proposed Subsequent Arrangement

AGENCY: Department of Energy.

ACTION: Notice of subsequent arrangement.

SUMMARY: This notice is being issued under the authority of Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160). The Department is providing notice of a proposed ''subsequent arrangement'' under Article 5 Paragraph 2 of the Agreement for Cooperation Between the Government of the United States of America and the People's Republic of Bangladesh Concerning Peaceful Uses of Nuclear Energy and the Government of the United States of America and the Government of the Republic of Korea Concerning Civil Uses of Atomic Energy.

This subsequent arrangement concerns the retransfer of U.S.-origin reactor parts to the Bangladesh Atomic Energy Commission's TRIGA Mark II research reactor from the Ministry of Science and Technology of the Republic of Korea. The items to be transferred are: Eight control rod drive motors; one servo motor; eight magnets; twenty-one limit switches; eight mounting barriers; three electro-mechanical choppers; six instruments and indicators for period, fuel and water temperature, and percent power; six rod position indicators; two mode switch assemblies; three potentiometers; five relays; ten magnetic-craft relays; five mercury wetted contact relays; three AC relays; twenty-one control panel circuit boards; 150 pilot lamps; and two fuel handling tools. The Government of Bangladesh has provided formal assurances that the replacement parts will be subject to the U.S.-Bangladesh Agreement for Cooperation Concerning Peaceful Uses of Nuclear Energy upon entry in Bangladesh and will not be re-transferred to a third party without prior approval of the United States.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, we have determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Kurt Siemon,

Acting Director, Office of Nonproliferation Policy.

[FR Doc. 05–8009 Filed 4–20–05; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC05–73–001, FERC Form 73]

Commission Information Collection Activities, Proposed Collection; Comment Request; Submitted for OMB Review

April 14, 2005.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice.

SUMMARY: In compliance with the requirements of Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507, the Federal Energy Regulatory Commission (Commission) has submitted the information collection described below to the Office of Management and Budget (OMB) for review and reinstatement of this information collection requirement. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission received no comments in response to an earlier **Federal Register** notice of January 31, 2005 (70 FR 4831–32) and has made this notation in its submission to OMB.

DATES: Comments on the collection of information are due by May 19, 2005.

ADDRESSES: Address comments on the collection of information to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Federal Energy Regulatory Commission Desk Officer. Comments to OMB should be filed electronically, c/o *oira_submission@omb.eop.gov* and include the OMB Control No. as a point of reference. The Desk Officer may be reached by telephone at 202–395–4650. A copy of the comments should also be sent to the Federal Energy Regulatory Commission, Office of the Executive Director, ED–33, Attention: Michael Miller, 888 First Street, NE., Washington, DC 20426. Comments may be filed either in paper format or electronically. Those persons filing electronically do not need to make a paper filing. For paper filings, such comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC20426 and should refer to Docket No. IC05–73–001.

Documents filed electronically via the Internet must be prepared in, MS Word, Portable Document Format, Word Perfect or ASCII format. To file the document, access the Commission's Web site at *http://www.ferc.gov* and click on ''Make an E-filing,'' and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgment to the sender's E-mail address upon receipt of comments. User assistance for electronic filings is available at 202–502–8258 or by e-mail to *efiling@ferc.gov.* Comments should not be submitted to the e-mail address.

All comments are available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov,* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 502–8415, by fax at (202) 273–0873, and by e-mail at *michael.miller@ferc.gov.*

SUPPLEMENTARY INFORMATION:

Description

The information collection submitted for OMB review contains the following:

1. *Collection of Information:* FERC Form 73 ''Oil Pipeline Service Life Data''

2. *Sponsor:* Federal Energy Regulatory Commission

3. *Control No.:* 1902–0019.

The Commission is now requesting that OMB approve with a three-year

extension of the expiration date, with no changes to the existing collection. The information filed with the Commission is mandatory.

4. *Necessity of the Collection of Information:* Submission of the information is necessary to enable the Commission to carry out its responsibilities in implementing the statutory provisions of the Department of Energy Organization Act, and Executive Order No. 12009, 42 FR 46277 (September 13, 1977). The Commission has authority over interstate pipelines as stated in the Interstate Commerce Act, 49 U.S.C. § 6501 *et al.* As part of the information necessary for the subsequent investigation and review of an oil pipeline company's proposed depreciation rates, the pipeline companies are required to provide public service life data as part of their data submission if the proposed depreciation rates are based on the remaining physical life calculations. This service life data is submitted on FERC Form 73.

The scope of the Commission's jurisdiction over oil pipelines includes the authority to regulate their rates and charges for transportation of oil in interstate commerce, and the authority to establish valuations. Oil pipeline companies are required to submit depreciation information pursuant to 1–8(b)(2) and 1–8(b)(3) of the General Instructions found at 18 CFR Part 352 of the Commission's regulations. These instructions require oil pipeline carriers to compute percentage rate studies for their depreciable property accounts, and to maintain records as to the service life and net salvage value of their property and property retirements.

The Commission uses the information submitted on FERC Form 73 to conduct depreciation rate investigations of oil pipelines. The Commission also uses the information to determine appropriate oil pipeline service lives and book depreciation rates. Oil pipeline companies use book depreciation rates to compute the depreciation portion of their operating expenses when determining their cost of service. The Commission implements these requirements in 18 CFR 357.3 of its regulations.

5. *Respondent Description:* The respondent universe currently comprises 2 companies (on average per year) subject to the Commission's jurisdiction

6. *Estimated Burden:* 80 total hours, 2 respondents (average per year), 1 response per respondent, and 40 hours per response (average).

7. *Estimated Cost Burden to respondents:* 80 hours/2080 hours per years × $108,558 per year = $4,176.

Statutory Authority: Sections 306 and 402 of the Department of Energy Organization Act, Pub. L. 95–91, 42 sections 7155 and 7172, Interstate Commerce Act, 49 U.S.C. 6501 *et al.*, and Executive Order No. 12009.

Magalie R. Salas,

Secretary.

[FR Doc. E5–1872 Filed 4–20–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–305–021]

CenterPoint Energy—Mississippi River Transmission Corporation; Notice of Negotiated Rate Filing

April 14, 2005.

Take notice that on April 11, 2005, CenterPoint Energy—Mississippi River Transmission Corporation (MRT) tendered for filing and approval a negotiated rate agreement between MRT and CenterPoint Energy Gas Services, Inc. for parking service under Rate Schedule PALS. MRT requests that the Commission accept and approve the transaction to be effective May 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. E5–1867 Filed 4–20–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–268–000]

Columbia Gas Transmission Corporation; Notice of Service Agreement

April 14, 2005.

Take notice that on April 8, 2005, Columbia Gas Transmission Corporation (Columbia) tendered for filing SST Service Agreement No. 82610 between Columbia Gas Transmission Corporation and Columbia Gas of Pennsylvania, Inc. dated March 30, 2005 for consideration and approval

In addition, Columbia tendered for filing as part of its FERC Gas Tariff Second Revised Volume No. 1, Eleventh Revised Sheet No. 500B, with a proposed effective date of 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 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 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 e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Intervention and Protest Date: 5 pm Eastern time on April 21, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–1871 Filed 4–20–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–36–012]

Dauphin Island Gathering Partners; Notice of Negotiated Rate

April 14, 2005.

Take notice that on April 11, 2005, Dauphin Island Gathering Partners (Dauphin Island) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Twenty-First Revised Sheet No. 9, to become effective May 11, 2005.

Dauphin Island states that this tariff sheet reflects changes to its negotiated rates.

Dauphin Island states that copies of the filing are being served on its customers and other interested parties.

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. E5–1869 Filed 4–20–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP05–270–000 and CP03–74–001]

Dominion Cove Point LNG, LP ; Notice of Proposed Changes in FERC Gas Tariff

April 14, 2005.

Take notice that on April 8, 2005, Dominion Cove Point LNG, LP (Cove Point) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets, to become effective May 1, 2005:

Original Sheet No. 12
Sheet Nos. 13–19
Fifth Revised Sheet No. 200
Original Sheet No. 280
Original Sheet No. 281

Cove Point states that these sheets are being filed in compliance with the Commission's ''Order Issuing Certificate'' issued November 18, 2003 in Docket No. CP03–74–000, 105 FERC ¶ 61,234 (2003). Cove Point indicates the tariff sheets set forth the initial incremental rates and electric power cost tracker provision. Cove Point also states that the annual revenue generated by the incremental, jurisdictional service will be $10.5 million.

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. E5–1864 Filed 4–20–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–426–024]

Texas Gas Transmission, LLC; Notice of Compliance Filing

April 14, 2005.

Take notice that on April 11, 2005, Texas Gas Transmission, LLC (Texas Gas), submitted a compliance filing pursuant to the Commission's order issued March 31, 2005 in Docket No. RP00–426–021, 110 FERC ¶ 61,407 (2005). In particular, Texas Gas notes that it is submitting a copy of a revised negotiated rate agreement between Texas Gas and Atmos Energy Marketing, which includes a revised capacity release provision, and revised tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1, as listed below:

First Revised Sheet No. 53
Substitute Third Revised Sheet No. 56

Texas Gas states that copies of this filing are being mailed to all parties on the official service list in this docket, to Texas Gas's official service list, to Texas Gas's jurisdictional customers, and to 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 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. E5–1868 Filed 4–20–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–218–001]

Transcontinental Gas Pipe Line Corporation; Notice of Compliance Filing

April 14, 2005.

Take notice that on April 8, 2005, Transcontinental Gas Pipe Line Corporation (Transco) submitted a compliance filing pursuant to the Commission's order issued March 31, 2005 in *Midwest Independent Transmission System Operator, Inc.,* 110 FERC ¶ 61,402 (2005). Specifically, Transco submitted additional information supporting the calculations contained in Appendix B, Part 1, Page 2 at footnotes 2 and 3 of Transco's March 1, 2005 filing, which was the subject of the Commission's March 31 Order.

Transco states that copies of the filing are being mailed to affected 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 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. E5–1870 Filed 4–20–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests and Comments

April 14, 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.:* 12569–000.

c. *Date filed:* January 21, 2005.

d. *Applicant:* Public Utility District No. 1 of Okanogan County.

e. *Name of Project:* Enloe Hydroelectric Project.

f. *Location:* On the Similkameen River, near the town of Oroville in Okanogan County, Washington. The existing dam is owned by Okanogan PUD.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. *Applicant Contact:* Mr. Chuck Berrie, Manager, Public Utility District No. 1 of Okanogan County, 1331 Second Avenue N., Post Office Box 912, Okanogan, WA 98840, (509) 422–3310.

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–12569–000) on any comments, protests, or motions filed.

k. *Description of Project:* The proposed project would consist of: (1) An existing 54-foot-high, 276-foot-long concrete dam; (2) an existing 50-acre reservoir; (3) a new 10-foot-diameter, 770-foot-long above ground steel penstock; (4) a surge tank, bifurcation to two 7-foot-diameter, 50-foot-long steel penstocks; (5) a powerhouse containing two generating units with a total generating capacity of 5MW; (6) a switchyard; (7) approximately 1,300 linear feet of new 13.2 kV transmission line; and (8) appurtenant facilities.

The project would have an annual generation of 29,500 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. E5–1865 Filed 4–20–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2246–047]

Yuba County Water Agency; Notice of Application for Temporary Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

April 14, 2005.

Take notice that the following application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Request to amend license to include installation of a full-flow bypass for the Narrows II facility and implement more stringent ramping and flow fluctuation criteria for flows downstream of the Narrows II facility.

b. *Project Number:* P–2246–047.

c. *Date Filed:* March 29, 2005.

d. *Applicant:* Yuba County Water Agency.

e. *Name of Project:* Yuba River Development Project (FERC No. 2246).

f. *Location:* The project is located on the North Yuba River, in Yuba, Sierra,

and Nevada Counties, California. Parts of the project are located within the Tahoe and Plumas National Forests.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a) 825(r) and sections 799 and 801.

h. *Applicant Contact:* Mr. Curt Aikens, Yuba County Water Agency, 1402 D Street, Marysville, CA 95901. Phone (530) 741–6278.

i. *FERC Contact:* Any questions on this notice should be addressed to Mr. Robert Fletcher at (202) 502–8901, or e-mail address: *robert.fletcher@ferc.gov.*

j. *Deadline for filing comments and or motions:* May 16, 2005.

k. *Description of Request:* The licensee requests approval to construct and operate a 3,000 cubic feet per second (cfs) synchronous flow bypass system and to revise flow reduction and fluctuation criteria under article 33(d) of the license for the Narrows II development. Currently, the licensee is only capable of bypassing 650 cfs through the plant, which has a capacity of 3,400 cfs under full generation load. The proposed bypass system will allow the licensee, especially during emergency shutdown periods, to be able to minimize flow fluctuations downstream. The licensee has consulted with the California Department of Fish and Game, U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries). The NOAA Fisheries, in anticipation of the licensee's proposal to construct the bypass system, has issued a preliminary Biological Opinion to protect the Central Valley steelhead and spring-run Chinook salmon that are listed as threatened species under the Endangered Species Act and occur downstream of the project.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's 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. 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, call 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers (p–2246–047). 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. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the described 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.

q. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.gov* under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. E5–1866 Filed 4–20–05; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[RCRA–2005–0007, FRL–7902–3]

Agency Information Collection Activities: Continuing Collection; Comment Request; Information Collection Request for RCRA Reporting and Recordkeeping Requirements for Boilers and Industrial Furnaces Burning Hazardous Waste, EPA ICR Number 1361.10, OMB Control Number 2050–0073

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Information Collection Request for RCRA Reporting and Recordkeeping Requirements for Boilers and Industrial Furnaces (BIFs) Burning Hazardous Waste, EPA ICR Number 1361.10, OMB Control Number 2050–0073, expires 12/31/2005. This ICR includes the burden on these facilities by the general hazardous waste facility standards, specific unit requirements, Part B permit application and modification requirements, and the comparable/syngas fuel specification requirements covered by 40 CFR parts 261, 264, 265, 266 and 270. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before June 20, 2005.

ADDRESSES: Submit your comments, referencing docket ID number RCRA–2005–0007, to EPA online using EDOCKET (our preferred method), by e-mail to *RCRA-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, RCRA Docket, mail code 5305T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Shiva Garg, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Mail Code 5302W; telephone number: (703) 308–8459, fax number: (703) 308–8433, e-mail *garg.shiva@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has established a public docket for this ICR under Docket ID number RCRA–2005–0007, which is available for public

viewing at the RCRA Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the RCRA Docket is (202) 566–0270. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at *http://www.epa.gov/edocket.* Use EDOCKET to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified above.

Any comments related to this ICR should be submitted to EPA within 60 days of this notice. EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, see EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May 31, 2002), or go to *http://www.epa.gov/edocket.*

Affected entities: Entities potentially affected by this action are those which generate, treat and store hazardous waste. Examples include hazardous waste incinerators, boilers, cement kilns and lightweight aggregate kilns that burn hazardous waste.

Title: RCRA Reporting and Recordkeeping Requirements for Boilers and Industrial Furnaces Burning Hazardous Waste.

Abstract: EPA regulates the burning of hazardous waste by several source categories of hazardous waste combustors under 40 CFR parts 63, 261, 264 thru 266 and part 270. The standards to control emissions of hazardous air pollutants from boilers and industrial furnaces were promulgated under Resource Conservation and Recovery Act (RCRA) on February 21, 1991 (*see* 56 FR 7208) and are codified in 40 CFR parts 266 and 270. The general facility and comparable/syngas fuel standards, and financial requirements are covered in 40 CFR parts 261, 264 and 265. Revised standards to control emissions of hazardous air pollutants from incinerators, cement kilns and lightweight aggregate kilns that burn hazardous wastes were promulgated on September 30, 1999, under the joint authority of RCRA and Clean Air Act (CAA). *See* 64 FR 52828. The EPA ICR #1773.06 relating to the CAA provisions (codified in 40 CFR part 63) has been published separately under OMB Control #2050–0171. The EPA ICR #1361.09 pertaining to RCRA provisions of the rule was approved under OMB Control #2050–0073, expires on December 31, 2005, and is being renewed now under this action.

The emission standards of the September 30, 1999 rule created maximum achievable control technology (MACT) based standards for hazardous air pollutant emissions under CAA, assuring that combustion of hazardous waste in these devices is properly controlled, while the RCRA provisions satisfied EPA's mandate to ensure that hazardous waste combustion is conducted in a manner protective of human health and the environment. Thus, we have consolidated regulatory control of hazardous waste combustion into a single set of regulations, thereby minimizing the potential for conflicting or duplicate federal requirements and burden on the regulated community.

The information collection required under this ICR is mandatory for the regulated sources, as it is essential to properly enforce the emission limitation requirements of the rule and will be used to further the proper performance of the functions of EPA. EPA believes that if the minimum requirements specified under the regulations are not met, EPA will not fulfill its Congressional mandate to protect public health and the environment. EPA, however, has made extensive efforts to integrate the monitoring, compliance testing and recordkeeping requirements of the CAA and RCRA, so that the facilities are able to avoid the burden of duplicate and unnecessary submissions. We also ensure, to the fullest extent by law, the confidentiality of the submitted information. EPA may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

The EPA would like to solicit comments to:

(i) 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;

(ii) Evaluate the accuracy of the Agency's estimates of the burdens for reporting and recordkeeping requirements of the proposed collections of information;

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

(iv) 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.

Burden Statement: The total average annual hourly burden for this ICR is estimated to be 307,949 hours for 1969 responses, which is roughly 156 hours per response. The total annual cost of this ICR is estimated to be $26,353,000, which represents $8,548,000 for capital/startup costs, and $17,805,000 for operation and maintenance costs.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: April 14, 2005.

Maria Parisi Vickers,

Acting Director, Office of Solid Waste.

[FR Doc. 05–8021 Filed 4–20–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7902–4]

Good Neighbor Environmental Board Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: The next meeting of the Good Neighbor Environmental Board, a Federal advisory committee that reports to the President and Congress on environmental and infrastructure projects along the U.S. border with Mexico, will take place in Washington, DC, on May 10, 2005. It is open to the public.

DATES: On May 10th, the meeting will begin at 9 a.m. (registration at 8:30 a.m.) and end at 5:30 p.m.

ADDRESSES: The meeting site is the Radisson Hotel, Phillips Ballroom Conference Room, 2121 P Street, Washington, DC (two blocks from Dupont Circle metro). Telephone: (202) 293–3100.

FOR FURTHER INFORMATION CONTACT: Elaine M. Koerner, Designated Federal Officer for the Good Neighbor Environmental Board, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Tel: (202) 233–0069. E-mail: *koerner.elaine@epa.gov.*

SUPPLEMENTARY INFORMATION:

Agenda: The meeting begins at 9 a.m. (registration at 8:30 a.m.). The Board will host an Expert Seminar from 9 a.m.–11 a.m. on management of water resources along the U.S.-Mexico border, using its latest report to the President and Congress as a springboard for discussion. Invited panelists will make brief remarks, followed by general discussion including questions and answers. From 11 a.m.–11:30 a.m., there will be a public comment session. Following an onsite working lunch and business meeting from 11:30 a.m.–1:30 p.m., the afternoon session will begin. From 1:30 p.m.–5:30 p.m., speakers will address the Board on the two topics it has selected for its next report: air quality and transportation; and natural and cultural resources. The meeting will conclude at 5:30 p.m.

Public Attendance: The public is welcome to attend all portions of the meeting. Members of the public who plan to file written statements and/or make brief (suggested 5-minute limit) oral statements at the public comment session are encouraged to contact the Designated Federal Officer (DFO) for the Board prior to the meeting.

Meeting Access: Individuals requiring special accommodation at this meeting, including wheelchair access to the conference room, should contact the DFO at least five business days prior to the meeting so that appropriate arrangements can be made.

Background: The Good Neighbor Environmental Board meets three times each calendar year at different locations along the U.S.-Mexico border and in Washington, DC. It was created by the Enterprise for the Americas Initiative Act of 1992. An Executive Order delegates implementing authority to the Administrator of EPA. The Board is responsible for providing advice to the President and the Congress on environmental and infrastructure issues and needs within the States contiguous to Mexico in order to improve the quality of life of persons residing on the United States side of the border. The statute calls for the Board to have representatives from U.S. Government agencies; the governments of the States of Arizona, California, New Mexico and Texas; and private organizations with expertise on environmental and infrastructure problems along the southwest border. The U.S. Environmental Protection Agency gives notice of this meeting of the Good Neighbor Environmental Board pursuant to the Federal Advisory Committee Act (Pub. L. 92–463).

Dated: April 13, 2005.

Elaine Koerner,

Designated Federal Officer.

[FR Doc. 05–8023 Filed 4–20–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7902–2]

Proposed Reissuance of General NPDES Permits (GP) for Alaskan Mechanical Placer Mining (Permit Number AKG–37–0000) and Alaskan Medium-Size Suction Dredging (Permit Number AKG–37–1000)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed reissuance of two general permits.

SUMMARY: On October 3, 2005, two general permits regulating the activities of mechanical placer mining and suction dredge mining for gold placer mining operations in the State of Alaska expire. EPA proposes to reissue these two general permits with minor changes. EPA is proposing to make these permits effective as the previous general permits expire. This is also notice of EPA's issuance of a Finding of No Significant Impact (FNSI) for NPDES permit AKG–37–0000.

DATES: Interested persons may submit comments on the proposed reissuance of the general permits to EPA, Region 10 at the address below. Comments must be received by June 6, 2005.

ADDRESSES: Comments on the proposed General Permits and the Finding of No Significant Impact should be sent to Director, Office of Water and Watersheds; USEPA Region 10; 1200 Sixth Avenue, OWW–130; Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Copies of the Draft General Permits and Fact Sheets are available upon request. The General Permits and Fact Sheets may be found on the Region 10 Web site at *http://www.epa.gov/r10earth/waterpermits.htm* (click on draft permits, then Alaska).

Requests may be made to Audrey Washington at (206) 553–0523 or to Cindi Godsey at (907) 271–6561 or electronically mailed to: *washington.audrey@epa.gov* or *godsey.cindi@epa.gov*.

SUPPLEMENTARY INFORMATION:

Executive Order 12866: The Office of Management and Budget has exempted this action from the review requirements of Executive Order 12866 pursuant to section 6 of that order.

Regulatory Flexibility Act: After review of the facts presented in the notice printed above, I hereby certify pursuant to the provision of 5 U.S.C. 605(b) that this reissuance of these general permits will not have a significant impact on a substantial number of small entities. Moreover, the permit reduces a significant administrative burden on regulated sources.

Dated: April 11, 2005.

Michael F. Gearheard,

Director, Office of Water & Watersheds, Region 10.

[FR Doc. 05–8022 Filed 4–20–05; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

April 6, 2005.

Summary: The Federal Communications Commissions, 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, as required by the Paperwork Reduction Act of 1995, Public Law 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 comments should be submitted on or before May 23, 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 to Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street, SW., Washington, DC 20554 or via the Internet to *Cathy.Williams@fcc.gov* or Kristy L. LaLonde, Office of Management and Budget (OMB), Room 10236 NEOB, Washington, DC 20503, (202) 395–3087 or via the Internet at *Kristy_L._LaLonde@omb.eop.gov*.

For Further Information Contact: For additional information or copy of the information collection(s) contact Cathy Williams at (202) 418–2918 or via the Internet at *Cathy.Williams@fcc.gov*.

Supplementary Information:

OMB Control Number: 3060–0215.

Title: Section 73.3527, Local Public Inspection File of Noncommercial Educational Stations.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Not for-profit institutions.

Number of Respondents: 2,900.

Estimated Time per Response: 104 hours per year.

Frequency of Response: Recordkeeping requirement; Third party disclosure requirement.

Total Annual Burden: 301,615 hours.

Total Annual Cost: None.

Privacy Impact Assessment: No impact(s).

Needs and Uses: 47 CFR 73.3527 requires that each licensee/permittee of a noncommercial educational radio and TV broadcast station maintain a file for public inspection at its main studio or at another accessible location in its community of license. The contents of the file vary according to type of service and status. The contents include, but are not limited to, copies of certain applications tendered for filing, a statement concerning petitions to deny filed against such applications, copies of ownership reports and annual employment reports, statements certifying compliance with filing announcements in connection with renewal applications, a list of donors supporting specific programs, etc.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–7951 Filed 4–20–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

April 7, 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 (PRA) of 1995, Public Law 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 (PRA) comments should be submitted on or before June 20, 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 Paperwork Reduction Act (PRA) comments to Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street, SW., Washington, DC 20554 or via the Internet to *Cathy.Williams@fcc.gov.*

For Further Information Contact: For additional information or copies of the information collection(s), contact Cathy Williams at 202–418–2918 or via the Internet at *Cathy.Williams@fcc.gov.*

Supplementary Information:

OMB Control Number: 3060–0084.

Title: Ownership Report for Noncommercial Educational Broadcast Station.

Form Number: FCC Form 323–E.

Type of Review: Extension of a currently approved collection.

Respondents: Not-for-profit institutions.

Number of Respondents: 2,636.

Estimated Time per Response: 3 hours.

Frequency of Response: On occasion reporting requirement; Biennial reporting requirement; With renewal reporting requirement.

Total Annual Burden: 7,908 hours.

Total Annual Cost: $1,054,400.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: Each licensee/permittee of a noncommercial FM and TV broadcast station is required to file an Ownership Report for a Noncommercial Educational Broadcast Station, FCC Form 323–E, within 30 days of the date of grant by the FCC of an application for an original construction permit. In addition, licensee/permittee must file FCC Form 323–E on the application date for a station license or with the license renewal application, and every two years thereafter. Each licensee with a current, unmodified FCC Form 323–E on file with the Commission may electronically review its current Report, validate its accuracy, and be relieved of the obligation to file a new biennial Ownership Report. The FCC Form 323–E must also be filed within 30 days of consummating authorized assignments or transfers of permits and licenses. The data is used by FCC staff to determine if licensee/permittee is in compliance with Sections 308 and 310 of the

Communications Act, as amended, and the Commission's ownership disclosure requirements.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–7952 Filed 4–20–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget

April 13, 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 (PRA) of 1995, Public Law 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 May 23, 2005. If you anticipate that you will be submitting PRA 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 Paperwork Reduction Act (PRA) comments 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.* If you would like to obtain or view a copy of this new or revised information collection, you may do so by visiting the FCC PRA web page at: *http://www.fcc.gov/omd/pra.*

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.: 3060–1061.

Title: Earth Stations on Board Vessels (ESVs).

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 15.

Estimated Time Per Response: 2 hours.

Frequency of Response: Recordkeeping requirement, third party disclosure requirement, and on occasion and one-time reporting requirements.

Total Annual Burden: 113 hours.

Total Annual Cost: $15,000.

Privacy Act Impact Assessment: No.

Needs and Uses: The Commission adopted and released a Report and Order, IB Docket No. 02–10, FCC 04–286, which revised this information to include the following reporting and recordkeeping requirements: (1) C-Band and Ku-Band operators (''ESV operators'') must collect and maintain vessel tracking data for one year to assist the Commission and affected operators in identifying and resolving sources of interference; (2) as a condition of licensing, applicants proposing ESV operations in the 14.0 through 14.5 GHz band and planning to travel within 100km of these sites, must coordinate through the National Telecommunications and Information Administration (NTIA) Interdepartment Radio Advisory Committee's (IRAC) and, if necessary, the appropriate government agency to resolve any potential concerns; and (3) ESV operators must have a contact that is available in the United States 24 hours a day, seven days a week, to respond to Fixed Satellite (FS) operators' requests. The name, telephone number and other pertinent information of the contact will be posted on the Commission's Web site, *http://www.fcc.gov.* As a result of this rulemaking, the Commission's International Bureau will revise its earth station license application procedures and related forms to conform to the rules adopted. Specifically, the information requested on FCC Form 312 will need to be modified. There are, moreover, additional and ongoing rulemakings that may also require modification to FCC Form 312. Because the Commission intends to modify FCC Form 312 only after all the applicable rulemakings have been completed, there will be a period of time after the effective date of this Report and Order during which FCC Form 312 will not be altered to accommodate ESV applications. In the interim, ESV applicants should utilize FCC Form 312 and submit attachments providing the relevant information and certifications reflected in the rules we adopted. (**Note:** FCC Form 312 is approved by the Office of Management and Budget under OMB Control Number 3060–0678).

Finally, during the Notice of Proposed Rulemaking (NPRM) stage of the rulemaking, the Commission proposed some revisions to FCC rules that were not adopted in the final Report and Order. As a result, the OMB submission reflects a program change of −802 burden hours and −$12,000 in annual costs.

The purposes of this information collection are as follows: (1) Establish licensing and service rules for ESVs in the Ku-band and C-band; (2) prevent harmful interference to Fixed Service (FS), Fixed Satellite Service (FSS) and other satellite services; (3) further the Commission's goals to manage spectrum efficiently; and (4) advance the provision of broadband telecommunications services that will benefit U.S. citizens on passenger, government (military and civilian), cargo and large recreational vessels.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–7953 Filed 4–20–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2701]

Petition for Reconsideration of Action in Rulemaking Proceeding

April 8, 2005.

Petition for Reconsideration has been filed in the Commission's Rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of this document is available for viewing and copying in Room CY–B402, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1–800–378–3160). Oppositions to this petition must be filed by May 6, 2005. See 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

Subject: In the Matter of Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets (WT Docket No. 00–230).

Number of Petitions Filed: 1.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–7950 Filed 4–20–05; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL ELECTION COMMISSION

Sunshine Act Notices

AGENCY: Federal Election Commission.

DATE AND TIME: Thursday, April 28, 2005, at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and approval of minutes.

Notice of proposed rulemaking on state party committees' payments of wages and salaries.

Notice of proposed rulemaking on the definition of Federal election activity.

Routine administrative matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Robert Biersack, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. 05–8151 Filed 4–19–05; 3:37 pm]

BILLING CODE 6715–01–M

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Revocations

The Federal Maritime Commission hereby gives notice that the following Ocean Transportation Intermediary licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, effective on the corresponding date shown below:

License Number: 004308F
Name: AAA International Freight Forwarding Group Inc.
Address: 6709 NW., 84th Avenue, Miami, FL 33166
Date Revoked: April 2, 2005.
Reason: Failed to maintain a valid bond.

License Number: 007446N
Name: Airway Express, Inc. dba Magic Freight System
Address: 440 S. Hindry Avenue, #D, Inglewood, CA 90301
Date Revoked: March 25, 2005.
Reason: Surrendered license voluntarily.

License Number: 004261F
Name: Boston Worldwide, Inc.
Address: 120 Eastern Avenue, Suite 101, Chelsea, MA 02150
Date Revoked: April 1, 2005.
Reason: Failed to maintain a valid bond.

License Number: 017158F
Name: Danmax International Corporation
Address: 12700 SW., 112 Street, Miami, FL 33186
Date Revoked: March 31, 2005.
Reason: Failed to maintain a valid bond.

License Number: 018120F
Name: Elizabeth M. Gibson dba American Consultative Logistics
Address: 806 Cornell Road, Franklin Square, NY 11010
Date Revoked: April 7, 2005.
Reason: Failed to maintain a valid bond.

License Number: 018200F
Name: Honor Truck & Transfer Inc.
Address: 1100 Deforest Avenue, Long Beach, CA 90813
Date Revoked: April 7, 2005.
Reason: Failed to maintain a valid bond.

License Number: 001745F
Name: J. H. Bachmann, Inc.
Address: 30 Montgomery Street, Suite 210, Jersey City, NJ 07320
Date Revoked: April 9, 2005.
Reason: Failed to maintain a valid bond.

License Number: 017233N
Name: P.Y. Logistics, Inc. dba Pumyang Overseas Express U.S.A.
Address: 19401 S. Main Street, #102, Gardena, CA 90248
Date Revoked: April 8, 2005.
Reason: Failed to maintain a valid bond.

License Number: 004260F
Name: Southern Shipping Company
Address: 115 East Point Drive, Savannah, GA 31410
Date Revoked: March 31, 2005.
Reason: Failed to maintain a valid bond.

Sandra L. Kusumoto,

Director, Bureau of Certification and Licensing.

[FR Doc. 05–7958 Filed 4–20–05; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Reissuances

Notice is hereby given that the following Ocean Transportation Intermediary licenses have been reissued by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR part 515.

License No.	Name/address	Date reissued
018206N	FYT, Inc. dba Fan Yang Transportation 17588 E. Rowland Street #A–216 City of Industry, CA 91748.	February 17, 2005.
017436N	Scorpion Express Line Corp. 4995 NW 72nd Avenue Suite 209 Miami, FL 33166.	March 5, 2005.

Sandra L. Kusumoto,

Director, Bureau of Certification and Licensing.

[FR Doc. 05–7957 Filed 4–20–05; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for license as a Non-Vessel-Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR part 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation

Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel—Operating Common Carrier Ocean Transportation Intermediary Applicants:

Regal Shipping Inc. dba Sealines International dba Shipping Line, 333 Southern Blvd., Suite 404, West Palm Beach, FL 33405. Officer: Edward T. Nevins, President (Qualifying Individual).

Inter-Continental Trading, Inc. dba Yuan Mao Logistics dba Inter-Continental Trading Group, Inc., 1224 Santa Anita Avenue, #F, South El Monte, CA 91733. Officers: Shun Li, Secretary (Qualifying Individual), Cheng Zhou, Zhou, President.

Non-Vessel-Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants:

Interport Freight Services, Inc., 370 McClellan Highway, East Boston, MA 02128. Officer: Joseph D'Urso, President (Qualifying Individual).

Sea Shipping Line (California) Inc., 9401 San Leandro Street, Oakland, CA 94683. Officers: Frank Rosenberg, President (Qualifying Individual), Fred Morgenthaler, Secretary.

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicants:

UCB Logistics, Inc., 5777 W. Century Blvd., Suite 590, Los Angeles, CA 90045. Officers: Robert A. Carranza, Vice President (Qualifying Individual), Young S. Chang, President.

Traffich Tech International, US, LLC, Crystal Plaza One, 2001 Jefferson Davis Highway, Suite 1111, Arlington, VA 22202. Officer: Collin Anday, Director (Qualifying Individual).

Dated: April 15, 2005.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 05–7956 Filed 4–20–05; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center Web site at *www.ffiec.gov/nic/.*

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 13, 2005.

A. Federal Reserve Bank of Atlanta (Andre Anderson, Vice President) 1000 Peachtree Street, NE., Atlanta, Georgia 30303:

1. *Tombigbee Bancshares, Inc.,* Sweet Water, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of Sweet Water State Bank, Sweet Water, Alabama.

Board of Governors of the Federal Reserve System, April 15, 2005.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 05–7980 Filed 4–20–05; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Healthcare Infection Control Practices Advisory Committee: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Healthcare Infection Control Practices Advisory Committee, Centers for Disease Control and Prevention, of the Department of Health and Human Services, has been renewed for a 2-year period extending through January 19, 2007.

For Further Information Contact: Michele Pearson, M.D., Executive Secretary, Healthcare Infection Control Practices Advisory Committee, Centers for Disease Control and Prevention, of the Department of Health and Human Services, 1600 Clifton Road, NE., M/S E–68, Atlanta, Georgia 30333, telephone 404–498–1266 or fax 404–498–1244.

The Director, Management and 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 the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: April 14, 2005.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 05–7993 Filed 4–20–05; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Breast and Cervical Cancer Early Detection and Control Advisory Committee

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 committee meeting:

Name: Breast and Cervical Cancer Early Detection and Control Advisory Committee (BCCEDCAC).

Times and Dates: 8:30 a.m.–5 p.m., May 3, 2005. 8:30 a.m.–3 p.m., May 4, 2005.

Place: Omni CNN Center Hotel, 100 CNN Center, Atlanta, Georgia, 30303 Phone: 404–659–0000.

Status: Open to the public, limited only by the space available.

Purpose: The committee is charged with advising the Secretary, Department of Health and Human Services, and the Director, CDC, regarding the early detection and control of breast and cervical cancer. The committee makes recommendations regarding national program goals and objectives; implementation strategies; and program priorities including surveillance, epidemiologic investigations, education and training, information dissemination, professional interactions and collaborations, and policy.

Matters To Be Discussed: The agenda will include discussion and review of National Cancer Prevention and Control Program

Highlights; overview of USCS Report; update of the National Report; update of expert panel meetings; Performance based budgeting; providing Mammography Screening for younger Women; getting the facts on Tribal & Territories NBCCEDP Program; using data to drive program planning; serving American Indian Populations; Coalition; Partnership & Collaboration; Survivorship; Case Management Evaluation.

Agenda items are subject to change as priorities dictate.

For More Information Contact: Debra Younginer, Executive Secretary, BCCEDCAC, Division of Cancer Prevention and Control, National Center for Chronic Disease Prevention and Health Promotion, CDC, 4770 Buford Highway, Mailstop K–57, Chamblee, Georgia 30316, Telephone: 770–488–1074.

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: April 15, 2005.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 05–7992 Filed 4–20–05; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Center for Injury Prevention and Control Initial Review Group

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) announce the following meeting:

Name: National Center for Injury Prevention and Control (NCIPC), Initial Review Group (IRG).

Time and Date: 1 p.m.–5 p.m., May 20, 2005.

Place: The conference call will originate at the National Center for Injury Prevention and Control, in Atlanta, Georgia.

Status: Closed: 1 p.m.–5 p.m., May 20, 2005.

Purpose: This group is charged with providing advice and guidance to the Secretary of Health and Human Services and the Director, CDC, concerning the scientific and technical merit of grant and cooperative agreement applications received from academic institutions and other public and private profit and nonprofit organizations, including State and local government agencies, to conduct specific injury research that focuses on prevention and control and supports Injury Control Research Centers (ICRCs).

Matters to be Discussed: Agenda items include an overview of the injury program, discussion of the review process and panelists' responsibilities, and the review of and vote on applications. From 1 p.m. to 5 p.m., May 20, the Group will review individual research cooperative agreement in response to announcements: #05098, Research in Areas of Acute Care, Disability, and Rehabilitation at the Notre Dame Center for Orthopedic Research and Engineering; #05099, University of Oklahoma Health Sciences Center, Developmental Injury Prevention Research Center; #05100, National Foundation for Trauma Care: The Study of the Impact of a Terrorist Attack on Individual Trauma Centers; #05101, Pennsylvania Chapter of the American College of Emergency Physicians; #05106, Iowa State University, Center for the Study of Violence. This 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 Pub. L. 92–463.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Gwendolyn H. Cattledge, Ph.D., M.S.E.H., Executive Secretary, NCIPC IRG, CDC, 4770 Buford Highway, NE., M/S K02, Atlanta, Georgia 30341–3724, telephone (770) 488–4655.

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 Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: April 15, 2005.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 05–7995 Filed 4–20–05; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Center for Injury Prevention and Control Initial Review Group

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) announce the following meeting:

Name: National Center for Injury Prevention and Control (NCIPC), Initial Review Group (IRG).

Times and Dates: 12:30 p.m.–5:30 p.m., May 18, 2005. 12:30 p.m.–5:30 p.m., May 19, 2005.

Place: The conference call will originate at the National Center for Injury Prevention and Control, in Atlanta, Georgia.

Status: Closed: 12:30 p.m.–5:30 p.m., May 18, 2005.

Closed: 12:30 p.m.–5:30 p.m., May 19, 2005.

Purpose: This group is charged with providing advice and guidance to the Secretary of Health and Human Services and the Director, CDC, concerning the scientific and technical merit of grant and cooperative agreement applications received from academic institutions and other public and private profit and nonprofit organizations, including State and local government agencies, to conduct specific injury research that focuses on prevention and control and supports Injury Control Research Centers (ICRCs).

Matters to be Discussed: Agenda items include an overview of the injury program, discussion of the review process and panelists' responsibilities, and the review of and vote on applications. Beginning at 12:30 p.m., May 18, through 5:30 p.m., May 19, the Group will review individual research cooperative agreement in response to announcement: #05020, Youth Violence through Community-Level Change. This 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 Pub. L. 92–463.

Agenda items are subject to change as priorities dictate.

For Further Information Contact: Gwendolyn H. Cattledge, Ph.D., M.S.E.H., Executive Secretary, NCIPC IRG, CDC, 4770 Buford Highway, NE., M/S K02, Atlanta, Georgia 30341–3724, telephone 770–488–4655.

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 Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: April 15, 2005.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 05–7989 Filed 4–20–05; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Institute for Occupational Safety and Health Advisory Board on Radiation and Worker Health

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 committee meeting:

Name: Advisory Board on Radiation and Worker Health (ABRWH), National Institute for Occupational Safety and Health (NIOSH) and Subcommittee for Dose Reconstruction and Site Profile Reviews.

Subcommittee Meeting Time and Date:
8 a.m.–11:30 a.m., April 25, 2005.

Committee Meeting Times and Dates:
1 p.m.–6:15 p.m., April 25, 2005.
8 a.m.–5:15 p.m., April 26, 2005.
7 p.m.–8:30 p.m., April 26, 2005.
8 a.m.–5:30 p.m., April 27, 2005.

Place: Crowne Plaza Five Seasons Hotel, 350 1st Avenue Northeast, Cedar Rapids, Iowa 52401, telephone (319) 363–8161, fax (319) 363–3804.

Status: Open to the public, limited only by the space available. The meeting space accommodates approximately 200 people.

Background: The ABRWH was established under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) of 2000 to advise the President, delegated to the Secretary of Health and Human Services (HHS), on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key functions of the Board include providing advice on the development of probability of causation guidelines which have been promulgated by HHS as a final rule, advice on methods of dose reconstruction which have also been promulgated by HHS as a final rule, advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program, and advice on petitions to add classes of workers to the Special Exposure Cohort (SEC). In December 2000, the President delegated responsibility for funding, staffing, and operating the Board to HHS, which subsequently delegated this authority to the CDC. NIOSH implements this responsibility for CDC. The charter was issued on August 3, 2001, and renewed on August 3, 2003.

Purpose: This board is charged with (a) Providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, HHS on the scientific validity and quality of dose reconstruction efforts performed for this Program; and (c) upon request by the Secretary, HHS, advise the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation doses may have endangered the health of members of this class.

Matters to be Discussed: Agenda for this meeting will focus on Review of the Draft Minutes; Iowa Army Ammunition Plant Technical Basis Document and Special Exposure Cohort (SEC) Petition; Mallinckrodt (Destrehan Street Facility) Technical Basis Document and SEC Petition; Program updates by NIOSH and DOL; Future Schedule; Policy Concerning Data Integrity; Board Operating Procedures; Discussion of first 20 Dose Reconstruction Reviews; SEC Task for SC&A, Inc.; and SC&A, Inc. Contract Update Status. There will be an evening public comment period scheduled for April 26, 2005 and general public comment periods during the day on April 25th and 27th.

The Subcommittee will convene on April 25, 2005, from 8 a.m.–11:30 a.m. and will focus on review of draft minutes; Report on the Review of the First 20 Dose Reconstructions; the process to accomplish review of SC&A Task III Report; Status Report of On-Going Activities and Future Schedule; as well as Comments by Members of Congress.

The agenda is subject to change as priorities dictate.

In the event an individual cannot attend, written comments may be submitted. Any written comments received will be provided at the meeting and should be submitted to the contact person below well in advance of the meeting.

Contact Person for More Information: Dr. Lewis V. Wade, Executive Secretary, NIOSH, CDC, 4676 Columbia Parkway, Cincinnati, Ohio 45226, telephone (513) 533–6825, fax (513) 533–6826.

This notice is being published less than 15 days prior to the meeting due to the unexpected urgency of the topics that will be discussed.

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: April 18, 2005.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 05–8088 Filed 4–19–05; 12:27 pm]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Task Force on Fetal Alcohol Syndrome and Fetal Alcohol Effect: Meeting

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 Federal advisory committee meeting.

Name: National Task Force on Fetal Alcohol Syndrome and Fetal Alcohol Effect (NTFFASFAE).

Times and Dates: 8:30 a.m.–4:30 p.m., June 15, 2005. 8:30 a.m.–12 noon, June 16, 2005.

Place: Doubletree Hotel Atlanta/Buckhead, 3342 Peachtree Road, NE., 30326, telephone 404/231–1234, fax 404/231–3112.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 65 people.

Purpose: The Secretary is authorized by the Public Health Service Act, Section 399G, (42 U.S.C. 280f, as added by Public Law 105–392) to establish a National Task Force on Fetal Alcohol Syndrome and Fetal Alcohol Effect to: (1) Foster coordination among all governmental agencies, academic bodies and community groups that conduct or support Fetal Alcohol Syndrome (FAS) and Fetal Alcohol Effect (FAE) research, programs and surveillance; and (2) to otherwise meet the general needs of populations actually or potentially impacted by FAS and FAE.

Matters to be Discussed: Agenda items include: Prevention and Post-Exposure working group sessions; updates on progress of Task Force working groups; discussion of future activities to promote the Surgeon General's Advisory; updates from the Interagency Coordinating Committee on Fetal Alcohol Syndrome, the CDC and other Federal agencies, and liaison members; future meeting topics; and scheduling of the next meeting.

Agenda items are subject to change as priorities dictate.

For Further Information Contact: Mary Kate Weber, M.P.H., Designated Federal Official, National Center on Birth Defects and Developmental Disabilities, CDC, 1600 Clifton Road, NE., (E–86), Atlanta, Georgia 30333, telephone 404/498–3926, fax 404/498–3550.

The Director, Management and 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 the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: April 14, 2005.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 05–7991 Filed 4–20–05; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Agency for Toxic Substances and Disease Registry Public Meeting of the Citizens Advisory Committee on Public Health Service Activities and Research at Department of Energy (DOE) Sites: Oak Ridge Reservation Health Effects Subcommittee

Name: Public meeting of the Citizens Advisory Committee on PHS Activities and Research at DOE Sites: Oak Ridge Reservation Health Effects Subcommittee (ORRHES).

Time and Date: 12 p.m.–2 p.m., May 3, 2005.

Place: ATSDR/Oak Ridge Field Office, 197 South Tulane, Oak Ridge, TN. Telephone: (865) 220–0295. Participants may participate via phone.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 15 people. Call the ATSDR/ORR field office for the conference bridge line and access code.

Background: A Memorandum of Understanding (MOU) was signed in October 1990 and renewed in September 2000 between ATSDR and DOE. The MOU delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or ASuperfund@). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles.

In addition, under an MOU signed in December 1990 with DOE and replaced by an MOU signed in 2000, the Department of Health and Human Services (HHS) has been given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production and use. HHS has delegated program responsibility to CDC. Community involvement is a critical part of ATSDR's and CDC's energy-related research and activities, and input from members of the ORRHES is part of these efforts.

Purpose: The purpose of this meeting is to address issues that are unique to community involvement with the ORRHES, and agency updates.

Matters To Be Discussed: Agenda item will include a discussion on the draft TSCA Public Health Assessment, comments from the Exposure Investigation Workgroup, and updates from the Agency.

Agenda items are subject to change as priorities dictate.

For Further Information Contact: Marilyn (Palmer) Horton, Designated Federal Official and Health Communications Specialist, Division of Health Assessment and Consultation, ATSDR, 1600 Clifton Road, NE M/S E–32 Atlanta, Georgia 30333, telephone 1–888–42–ATSDR (28737), fax 404/498–1744.

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 ATDSR.

Dated: April 15, 2005.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 05–7994 Filed 4–20–05; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Administration on Children, Youth and Families 2005 Head Start Tribally Controlled Land Grant College and University Partnerships; Notice of Correction for the FY 05 Head Start Tribally Controlled Land Grant College and University Partnerships Program Announcement, HHS–2005–ACF–ACYF–YT–0012, CFDA# 93.600

AGENCY: Administration on Children, Youth and Families, Head Start Bureau, ACF, DHHS.

ACTION: Notice of corrections.

SUMMARY: This notice is to inform interested parties of corrections to the Head Start Tribally Controlled Land Grant College and University Partnerships Program Announcement that was published on Wednesday, April 13, 2005. The following corrections should be noted:

(1) Under Priority Areas I, Section VII. Agency Contacts, Program Office Contact, please delete the following name, address, phone number, and e-mail address: Katherine Gray, U.S. Department of Health and Human Services, Administration for Children and Families, ACYF—Head Start Bureau, 330 C Street, SW., Switzer Room 2211, Washington, DC 20447. Phone: 312–353–2260. E-mail: *kgray@acf.hhs.gov.*

Please replace the deleted name, address, phone number, and e-mail address with the following: Rosalind Dailey, U.S. Department of Health and Human Services, Administration for Children and Families, ACYF—Head Start Bureau, 330 C Street, SW., Switzer Room 2211, Washington, DC 20447. Phone: 202–205–8653. E-mail: *rdailey@acf.hhs.gov.*

All information in this notice of correction is accurate and replaces information specified in the April 13 notice. Applications are still due by the deadline date that was published in the April 13 notice (May 13 for Letters of Intent or Preapplications and June 13 for Applications).

FOR FURTHER INFORMATION CONTACT: For further information please contact the Administration on Children, Youth and Families, Head Start Bureau at (202) 205–8653 or *rdailey@acf.hhs.gov.*

Dated: April 14, 2005.

Joan E. Ohl,

Commissioner, Administration on Children, Youth and Families.

[FR Doc. 05–7949 Filed 4–20–05; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Anesthesiology and Respiratory Therapy Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Anesthesiology and Respiratory Therapy Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on May 13, 2005, from 8 a.m. to 5:30 p.m.

Location: Hilton Washington DC North/Gaithersburg, Salons A and B, 620 Perry Pkwy., Gaithersburg, MD.

Contact Person: Neel Patel, Center for Devices and Radiological Health (HFZ–480), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–443–8611, ext. 3, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512624. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will hear a presentation on FDA's Critical Path Initiative and a presentation by the Office of Surveillance and Biometrics in

the Center for Devices and Radiological Health outlining their responsibility for the review of postmarket study design. The committee will also discuss and make recommendations regarding general issues for pulse oximeters. The issues include the equivalence of reflectance sensor technology to transmissive sensor technology; validation recommendations for neonatal intended use; and over-the-counter (OTC) use of pulse oximeters.

Background information for the topics, including the agenda and questions for the committee, will be available to the public 1 business day before the meeting on the Internet at *http://www.fda.gov/cdrh/panelmtg.html*.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by May 3, 2005. Oral presentations from the public will be scheduled for approximately 30 minutes at the beginning of committee deliberations and for approximately 30 minutes near the end of the deliberations. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person by May 3, 2005, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Shirley Meeks, Conference Management Staff, at 240–276–0450, ext. 105, at least 7 days in advance of the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: April 13, 2005.

Sheila Dearybury Walcoff,

Associate Commissioner for External Relations.

[FR Doc. 05–7948 Filed 4–20–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2004D–0410]

Guidance for Industry and Food and Drug Administration Staff on Application User Fees for Combination Products; 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 and FDA staff entitled ''Application User Fees for Combination Products.'' This document provides guidance to industry and FDA staff on marketing application user fees for combination products. The guidance also describes how the ''barrier to innovation'' waiver provision under the prescription drug user fee provisions of the Federal Food, Drug, and Cosmetic Act (the act) may be applied to innovative combination products in the infrequent situation where FDA requires the submission of two marketing applications.

DATES: Submit written or electronic comments on this guidance at any time. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for copies of this guidance to the Office of Combination Products (HFG–3), 15800 Crabbs Branch Way, Rockville, MD 20855, or FAX: 301–427–1935. Send one self-addressed adhesive label to assist that office in processing your requests. 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*. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Mark D. Kramer, Office of Combination Products (HFG–3), Food and Drug Administration, 15800 Crabbs Branch Way, Rockville, MD 20855, 301–427–1934.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry and FDA staff entitled ''Application User Fees for Combination Products.'' In the **Federal Register** of September 28, 2004 (69 FR 57942), FDA issued a notice of availability of a draft guidance document covering the same topic.

As defined under 21 CFR 3.2(e), a combination product is a product comprised of any combination of a drug and a device; a biological product and a device; a drug and a biological product; or a drug, device, and a biological product. Depending upon the type of combination product, approval, clearance, or licensure may be obtained through submission of a single marketing application, or through separate marketing applications for the individual constituent parts of the combination product. For most combination products, a single marketing application is sufficient for the product's approval, clearance, or licensure. In some cases, two marketing applications may be submitted for a combination product when one application would suffice. For example, a sponsor may choose to submit two applications when one would suffice in order to receive some benefit from having two applications. In other cases, FDA may determine that two marketing applications are necessary.

In 1992, Congress passed the Prescription Drug User Fee Act (PDUFA). PDUFA authorized FDA to collect fees from companies that produce certain human drug and biological products. The Medical Device User Fee and Modernization Act of 2002 amended the act to provide for user fees for the review of device applications. When a company requests approval of a new drug, device, or biological product prior to marketing, it must submit an application along with a fee to support the review process.

This document provides guidance to industry and FDA staff on marketing application user fees for combination products. The guidance document explains that combination products for which a single marketing application is submitted, should be assessed the user fee associated with that particular type of marketing application. The document explains that if a sponsor chooses to submit two marketing applications when one would suffice, a user fee for each application would ordinarily be assessed. The document also explains that in the infrequent situation where FDA requires two marketing applications for a combination product, two application fees would ordinarily be assessed. However, the guidance also describes how the PDUFA ''barrier to innovation'' waiver provision may be applied to innovative combination products for which FDA requires the submission of two marketing applications. Such a waiver would provide a reduction in application user

fees equivalent to the additional fee burden associated with the submission of two marketing applications. This guidance does not address how FDA should determine whether a single or multiple marketing applications should be submitted for a combination product. Such guidance is in development and will be provided separately for public review and comment.

II. Significance of Guidance

This 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 application user fees for combination products. 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. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding the guidance at any time. Submit two paper copies of any mailed comments, 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 may be seen 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 document at *http://www.fda.gov/oc/combination* or by e-mailing the Office of Combination Products at *combination@fda.gov*. Guidance documents are also available on the Division of Dockets Management Internet site at *http://www.fda.gov/ohrms/dockets/default.htm*.

Dated: April 15, 2005.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 05–7947 Filed 4–20–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2004D–0041]

Guidance for Industry on Providing Regulatory Submissions in Electronic Format—Content of Labeling; 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 ''Providing Regulatory Submissions in Electronic Format—Content of Labeling.'' This guidance is one in a series of guidance documents on providing regulatory submissions to FDA in electronic format. FDA's regulations require that the content of labeling for marketing applications be submitted in electronic format in a form that FDA can process, review, and archive. The guidance provides information on submitting the content of labeling in electronic format for review with new drug applications (NDAs), abbreviated new drug applications (ANDAs), and biological license applications (BLAs) for biological products that meet the definition of drug in the Federal Food, Drug, and Cosmetic Act.

DATES: Submit written or electronic comments on agency guidances at any time. General comments on agency guidance documents are welcome 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 to 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 telephone requests to 800–835–4709 or 301–827–1800.

Submit written comments on the 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*. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT:

Randy Levin, Center for Drug Evaluation and Research (HFD–001), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857,301–594–5411, e-mail: *levinr@cder.fda.gov*, or

Robert Yetter, Center for Biologics Evaluation and Research (HFM–25), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–0373.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of December 11, 2003 (68 FR 69009), FDA published a final regulation (the electronic labeling regulation), which requires the submission of the content of labeling in electronic format for marketing applications. The requirements of the electronic labeling rule can be found in § 314.50(l) (21 CFR 314.50(l)) for NDAs, § 314.94(d) for ANDAs, § 601.14(b) for BLAs, and § 314.81(b) for annual reports on marketing applications. The regulations specify that the content of labeling must be submitted electronically in a form that FDA can process, review, and archive. The regulations also state that FDA will periodically issue guidance on how to provide the electronic submission.

II. The Guidance

FDA is announcing the availability of a guidance for industry entitled ''Providing Regulatory Submissions in Electronic Format—Content of Labeling.'' The guidance provides information on how to submit the content of labeling in electronic format.

In the preambles of the proposed and final rules on electronic labeling, FDA identified portable document format (PDF) as the only type of electronic file format that the agency has the ability to accept for processing, reviewing, and archiving. Recent recommendations from the Institute of Medicine and the National Committee on Vital and Health Statistics and mandates in the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) have created a new role for electronic labeling information. Electronically formatted content of labeling will be used to support Federal health information management initiatives such as electronic prescribing; the electronic health record (EHR), which will provide health care providers, patients, and other authorized users access to patient information in electronic format; and

the DailyMed, a new way to distribute up-to-date and comprehensive medication information in a computerized format for use in health care information systems.

Because FDA's current procedures using PDF are not adequate to support these initiatives, the agency is changing the way it processes, reviews, and archives the content of labeling. We are adopting a new technology for exchanging information between computer systems developed by Health Level Seven (HL7), a standards development organization accredited by the American National Standards Institute. The new technology, based on Clinical Document Architecture (CDA), allows information to be exchanged in extensible markup language (XML) and is the standard being investigated for the EHR. FDA, working with other parties in HL7 (experts from HL7, industry, and technology solution providers), has adapted CDA for labeling in an HL7 standard called Structured Product Labeling (SPL).

FDA is developing an automated system using SPL for processing and managing labeling and labeling changes. FDA's Center for Drug Evaluation and Research has identified SPL in public docket number 1992S–0251 as a format that FDA can use to process, review, and archive the content of labeling. During our transition to the automated system, the agency is able to accept the content of labeling in either PDF or SPL file format. After the automated system is implemented, PDF will no longer be a format that we can use to process, review, and archive the content of labeling. At this time, it is our goal to complete the transition to SPL format for content of labeling submissions by fall 2005.

In the **Federal Register** of February 5, 2004 (69 FR 5552), FDA published a document announcing the availability of a draft guidance for industry and gave interested persons an opportunity to submit comments by April 5, 2004. Based on comments received on the draft guidance, the agency has taken the following actions:

- Lengthened the timeframe for the agency's implementation of the automated system using SPL;
- Developed a Web site (on the Internet at *http://www.fda.gov/oc/datacouncil/spl.html*) to provide technical support for the transition to SPL, including links to SPL-related documents and resources, stylesheet files for viewing SPL files, and example labels; and
- Revised the guidance to clarify the procedures for submitting content of labeling in electronic format.

This 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 providing the content of labeling in electronic format as required in 21 CFR parts 314 and 601. 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 statutes and regulations.

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. 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 collections of information in this guidance have been approved under OMB control number 0910–0530, expiring November 30, 2006.

V. Electronic Access

Persons with access to the Internet may obtain the document at *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: April 15, 2005.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 05–7946 Filed 4–20–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of Loan Repayment; Submission for OMB Review; Comment Request; National Institutes of Health Loan Repayment Programs

Summary: In compliance with the requirement of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Office of Loan Repayment, the National Institutes of Health (NIH), has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection was previously published in the **Federal Register** on December 10, 2004, and allowed 60 days for public comment. No responses to the notice were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number. The programs have existing data collections with an OMB control number (OMB No. 0925–0361, expiration date 12/31/2004). An extension has been granted until March 2005 due to an administrative delay caused by a change in office responsible for the LRPs.

Proposed Collection

Title: National Institutes of Health Loan Repayment Programs.

Type of Information Collection Request: Revision of a currently approved collection (OMB No. 0925–0361, expiration date 12/31/04, extension granted until 03/05).

Form Numbers: NIH 2674–1, NIH 2674–2, NIH 2674–3, NIH 2674–4, NIH 2674–5, NIH 2674–6, NIH 2674–7, NIH 2674–8, NIH 2674–9, NIH 2674–10, NIH 2674–11, NIH 2674–12, NIH 2674–13, NIH 2674–14, NIH 2674–15, NIH 2674–16, NIH 2674–17, NIH 2674–18, and NIH 2674–19.

Need and Use of Information Collection: The NIH makes available financial assistance, in the form of educational loan repayment, to M.D., Ph.D., Pharm. D., D.D.S., D.M.D., D.P.M., D.C., and N.D. degree holders, or the equivalent, who perform biomedical or biobehavioral research in NIH intramural laboratories or who perform research that is supported by a domestic non-profit institution or a U.S. Government (Federal, state, local) entity for a minimum of 2 years (3 years for the General Research LRP) in research areas supporting the mission and priorities of the NIH.

The AIDS Research Loan Repayment Program (AIDS–LRP) is authorized by Section 487A of the Public Health Service Act (42 U.S.C. 288–1); the Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds (CR–LRP) is authorized by Section 487E (42 U.S.C.

288–5); the General Research Loan Repayment Program (GR–LRP) is authorized by Section 487C of the Public Health Service Act (42 U.S.C. 288–3); the Loan Repayment Program Regarding Clinical Researchers (LRP–CR) is authorized by Section 487F (42 U.S.C. 288–5a); the Pediatric Research Loan Repayment Program (PR–LRP) is authorized by Section 487F (42 U.S.C. 288–6); the Extramural Clinical Research LRP for Individuals from Disadvantaged Backgrounds (ECR–LRP) is authorized by an amendment to Section 487E (42 U.S.C. 288–5); the Contraception and Infertility Research LRP (CIR–LRP) is authorized by Section 487B (42 U.S.C. 288–2); and the Health Disparities Research Loan Repayment Program (HD–LRP) is authorized by Section 485G (42 U.S.C. 287c–33).

The Loan Repayment Programs can repay up to $35,000 per year toward a participant's extant eligible educational loans, directly to lenders, in addition to salary and benefits. The information proposed for collection will be used by the Office of Loan Repayment to determine an applicant's eligibility for participation in the program.

Frequency of Response: Initial application and annual renewal application.

Affected Public: Applicants, financial institutions, recommenders, and advisors.

Type of Respondents: Physicians, other scientific or medical personnel, and institutional representatives. The annual reporting burden is as follows:

Type of respondents	Number of respondents	Estimated number of responses per respondent	Average burden hours per response	Annual burden hours requested
Intramural LRPs:				
Initial Applicants	75	1	8.98	673.50
Recommenders	225	1	0.38	85.50
Financial Institutions	8	1	0.33	2.64
Subtotal	308			761.64
Extramural LRPs:				
Initial Applicants	1,600	1	10.30	16,480.00
Recommenders	4,800	1	0.38	1,824.00
Advisors/Supervisors	1,600	1	1.15	1,840.00
Financial Institutions	160	1	0.33	52.80
Subtotal	8,160			20,196.880
Extramural LRPs:				
Renewal Applicants	800	1	7.81	6,248.00
Recommenders	2,400	1	0.38	912.00
Advisors/Supervisors	800	1	1.15	920.00
Subtotal	4,000			8,080.00
Total	12,468			29,038.44

The annualized cost to respondents is estimated at $996,420.66. There are no Capital Costs, Operating Costs, and/or Maintenance Costs to report.

Request for Comments: Written comments and/or suggestions from the public and affected agencies should address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Alfred C. Johnson, Ph.D., Deputy Director, Office of Loan Repayment and Scholarship, National Institutes of Health, 6011 Executive Blvd, Room 206 (MSC 7650), Bethesda, Maryland 20892–7650. Dr. Johnson can be contacted via e-mail at *JohnsoA1@od.nih.gov* or by calling 301–402–6425.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30 days of the date of this publication.

Dated: April 12, 2005.

Raynard S. Kington,

Deputy Director, National Institutes of Health.

[FR Doc. 05–8003 Filed 4–20–05; 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, Chemistry Support Services for NIEHS.

Date: May 19, 2005.

Time: 8 a.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, 122, Research Triangle Park, NC 27709, (Telephone Conference Call).

Contact Person: RoseAnne M. McGee, Associate Scientific Review Administrator, Scientific Review Branch, Office of Program Operations, Division of Extramural Research and Training, Nat. Inst. 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: April 14, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–8001 Filed 4–20–05; 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, Mentored Patient-Oriented Research Career Development Applications.

Date: May 2, 2005.

Time: 2 p.m. to 4 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: Linda K. Bass, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research & Training, Nat. Institute of Environmental Hlth. Sciences, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709. 919/541–1307.

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. 93.115, 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: April 14, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–8002 Filed 4–20–05; 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 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: Center for Scientific Review Special Emphasis Panel, Special Topics in Computational Biology.

Date: April 22, 2005.

Time: 4:30 p.m. to 5:30 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: Marc Rigas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4194, MSC 7826, Bethesda, MD 20892, 301–402–1074, *rigasm@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.

(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, 93.893, National Institutes of Health, HHS)

Dated: April 14, 2005.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–8000 Filed 4–20–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[USCG–2004–18474]

Pearl Crossing LNG Terminal LLC Liquefied Natural Gas Deepwater Port License Application; Draft Environmental Impact Statement

AGENCY: Coast Guard, DHS; Maritime Administration, DOT.

ACTION: Notice of availability; notice of public meeting; request for comments.

SUMMARY: The U.S. Coast Guard and the Maritime Administration (MARAD) announce the availability of the draft environmental impact statement (DEIS) on the Pearl Crossing LLC Deepwater Port License Application and Pearl Crossing Pipeline LLC Application for a Certificate of Public Convenience and

Necessity. The application describes a project that would be located in the Gulf of Mexico, Outer Continental Shelf West Cameron Block 220, approximately 41 miles south of Cameron, Louisiana. The Coast Guard and the Maritime Administration, as well as the cooperating agencies (*i.e.*, Federal Energy Regulatory Commission and U.S. Army Corps of Engineers) request public comment on the DEIS.

DATES: The DEIS will be available on April 22, 2005. Three public meetings will be held from 6 p.m. to 8 p.m. and each will be preceded by an informational open house from 4 p.m. to 5:30 p.m. The first meeting will be held in Sulphur, Louisiana on Tuesday, May 3, 2005. The second meeting will be held in Johnsons Bayou, Louisiana on Wednesday, May 4, 2005. The third meeting will be held in Portland, Texas on Thursday, May 5, 2005. The public meetings may end later than the stated time, depending on the number of persons wishing to speak. Material submitted in response to the request for comments must reach the Docket Management Facility on or before June 7, 2005.

ADDRESSES: The public meeting and informational open house in Sulphur, Louisiana, will be held at the Holiday Inn Express, 102 Mallard Street, phone: 337–625–2500.

The public meeting and informational open house in Johnsons Bayou, Louisiana, will be held at the Johnsons Bayou Community Center, 5556 Gulf Beach Highway, phone: 337–569–2815.

The public meeting and informational open house in Portland, Texas, will be held at the City of Portland Recreation Department, 2000 Billy G. Webb Drive, phone: 361–777–3301.

Address docket submissions for USCG–2004–18474 to: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001.

The Docket Management Facility accepts hand-delivered submissions, and makes docket contents available for public inspection and copying, at this address, in room PL–401, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Facility's telephone is 202–366–9329, its fax is 202–493–2251, and its Web site for electronic submissions or for electronic access to docket contents is *http://dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call Lieutenant Ken Kusano, U.S. Coast Guard at 202–267–1184, or e-mail at *KKusano@comdt.uscg.mil.* If you have questions on viewing or submitting material to the docket, call Andrea Jenkins, Program Manager, Docket Operations, telephone 202–366–0271.

SUPPLEMENTARY INFORMATION:

Public Meeting and Open House

We invite you to learn about the proposed deepwater port at the informational open house, and to comment at the public meeting on the proposed action and the evaluation contained in the DEIS.

Please notify the Coast Guard (*see* **FOR FURTHER INFORMATION CONTACT**) if you wish to speak at the public meeting. In order to allow everyone a chance to speak, we may limit speaker time, or extend the meeting hours, or both. You must identify yourself, and any organization you represent, by name. Your remarks will be recorded or transcribed for inclusion in the public docket.

You may submit written material at the public meeting, either in place of or in addition to speaking. Written material must include your name and address, and will be included in the public docket.

Public docket materials will be made available to the public on the Docket Management Facility's Docket Management System (DMS). See ''Request for Comments'' for information about DMS and your rights under the Privacy Act.

If you plan to attend either the open house or the public meeting, and need special assistance such as sign language interpretation or other reasonable accommodation, please notify the Coast Guard (*see* **FOR FURTHER INFORMATION CONTACT**) at least 3 business days in advance. Include your contact information as well as information about your specific needs.

Request for Comments

We request public comments or other relevant information on the DEIS. The public meeting is not the only opportunity you have to comment on the DEIS. In addition to or in place of attending the meeting, you can submit material to the Docket Management Facility during the public comment period (*see* **DATES**). The Coast Guard will consider all comments submitted during the public comment period, and then will prepare the final EIS. We will announce the availability of the final EIS and once again give you an opportunity for review and comment. (If you want that notice to be sent to you, please contact the Coast Guard officer identified in **FOR FURTHER INFORMATION CONTACT**).

Submissions should include:

- Docket number USCG–2004–18474.
- Your name and address.
- Your reasons for making each comment or for bringing information to our attention.

Submit comments or material using only one of the following methods:

- Electronic submission to DMS, *http://dms.dot.gov.*
- Fax, mail, or hand delivery to the Docket Management Facility (*see* **ADDRESSES**). Faxed or hand delivered submissions must be unbound, no larger than 8½ by 11 inches, and suitable for copying and electronic scanning. If you mail your submission and want to know when it reaches the Facility, include a stamped, self-addressed postcard or envelope.

Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the DMS Web site (*http://dms.dot.gov*), and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available on the DMS Web site, or the Department of Transportation Privacy Act Statement that appeared in the **Federal Register** on April 11, 2000 (65 FR 19477).

You may view docket submissions at the Docket Management Facility (*see* **ADDRESSES**), or electronically on the DMS Web site.

Proposed Action

We published a notice of intent to prepare an EIS for the proposed Pearl Crossing LNG Terminal LLC deepwater port in the **Federal Register** at 69 FR 50395, Aug, 16, 2004. The proposed action requiring environmental review is the Federal licensing of the proposed deepwater port described in ''Summary of the Application'' below, which is reprinted from previous **Federal Register** notices in this docket.

Alternatives to the Proposed Action

The alternatives to licensing are: (1) Licensing with conditions (including conditions designed to mitigate environmental impact), and (2) denying the application, which for purposes of environmental review is the ''no-action'' alternative. These alternatives are more fully discussed in the DEIS.

Summary of the Application

The application calls for the proposed deepwater port to be located outside State waters in the Gulf of Mexico on the U.S. Outer Continental Shelf, approximately 41 miles (66 kilometers) south of the Louisiana coast in West Cameron Block 220. It would be located in a water depth of approximately 62 feet (19 meters). The proposed Pearl

Crossing liquefied natural gas (LNG) deepwater port terminal would serve as the platform for facilities to offload and regasify LNG.

The deepwater port terminal would include two concrete gravity-based LNG storage tanks, LNG carrier berthing provisions, LNG unloading arms, low and high pressure pumps, vaporizers, metering, utility systems, general facilities, and accommodations for up to 60 persons. The total net working capacity of the two integral LNG storage tanks would be 250,000 cubic meters. Pearl Crossing proposes to regasify the LNG using an open rack vaporization system. The terminal would have the ability to accommodate two LNG carriers having capacities ranging from 125,000 to 250,000 cubic meters per vessel. The terminal would be designed to have an average delivery of approximately 2.0 billion cubic feet per day of pipeline quality gas.

The applicant proposes to install two 42-inch-diameter (1.1-meter) offshore pipelines that would originate at the terminal and traverse the Gulf of Mexico in a northwesterly direction to the high water mark near Johnsons Bayou in Cameron Parish, Louisiana. Each offshore pipeline would have a throughput capacity of 1.4 billion standard cubic feet per day (Bscfd) for a total peak capacity of 2.8 Bscfd. Thereafter, the pipelines would continue onshore to multiple gas delivery points in Louisiana and come under FERC jurisdiction as Pearl Crossing Pipeline LLC. Pearl Crossing Pipeline LLC would transport natural gas from the terminal/s two offshore pipelines to a metering and distribution station in Johnsons Bayou for delivery to several interstate and intrastate pipelines near the station. Once onshore, an additional 63.75 miles (102.6 kilometers) of 42-inch-diameter (1.1-meter) pipeline and five additional meter stations would be constructed. The pipeline would terminate near Starks, Louisiana.

The project application includes a fabrication site where the applicant proposes to construct the concrete GBS and its integral components prior to towing the GBS out to the offshore LNG Terminal site. The DEIS evaluates three potential fabrication sites located within San Patricio and Nueces Counties, Texas, near Corpus Christi, Texas.

Application for a Certificate of Public Convenience and Necessity

The onshore portion of this project shoreward of the mean high water line falls under the jurisdiction of the Federal Energy Regulatory Commission (FERC) and must receive a separate authorization from the FERC. As required by their regulations, FERC will also maintain a docket. The FERC docket numbers for this project are CP04–374–000, CP04–375–000 and CP04–376–000. To submit comments to the FERC docket, send an original and two copies of your comments to Secretary, Federal Energy Regulatory Commission 888, First St., NE., Room 1A, Washington, DC 20426. Label one copy of the comments to the Attention of Gas Branch 2. The FERC strongly encourages electronic filing of any comments or interventions or protests to this proceeding. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the FERC's Web site at *http://www.ferc.gov* under the ''e-Filing'' link and the link to the Users Guide. Additional information about the project is available from the Commission's Office of External Affairs at 1–866–208 FERC (3372) or on the FERC Internet Web site (*http://www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' (*i.e.*, CP04–374, CP04–375 or CP04–376), and follow the instructions. Searches may also be done using the phrase ''Pearl Crossing'' in the ''Text Search'' field. For assistance with access to eLibrary, the helpline can be reached at 1–866–208–3676, TTY 202–502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC Internet Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the FERC now offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. To register for this service, go to *http://www.ferc.gov/esubscribenow.htm.*

Department of Army Permit

New Orleans District, Army Corps of Engineers is issuing a public notice advising all interested parties of the proposed activity for which a Department of the Army permit is being sought and soliciting comments and information necessary to evaluate the probable impact on the public interest. Comments should be furnished to the U.S. Army Corps of Engineers, New Orleans District, OD–SW, PO Box 60267, New Orleans, LA 70160–0267.

Dated: April 14, 2005.

Howard L. Hime,

Acting Director of Standards, Marine Safety, Security, and Environmental Protection, U.S. Coast Guard.

H. Keith Lesnick,

Senior Transportation, Specialist, Deepwater Ports, Program Manager, U.S. Maritime Administration.

[FR Doc. 05–8006 Filed 4–20–05; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–310–1310–PB–24–1A]

Extension of Approved Information Collection, OMB Control Number 1004–0074

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) requests the Office of Management and Budget (OMB) to extend an existing approval to collect information to determine whether a bidder is qualified to hold a lease and to conduct geothermal resource operations under the terms of the Mineral Leasing Act of 1920 and the Geothermal Steam Act of 1969. BLM uses Forms 3000–2 and 3200–9 to collect this information.

DATES: You must submit your comments to BLM at the address below on or before June 20, 2005. BLM will not necessarily consider any comments received after the above date.

ADDRESSES: You may mail comments to: Regulatory Affairs Group (WO–630), Eastern States Office, 7450 Boston Blvd., Springfield, Virginia 22153.

You may send comments via Internet to: *WOComment@blm.gov.* Please include ''ATTN: 1004–0074'' and your name and address with your comments.

You may deliver comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L Street, NW., Washington, DC.

Comments will be available for public review at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: You may contact Barbara Gamble, Fluids Minerals Group, on (202) 452–0338 (Commercial or FTS). Persons who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) on 1–800–877–

8330, 24 hours a day, seven days a week, to contact Ms. Gamble.

SUPPLEMENTARY INFORMATION: 5 CFR 1320.12(a) requires that we provide a 60-day notice in the **Federal Register** concerning a collection of information to solicit comments on:

(a) Whether the collection of information is necessary for the proper functioning of the agency, including whether the information will have practical utility;

(b) the accuracy of our estimates of the information collection burden, including the validity of the methodology and assumptions we use;

(c) ways to enhance the quality, utility, and clarity of the information collected; and

(d) ways to minimize the information collection burden on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

The Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 *et seq.*). gives the Secretary of the Interior responsibility for oil and gas leasing on approximately 600 million acres of public lands and national forests, and private lands where the Federal Government retains the mineral rights. Congress passed the Federal Onshore Oil and Gas Leasing Reform Act of 1987 requiring BLM to offer all public lands that are available for oil and gas leasing by competitive oral bidding before accepting noncompetitive lease applications. The Department of the Interior Appropriations Act of 1981 (43 U.S.C. 6508) provides for the competitive leasing of the lands in the National Petroleum Reserve-Alaska. The Geothermal Steam Act of 1970 (30 U.S.C. 1001–1025) authorizes the Secretary of the Interior to issue leases for geothermal development.

The regulations (43 CFR 3100) outline procedures for obtaining a lease to explore for, develop, and produce oil and gas resources located on public lands. The regulations (43 CFR part 3200) outline procedures to issue geothermal leases and the exploration, development and utilization of Federally-owned geothermal resources. BLM needs the information requested on the two forms of process lease bids for oil and gas and geothermal resources and to complete environmental reviews required by the National Environmental Policy Act of 1969.

You must submit the forms to the proper BLM office. Form 3000–2 requires the name and address to identify the bidder. This allows BLM to ensure that the bidder meets the eligibility requirements in the regulations. The regulations require the bidder to submit one-fifth of the amount of the bid for a geothermal bid or the minimum acceptable bid for an oil and gas lease is the first year's rental and administrative fee. Form 3200–9 requires the name and address of the entity who will conduct operations on the land. You must also submit the legal land description of the lands you plan to enter or disturb for your exploration/operations and the starting and ending dates of operations. We use the starting and ending dates to determine how long the applicant/operator/contractor intends to conduct operations on the land.

Based on BLM's experience administering this program, we estimate the public reporting burden is 10 minutes for completing Form 3000–2 and 2 hours for completing Form 3200–9. These estimates include the time spent on research, gathering, and assembling information, reviewing instructions, and completing the respective forms. BLM estimates 1,000 competitive bids for oil and gas and geothermal resources and 30 Notice of Intent to Conduct Geothermal Resource Exploration Operations are filed annually, with a total annual burden of 227 hours. Respondents vary from individuals and small businesses to large corporations.

Any member of the public may request and obtain, without charge, a copy of BLM Forms 3000–2 or 3200–9 by contacting the person identified under **FOR FURTHER INFORMATION CONTACT**.

BLM will summarize all responses to this notice and include them in the request for OMB approval. All comments will become a matter of a public record.

Dated: April 15, 2005.

Ian Senio,

Bureau of Land Management, Information Collection Clearance Officer.

[FR Doc. 05–7966 Filed 4–20–05; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–350–1430–PE–24 1A]

Extension of Approved Information Collection, OMB Control Number 1004–0029

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) requests the Office of Management and Budget (OMB) to extend an existing approval to collect information from those persons who submit a Color-of-Title Application to apply for public lands under a color-of-title claim. BLM uses forms 2540–1, 2540–2, and 2540–3 for color-of-title transactions on public lands.

DATES: You must submit your comments to BLM at the address below on or before June 20, 2005. BLM will not necessarily consider any comments received after the above date.

ADDRESSES: You may mail comments to: Regulatory Affairs Group (WO–360), Eastern States Office, 7450 Boston Blvd., Springfield, Virginia 22153.

You may send comments via Internet to: *WOComment@blm.gov.* Please include ''ATTN: 1004–0029'' and your name and address with your comments.

You may deliver comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L Street, NW., Washington, DC.

Comments will be available for public review at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: You may contact Alzata L. Ransom, Lands and Realty Group, on (202) 452–7772 (Commercial or FTS). Persons who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) on 1–800–877–8330, 24 hours a day, seven days a week, to contact Ms. Ransom.

SUPPLEMENTARY INFORMATION: 5 CFR 1320.12(a) requires that we provide a 60-day notice in the **Federal Register** concerning a collection of information to solicit comments on:

(a) Whether the collection of information is necessary for the proper functioning of the agency, including whether the information will have practical utility;

(b) The accuracy of our estimates of the information collection burden, including the validity of the methodology and assumptions we use;

(c) Ways to enhance the quality, utility, and clarity of the information collected; and

(d) Ways to minimize the information collection burden on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Congress passed the Color-of-Title Act of December 22, 1928 (45 Stat. 1069), as amended by the Act of July 28, 1953 (67 Stat. 227; 43 U.S.C. 1068–1068b), to provide for the transfer of legal title to public lands from the United States to eligible individuals, groups, or corporations who have a valid color-of-title claim. The regulations at 43 CFR Part 2540 provide guidelines to file a color-of-title claim.

Any individual, group, or corporation that possesses valid evidence of a title to public lands administered by BLM may file a Color-of-Title Application (Form 2540–1). The Act refers to Class I and Class II claims. A Class I claim is a claim:

(1) Held in good faith and peaceful, adverse possession by a claimant, his ancestors or grantors, under claim or color-of-title for a minimum of 20 years; and

(2) Where claimant or predecessors placed valuable improvements and cultivated part of the land.

A Class II claim is a claim held in good faith and peaceful, adverse possession by a claimant, his ancestors or grantors, under claim or color-of-title for the period commencing not later than January 1, 1901, to date of application, during which time they paid taxes levied on the land by State and local governmental units.

A claim is not held in good faith when held with knowledge that the land is owned by the United States. A claim is not held in peaceful, adverse possession if it was initiated while the land was withdrawn or reserved for Federal purposes.

When BLM receives the application, we will analyze the information, conduct an on-site field examination of the lands, and prepare reports. The BLM will approve your application if you meet the requirements of a Class I or Class II claim. We will reject your application if you do not meet the requirements of a Class I or Class II claim. Class II claims are discretionary and we may reject the application if the public interest in retention of the lands clearly outweighs the interest of the applicant.

Based on past experience processing these applications, BLM estimates the public reporting burden for completing the Form 2540–1 is 1 hour, Form 2540–2 (Conveyances Affecting Color or Claim of Title) is 1 hour, and Form 2540–3 (Color-of-Title Tax Levy and Payment Record) is 1 hour. BLM estimates that we receive approximately 33 applications (11 for each form) annually, with a total annual burden of 33 hours.

Any member of the public may request and obtain, without charge a copy of BLM Forms 2540–1, 2540–2 and 2540–3 by contacting the person identified under **FOR FURTHER INFORMATION CONTACT**.

BLM will summarize all responses to this notice and include them in the request for OMB approval. All comments will become a matter of a public record.

Dated: April 15, 2005.

Ian Senio,

Bureau of Land Management, Information Collection Clearance Officer.

[FR Doc. 05–7967 Filed 4–20–05; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

[WO–250–1220–PC–24 1A]

Extension of Approved Information Collection, OMB Control Number 1004–0165

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) requests the Office of Management and Budget (OMB) to extend an existing approval to collect information from individuals submitting nominations for significant caves under the Federal Cave Resources Protection Act of 1988 and to request confidential cave information. BLM needs the information to determine which caves we will list as significant and decide whether to grant access to confidential cave information.

DATES: You must submit your comments to BLM at the address below on or before June 20, 2004. BLM will not necessarily consider any comments received after the above date.

ADDRESSES: You may mail comments to: Regulatory Affairs Group (WO–630), Eastern States Office, 7450 Boston Blvd., Springfield, Virginia 22153.

You may send comments via Internet to: *WOComment@blm.gov.* Please include ''ATTN: 1004–0165'' and your name and address with your comments.

You may deliver comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L Street, NW., Washington, DC.

Comments will be available for public review at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: You may contact James Goodbar, BLM Field Office, Carlsbad, New Mexico, on (505) 234–5929 (Commercial or FTS). Persons who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) on 1–800–877–8330, 24 hours a day, seven days a week, to contact Mr. Goodbar.

SUPPLEMENTARY INFORMATION: 5 CFR 1320.12(a) requires that we provide a 60-day notice in the **Federal Register** concerning a collection of information to solicit comments on:

(a) Whether the collection of information is necessary for the proper functioning of the agency, including whether the information will have practical utility;

(b) The accuracy of our estimates of the information collection burden, including the validity of the methodology and assumptions we use;

(c) Ways to enhance the quality, utility, and clarity of the information collected; and

(d) Ways to minimize the information collection burden on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

The Federal Cave Resources Protection Act of 1988, 102 Stat. 4546, 16 U.S.C. 4301, requires the identification, protection, and maintenance of significant caves on public lands the Department of the Interior, BLM manages. The implementing regulations are found at 43 CFR 37—Cave Management. Federal agencies must consult with ''cavers'' and other interested parties and develop a list of significant caves. The regulations establish criteria for identifying significant caves and integrate cave management into existing planning and management processes to protect cave resource information. We protection this information to prevent vandalism and disturbance of significant caves. Other Federal or state agencies, bona fide education or research institutes, or individuals or organizations who assist land management agencies with cave management activities may request access to confidential cave information. BLM uses the Significant Cave Nomination Worksheet to collect some of the requested information on cave management activities.

Based on BLM's experience administering this program, we estimate the public reporting burden is 3 hours for each nomination and 30 minutes for each request for confidential cave information. BLM estimates that 50 cave nominations and 10 requests for

confidential cave information will be filed annually, with a total annual burden of 155 hours. Respondents are cavers and other interested parties.

BLM will summarize all responses to this notice and include them in the request for OMB approval. All comments will become a matter of a public record.

Dated: April 15, 2005.

Ian Senio,

Bureau of Land Management, Information Collection Clearance Officer.

[FR Doc. 05–7968 Filed 4–20–05; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–320–1330–PB–24 1A]

Extension of Approved Information Collection, OMB Control Number 1004–0121

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) requests the Office of Management and Budget (OMB) to extend an existing approval to collect information from applicants to lease and develop solid minerals other than coal and oil shade. BLM uses the information to determine whether an applicant, permittee, or lessee is qualified to hold an interest under the terms of the implementing regulations at 43 CFR part 3500.

DATES: You must submit your comments to BLM at the address below on or before June 20, 2005.

ADDRESSES: You may mail comments to: Regulatory Affairs Group (WO–630), Eastern States Office, 7450 Boston Blvd., Springfield, Virginia 22153.

You may send comments via Internet to: *WOComment@blm.gov.* Please include ''ATTN: 1004–0121'' and your name and address with your comments.

You may deliver comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L Street, NW., Washington, DC.

Comments will be available for public review at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: You may contact Nick Rieger, Solid Minerals Group, on (202) 452–5149 (Commercial or FTS). Persons who use the telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) on 1–800–877–8330, 24 hours a day, seven days a week, to contact Mr. Rieger.

SUPPLEMENTARY INFORMATION: 5 CFR 1320.12(a) requires that we provide a 60-day notice in the **Federal Register** concerning a collection of information to solicit comments on:

(a) Whether the collection of information is necessary for the proper functioning of the agency, including whether the information will have practical utility;

(b) The accuracy of our estimates of the information collection burden, including the validity of the methodology and assumptions we use;

(c) Ways to enhance the quality, utility, and clarity of the information collected; and

(d) Ways to minimize the information collection burden on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

The regulations at 43 CFR part 3500 implement numerous statutes including:

(1) The Mineral Leasing Act of 1920 (30 U.S.C. 181 *et seq.*);

(2) The Mineral Leasing Act of 1947 (30 U.S.C. 351–359);

(3) Section 402 of Reorganization Plan No. 3 of 1946 (5 U.S.C. Appendix);

(4) The Multiple Mineral Development Act of 1954 (30 U.S.C. 521–531);

(5) The National Environmental Policy Act of 1976 (42 U.S.C. 4321 *et seq.*). The implementing regulations (43 CFR Part 3500) outline procedures for members of the public to submit applications, offers, statements, petitions, and various forms. BLM uses Forms 3510–1, 3520–7, 3510–2, 3504–1, 3504–3, and 3504–4 to collect the information to determine whether an applicant qualifies to hold a lease to obtain a benefit under the terms of MLA, its subsequent amendments, related statutes, and the regulations. The affect public consists of all present and prospective holders of Federal solid mineral leases other than coal or oil shale, prospecting permits, use permits, and exploration licenses.

BREAKDOWN OF INFORMATION COLLECTIONS AND TOTAL HOURS

Type of info collection	No. of responses	Hours per response	Total hours
Prospecting Permit	22	1	22
Exploration Plan for Prospecting Permit	19	80	1,520
Prospecting Permit Extension	5	1	5
Preference Right Lease	2	100	200
Competitive Lease Bid	5	40	200
Fringe Acreage Lease or Lease Modification	5	40	200
Assignment or Sublease	38	2	76
Lease Renewals or Adjustments	14	1	14
Use Permit	1	1	1
Exploration License	1	3	3
Exploration Plan for Exploration License	1	80	80
Development Contract	1	1	1
Bond	145	4	580
Mine Plan	5	150	750
Total	264	.....	3,652

Based on BLM's experience administering the leasing program, we estimate the public reporting burden as indicated in the above chart to complete the applications, petitions, offers, and statements as required. BLM estimates that we receive 264 filings annually, with a total annual burden of 3,652 hours. The respondents vary from

individuals to small businesses and major corporations.

Any member of the public may request and obtain, without a charge, a copy of BLM Forms 3510–1, 3520–7, 3501–2, 3504–1, 3504–3, and 3504–4 by contacting the person identified under **FOR FURTHER INFORMATION CONTACT**.

BLM will summarize all responses to this notice and include them in the request for OMB approval. All comments will become a matter of a public record.

Dated: April 15, 2005.

Ian Senio,

Bureau of Land Management, Information Collection Clearance Officer.

[FR Doc. 05–7969 Filed 4–20–05; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–320–1990–FA–24 1A]

Extension of Approved Information Collection, OMB Control Number 1004–0114

AGENCY: Bureau of Land Management, Interior

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) is requesting the Office of Management and Budget (OMB) to extend an existing approval to collect information from owners of unpatented claims, mill sites, and tunnel sites. BLM uses Forms 3830–2 and 3830–3 to collect this information to record such claims and sites; determine the land status at the time of location; collect annual maintenance and location fees; process waivers of annual fees; process annual affidavits of labor or notices of intent to hold a mining claim or site; process requests for deferments from assessment work; process transfers of interest; and adjudicate such claims and sites. The regulations under 43 CFR 3830–3833, 3840–3843, and 3850–3852 authorize BLM to collect the above information to manage the general mining law activities on public lands.

DATES: You must submit your comments to BLM at the address below on or before June 20, 2005. BLM will not necessarily consider any comments received after the above date.

ADDRESSES: You may mail comments to: Bureau of Land Management, (WO–630), Eastern States Office, 7450 Boston Blvd., Springfield, Virginia 22153.

You may send comments via Internet to: *WOComment@blm.gov.* Please include ''ATTN: 1004–0114'' and your name and return address in your Internet message.

You may deliver comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L Street, NW., Washington, DC.

All comments will be available for public review at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: You may contact Roger A. Haskins on (202) 452–0372 (Commercial or FTS). Persons who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) on 1–800–8330, 24 hours a day, seven days a week, to contact Mr. Haskins.

SUPPLEMENTARY INFORMATION: 5 CFR 1320.12(a) requires that we provide a 60-day notice in the **Federal Register** concerning a collection of information to solicit comments on:

(A) Whether the collection of information is necessary for the proper functioning of the agency, including whether the information will have practical utility;

(b) The accuracy of our estimates of the information collection burden, including the validity of the methodology and assumptions we use;

(c) Ways to enhance the quality, utility, and clarity of the information collected; and

(d) Ways to minimize the information collection burden on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

The Federal Land Policy and Management Act of 1976, 30 U.S.C. 28f (Pub. L. 105–277), and the regulations under 43 CFR 3830–3833, 3840–3843, and 3850–3852 authorize BLM to collect information from owners of unpatented claims, mill sites and tunnel sites to manage the general mining law activities on public lands.

BLM uses Form 3830–2 (Maintenance Fee Waiver) to collect the information to waive the $100 annual maintenance fee that owners of unpatented mining claims, mill sites, and tunnel sites must pay. The owners of unpatented mining claims, mill sites, and tunnel sites must submit the following information to BLM:

(1) The mining claim names and BLM serial numbers;

(2) A declaration that the owners own or have interest in 10 or fewer claims or sites;

(3) A declaration of compliance with the assessment work requirements;

(4) The names and addresses of all owners of the claims and sites; and

(5) The owners'/agents' signatures.

BLM uses Form 3830–3 (Notice of Intent to Locate A Lode or Placer Mining Claim(s) and/or A Tunnel Site(s) on Lands Patented Under the Stock Raising Homestead Act of 1916, as amended) to collect information on an applicant who files a notice of intent to locate or explore for a mining claim or tunnel site. The applicant must submit the following information to BLM:

(1) The name and mailing address of the applicant filing the notice of intent to locate or explore for a mining claim or tunnel site;

(2) A legal land description of the lands which the notice of intent will apply;

(3) A brief description of the proposed mineral activities;

(4) A map and legal land description of lands subject top mineral exploration;

(5) The name, address, and phone number of the person managing the activities; and

(6) The dates the activities will take place.

BLM uses the information on recording claims, annual assessment work, notice of intent to hold, and transfer of interest to:

(1) Determine the number and location of unpatented mining claims, mill sites and tunnel sites located on Federal lands to assist in the surface management of these lands and any minerals found there;

(2) Remove any cloud on the title to those lands due to abandoned mining claims;

(3) Provide information as to the location of active claims; and

(4) Keep informed on transfers of interest and ownership.

Without this information, BLM could not protect the rights of surface and mineral owners. Also, the Government's ability to locate, control, and manage surface disturbance would be compromised.

Based upon BLM experience, the public reporting information collection burden takes eight minutes per response. The respondents are owners of unpatented mining claims, mill sites, and tunnel sites located on public lands and individuals or organizations who seek to explore for or locate a mining claim. The estimated number of responses per year is 236,852 and the total annual burden is 31,585 hours.

BLM will summarize all responses to this notice and include them in the request for OMB approval. All comments will become a matter of public record.

Dated: April 15, 2005.

Ian Senio,

Bureau of Land Management, Information Collection Clearance Officer.

[FR Doc. 05–7970 Filed 4–20–05; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–922–05–1310–FI; COC60770]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease COC60770

AGENCY: Bureau of Land Management; Interior.

ACTION: Notice of proposed reinstatement of terminated oil and gas lease.

SUMMARY: Pursuant to the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), a petition for reinstatement of oil and gas lease COC60770 for lands in Garfield County, Colorado, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Beverly A. Derringer, Chief, Fluid Minerals Adjudication, at (303) 239–3765.

SUPPLEMENTARY INFORMATION: The lessee has agreed to the amended lease terms for rentals and royalties at rates of $20.00 per acre, or fraction thereof, per year and 18⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $155 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease COC60770 effective September 1, 2004, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Dated: March 18, 2005.

Beverly A. Derringer,

Chief, Fluid Minerals Adjudication.

[FR Doc. 05–7962 Filed 4–20–05; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–920–04–1310–FI–P; (MTM 93052)]

Notice of Proposed Reinstatement of Terminated Oil and Gas lease MTM 93052

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Per 30 U.S.C. 188(d), the lessee timely filed a petition for reinstatement of oil and gas lease MTM 93052, Pondera County, Montana. The lessee paid the required rental accruing from the date of termination.

No leases were issued that affect these lands. The lessee agrees to new lease terms for rentals and royalties of $10 per acre and 16⅔ percent or 4 percentages above the existing competitive royalty rate. The lessee paid the $500 administration fee for the reinstatement of the lease and $155 cost for publishing this Notice.

The lessee met the requirements for reinstatement of the lease per Section 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188). We are proposing to reinstate the lease, effective January 1, 2005 subject to:

- The original terms and conditions of the lease;
- The increased rental of $10 per acre;
- The increased royalty of 16⅔ percent or 4 percentages above the existing competitive royalty rate; and
- The $155 cost of publishing this Notice

FOR FURTHER INFORMATION CONTACT: Karen L. Johnson, Chief, Fluids Adjudication Section, BLM Montana State Office, PO Box 36800, Billings, Montana 59107, 406–896–5098.

Dated: March 17, 2005.

Karen L. Johnson,

Chief, Fluids Adjudication Section.

[FR Doc. 05–7959 Filed 4–20–05; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–920–1310–05); (NMNM 106897]

Proposed Reinstatement of Terminated Oil and Gas Lease NMNM 106897

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of reinstatement of terminated oil and gas lease.

SUMMARY: Under the provisions of section 31(d) of the Mineral Leasing Act, (30 U.S.C. 188(d)), a petition for reinstatement of oil and gas lease NMNM 106897 for lands in Quay County, New Mexico, was timely filed and was accompanied by all required rentals and royalties accruing from September 1, 2004, the date of termination.

FOR FURTHER INFORMATION CONTACT: Lourdes B. Ortiz, BLM, New Mexico State Office, (505) 438–7586.

SUPPLEMENTARY INFORMATION: No valid lease has been affecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of $10.00 per acre or fraction thereof and 16⅔ percent, respectively. The lessee has paid the required $500.00 administrative fee and has reimbursed the Bureau of Land Management for the cost of this **Federal Register** notice.

The lessee has met all the requirements for reinstatement of the lease as set out in sections 31(d) and (e) of the Mineral Lease Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate the lease effective September 1, 2004, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Lourdes B. Ortiz,

Land Law Examiner, Fluids Adjudication Team.

[FR Doc. 05–7961 Filed 4–20–05; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–1310–01; WYW153617]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed reinstatement of terminated oil and gas lease.

SUMMARY: Under the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement of oil and gas lease WYW153617 for lands in Park County, Wyoming. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Pamela J.

Lewis, Chief, Fluid Minerals Adjudication, at (307) 775–6176.

SUPPLEMENTARY INFORMATION: The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre or fraction thereof, per year and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $166 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW153617 effective August 1, 2004, under the original terms and conditions of the lease and the increased rental and royalty rates cited above. BLM has not issued a valid lease affecting the lands.

Pamela J. Lewis,

Chief, Fluid Minerals Adjudication.

[FR Doc. 05–7963 Filed 4–20–05; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–1310–01; WYW159119]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed reinstatement of terminated oil and gas lease.

SUMMARY: Under the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement of oil and gas lease WYW159119 for lands in Weston County, Wyoming. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Pamela J. Lewis, Chief, Fluid Minerals Adjudication, at (307) 775–6176.

SUPPLEMENTARY INFORMATION: The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre or fraction thereof, per year and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $166 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW159119 effective November 1, 2004, under the original terms and conditions of the lease and the increased rental and royalty rates cited above. BLM has not issued a valid lease affecting the lands.

Pamela J. Lewis,

Chief, Fluid Minerals Adjudication.

[FR Doc. 05–7965 Filed 4–20–05; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–030–2640–BH; AZA 32414]

Public Land Order No. 7633; Withdrawal of Public Land for the Tyro Mill Site Reclamation Project; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws approximately 90 acres of public land from location and entry under the United States mining laws for a period of 5 years to protect the Tyro Mill Site Reclamation Project while the Bureau of Land Management completes land use planning for the area.

EFFECTIVE DATE: April 21, 2005.

FOR FURTHER INFORMATION CONTACT: Paul Misiaszek, BLM Kingman Field Office, 2755 Mission Boulevard Avenue, Kingman, Arizona 86401, 928–718–3728.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (2000), it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby withdrawn from location and entry under the United States mining laws, 30 U.S.C. Ch. 2 (2000), to protect the Bureau of Land Management's Tyro Mill Site Reclamation Project:

Gila and Salt River Meridian

T. 21 N., R. 20 W.,
Sec. 7, lot 2 and NW¼NW¼.

The area described contains approximately 90 acres in Mohave County.

2. This withdrawal will expire 5 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (2000), the Secretary determines that the withdrawal shall be extended.

Dated: April 1, 2005.

Rebecca W. Watson,

Assistant Secretary—Land and Minerals Management.

[FR Doc. 05–7960 Filed 4–20–05; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–030–1430–ES; NMNM111997]

Recreation and Public Purpose (R&PP) Act Classification; Dona Ana County, NM

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

ACTION: Notice of realty action.

SUMMARY: This action informs the public that BLM has examined and found suitable approximately 15 acres of public land in Dona Ana County, New Mexico for lease or conveyance to Las Cruces Public Schools under the provision of the R&PP Act, as amended (44 Stat. 741, as amended; 43 U.S.C. 869 *et seq.*) and Section 212 of the Federal Land Policy and Management Act (FLPMA of 1976, as amended).

DATES: Comments regarding the proposed lease/conveyance or classification must be submitted on or before June 6, 2005.

ADDRESSES: Comments should be sent to the BLM, Las Cruces Field Office, 1800 Marquess, Las Cruces, New Mexico 88005.

FOR FURTHER INFORMATION CONTACT: Angel Mayes, Realty Specialist at the address above or by telephone at (505) 525–4376.

SUPPLEMENTARY INFORMATION: The following public land in Dona Ana County, New Mexico has been examined and found suitable for classification for lease or conveyance to Las Cruces Public Schools under the provision of the R&PP Act, as amended (44 Stat. 741, as amended; 43 U.S.C. 869 *et seq.*) and section 212 of the Federal Land Policy and Management Act (FLPMA of 1976 as amended). Las Cruces Public Schools propose to use the land for a K–5 Elementary School and playgrounds.

New Mexico Principal Meridian

T. 22 S., R. 2 E., NMPM
Section 28, SE¼NE¼NE¼ and S½NE¼NE¼NE¼.

Containing 15.136 acres, more or less.

Lease or conveyance will be subject to the following terms, conditions, and reservations:

1. Provisions of the R&PP Act and to all applicable regulations of the Secretary of the Interior.

2. All valid existing rights documented on the official public land records at the time of lease/patent issuance.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

4. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal land and interests therein.

Upon publication of this notice in the **Federal Register**, the land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the R&PP Act and leasing under the mineral leasing laws.

On or before June 6, 2005, interested persons may submit comments regarding the proposed lease/conveyance or classification of the land to the BLM Las Cruces Field Manager.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective on June 20, 2005.

Classification Comments: Interested parties may submit comments involving the suitability of the land for the K–5 Elementary School. Comments on the classification is restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Additional Comments: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a school site.

Dated: March 9, 2005.

Tim L. Sanders,

Acting Field Manager, Las Cruces.

[FR Doc. 05–7964 Filed 4–20–05; 8:45 am]

BILLING CODE 4310–VC–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1090 (Preliminary)]

Superalloy Degassed Chromium From Japan

Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (Commission) determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Japan of superalloy degassed chromium, provided for in subheading 8112.21.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Commencement of Final Phase Investigation

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigation. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (Commerce) of an affirmative preliminary determination in the investigation under section 733(b) of the Act, or, if the preliminary determination is negative, upon notice of an affirmative final determination in that investigation under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigation need not enter a separate appearance for the final phase of the investigation. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

Background

On March 4, 2005, a petition was filed by Eramet Marietta Inc., Marietta, OH, and the Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 5–0639, Belpre, OH, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of superalloy degassed chromium from Japan. Accordingly, effective March 4, 2005, the Commission instituted antidumping duty investigation No. 731–TA–1090 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of March 14, 2005 (70 FR 12499). The conference was held in Washington, DC, on March 25, 2005, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on April 18, 2005. The views of the Commission are contained in USITC Publication 3768 (April 2005), entitled *Superalloy Degassed Chromium from Japan: Investigation No. 731–TA–1090 (Preliminary).*

By order of the Commission.

Issued: April 18, 2005.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05–8016 Filed 4–20–05; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

DEPARTMENT OF JUSTICE

Civil Division; Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-day notice of information collection under review: Claims under the Radiation Exposure Compensation Act.

The Department of Justice (DOJ), Civil Division, has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until June 20, 2005. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or

associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Radiation Exposure Compensation Program, U.S. Department of Justice, P.O. Box 146, Ben Franklin Station, Washington, DC 20044–0146.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic 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:* Claims Under the Radiation Exposure Compensation Act.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form Number: CIV–RECA–1. Civil Division, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. Other: None. Abstract: Information is collected to determine whether an individual is entitled to compensation under Radiation Exposure Compensation Act Program.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that there will be 3,000 respondents who will each require 2.5 hours to respond.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual burden hours to complete the certification form is 7,500 hours.

If additional information is required contact: Ms. Brenda E. Dyer, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: April 15, 2005.

Brenda E. Dyer,

Department Clearance Officer, Department of Justice.

[FR Doc. 05–8014 Filed 4–20–05; 8:45 am]

BILLING CODE 4410–12–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Emergency Review; Comments Requested

April 12, 2005.

The Department of Labor has submitted the following (see below) information collection request (ICR), utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). OMB approval has been requested by May 13, 2005. A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor Departmental Clearance Officer, Ira L. Mills (202) 693–4122.

Comments and questions about the ICR listed below should be forwarded to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Employment and Training Administration, Room 10235, Washington, DC 20503. The Office of Management and Budget is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

AGENCY: Employment and Training Administration.

Title: Reporting and Performance Standards System for the Migrant and Seasonal Farmworker Program Under Title I, Section 167 of the Workforce Investment Act (WIA).

OMB Number: 1205–0425.

Affected Public: State, Local, or Tribal Government.

Form/activity	Total respondents	Frequency	Total responses	Average time per response	Total annual burden hours
Plan Narrative	53	Annual	53	20	1,060
ETA 9093	53	Annual	53	15	795
ETA 9094	53	Annual	53	16	848
ETA 9095	53	Quarterly	212	7	1,484
WIASPR Data	53	On Occasion	29,500	2.25	66,375
Totals	53		29,871	60.25	70,562

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining): $0.

Description: Each grantee administering funds under the MSFW program is required to submit a program planning report (ETA Form 9094), a budget information summary report (ETA Form 9093), and a quarterly program status report (ETA Form 9095). This latter form contains information related to levels of participation and service, related assistance activities, and

actual placements in employment. In addition, each grantee submits a quarterly file of individual records on all participants who exit the program, called the Workforce Investment Act Standardized Participant Record (WIASPR). The current MSFW reporting and recordkeeping system expires in June 2005.

This is a request to revise the current MSFW program reporting requirements to include data elements necessary for assessing grantee progress against common measures of performance beginning July 1, 2005. In 2002, under the President's Management Agenda, OMB and other Federal agencies developed a set of common performance measures to be applied to certain Federally-funded employment and training programs with similar strategic goals. Although the common measures are an integral part of ETA's performance accountability system, these measures provide only part of the information necessary to effectively oversee the workforce investment system. ETA will continue to collect from grantees data on program activities, participants, and outcomes that are necessary for program management and to convey full and accurate information on the performance of workforce programs to policymakers and stakeholders.

The value of implementing common measures is the ability to describe in a similar manner the core purposes of the workforce system—how many people found jobs; did people stay employed; and did earnings increase. Multiple sets of performance measures have burdened states and grantees as they are required to report performance outcomes based on varying definitions and methodologies. By minimizing the different reporting and performance requirements, common performance measures can facilitate the integration of service delivery, reduce barriers to cooperation among programs, and enhance the ability to assess the effectiveness and impact of the workforce investment system, including the performance of the system in serving individuals facing significant barriers to employment.

This revision to the MSFW program reporting requirements identifies a minimum level of information collection that is necessary to comply with Equal Opportunity requirements, holds grantees appropriately accountable for the Federal funds they receive, including common performance measures, and allows the Department to fulfill its oversight and management responsibilities.

Ira L. Mills,

Departmental Clearance Officer/Team Leader.

[FR Doc. E5–1875 Filed 4–20–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V–04–2]

International Chimney Corporation, Karrena International, LLC, and Matrix Service Industrial Contractors, Inc., Application for Permanent Variance and Interim Order, Grant of Interim Order, and Request for Comments

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Notice of an application for a permanent variance and interim order; grant of interim order; and request for comments.

SUMMARY: International Chimney Corporation, Karrena International, LLC, and Matrix Service Industrial Contractors, Inc. (''the employers'') have applied for a permanent variance from the provisions of the OSHA standards that regulate boatswains' chairs and hoist towers, specifically paragraph (o)(3) of § 1926.452 and paragraphs (c)(1) through (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16) of § 1926.552. In addition, the employers have requested an interim order based on the alternative conditions specified by the variance application. Since these conditions are the same as the conditions specified in the most recent permanent variance granted by the Agency for these boatswains'-chair and hoist-tower provisions, OSHA is granting the applicants' request for interim orders.

DATES: Submit comments and requests for a hearing by May 23, 2005.

ADDRESSES: *Electronic.* OSHA also permits electronic submission of comments (but not attachments) and hearing requests through its website at *http://ecomments.osha.gov.* If a commenter would like to submit additional materials to supplement comments that were submitted electronically, these materials must be sent, in triplicate hard copy, to the OSHA Docket Office, Technical Data Center, Room N–2625, OSHA, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC 20210. These materials must clearly identify the sender's name, date, subject, and docket number (i.e., V–04–2) to enable the Agency to attach them to the appropriate comments.

Facsimile. OSHA allows facsimile transmission of comments that are 10 pages or fewer in length (including attachments), as well as hearing requests. Send these comments and requests, identified with the docket number (*i.e.*, V–04–2), to the OSHA Docket Office at (202) 693–1648; hard copies of these comments are not required. Instead of transmitting facsimile copies of additional material that supplement their comments (*e.g.*, studies and journal articles), commenters may submit this material, in triplicate hard copy, to the OSHA Docket Office, Technical Data Center, Room N–2625, OSHA, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC 20210. This material must clearly identify the sender's name, date, subject, and docket number (*i.e.*, V–04–2) so that the Agency can attach them to the appropriate comments.

Regular mail, express delivery, hand delivery, and messenger service. Submit three copies of comments and any additional material (*e.g.*, studies and journal articles), as well as hearing requests, to the OSHA Docket Office, Docket No. V–04–1, Technical Data Center, Room N–2625, OSHA, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC 20210; telephone: (202) 693–2350. Please contact the OSHA Docket Office at (202) 693–2350 for information about security procedures concerning the delivery of materials by express delivery, hand delivery, and messenger service. The hours of operation for the OSHA Docket Office and Department of Labor are 8:15 a.m. to 4:45 p.m., ET.

Personal information. OSHA will make available to the public, without revision, all comments and other material submitted to the docket, including any personal information. Therefore, the Agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as social security numbers, birth dates, and medical data.

FOR FURTHER INFORMATION CONTACT: For information about this notice contact MaryAnn S. Garrahan, Director, Office of Technical Programs and Coordination Activities, Room N–3655, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693–2110; fax: (202)

693–1644. For additional copies of this **Federal Register** notice, contact the Office of Publications, Room N–3103, OSHA, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC 20210 (telephone: (202) 693–1888). Electronic copies of this **Federal Register** notice, as well as news releases and other relevant documents, are available at OSHA's Web site on the Internet at *http://www.osha.gov/*. Contact the OSHA Docket Office for information about docket materials not available through the OSHA Web site, and for assistance in using the Web site to locate docket submissions.

Additional information about this variance application also is available from the following OSHA Regional Offices:

- U.S. Department of Labor, OSHA, JFK Federal Building, Room E340, Boston, MA 02203; telephone: (617) 565–9860; fax: (617) 565–9827.
- U.S. Department of Labor, OSHA, 201Varick St., Room 670, New York, NY 10014; telephone: (212) 337–2378; fax: (212) 337–2371.
- U.S. Department of Labor, OSHA, Curtis Building, Suite 740 West, 170 South Independence Mall West, Philadelphia, PA 19106; telephone: (215) 861–4900; fax: (215) 861–4904.
- U.S. Department of Labor, OSHA, Sam Nunn Atlanta Federal Center, 61 Forsyth St., SW., Room 6T50, Atlanta, GA 30303; telephone: (404) 562–2300; fax: (404) 562–2295.
- U.S. Department of Labor, OSHA, 230 South Dearborn St., Room 3244, Chicago, IL 60604; telephone: (312) 353–2220; fax: (312) 353–7774.
- U.S. Department of Labor, OSHA, 525 Griffin St., Room 602, Dallas, TX 75202; telephone: (214) 767–4736; fax: (214) 767–4693.
- U.S. Department of Labor, OSHA, City Center Square, 1100 Main St., Suite 800, Kansas City, MO 64105; telephone: (816) 426–5861; fax: (816) 426–2750.
- U.S. Department of Labor, OSHA, 1999 Broadway, Suite 1690, Denver, CO 80202–5716 (overnight), P.O. Box 46550, Denver, CO 80201–6550 (mail); telephone: (303) 844–1600; fax: (303) 844–1616.
- U.S. Department of Labor, OSHA, 71 Stevenson St., Room 420, San Francisco, CA 94105; telephone: (415) 975–4310; fax: (415) 975–4319.
- U.S. Department of Labor, OSHA, 1111 Third Ave., Suite 715, Seattle, WA 98101–3212; telephone: (206) 553–5930; fax: (206) 553–6499.

I. Notice of Application

The following companies (''the employers'') have submitted requests for a permanent variance under Section 6(d) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655) and 29 CFR 1905.11: (1) International Chimney Corporation, 55 South Long Street, Williamsville, New York 14221 (P.O. Box 260, Buffalo, NY 14231) (Ex. 1); (2) Karrena International, LLC, 57 South Long Street, Williamsville, New York 14221 (P.O. Box 200, Buffalo, NY 14231) (Ex. 2); and Matrix Service Industrial Contractors, Inc., 6945 Crabb Road, Temperance, Michigan 48182 (Ex. 3). The employers seek a permanent variance from § 1926.452(o)(3), which provides the tackle requirements for boatswains' chairs. The employers also request a variance from paragraphs (c)(1) through (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16) of § 1926.552 that regulate hoist towers. These latter paragraphs specify the following requirements:

- (c)(1)—Construction requirements for hoist towers outside a structure;
- (c)(2)—Construction requirements for hoist towers inside a structure;
- (c)(3)—Anchoring a hoist tower to a structure;
- (c)(4)—Hoistway doors or gates;
- (c)(8)—Electrically interlocking entrance doors or gates to the hoistway and cars;
- (c)(13)—Emergency stop switch located in the car;
- (c)(14)(i)—Using a minimum of two wire ropes for drum hoisting; and
- (c)(16)—Material and component requirements for construction of personnel hoists. The employers contend that the permanent variance would provide their employees with a place of employment that is at least as safe and healthful as they would obtain under the existing provisions.

The places of employment affected by this variance application are the present and future projects where the employers construct chimneys, located in states under federal jurisdiction, as well as State-plan states that have safety and health plans approved by OSHA under Section 18 of the Occupational Safety and Health (OSH) Act (29 U.S.C. 667) and 29 CFR part 1952 (''Approved State Plans for Enforcement of State Standards''). The employers certify that they have provided employee representatives of current employees who would be affected by the permanent variance with a copy of their variance requests. They also certify that they notified their employees of the variance requests by posting a summary of the application and specifying where they can examine a copy of the application at a prominent location or locations where they normally post notices to their employees (or instead of a summary, posting the application itself); and by other appropriate means. In addition, the employers have informed employees and their representatives of their right to petition the Assistant Secretary of Labor for Occupational Safety and Health for a hearing on this variance application.

II. Multi-State Variance

The employers perform chimney work in a number of geographic locations in the United States; these locations are likely to include one or more locations in State-plan states. Consequently, any permanent variance granted as a result of this variance application would be subject to the requirements specified by 29 CFR 1952.9 (''Variances affecting multi-state employers'') and 29 CFR 1905.14(b)(3) (''Action on applications''). Under these regulations, a permanent variance granted by the Agency would become effective in State-plan states to the extent that the relevant state standards are the same as the federal OSHA standards from which the employers are seeking the permanent variance, and the state has jurisdiction over both private- and public-sector employers and employees.[1]

III. Supplementary Information

A. Overview

The employers construct, remodel, repair, maintain, inspect, and demolish tall chimneys made of reinforced concrete, brick, and steel. This work, which occurs throughout the United States, requires the employers to transport employees and construction material to and from elevated work platforms and scaffolds located, respectively, inside and outside tapered chimneys. While tapering contributes to the stability of a chimney, it requires frequent relocation of, and adjustments to, the work platforms and scaffolds so that they will fit the decreasing circumference of the chimney as construction progresses upwards.

To transport employees to various heights inside and outside a chimney, the employers propose to use a hoist system that would lift and lower personnel-transport devices that include personnel cages, personnel platforms, or

[1] Three State-plan states (*i.e.*, Connecticut, New Jersey, and New York) and one territory (*i.e.*, Virgin Islands) do not have jurisdiction over private-sector employees (*i.e.*, they limit their occupational safety and health jurisdiction to public-sector employees only). State-plan states and territories that have jurisdiction over both public- and private-sector employers and employees are: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming.

boatswains' chairs. The employers also would attach a hopper or concrete bucket to the hoist system to raise or lower material inside or outside a chimney. The employers would use personnel cages, personnel platforms, or boatswains' chairs solely to transport employees with the tools and materials necessary to do their work, and *not* to transport only materials or tools in the absence of employees.

The employers would use a hoist engine located and controlled outside the chimney, to power the hoist system. The system also would consist of a wire rope that: spools off the hoist drum into the interior of the chimney; passes to a footblock that redirects the rope from the horizontal to the vertical planes; goes from the footblock through the overhead sheaves above the elevated platform; and finally drops to the bottom landing of the chimney where it connects to the personnel or material transport. The cathead, which is a superstructure at the top of a derrick, supports the overhead sheaves. The overhead sheaves (and the vertical span of the hoist system) move upward with the derrick as chimney construction progresses. Two guide cables, suspended from the cathead, eliminate swaying and rotation of the load. If the hoist rope breaks, safety clamps activate and grip the guide cables to prevent the load from falling. The employers would use a headache ball, located on the hoist rope directly above the load, to counterbalance the rope's weight between the cathead sheaves and the footblock.

The employers would implement additional conditions to improve employee safety, including:

- Attaching the wire rope to the personnel cage using a keyed-screwpin shackle or positive-locking link;
- Adding limit switches to the hoist system to prevent overtravel by the personnel- or material-transport devices;
- Providing the safety factors and other precautions required for personnel hoists specified by the pertinent provisions of § 1926.552(c), including canopies and shields to protect employees located in a personnel cage from material that may fall during hoisting and other overhead activities;
- Providing falling-object protection for scaffold platforms as specified by § 1926.451(h)(1);
- Conducting tests and inspections of the hoist system as required by §§ 1926.20(b)(2) and 1926.552(c)(15);
- Establishing an accident-prevention program that conforms to § 1926.20(b)(3);
- Ensuring that employees who use a personnel platform or boatswain's chair wear full body harnesses and lanyards, and that the lanyards are attached to lifelines during the entire period of vertical transit; and
- Securing the lifelines (used with a personnel platform or boatswain's chair) to the rigging at the top of the chimney and to a weight at the bottom of the chimney to provide maximum stability to the lifelines.

B. Previous Variances From §§ 1926.452(o)(3) and 1926.552(c)

Since 1973, ten chimney-construction companies demonstrated to OSHA that several of the hoist-tower requirements of § 1926.552(c) present access problems that pose a serious danger to their employees. These companies received permanent variances from these personnel-hoist and boatswains'-chair requirements, and they used essentially the same alternate apparatus and procedures that the employers are now proposing to use in this variance application. The Agency published the permanent variances for these companies at 38 FR 8545 (April 3, 1973), 44 FR 51352 (August 31, 1979), 50 FR 40627 (October 4, 1985), 52 FR 22552 (June 12, 1987), and 68 FR 52961 (September 8, 2003) (*see* Exs. 4 to 8).[2]

In 1980, the Agency evaluated the alternative conditions specified in the permanent variances that it had granted to chimney-construction companies as of that date. In doing so, OSHA observed hoisting operations conducted by these companies at various construction sites. These evaluations found that, while the alternative conditions generally were safe, compliance with the conditions among the companies was uneven (*see* Exs. 9 and 10). Additionally, the National Chimney Construction Safety and Health Advisory Committee, an industry-affiliated organization, conducted evaluations of the hoist systems that provided useful information regarding the safety and efficacy of the alternative conditions (see, *e.g.*, Ex. 11).

The permanent variance granted most recently by OSHA to American Boiler and Chimney Co. and Oak Park Chimney Corp. (*see* 68 FR 52961, September 8, 2003) updated the permanent variances granted by the Agency in the 1970s and 1980s by clarifying the alternative conditions and citing the most recent consensus standards and other references. On the basis of this experience and knowledge, the Agency finds that the employers' requests for a permanent variance are consistent with the permanent variances that OSHA has granted previously to other employers in the chimney-construction industry. Therefore, the Agency believes that the conditions specified in these variance applications will provide the employees of the employers with at least the same level of safety that they would receive from § 1926.452(o)(3) and paragraphs (c)(1) through (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16) of § 1926.552.

C. Requested Variance From § 1926.452(o)(3)

The employers state that it is necessary, on occasion, to use a boatswains' chair to transport employees to and from a bracket scaffold on the outside of an existing chimney during flue installation or repair work, or to and from an elevated scaffold located inside a chimney that has a small or tapering diameter. Paragraph (o)(3) of § 1926.452, which regulates the tackle used to rig a boatswains' chair, states that this tackle must ''consist of correct size ball bearings or bushed blocks containing safety hooks and properly 'eye-spliced' minimum five-eighth (5/8″) inch diameter first-grade manila rope [or equivalent rope].''

The primary purpose of this paragraph is to allow an employee to safely control the ascent, descent, and stopping locations of the boatswains' chair. However, the employers note that the required tackle is difficult or impossible to operate on some chimneys that are over 200 feet tall because of space limitations. Therefore, as an alternative to complying with the tackle requirements specified by § 1926.452(o)(3), the employers propose to use the hoisting system described in section III.A (''Overview'') of this notice, both inside and outside a chimney, to raise or lower employees in a personnel cage to work locations. The employers would use a personnel cage for this purpose to the extent that adequate space is available; they would use a personnel platform whenever a personnel cage is infeasible because of limited space. However, when limited space also makes a personnel platform infeasible, the employers then would use a boatswains' chair to lift employees to work locations. The employers would limit use of the boatswains' chair to elevations above the highest work location that the personnel cage and

[2] Zurn Industries, Inc. received two permanent variances from OSHA. The first variance, granted on May 14, 1985 (50 FR 20145), addressed the boatswains'-chair provision (then in paragraph (l)(5) of § 1926.451), as well as the hoist-platform requirements of paragraphs (c)(1), (c)(2), (c)(3), and (c)(14)(i) of § 1926.552. The second variance, granted on June 12, 1987 (52 FR 22552), included these same paragraphs, as well as paragraphs (c)(4), (c)(8), (c)(13), and (c)(16) of § 1926.552.

personnel platform can reach; under these conditions, they would attach the boatswains' chair directly to the hoisting cable only when the structural arrangement precludes the safe use of the block and tackle required by § 1926.452(o)(3).

D. Requested Variance From § 1926.552(c)

Paragraph (c) of § 1926.552 specifies the requirements for enclosed hoisting systems used to transport personnel from one elevation to another. This paragraph ensures that employers transport employees safely to and from elevated work platforms by mechanical means during the construction, alteration, repair, maintenance, or demolition of structures such as chimneys. However, this standard does not provide specific safety requirements for hoisting personnel to and from elevated work platforms and scaffolds in tapered chimneys; the tapered design requires frequent relocation of, and adjustment to, the work platforms and scaffolds. The space in a small-diameter or tapered chimney is not large enough or configured so that it can accommodate an enclosed hoist tower. Moreover, using an enclosed hoist tower for outside operations exposes employees to additional fall hazards because they need to install extra bridging and bracing to support a walkway between the hoist tower and the tapered chimney.

Paragraph (c)(1) of § 1926.552 requires the employers to enclose hoist towers located outside a chimney on the side or sides used for entrance to, and exit from, the chimney; these enclosures must extend the full height of the hoist tower. The employers assert that it is impractical and hazardous to locate a hoist tower outside tapered chimneys because it becomes increasingly difficult, as a chimney rises, to erect, guy, and brace a hoist tower; under these conditions, access from the hoist tower to the chimney or to the movable scaffolds used in constructing the chimney exposes employees to a serious fall hazard. Additionally, the employers note that the requirement to extend the enclosures 10 feet above the outside scaffolds often exposes the employees involved in building these extensions to dangerous wind conditions.

Paragraph (c)(2) of § 1926.552 requires that employers enclose all four sides of a hoist tower even when the tower is located inside a chimney; the enclosure must extend the full height of the tower. The employers contend that it is hazardous for employees to erect and brace a hoist tower inside a chimney, especially small-diameter or tapered chimneys, or chimneys with sublevels, because these structures have limited space and cannot accommodate hoist towers; space limitations result from chimney design (*e.g.,* tapering), as well as reinforced steel projecting into the chimney from formwork that is near the work location.

As an alternative to complying with the hoist-tower requirements of § 1926.552(c)(1) and (c)(2), the employers propose to use the rope-guided hoist system proposed above in section III.A (''Overview'') of this application to transport employees to and from work locations inside and outside chimneys. Use of the proposed hoist system would eliminate the need for the employers to comply with other provisions of § 1926.552(c) that specify requirements for hoist towers. Therefore, they are requesting a permanent variance from several other closely-related provisions, as follows:

- (c)(3)—Anchoring the hoist tower to a structure;
- (c)(4)—Hoistway doors or gates;
- (c)(8)—Electrically interlocking entrance doors or gates that prevent hoist movement when the doors or gates are open;
- (c)(13)—Emergency stop switch located in the car;
- (c)(14)(i)—Using a minimum of two wire ropes for drum-type hoisting; and
- (c)(16)—Construction specifications for personnel hoists, including materials, assembly, structural integrity, and safety devices.

The employers assert that the proposed hoisting system would protect their employees at least as effectively as the hoist-tower requirements of § 1926.552(c).

IV. Grant of Interim Order

In addition to requesting a permanent variance, the employers also requested an interim order that would remain in effect until the Agency makes a decision on their application for a permanent variance. During this period, the employers must comply fully with the conditions of the interim order as an alternative to complying with the tackle requirements provided for boatswains' chairs by § 1926.452(o)(3) and the requirements for hoist towers specified by paragraphs (c)(1) through (c)(4), (c)(8), (c)(13), (c)(14)(i) and (c)(16) of § 1926.552.

Based on its previous experience with permanent variances from these provisions granted to other companies, OSHA believes that an interim order is justified in this case. As noted above in section III.B (''Previous Variances * * *''), the Agency has granted five permanent variances from these provisions to 10 companies since 1973. Over this period, the affected companies have used effectively the alternative conditions specified in the variances. Moreover, the conditions of the interim order requested by the employers duplicate exactly the conditions approved in the permanent variance granted recently to American Boiler and Chimney Co. and Oak Park Chimney Corp. (*see* 68 FR 52961). In granting this permanent variance to American Boiler and Chimney Co. and Oak Park Chimney Corp., the Agency stated, ''[W]hen the employers comply with the conditions of the following order, their employees will be exposed to working conditions that are at least as safe and healthful as they would be if the employers complied with paragraph (o)(3) of § 1926.452, and paragraphs (c)(1) through (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16) of § 1926.552.'' (*See* 68 FR 52967.)

Having determined previously that the alternative conditions proposed by the employers will protect employees at least as effectively as the requirements of paragraph (o)(3) of § 1926.452 and paragraphs (c)(1) through (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16) of § 1926.552, OSHA has decided to grant an interim order to the employers pursuant to the provisions of § 1905.11(c). Accordingly, in lieu of complying with paragraph (o)(3) of § 1926.452 and paragraphs (c)(1) through (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16) of § 1926.552, the employers will: (1) Provide notice of this grant of interim order to the employees affected by the conditions of the interim order using the same means they used to inform these employees of their application for a permanent variance; and (2) comply with the conditions listed below in section V (''Specific Conditions of the Interim Order * * *'') of this application for the period between the date of this **Federal Register** notice and the date the Agency publishes its final decision on the application in the **Federal Register**; the interim order will remain in effect during this period unless OSHA modifies or revokes it in accordance with the requirements of § 1905.13.

With regard to chimney-construction operations conducted in State-plan states, the employers are invited to submit a request to the appropriate occupational safety and health authorities in those states where such operations are planned or are ongoing to determine whether they will honor this interim order. (For a list of State-plan states, *see* footnote 1 above.)

V. Specific Conditions of the Interim Order and the Application for a Permanent Variance

The following conditions apply to the interim order being granted by OSHA to International Chimney Corporation, Karrena International, LLC, and Matrix Service Industrial Contractors, Inc. as part of their application for a permanent variance described in this **Federal Register** notice. In addition, these conditions specify the alternatives to the requirements of paragraph (o)(3) of § 1926.452 and paragraphs (c)(1) through (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16) of § 1926.552 that the employers are proposing in their application for a permanent variance. These conditions include: [3]

1. Scope

(a) The interim order/permanent variance applies/would apply only when the employers use a rope-guided hoist system during inside or outside chimney construction to raise or lower their employees between the bottom landing of a chimney and an elevated work location on the inside or outside surface of the chimney.

(b) Except for the requirements specified by § 1926.452 (o)(3)) and § 1926.552(c)(1) through (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16), the employers must/would comply fully with all other applicable provisions of 29 CFR parts 1910 and 1926.

2. Replacing a Personnel Cage With a Personnel Platform or a Boatswains' Chair

(a) *Personnel platform.* When the employers demonstrate that available space makes a personnel cage for transporting employees infeasible, they may replace the personnel cage with a personnel platform when they limit use of the personnel platform to elevations above the last work location that the personnel cage can reach.

(b) *Boatswains' chair.* When the employers demonstrate that available space makes a personnel platform for transporting employees infeasible, they may:

(i) Replace the personnel platform with a boatswains' chair when they limit use of the boatswains' chair to elevations that are above the highest work location that the personnel platform can reach; and

(ii) When doing so, they must/would attach the boatswains' chair directly to the hoisting cable only when the structural arrangement precludes the safe use of the block and tackle required by § 1926.452(o)(3).

3. Qualified Competent Person

(a) The employers must/would:

(i) Provide a qualified competent person, as specified in paragraphs (f) and (m) of § 1926.32, who is responsible for ensuring that the design, maintenance, and inspection of the hoist system comply with the conditions of this grant and with the appropriate requirements of 29 CFR part 1926 (''Safety and Health Regulations for Construction''); and

(ii) Ensure that the qualified competent person is present at ground level to assist in an emergency whenever the hoist system is raising or lowering employees.

(b) The employers must/would use a qualified competent person to design and maintain the cathead described under Condition 8 (''Cathead and Sheave'') below.

4. Hoist Machine

(a) *Type of hoist.* The employers must/would designate the hoist machine as a portable personnel hoist.

(b) *Raising or lowering a transport.* The employers must/would ensure that:

(i) The hoist machine includes a base-mounted drum hoist designed to control line speed; and

(ii) Whenever they raise or lower a personnel or material hoist (*e.g.,* a personnel cage, personnel platform, boatswains' chair, hopper, concrete bucket) using the hoist system:

(A) The drive components are engaged continuously when an empty or occupied transport is being lowered (*i.e.,* no ''freewheeling'');

(B) The drive system is interconnected, on a continuous basis, through a torque converter, mechanical coupling, or an equivalent coupling (*e.g.,* electronic controller, fluid clutches, hydraulic drives).

(C) The braking mechanism is applied automatically when the transmission is in the neutral position and a forward-reverse coupling or shifting transmission is being used; and

(D) No belts are used between the power source and the winding drum.

(c) *Power source.* The employers must/would power the hoist machine by an air, electric, hydraulic, or internal-combustion drive mechanism.

(d) *Constant-pressure control switch.* The employers must/would:

(i) Equip the hoist machine with a hand- or foot-operated constant-pressure control switch (*i.e.,* a ''deadman control switch'') that stops the hoist immediately upon release; and

(ii) Protect the control switch to prevent it from activating if the hoist machine is struck by a falling or moving object.

(e) *Line-speed indicator.* The employers must/would:

(i) Equip the hoist machine with an operating line-speed indicator maintained in good working order; and

(ii) Ensure that the line-speed indicator is in clear view of the hoist operator during hoisting operations.

(f) *Braking systems.* The employers must/would equip the hoist machine with two (2) independent braking systems (*i.e.,* one automatic and one manual) located on the winding side of the clutch or couplings, with each braking system being capable of stopping and holding 150 percent of the maximum rated load.

(g) *Slack-rope switch.* The employers must/would equip the hoist machine with a slack-rope switch to prevent rotation of the winding drum under slack-rope conditions.

(h) *Frame.* The employers must/would ensure that the frame of the hoist machine is a self-supporting, rigid, welded-steel structure, and that holding brackets for anchor lines and legs for anchor bolts are integral components of the frame.

(i) *Stability.* The employers must/would secure hoist machines in position to prevent movement, shifting, or dislodgement.

(j) *Location.* The employers must/would:

(i) Locate the hoist machine far enough from the footblock to obtain the correct fleet angle for proper spooling of the cable on the drum; and

(ii) Ensure that the fleet angle remains between one-half (½) degree and one and one-half (1½) degrees for smooth drums, and between one-half (½) degree and two (2) degrees for grooved drums, with the lead sheave centered on the drum.[4]

(k) *Drum and flange diameter.* The employers must/would:

(i) Provide a winding drum for the hoist that is at least 30 times the diameter of the rope used for hoisting; and

(ii) Ensure that the winding drum has a flange diameter that is at least one and one-half (1½) times the winding-drum diameter.

(l) *Spooling of the rope.* The employers must/would *never* spool the rope closer than two (2) inches (5.1 cm) from the outer edge of the winding-drum flange.

[3] In these conditions, the verb ''must'' applies to the interim order, while the verb ''would'' pertains to the application for a permanent variance.

[4] Taken from the definition of, and specifications for, the term ''fleet angle'' from Cranes and Derricks, H. I. Shapiro, *et al.* (eds.); New York: McGraw-Hill, 2000. Accordingly, the fleet angle is ''[t]he angle the rope leading onto a [winding] drum makes with the line perpendicular to the drum rotating axis when the lead rope is making a wrap against the flange.''

(m) *Electrical system.* The employers must/would ensure that all electrical equipment is weatherproof.

(n) *Limit switches.* The employers must/would equip the hoist system with limit switches and related equipment that automatically prevent overtravel of a personnel cage, personnel platform, boatswains' chair, or material-transport device at the top of the supporting structure and at the bottom of the hoistway or lowest landing level.

5. Methods of Operation

(a) *Employee qualifications and training.* The employers must/would:

(i) Ensure that only trained and experienced employees, who are knowledgeable of hoist-system operations, control the hoist machine; and

(ii) Provide instruction, periodically and as necessary, on how to operate the hoist system to each employee who uses a personnel cage for transportation.

(b) *Speed limitations.* The employers must/would not operate the hoist at a speed in excess of:

(i) Two hundred and fifty (250) feet (76.9 m) per minute when a personnel cage is being used to transport employees;

(ii) One hundred (100) feet (30.5 m) per minute when a personnel platform or boatswains' chair is being used to transport employees; or

(iii) A line speed that is consistent with the design limitations of the system when only material is being hoisted.

(c) *Communication.* The employers must/would:

(i) Use a voice-mediated intercommunication system to maintain communication between the hoist operator and the employees located in or on a moving personnel cage, personnel platform, or boatswains' chair;

(ii) Stop hoisting if, for any reason, the communication system fails to operate effectively; and

(iii) Resume hoisting only when the site superintendent determines that it is safe to do so.

6. Hoist Rope

(a) *Grade.* The employers must/would use a wire rope for the hoist system (*i.e.*, ''hoist rope'') that consists of extra-improved plow steel, an equivalent grade of non-rotating rope, or a regular lay rope with a suitable swivel mechanism.

(b) *Safety factor.* The employers must/would maintain a safety factor of at least eight (8) times the maximum rated load capacity throughout the entire length of hoist rope.

(c) *Size.* The employers must/would use a hoist rope that is at least one-half (½) inch (1.3 cm) in diameter.

(d) *Inspection, removal, and replacement.* The employers must/would:

(i) Thoroughly inspect the hoist rope before the start of each job and on completing a new setup;

(ii) Maintain the proper diameter-to-diameter ratios between the hoist rope and the footblock and the sheave by inspecting the wire rope regularly (*see* Conditions 7(c) and 8(d) below); and

(iii) Remove and replace the wire rope with new wire rope when any of the conditions specified by § 1926.552(a)(3) occurs.

(e) *Attachments.* The employers must/would attach the rope to a personnel cage, personnel platform, or boatswains' chair with a keyed-screwpin shackle or positive-locking link.

(f) *Wire-rope fastenings.* When the employers use clip fastenings (*e.g.*, U-bolt wire-rope clips) with wire ropes, they must/would:

(i) Use Table H–20 of § 1926.251 to determine the number and spacing of clips;

(ii) Use at least three (3) drop-forged clips at each fastening;

(iii) Install the clips with the ''U'' of the clips on the dead end of the rope; and

(iv) Space the clips so that the distance between them is six (6) times the diameter of the rope.

7. Footblock

(a) *Type of block.* The employers must/would use a footblock:

(i) Consisting of construction-type blocks of solid single-piece bail with a safety factor that is at least four (4) times the maximum rated load capacity, or an equivalent block with roller bearings;

(ii) Designed for the applied loading, size, and type of wire rope used for hoisting;

(iii) Designed with a guard that contains the wire rope within the sheave groove;

(iv) Bolted rigidly to the base; and

(v) Designed and installed so that it turns the moving wire rope to and from the horizontal or vertical as required by the direction of rope travel.

(b) *Directional change.* The employers must/would ensure that the angle of change in the hoist rope from the horizontal to the vertical direction at the footblock is approximately 90°.

(c) *Diameter.* The employers must/would ensure that the line diameter of the footblock is at least 24 times the diameter of the hoist rope.

8. Cathead and Sheave

(a) *Support.* The employers must/would use a cathead (*i.e.*, ''overhead support'') that consists of a wide-flange beam or two (2) steel-channel sections securely bolted back-to-back to prevent spreading.

(b) *Installation.* The employers must/would ensure that:

(i) All sheaves revolve on shafts that rotate on bearings; and

(ii) The bearings are mounted securely to maintain the proper bearing position at all times.

(c) *Rope guides.* The employers must/would provide each sheave with appropriate rope guides to prevent the hoist rope from leaving the sheave grooves when the rope vibrates or swings abnormally.

(d) *Diameter.* The employers must/would use a sheave with a diameter that is at least 24 times the diameter of the hoist rope.

9. Guide Ropes

(a) *Number and construction.* The employers must/would affix two (2) guide ropes by swivels to the cathead. The guide ropes must/would:

(i) Consist of steel safety cables not less than one-half (1/2) inch (1.3 cm) in diameter; and

(ii) Be free of damage or defect at all times.

(b) *Guide rope fastening and alignment tension.* The employers must/would fasten one end of each guide rope securely to the overhead support, with appropriate tension applied at the foundation.

(c) *Height.* The employers must/would rig the guide ropes along the entire height of the hoist-machine structure.

10. Personnel Cage

(a) *Construction.* The employers must/would ensure that the personnel cage is of steel-frame construction and capable of supporting a load that is four (4) times its maximum rated load capacity. The employers also must/would ensure that the personnel cage has:

(i) A top and sides that are permanently enclosed (except for the entrance and exit);

(ii) A floor securely fastened in place;

(iii) Walls that consist of 14-gauge, one-half (½) inch (1.3 cm) expanded metal mesh, or an equivalent material;

(iv) Walls that cover the full height of the personnel cage between the floor and the overhead covering;

(v) A sloped roof constructed of one-eighth (⅛) inch (0.3 cm) aluminum, or an equivalent material; and

(vi) Safe handholds (*e.g.*, rope grips—but *not* rails or hard protrusions [5]) that accommodate each occupant.

(b) *Overhead weight.* The employers must/would ensure that the personnel cage has an overhead weight (*e.g.*, a headache ball of appropriate weight) to compensate for the weight of the hoist rope between the cathead and footblock. In addition, the employers must/would:

(i) Ensure that the overhead weight is capable of preventing line run; and

(ii) Use a means to restrain the movement of the overhead weight so that the weight does *not* interfere with safe personnel hoisting.

(c) *Gate.* The employers must/would ensure that the personnel cage has a gate that:

(i) Guards the full height of the entrance opening; and

(ii) Has a functioning mechanical lock that prevents accidental opening.

(d) *Operating procedures.* The employers must/would post the procedures for operating the personnel cage conspicuously at the hoist operator's station.

(e) *Capacity.* The employers must/would:

(i) Hoist no more than four (4) occupants in the cage at any one time; and

(ii) Ensure that the rated load capacity of the cage is at least 250 pounds (113.4 kg) for each occupant so hoisted.

(f) *Employee notification.* The employers must/would post a sign in each personnel cage notifying employees of the following conditions:

(i) The standard rated load, as determined by the initial static drop test specified by Condition 10(g) (''Static drop tests'') below; and

(ii) The reduced rated load for the specific job.

(g) *Static drop tests.* The employers must/would:

(i) Conduct static drop tests of each personnel cage, and these tests must/would comply with the definition of ''static drop test'' specified by section 3 (''Definitions'') and the static drop-test procedures provided in section 13 (''Inspections and Tests'') of American National Standards Institute (ANSI) standard A10.22–1990 (R1998) (''American National Standard for Rope-Guided and Nonguided Worker's Hoists—Safety Requirements'');

(ii) Perform the initial static drop test at 125 percent of the maximum rated load of the personnel cage, and subsequent drop tests at no less than 100 percent of its maximum rated load; and

(iii) Use a personnel cage for raising or lowering employees only when no damage occurred to the components of the cage as a result of the static drop tests.

11. Safety Clamps

(a) *Fit to the guide ropes.* The employers must/would:

(i) Fit appropriately designed and constructed safety clamps to the guide ropes; and

(ii) Ensure that the safety clamps do not damage the guide ropes when in use.

(b) *Attach to the personnel cage.* The employers must/would attach safety clamps to each personnel cage for gripping the guide ropes.

(c) *Operation.* The employers must/would ensure that the safety clamps attached to the personnel cage:

(i) Operate on the ''broken rope principle'' defined in section 3 (''Definitions'') of ANSI standard A10.22–1990 (R1998);

(ii) Are capable of stopping and holding a personnel cage that is carrying 100 percent of its maximum rated load and traveling at its maximum allowable speed if the hoist rope breaks at the footblock; and

(iii) Use a pre-determined and pre-set clamping force (*i.e.*, the ''spring compression force'') for each hoist system.

(d) *Maintenance.* The employers must/would keep the safety-clamp assemblies clean and functional at all times.

12. Overhead Protection

(a) The employers must/would install a canopy or shield over the top of the personnel cage that is made of steel plate at least three-sixteenth (3⁄16) of an inch (4.763 mm) thick, or material of equivalent strength and impact resistance, to protect employees (*i.e.*, both inside and outside the chimney) from material and debris that may fall from above.

(b) The employers must/would ensure that the canopy or shield slopes to the outside of the personnel cage.[6]

13. Emergency-Escape Device

(a) *Location.* The employers must/would provide an emergency-escape device in at least one of the following locations:

(i) In the personnel cage, provided that the device is long enough to reach the bottom landing from the highest possible escape point; or

(ii) At the bottom landing, provided that a means is available in the personnel cage for the occupants to raise the device to the highest possible escape point.

(b) *Operating instructions.* The employers must/would ensure that written instructions for operating the emergency-escape device are attached to the device.

(c) *Training.* The employers must/would instruct each employee who uses a personnel cage for transportation on how to operate the emergency-escape device:

(i) Before the employee uses a personnel cage for transportation; and

(ii) Periodically, and as necessary, thereafter.

14. Personnel Platforms and Fall-Protection Equipment

(a) *Personnel platforms.* When the employers elect to replace the personnel cage with a personnel platform in accordance with Condition 2(a) (''Personnel platform'') of this variance, they must/would:

(i) Ensure that an enclosure surrounds the platform, and that this enclosure is at least 42 inches (106.7 cm) above the platform's floor;

(ii) Provide overhead protection when an overhead hazard is, or could be, present; and

(iii) Comply with the applicable scaffolding strength requirements specified by § 1926.451(a)(1).

(b) *Fall-protection equipment.* Before employees use work platforms or boatswains' chairs, the employers must/would equip the employees with, and ensure that they use, body harnesses and lifelines as specified by § 1926.104 and the applicable requirements of § 1926.502(d).

15. Inspections, Tests, and Accident Prevention

(a) The employers must/would:

(i) Conduct inspections of the hoist system as required by § 1926.20(b)(2);

(ii) Ensure that a competent person conducts daily visual inspections of the hoist system; and

(iii) Inspect and test the hoist system as specified by § 1926.552(c)(15).

(b) The employers must/would comply with the accident-prevention requirements of § 1926.20(b)(3).

16. Welding

(a) The employers must/would use only qualified welders to weld components of the hoisting system.

(b) The employers must/would ensure that the qualified welders:

(i) Are familiar with the weld grades, types, and materials specified in the design of the system; and

[5] To reduce impact hazards should employees lose their balance because of cage movement.

[6] Paragraphs (a) and (b) have been adapted from the personnel-cage provisions of OSHA's Underground Construction Standard (§ 1926.800(t)(4)(iv)).

(ii) Perform the welding tasks in accordance with 29 CFR part 1926, subpart J (''Welding and Cutting'').

VII. Authority and Signature

Jonathan L. Snare, Acting Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC directed the preparation of this notice. This notice is issued under the authority specified by Section 6(d) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655), Secretary of Labor's Order No. 5–2002 (67 FR 65008), and 29 CFR part 1905.

Signed at Washington, DC, on April 14, 2005.

Jonathan L. Snare,

Acting Assistant Secretary of Labor.

[FR Doc. 05–7999 Filed 4–20–05; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL COUNCIL ON DISABILITY

Youth Advisory Committee Meeting (Teleconference)

Time and Date: 1 p.m., e.d.t., May 19, 2005.

Place: National Council on Disability, 1331 F Street, NW., Suite 850, Washington, DC.

Agency: National Council on Disability (NCD).

Status: All parts of this meeting will be open to the public. Those interested in participating should contact the appropriate staff member listed below.

Agenda: Roll call, announcements, reports, new business, adjournment.

Contact Person for More Information: Geraldine Drake Hawkins, Ph.D., Program Analyst, National Council on Disability, 1331 F Street, NW., Suite 850, Washington, DC 20004; 202–272–2004 (voice), 202–272–2074 (TTY), 202–272–2022 (fax), *ghawkins@ncd.gov* (e-mail).

Youth Advisory Committee Mission: The purpose of NCD's Youth Advisory Committee is to provide input into NCD activities consistent with the values and goals of the Americans with Disabilities Act.

Dated: April 18, 2005.

Ethel D. Briggs,

Executive Director.

[FR Doc. 05–8018 Filed 4–20–05; 8:45 am]

BILLING CODE 6820–MA–P

POSTAL SERVICE

Board of Governors; Sunshine Act Meeting; Notification of Day Added to Meeting

PREVIOUSLY ANNOUNCED DATE OF MEETING: April 12, 2005.

STATUS: Closed.

PREVIOUS ANNOUNCEMENT: 70 FR 17270, April 5, 2005.

ADDITION: The Board of Governors of the United States Postal Service voted unanimously to add an additional day to the agenda of its closed meeting and that no earlier announcement was possible.

STATUS: April 11, 2005–4:30 p.m. (Closed).

MATTERS TO BE CONSIDERED: Agenda of previously announced April 12 closed meeting.

FOR FURTHER INFORMATION CONTACT: William T. Johnstone, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260–1000. Telephone (202) 268–4800.

William T. Johnstone,

Secretary.

[FR Doc. 05–8075 Filed 4–18–05; 8:45 am]

BILLING CODE 7710–12–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51540; File No. SR–CBOE–2005–21]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Notice of Filing of Proposed Rule Change Relating to the Calculation of the National Best Bid or Offer When Another Exchange Is Disconnected From the Intermarket Options Linkage

April 13, 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 17, 2005, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in items I, II, and III below, which items have been prepared by the CBOE. 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.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CBOE proposes to amend its rules regarding calculation of the National Best Bid/Offer (''NBBO'') when another participant in the Plan for the Purpose of Creating and Operating an Intermarket Option Linkage (''Linkage Plan'') is disconnected from the Linkage.[3] The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com*), the principal office of the Exchange, and at the Commission's Public Reference Room.

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 CBOE included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it had received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. The Exchange 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

Exchange Rule 6.13(e) provides circumstances where two Floor Officials may determine that the quotes from one or more particular markets, in one or more classes of options, are not reliable. Currently, two circumstances are listed: (1) When another participant in the Linkage Plan (''Participant'')[4] declares its quotes non-firm, and (2) when another Participant has communicated to the CBOE that the Participant is experiencing systems or other problems there are affecting the reliability of its disseminated quotes. The Exchange now seeks to add one more circumstance to the list: when another Participant in the Intermarket Options Linkage has ''disconnected'' from the Linkage and is not accepting Linkage orders. CBOE believes this addition is necessary because there are times when, because

[3] The term ''Linkage'' means the systems and data communications network that link electronically the options exchanges to one another for the purpose of sending and receiving Linkage Orders, related confirmations, order statuses and Administrative Messages. *See* Section 2(14) of the Linkage Plan.

[4] *See* Section 2(24) of the Linkage Plan.

of system malfunctions, a Participant is disconnected from the Linkage but has not declared a non-firm condition and has not informed other markets that it may have quote problems. Under those situations, access to such market is limited, and the Exchange believes it is appropriate to exclude such market's quotes in CBOE's NBBO calculation.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with section 6(b) of the Act [5] in general and furthers the objectives of section 6(b)(5) [6] in particular in that it should promote just and equitable principles of trade, serve to remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE believes that the proposed rule change does not impose 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

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 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 90 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 CBOE 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–CBOE–2005–21 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–CBOE–2005–21. 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 CBOE. 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 publicly available. All submissions should refer to File Number SR–CBOE–2005–21 and should be submitted on or before May 21, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5–1878 Filed 4–20–05; 8:45 am]

BILLING CODE 8010–01–P

[5] 15 U.S.C. 78(b).

[6] 15 U.S.C. 78(b)(5).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51550; File No. SR–FICC–2005–07]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing of Proposed Rule Change To Establish a Firm Deadline by Which Members of the Government Securities Division Must Satisfy Clearing Fund Deficiencies

April 15, 2005.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on March 18, 2005, the Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in items I, II, and III below, which items have been prepared primarily by FICC. 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 purpose of this proposed rule change is to establish a firm deadline by which members of FICC's Government Securities Division (''GSD'') must satisfy clearing fund deficiencies.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FICC 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. FICC 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 purpose of the proposed rule change is to establish a firm deadline by which members of GSD must meet clearing fund deficiencies. Currently, GSD's rules provide a deadline for a member's satisfaction of a clearing fund deficiency of two hours after GSD has issued a notice of deficiency to that

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by FICC.

member. Under current practice, GSD issues its clearing fund deficiency notices by telephone calls typically at 8:30 a.m. eastern time, and by a facsimile containing (i) a cover letter summarizing the deficiency status and (ii) a detailed report reflecting the firm's current clearing fund requirement and collateral on deposit. Therefore, deficiency calls typically must be satisfied by approximately 10:30 a.m. eastern time.

Notwithstanding GSD's issuance of clearing fund calls, each member has the ability to access a report each day detailing its clearing fund balances and any deficiency thereof generally by 12:30 a.m. eastern time.

To further ensure the timely satisfaction of clearing fund deficiency calls and taking into account members' ready access to clearing fund deficiency information, the proposed rule change would establish a firm deadline of 10:30 a.m. eastern time for such satisfaction and eliminate current provisions which correlate the timing of the deadline to the issuance of the notice by FICC.[3] As a result, it would be incumbent upon members to access directly the appropriate report detailing their clearing fund deposit requirements so they might satisfy any deficiencies.

FICC believes the proposed rule change is consistent with the requirements of section 17A of the Act[4] and the rules and regulations thereunder applicable to FICC because it promotes timely satisfaction of clearing fund deficiency calls and reduces the amount of risk to FICC and its members. As such, FICC believes the proposed rule assures the safeguarding of securities and funds that are in the custody and control of FICC or for which it is responsible.

(B) Self-Regulatory Organization's Statement on Burden on Competition

FICC does not believe that the proposed rule change will have any impact or impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not yet been solicited or received. FICC will notify the Commission of any written comments received by FICC.

[3] Under the proposed rule, FICC may extend this deadline if operational or systems difficulties arise that reasonably prevent members from satisfying the 10:30 a.m. eastern time deadline.

[4] 15 U.S.C. 78q–1.

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–FICC–2005–07 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–FICC–2005–07. 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 filings also will be available for inspection and copying at the principal office of FICC and on FICC's Web site at *http://www.ficc.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–FICC–2005–07 and should be submitted on or before May 12, 2005.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5–1877 Filed 4–20–05; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51561; File No. SR–MSRB–2005–04]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing of Proposed Rule Change Relating to Solicitation of Municipal Securities Business Under MSRB Rule G–38

April 15, 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 22, 2005, the Municipal Securities Rulemaking Board (''MSRB'' or ''Board'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in items I, II and III below, which Items have been prepared by the MSRB. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of The Terms of Substance of the Proposed Rule Change

The MSRB has filed with the Commission a proposed rule change deleting existing Rule G–38, on consultants, and replacing it with new Rule G–38, on solicitation of municipal securities business. In addition, the proposed rule change would make related amendments to Rule G–37, on political contributions and prohibitions on municipal securities business, Rule G–8, on recordkeeping, Form G–37/G–38 and Form G–37x, as well as add new

[5] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Form G–38t. The text of the proposed rule change, as well as proposed amended Form G–37, amended Form G–37x and new Form G–38t, are available on the MSRB's Web site (*http://www.msrb.org*), at the MSRB's principal office, and at the Commission's Public Reference Room.

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 MSRB 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 MSRB has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The MSRB began its current rulemaking initiative on the solicitation on behalf of brokers, dealers and municipal securities dealers (''dealers'') of municipal securities business[3] by consultants[4] early last year because of certain practices that could present challenges to maintaining the integrity of the municipal securities market.[5] These practices include, among other things, significant increases in recent years in the number of consultants being used, the amount these consultants are being paid and the level of reported political giving by consultants. The MSRB has been concerned that increases in levels of compensation paid to consultants for successfully obtaining municipal securities business may be motivating consultants, who currently are not subject to the basic standards of fair practice and professionalism embodied in MSRB rules, to use more aggressive or questionable tactics in their contacts with issuers. In addition, the MSRB has expressed concern over whether dealers are uniformly making the required disclosures to issuers and on Form G–37/G–38, and whether they are undertaking the other required duties imposed by Rule G–38, for all persons who by their actions should be considered consultants. The MSRB believes that it would be appropriate to apply the basic standards of fair practice and professionalism embodied in MSRB rules to all persons who solicit municipal securities business on behalf of dealers. The application of such standards would ensure that all solicitations are undertaken in accordance with the ethical standards that govern dealer personnel.

Thus, the MSRB has determined to file the proposed rule change with the Commission.

Summary of Proposed Amendments to Rule G–38

Prohibited Payments. Existing Rule G–38, on consultants, is replaced in its entirety by new Rule G–38, on solicitation of municipal securities business. The new rule prohibits dealers from making any direct or indirect payment to any person who is not an affiliated person of the dealer for a solicitation of municipal securities business on behalf of the dealer.

Definitions of Affiliated Person and Affiliated Company. An affiliated person of a dealer is defined as any partner, director, officer or employee of the dealer or of an affiliated company. An affiliated company of a dealer is an entity that controls, is controlled by or is under common control with the dealer and whose activities are not limited solely to the solicitation of municipal securities business. Thus, a dealer affiliate whose activities consist only of soliciting municipal securities business and that undertakes no other *bona fide* activities with respect to the dealer or with respect to any other affiliated company of the dealer does not qualify as an affiliated company for purposes of new Rule G–38.[6]

Definition of Solicitation. Solicitation is defined as a direct or indirect communication with an issuer for the purpose of obtaining or retaining municipal securities business.

Transitional Payments and New Form G–38t. Notwithstanding the foregoing, dealers are permitted to make payments to non-affiliated persons for solicitations of municipal securities business if such payments are made with respect solely to solicitation activities undertaken by such persons on or prior to the date of Commission approval of the amendments. Such payments are permitted only if (A) the dealer had been selected by the issuer on or prior to the approval date of the proposed amendments to engage in such municipal securities business; [7] (B) the consultant has not solicited municipal securities business from any issuer on behalf of the dealer at any time after the approval date; and (C) the dealer submits to the MSRB, by the last day of the month following the end of each calendar quarter during which payments to the consultant are made or remain pending, new Form G–38t.[8] The dealer must provide on Form G–38t the same types of disclosures currently required to be made with respect to consultants under existing Rule G–38.[9] The MSRB will make public copies of all Forms G–38t it receives on its Web site at *http://www.msrb.org.* The use of Form G–37/G–38 will be discontinued on the date of Commission approval of the amendments. All information submitted to the MSRB with respect to consultants on or after the date of Commission approval must be submitted on Form G–38t rather than old Form G–37/G–38, even if a payment required to be reported to the MSRB has

[3] Municipal securities business is defined in Rule G–37 as the purchase of a primary offering from the issuer on other than a competitive bid basis (*e.g.*, negotiated underwriting), the offer or sale of a primary offering on behalf of an issuer (*e.g.*, private placement or offering of municipal fund securities), and the provision of financial advisory, consultant or remarketing agent services to an issuer for a primary offering in which the dealer was chosen on other than a competitive bid basis.

[4] Current Rule G–38 defines consultant as any person used by a dealer to obtain or retain municipal securities business through direct or indirect communication with an issuer on behalf of the dealer where such communication is undertaken in exchange for payment from the dealer or any other person.

[5] *See* footnotes 14 and 15 *infra* and accompanying text.

[6] This provision is not intended to exclude from the definition of affiliated company any entity that is a legitimate member of a dealer's corporate family, so long as such entity's sole *bona fide* purpose is not to solicit municipal securities business for the dealer or for any of the dealer's other affiliated companies. In the case of a dealer organized as a separately identifiable department or division of a bank (''SID'') under Rule G–1, those portions of the bank outside of the SID would be treated as an affiliated company of the dealer.

[7] A dealer must be able to provide documentation from the issuer or other third party of its selection on or prior to the Commission approval date for the amendments.

[8] Since it is expected that Form G–38t will be used during only a short period of time, as discussed below, the MSRB has elected not to develop an electronic submission system for such form. Thus, dealers submitting Forms G–38t to the MSRB must send two copies of the form to the MSRB by certified or registered mail, or some other equally prompt means that provides a record of sending.

[9] These disclosures include the name, business address and role of the consultant, the compensation arrangement, any municipal securities business obtained or retained by the consultant for which payment is made or is pending and dollar amounts paid to the consultant in such quarter for each such item of business, the total dollar amount paid to each consultant in such calendar quarter, and the reportable political contributions and reportable political party payments of the consultant. Each item of municipal securities business for which payment remains pending must be listed on the quarterly reports until such quarter in which payment is finally made, at which time the amount paid must be listed. If no further payments are to be made to a consultant, such consultant need not be listed on Form G–38t for subsequent quarters.

been made to the consultant prior to such date of approval.

The MSRB expects that dealers will terminate their contractual obligations with and remit final payments to consultants promptly following approval of the amendments by the Commission. The MSRB will ask the applicable enforcement agencies to review Forms G–38t and the circumstances of continuing payments to consultants in order to ensure that such payments are not being made in an attempt to circumvent the intent of the new rule provisions.

Summary of Proposed Amendments to Rule G–37 and Forms G–37/G–38 and G–37x

Rule G–37 is amended to (i) delete references and provisions relating to consultant information provided under Rule G–38, (ii) reflect that those associated persons who solicit municipal securities business and thereby are municipal finance professionals include affiliated persons under Rule G–38, (iii) add a reference to the definition of solicitation under new Rule G–38, (iv) reflect the renaming of Form G–37/G–38 as Form G–37, and (v) make section headings consistent throughout the rule. Form G–37/G–38 is renamed as Form G–37, and Section IV and the consultant attachment to the form are deleted.[10] In addition, Form G–37x is amended to delete references to the reporting of consultant information.

Summary of Proposed Amendments to Rule G–8

Rule G–8, on recordkeeping, is amended to require dealers to retain copies of any submitted Forms G–38t and records of their submission to the MSRB, as well as to reflect the historical nature of the records that dealers must retain with respect to the deleted consultant provisions of existing Rule G–38.

2. Statutory Basis

The MSRB believes that the proposed rule change is consistent with section 15B(b)(2)(C) of the Act,[11] which provides that the MSRB's rules shall ''be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest * * *.'' [12]

The MSRB believes that the proposed rule change is consistent with the Act because it will further investor protection and the public interest by ensuring that solicitations of municipal securities business are undertaken in a manner consistent with standards of fair practice and professionalism, thereby helping to maintain public trust and confidence in the integrity of the municipal securities market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The MSRB does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act since it would apply equally to all dealers.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The MSRB published notices for comment on draft amendments to Rule G–38 on April 5, 2004 (the ''April 2004 Notice'') [13] and September 29, 2004 (the ''September 2004 Notice'').[14] The April 2004 notice sought comments on draft amendments limiting payments by a dealer for the solicitation of municipal securities business on its behalf solely to its associated persons (the ''original draft amendments''). The MSRB received comments from 28 commentators.[15]

The September 2004 notice sought comments on revised draft amendments to Rule G–38 (the ''revised draft amendments'') prohibiting a dealer from making payments for the solicitation of municipal securities business on its behalf to any person who is not an associated person of the dealer. The revised draft amendments would have imposed additional obligations on dealers with respect to any solicitor who is not a partner, director, officer or employee. These obligations would have included the entering into of a contractual agreement, the subjecting of such solicitors to MSRB rules (including but not limited to Rule G–37) with respect to their solicitation activities, and the disclosure of arrangements relating to such solicitors. The MSRB received comments from 19 commentators.[16]

[10] The form also is amended to reflect the previous renaming of ''executive officers'' as ''non-MFP executive officers'' under Rule G–37 and to rename the municipal securities business category designation of ''private placement'' to ''agency offering'' to more accurately reflect the nature of this category. The substance of Section IV and the consultant attachment deleted from the form have been included in new Form G–38t.

[11] 15 U.S.C. 78o–4(b)(2)(C).

[12] *Id.*

[13] *See* MSRB Notice 2004–11 (April 5, 2004).

[14] *See* MSRB Notice 2004–32 (September 29, 2004), as modified by MSRB Notice 2004–33 (October 12, 2004).

[15] Letters from Sam Conner, Senior Vice President and Manager of Public Finance, J.J.B. Hilliard, W.L. Lyons, Inc. (''JJB Hilliard''), to Kit Taylor, Executive Director, MSRB, dated April 14, 2004; Jerry L. Chapman (''Mr. Chapman''), to Ernesto A. Lanza, Senior Associate General Counsel, MSRB, dated April 22, 2004; Joe Jolly, Jr., Joe Jolly & Co., Inc. (''Joe Jolly''), to William J. Jester, Jr., Chairman, MSRB, dated April 26, 2004; Peter J. Hill, Managing Director, Public Finance Department, JP Morgan (''JP Morgan''), to Mr. Taylor dated April 26, 2004; R. Steven Crowley, President, Nevis Securities, LLC (''Nevis''), to Mr. Lanza dated April 29, 2004; Dennis G. Ciocca, Senior Managing Director, Sutter Securities Incorporated (''Sutter'') to Mr. Taylor, dated May 17, 2004; Maud Daudon, Managing Director, Investment Banking, and John Rose, President & CEO, Seattle-Northwest Securities Corporation (''Seattle-Northwest'') to Mr. Taylor, dated May 19, 2004; Gordon Reis III, Managing Principal, Seasongood & Mayer, LLC (''Seasongood'') to Mr. Taylor, dated May 20, 2004; Hill A. Feinberg, Chairman & Chief Executive Officer, First Southwest Company (''First Southwest'') to Mr. Lanza, dated May 26, 2004; James C. Cervantes, Managing Director & Head of the Public and Non-Profit Finance Group, and Scott C. Sollers, Managing Director, Stone & Youngberg (''S&Y'') to Mr. Lanza, dated June 2, 2004; Bruce Moland, Vice President & Assistant General Counsel, Wells Fargo & Company (''Wells Fargo''), to Mr. Lanza dated June 2, 2004; Amelia A.J. Bond, Director of Public Finance, A.G. Edwards & Sons, Inc. (''AG Edwards''), to Mr. Lanza dated June 3, 2004; Pfilip G. Hunt, Jr., President, Gardnyr Michael Capital, Inc. (''Gardnyr Michael''), to Mr. Taylor dated June 3, 2004; G. Douglas Edwards, President & CEO, Morgan Keegan & Company, Inc. (''Morgan Keegan''), to Mr. Lanza dated June 3, 2004; Thomas E. Lanctot, Principal and Head of the Public and Non-Profit Finance Group, William Blair & Company (''William Blair''), to Mr. Lanza dated June 3, 2004; Sarah A. Miller, General Counsel, ABA Securities Association (''ABA''), to Mr. Lanza dated June 4, 2004; Daniel L. Keating, Senior Managing Director, Bear Stearns & Co., Inc. (''Bear Stearns''), to Mr. Lanza dated June 4, 2004; Lynette Kelly Hotchkiss, Senior Vice President and Associate General Counsel, Bond Market Association (''BMA''), to Mr. Lanza dated June 4, 2004; Martin Cabrera, Jr., President, Cabrera Capital Markets, Inc. (''Cabrera''), to Mr. Lanza dated June 4, 2004; Robyn A. Huffman, Vice President and Associate General Counsel, Goldman Sachs & Co. (''Goldman''), to Mr. Lanza dated June 4, 2004; Samuel C. Doyle, Executive Vice President, Kirkpatrick, Pettis, Smith, Polian Inc. (''Kirkpatrick''), to Mr. Jester dated June 4, 2004; Mike Dunn, Merchant Capital LLC (''Merchant''), to the MSRB dated June 4, 2004; John J. Lawlor, Managing Director, Municipal Markets, Merrill Lynch (''Merrill''), to Mr. Lanza dated June 4, 2004; Andrew Garvey, Managing Director, Morgan Stanley & Co. Incorporated (''Morgan Stanley''), to Mr. Lanza dated June 4, 2004; Bernard Beal, Chief Executive Officer, M.R. Beal & Company (''MR Beal''), to Mr. Lanza dated June 4, 2004; James S. Keller, Chief Regulatory Counsel, PNC Capital Markets, Inc. (''PNC''), to Mr. Lanza dated June 4, 2004; Terry L. Atkinson, Managing Director & Director, Municipal Securities Group, UBS Financial Services Inc., to Mr. Lanza dated June 4, 2004 (''UBS''); and Frank Y. Chin, Managing Director, Public Finance Department, Municipal Securities Division, Citigroup Global Markets, Inc. (''Citigroup''), to Mr. Lanza dated June 7, 2004.

[16] Letters from Mr. Ciocca (''Mr. Ciocca'') to Mr. Lanza dated December 8, 2004; Mr. Hunt, Gardnyr

The comments received on the April and September 2004 Notices are discussed below.

Need for Regulatory Action on Solicitation of Municipal Securities Business

Comments Received. Many commentators believe that consultants are beneficial and allow dealers, especially smaller regional dealers, to maximize their limited resources and compete with larger national dealers.[17] Some of these commentators express concern that the amendments would negatively impact such dealers, with the BMA stating that the proposal may practically eliminate an entire segment of the municipal securities industry. The BMA and Sen. Santorum state that the use of consultants increases competition and provides issuers with greater choice, thereby resulting in ''better service at lower rates.'' In addition, they argue that consultants that have a local presence ''have unique knowledge regarding the local issuer's needs and requirements,'' thereby improving the effectiveness of the dealer at servicing the issuer. Merrill Lynch notes that ''the municipal marketplace is uniquely fragmented, covering myriad issuers in diverse locations.'' It argues that consultants are necessary to providing quality service to such a diverse market. UBS states that disclosure of consultant practices is better than a prohibition on using consultants.

Other commentators believe that there is a significant problem with the use of consultants that is appropriately addressed by requiring that solicitation activity be undertaken only by persons subject to MSRB rules.[18] JP Morgan agrees ''that eliminating the use of consultants who are not associated persons will advance the * * * standards of fair practice and professionalism embodied in the Board's rules and in the rules and regulations that govern all activities of brokers, dealers and municipal securities dealers and their associated persons.'' It views the original draft amendments as ''a sensible regulatory response to the increasing and evolving use of third parties to solicit municipal securities business.'' Seattle-Northwest states that ''removing the opportunity for improper conduct by consultants would result overall in an improved environment for issuance of municipal securities.'' Wells Fargo believes that the original draft amendments have ''the benefit of removing the ability of a dealer to indirectly evade the 'pay to play' prohibitions * * * through the use of consultants.''

The BMA contends that the amendments are not warranted, stating that the MSRB relies on possible abusive practices and speculative risks that have not been shown to exist. It questions whether there has been a significant increase in contributions by consultants and further states that, ''regardless of the level of the contributions being made, there is no indication whatsoever that Consultant contributions are being used to influence decisions regarding municipal securities business.'' The BMA states that coupling Rule G–37(d), on indirect violations, with the existing disclosure requirements of Rule G–38 provides an effective means for addressing the MSRB's concerns.

With regard to compensation, the BMA argues that the increase in payments to consultants ''does not in any way indicate or imply that Consultants are engaging in pay-to-play or that there is added pressure on Consultants to engage in aggressive or abusive practices. Rather, the recent increase in compensation appears to be attributable to the significant increase in the volume and size of municipal securities deals.'' On the other hand, AG Edwards, Citigroup, Goldman, Merrill and William Blair state that they would support a prohibition on contingent compensation arrangements or ''success'' fees paid to consultants. However, S&Y opposes the imposition of restrictions on the type and amount of compensation paid to consultants.

MSRB Response. After a careful and thorough review of industry comments on the April and September 2004 Notices, the MSRB has concluded that regulatory action in this area is warranted, based on the concerns previously expressed by the MSRB in such notices and continuing revelations of questionable activities involving issuer personnel, dealers, other financial services organizations, and third-party intermediaries. Such activities have the potential to severely undermine public confidence in the municipal securities market. The existing consultant disclosure requirements under current Rule G–38 have assisted the MSRB in determining that action is necessary in this area but cannot serve as a substitute for such action. The MSRB believes that the proposed rule change represents a meaningful step toward further ensuring the continued integrity of the municipal securities market. The MSRB also believes that the benefits to the municipal securities market resulting from the proposed rule change outweigh the benefits that would accrue to permitting consultants to continue soliciting municipal securities business on behalf of dealers. Furthermore, the MSRB received comments both in favor of and in opposition to the original draft amendments from large national firms and small or regional firms. Taken as a whole, the comments do not provide persuasive evidence that the proposed rule change would have a disparate effect on different types of dealers.

Other Unregulated Municipal Securities Industry Participants

Comments Received. Many commentators are concerned that, although the problems associated with pay-to-play in the municipal securities industry are not limited to dealers, only dealers are subject to regulation in this area.[19] First Southwest and Kirkpatrick observe that any problem that may exist requires a broader response than restrictions applicable only to dealers. Several commentators also believe that current MSRB rules may permit dealers with affiliated banks to use these banks to circumvent MSRB rules.[20] They urge the MSRB to coordinate efforts with the Commission, NASD and others to apply pay-to-play limits to financial advisors,

Michael, to Mr. Taylor dated December 10, 2004; Ms. Daudon and Mr. Rose, Seattle-Northwest, to Mr. Lanza dated December 13, 2004; Mr. Feinberg, First Southwest, to Mr. Lanza dated December 14, 2004; Mr. Moland, Wells Fargo, to Mr. Lanza dated December 15, 2004; Robert A. Estrada, Chairman & CEO, Estrada Hinojosa & Company, Inc. (''Estrada''), to Mr. Lanza dated December 15, 2004; Ms. Hotchkiss, BMA, to Mr. Lanza dated December 15, 2004; Ms. Huffman, Goldman, to Mr. Lanza dated December 15, 2004; Mr. Garvey, Morgan Stanley, to Mr. Lanza dated December 15, 2004; Mr. Atkinson, UBS, to Mr. Lanza dated December 15, 2004; Glenn Green, Vice President—Municipal Compliance, Wachovia Securities (''Wachovia''), to Mr. Lanza dated December 15, 2004; Mr. Lanctot, William Blair, to Mr. Lanza dated December 15 and December 16, 2004; Ronald J. Dieckman, Senior Vice President & Director, Municipal Bond Department, JJB Hilliard, to Mr. Lanza; Lawrence C. Holtz, President, Fixed Income Group, RBC Dain Rauscher (''Dain Rauscher''), to Mr. Lanza; Ms. Miller, ABA, to Mr. Lanza dated December 17, 2004; Mr. Doyle, Kirkpatrick, to Mr. Taylor dated December 17, 2004; Mr. Keating, Bear Stearns, to Mr. Lanza dated December 20, 2004; Mr. Lawlor, Merrill, to Mr. Lanza dated January 20, 2005; and the Honorable Rick Santorum, United States Senate (''Sen. Santorum''), to Mr. Lanza dated February 16, 2005.

[17] *See* comments of Bear Stearns, BMA, Cabrera, Citigroup, Gardnyr Michael, Goldman Sachs, JJB Hilliard, Merrill Lynch, Morgan Stanley, MR Beal, Nevis, PNC, Sen. Santorum, Sutter, UBS and William Blair.

[18] *See* comments of ABA, Mr. Chapman, Mr. Ciocca, Joe Jolly, JP Morgan, Kirkpatrick, Morgan Keegan, Seasongood, Seattle-Northwest and Wells Fargo.

[19] *See* comments of Mr. Chapman, First Southwest, Kirkpatrick, Merrill and Morgan Keegan.

[20] *See* comments of Goldman, Merchant, Morgan Stanley and William Blair.

derivatives advisors, bond lawyers and other market participants.

MSRB Response. The MSRB recognizes that other participants in the municipal securities industry face the same types of challenges as does the dealer community. Given the limited jurisdictional reach of MSRB rules, however, a more complete response to concerns in this area requires voluntary action on the part of the unregulated parties in the municipal securities market. The MSRB strongly encourages other industry participants—including but not limited to financial advisers, lawyers and swap participants—to take affirmative steps to ensure the integrity of their portion of the marketplace and toward severing the connection of political contributions and other payments that benefit public officials and their surrogates from the awarding of contracts relating to the municipal securities, derivative products and other financial activities of issuers. The MSRB observes that the failure of such other parties to take meaningful steps to deter potential conflicts of interests and other possibly abusive practices may merit further consideration by the Commission or Congress.

Effect of Becoming an Associated Person

Comments Received. Many commentators note that the associated person concept used in the draft amendments triggers requirements under the Exchange Act and rules of other self-regulatory organizations, and can also raise state tax and labor law issues.[21] They argue that these non-MSRB requirements may be practically impossible to apply to many solicitors. Several commentators also state that there is no guidance as to how solicitors serving multiple dealers are to be supervised.

MSRB Response. The MSRB recognizes the concerns over the associated person concept. The MSRB's intent in using the associated person concept in the draft amendments was to ensure that outside solicitors were fully subject to MSRB rules and did not extend to making other legal requirements applicable to such solicitors. The MSRB has therefore abandoned the associated person concept in the proposed rule change. The MSRB believes that, as formulated, the proposed rule change does not raise the concerns expressed by these commentators.

Apply Only G–37 to Consultants

Comments Received. Many commentators suggest that the applicability of MSRB rules to solicitors be limited to Rule G–37 itself, or that the MSRB draft new provisions having varying degrees of similarity to those of Rule G–37.[22]

MSRB Response. The MSRB disagrees that only Rule G–37, and not the other rules of the MSRB, should apply to the activities of solicitors. As noted above, one of the principal purposes of this proposal was to make the process of soliciting municipal securities business subject to the standards of fair practice and professionalism that apply to the other municipal securities activities of dealers. Imposition solely of Rule G–37 would fall short of this objective.

Suggested Alternative

Comments Received. The BMA suggests that, as an alternative means of subjecting consultants to fair practice and professionalism standards, the MSRB require that such standards be embodied in a dealer's agreement with its consultant. It suggests that the consultant agreement include provisions that would impose by contract the requirements of certain MSRB rules, such as Rules G–17, G–20 and G–37, as well as assurances of compliance with state and local ethics, conflicts of interest, and lobbying disclosures laws. The alternative proposal would, however, limit the application of Rule G–37 so as to impose prohibitions on certain contributions by consultants, rather than imposing a ban on municipal securities business on the dealer as a result of such contributions. In addition, failure by consultants to comply with their contractual obligations would result in termination of such contracts and a prohibition on dealers engaging consultants who have previously violated their consultant contracts. Dealers would not be subject to rule violations as a result of a consultant's violation of its contractual obligation. Bear Stearns, Dain Rauscher, Goldman, JJB Hilliard, Merrill, Morgan Stanley, UBS, and William Blair support this approach, particularly with respect to the more limited application of Rule G–37 to contributions made by consultants.

MSRB Response. Although the suggested contractual alternative to the revised draft amendments might provide some incremental improvement in the regulation of solicitation of municipal securities business over the existing rule, the MSRB believes that its concerns dictate that the MSRB take significantly more decisive action that ensures that dealers are fully responsible for solicitation activities undertaken for their benefit.

Definition of Solicitation

Comments Received. The BMA states that the term solicitation should be limited to ''activity aimed at an issuer'' out of concern that any communication with a third party regarding a municipal securities issue could potentially become a solicitation of an issuer if the third party passes such communication on to the issuer. Many commentators are concerned with specific scenarios where they believe that certain types of communications should not be considered solicitations, particularly where communications are directed at conduit borrowers or where small payments are made in exchange for a communications.

MSRB Response. The MSRB considered the comments related to the definition of solicitation included in the April 2004 Notice and provided more specific guidance with respect to this definition in the September 2004 Notice. Although such guidance in the September 2004 Notice represents the MSRB's current view regarding this definition, comments received on this topic have been taken under advisement for further consideration by the MSRB.

Constitutionality of Proposal

Comments Received. The BMA states that the draft amendments would violate the First Amendment of the U.S. Constitution by requiring consultants to become municipal finance professionals (''MFPs'') under Rule G–37. The BMA argues that the U.S. Supreme Court has equated political contributions with protected speech, and any restriction on speech must be narrowly tailored to advance a compelling governmental interest. It further asserts that, assuming for the sake of argument that pay-to-play problems exist relating to consultants, the draft amendments' restrictions ''far exceed what would be necessary to address that problem.''

MSRB Response. In upholding the constitutionality of Rule G–37 in *Blount* v. *SEC,*[23] the courts recognized that, at its core, the rule was intended to sever the connection between the making of political contributions and the awarding of municipal securities business. The rule as then written (and as found constitutional) applied to various

[21] *See* comments of BMA, Gardnyr Michael, Goldman, Morgan Stanley, PNC, UBS and William Blair.

[22] *See* comments of AG Edwards, BMA, Gardnyr Michael, Goldman, Merrill, Morgan Stanley, S&Y and William Blair.

[23] *Blount* v. *SEC,* 61 F. 3d 938 (D.C. Cir. 1995), *cert. denied,* 116 S. Ct. 1351 (1996).

categories of persons associated with dealers in addition to those who solicit municipal securities business. For example, the rule covers those persons who underwrite or trade municipal securities or who supervise such activities. Given that the act of soliciting municipal securities business more closely touches on the core purpose of Rule G–37 than do some of the other municipal securities activities that are undertaken by persons already treated as MFPs and therefore demonstrates a particularly close nexus between the actions the MSRB seeks to regulate and the purpose of its rulemaking, the MSRB continues to firmly believe that the argument that it is unconstitutional to require a person who solicits municipal securities business on behalf of a dealer to be treated as an MFP subject to Rule G–37 has no merit. The current formulation of the proposed rule change, which effectively prohibits paid outside consultants rather than requiring that such consultants become MFPs subject to Rule G–37, further negates this argument.

Effective Date

Comments Received. Several commentators express concern about existing contractual obligations if the draft amendments were to be adopted and urge the MSRB to make the effective date apply prospectively so as not to disrupt or dismantle existing contracts.[24]

MSRB Response. The proposed rule change prohibits dealers from making any payments for solicitation activities undertaken by non-affiliated persons after the date of Commission approval of the amendments. The provisions of the proposed rule change permitting certain transitional payments for solicitation activities undertaken by consultants prior to the approval of the amendments should address the commentators' concerns.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 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 90 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–MSRB–2005–04 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609.

All submissions should refer to File Number SR-MSRB–2005–04. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site *(http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the MSRB's offices. 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–MSRB–2005–04 and should be submitted on or before June 6, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[25]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E5–1879 Filed 4–20–05; 8:45 am]

BILLING CODE 8010–01–P

[24] *See* comments of BMA, Seattle-Northwest, Sutter and UBS.

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51559; File No. SR–NASD–2005–024]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto To Make Clear That the Underlying Index Value for Portfolio Depository Receipts and Index Fund Shares Must Be Disseminated Widely by an Appropriate Service

April 15, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 9, 2005, the National Association of Securities Dealers, Inc. (''NASD''), through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. On April 4, 2005, Nasdaq filed Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to make clear in the generic listing standards for Portfolio Depository Receipts and Index Fund Shares that the underlying index value must be disseminated widely by an appropriate service. The text of the proposed rule change, as amended, is set forth below. Proposed new language

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 replaced and superseded the original filing in its entirety. Amendment No. 1 revises the proposal to indicate that, among other things, the current index value must be disseminated by one or more major market data vendors during the time Portfolio Depository Receipts and Index Fund Shares trade on Nasdaq.

is in *italics*; proposed deletions are in brackets.

* * * * *

4420. Quantitative Designation Criteria

(a) through (h) No change.

(i) Portfolio Depository Receipts

(1) and (2) No change.

(3) Nasdaq may approve a series of Portfolio Depositary Receipts for listing and trading pursuant to Rule 19b–4(e) under the Securities Exchange Act of 1934, provided each of the following criteria is satisfied:

(A) No change.

(B) Index Methodology and Calculation.

(i) and (ii) No change.

(iii) The current index value will be *widely* disseminated *by one or more major market data vendors at least* every 15 seconds *during the time when the Portfolio Depositary Receipts trade on Nasdaq* [over the Nasdaq Trade Dissemination System].

(C) through (E) No change.

(4) through (7) No change.

(j) Index Fund Shares

(1) and (2) No change.

(3) Nasdaq may approve a series of Index Fund Shares for listing and trading pursuant to Rule 19b–4(e) under the Securities Exchange Act of 1934, provided each of the following criteria is satisfied:

(A) No change.

(B) Index Methodology and Calculation

(i) and (ii) No change.

(iii) The current index value will be *widely* disseminated *by one or more major market data vendors at least every* 15 seconds *during the time when the Index Fund Shares trade on Nasdaq* [over the Nasdaq Trade Dissemination System].

(C) through (E) No change.

(4) through (7) No change.

(k) and (l) 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 had 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 believes that the proposed rule change to the generic listing standards for Portfolio Depository Receipts and Index Fund Shares makes clear that the value of the underlying index must be disseminated widely by Nasdaq itself, by the Consolidated Tape Association (which generally disseminates trade data for exchange-listed securities), or by another reputable organization, such as Reuters or Bloomberg. However, a key requirement is that the index value be updated at least every 15 seconds. Of course, if the official index value does not change during some or all of the period when trading is occurring (for example, this is typically the case with pre-market-open and after-hours trading, and also with foreign indexes because of time zone differences or holidays in the countries where such indexes' components trade), then the last official calculated index value must remain available throughout the Nasdaq trading hours.

Nasdaq believes that the specific identity of the index dissemination service is not relevant, so long as such service is reputable, accepted in the investment community, and achieves appropriately wide dissemination of the particular index. As such, Nasdaq seeks to remove the reference to a specific Nasdaq service as the preferred means of index dissemination and replace it with the requirement of wide dissemination.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A of the Act,[4] in general, and with Section 15A(b)(6) of the Act,[5] in particular, in that it is designed to remove the impediments to a free and open market and a national market system, and, in general, to protect investors and the public interest. Nasdaq believes that clarifying the rules helps all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

[4] 15 U.S.C. 78o–3.

[5] 15 U.S.C. 78o–3(b)(6).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 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 90 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 NASD 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, as amended, 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–2005–024 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–2005–024. 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 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 publicly available. All submissions should refer to File Number SR–NASD–2005–024 and should be submitted on or before May 12, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E5–1876 Filed 4–20–05; 8:45 am]

BILLING CODE 8010–01–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new and/or currently approved information collection.

DATES: Submit comments on or before June 20, 2005.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Carol Fendler, Systems Accountant, Office of Investment, Small Business Administration, 409 3rd Street SW., Suite 6300, Wash., DC 20416.

FOR FURTHER INFORMATION CONTACT: Carol Fendler, Systems Accountant, 202–205–7559 *carol.fendler@sba.gov* Curtis B. Rich, Management Analyst, 202–205–7030 *curtis.rich@sba.sba.*

SUPPLEMENTARY INFORMATION:

Title: ''Disclosure Statement, Leveraged Licenses and Disclosure Statement Non-Leveraged Licensees''.

Description of Respondents: Small Business Investment Companies.

Form No's: 856 and 856A.

Annual Responses: 400.

Annual Burden: 187.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Veronica Johnson, Program Analyst, Office of Business Development, Small Business Administration, 409 3rd Street SW., Suite 8800, Wash., DC 20416.

FOR FURTHER INFORMATION CONTACT: Veronica Johnson, Program Analyst, 202–619–0472 *veronica.johnson@sba.gov* Curtis B. Rich, Management Analyst, 202–205–7030 *curtis.rich@sba.sba.*

SUPPLEMENTARY INFORMATION:

Title: ''8(a) Annual Update''.

Description of Respondents: 8(a) Program Participants.

Form No: 1450.

Annual Responses: 6,700.

Annual Burden: 13,400.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 05–7998 Filed 4–20–05; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 5058]

Culturally Significant Objects Imported for Exhibition Determinations: ''Caravan Kingdoms: Yemen and the Ancient Incense Trade''

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, Delegation of Authority No. 236 of October 19, 1999, 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 ''Caravan Kingdoms: Yemen and the Ancient Incense Trade'', imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners. I also determine that the exhibition or display of the exhibit objects at the Arthur M. Sackler Gallery of the Smithsonian Institution, from on or about June 25, 2005, until on or about September 11, 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, including a list of the exhibit objects, contact Richard Lahne, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/453–8058). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: April 15, 2005.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 05–8036 Filed 4–20–05; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 5057]

Culturally Significant Objects Imported for Exhibition Determinations: ''Jacob van Ruisdael: Master of Landscape''

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, Delegation of Authority No. 236 of October 19, 1999, 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 ''Jacob van Ruisdael: Master of Landscape,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners. I also determine that the exhibition or display of the exhibit objects at the Los Angeles County Museum of Art, from on or about June 26, 2005, until on or about September 18, 2005, and the Philadelphia Museum of Art, from on or about October 23, 2005, until on or about February 5, 2006, and at possible additional venues yet to be determined, is in the national interest. Public Notice

[6] 17 CFR 200.30–3(a)(12).

of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Richard Lahne, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/453–8058). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: April 15, 2005.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 05–8035 Filed 4–20–05; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 5056]

Bureau of Educational and Cultural Affairs (ECA) Request for Grant Proposals: Islamic Life in the United States

Announcement Type: New Grant.

Funding Opportunity Number: ECA/PE/C/NEA–AF–05–61.

Catalog of Federal Domestic Assistance Number: 00.000.

Application Deadline: May 23, 2005.

I. Executive Summary

The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs, U.S. Department of State, announces an open competition for one grant to support an international exchange project under the rubric ''Islam: Scholarship and Practice in the United States.'' Public and private non-profit organizations or consortia of such organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3) may submit proposals to develop and implement a multi-phased exchange involving the travel of scholars and clerics from Egypt, Jordan, and one or more additional countries of the Middle East to the United States and of reciprocal visits to the Middle East by American scholars of religion, scholars of Islamic studies, and clerics.

Authority: Overall grant-making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program above is provided through legislation.

Overview: The Office of Citizen Exchanges consults with and supports American public and private nonprofit organizations in developing and implementing multi-phased, often multi-year, exchanges of professionals, community leaders, scholars and academics, public policy advocates, non-governmental organization activists, etc. These exchanges address issues of crucial importance to the United States and to other countries; they promote focused, substantive, and cooperative interaction among counterparts; and they entail both theoretical and experiential learning for all participants. A primary goal is the development of sustained, international, institutional and individual linkages. In addition to providing a context for professional development and collaborative problem-solving, these projects are intended to introduce foreign participants and their American counterparts to one another's political, social, and economic structures, facilitating improved communication and enhancing mutual understanding. Desirable components of an exchange may be local citizen involvement and activities that orient foreign participants to American society and culture.

The initiative ''Islam: Scholarship and Practice in the United States'' will support an international exchange of scholars and clerics—influential and recognized for their ability to communicate, either in scholarly writing or through sermons—from Egypt, Jordan, and one or more additional countries of the Middle East selected at the discretion of the applicant and included with strong and persuasive programmatic justification. Libya and Iran are not eligible for participation in this exchange. The objectives of the exchange are (1) to enhance the non-American participants' understanding of the place of religion, particularly Islam, in American life; (2) to broaden participants' awareness of and appreciation for the serious religious study conducted in the United States, particularly the study of Islam; (3) to provide a forum for examination and discussion of the compatibility of religious practice and democratic social and political structures; the social benefits produced by mutually respectful coexistence among diverse religious communities; ways in which Islamic practice in the United States, in particular, functions in a multi-cultural, multi-religious context; and (4) to broaden the understanding of American scholars, clerics, and laypersons of the place of Islam in the societies of the Middle East.

The project, to be conducted over a period of 18 to 24 months, will involve several exchange visits. Initially, one or two American scholars/project organizers will travel to the Middle East region to become familiar with institutions and communities in those countries and with individuals who might serve as advisers or be selected as participants in the project and to gain their interest in the exchange. Subsequently, approximately 12 Middle Eastern scholars and clerics will travel to the United States for a period of three to four weeks. The Middle Eastern participants will visit Islamic centers, consult with American Muslim scholars and clerics, visit and become familiar with libraries and archives of Islamic documents, participate in discussions at religious and secular institutions that represent America's guarantee of human dignity and freedom of worship, and participate in workshops and seminars, both public and at institutions dedicated to scholarship and research. Finally, a group of American scholars and clerics will travel to the region, meet with counterparts, visit institutions, and, ideally, cooperate with participants in the original U.S. visit in presenting a seminar, a series of workshops, etc. in order to expand the network of individuals directly affected by the exchange. This series of visits would then be repeated in the following year.

The Office of Citizen Exchanges encourages applicants to be creative in planning project implementation. Activities may include both theoretical orientation and experiential, community-based initiatives designed to achieve objectives. Applicants should, in their proposals, identify any partner organizations and/or individuals in the Middle East or in the U.S. with which/whom they are proposing to collaborate and justify the collaboration on the basis of experience, accomplishments, etc.

Selection of Participants

Applications should include a description of a merit-based, focused participant selection process. Applicants should anticipate consulting with the Public Affairs Sections of U.S. Embassies in selecting participants, with the Embassy retaining the right to

nominate participants and to advise the grantee regarding participants recommended by other entities.

Public Affairs Section Involvement

The Public Affairs Sections (PAS) of the U.S. Embassies often play an important role in project implementation. The PAS will initially evaluate project proposals, and, once a grant is awarded, the PAS may, in consultation with the grantee organization, coordinate planning with the grantee organization and in-country partners, facilitate in-country activities, nominate participants and vet grantee nominations, observe in-country activities, and debrief participants. PAS will also evaluate project impact. The Bureau of Educational and Cultural Affairs is responsible for producing and signing DS–2019 Forms. These forms will be provided the foreign participants by the U.S. Mission as part of the process of obtaining the necessary J–1 visas for entry to the United States on a government-funded project.

Though project administration and implementation are the responsibility of the grantee, the grantee is expected to inform the PAS in participating countries of its operations and procedures and to coordinate with PAS officers in the development of project activities. The PAS should be consulted regarding country priorities, political and cultural sensitivities, security issues, and logistic and programmatic issues.

II. Award Information

Type of Award: Grant Agreement.

Fiscal Year Funds: 2005.

Approximate Total Funding: $300,000.

Approximate Number of Awards: One.

Anticipated Award Date: Pending availability of funds, July 1, 2005.

Anticipated Project Completion Date: September 1, 2007.

III. Eligibility Information

III.1. *Eligible applicants:* Applications may be submitted by public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3).

III.2. *Cost Sharing or Matching Funds:* There is no minimum or maximum percentage required for this competition. However, the Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

When cost sharing is offered, it is understood and agreed that the applicant must provide the amount of cost sharing as stipulated in its proposal and later included in an approved grant agreement. Cost sharing may be in the form of allowable direct or indirect costs. For accountability, you must maintain written records to support all costs which are claimed as your contribution, as well as costs to be paid by the Federal government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A–110, (Revised), Subpart C.23—Cost Sharing and Matching. In the event you do not provide the minimum amount of cost sharing as stipulated in the approved budget, ECA's contribution will be reduced in like proportion.

III.3. *Other Eligibility Requirements:* (a) Bureau grant guidelines require that organizations with less than four years experience in conducting international exchanges be limited to $60,000 in Bureau funding. ECA anticipates awarding one grant, in an amount up to $300,000 to support program and administrative costs required to implement this exchange program. Therefore, organizations with less than four years experience in conducting international exchanges are ineligible to receive an award under this competition. The Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

(b) Technical Eligibility: Proposals must comply with the requirements included in this Request for Grant Proposals in order to be considered technically eligible for consideration in the review process.

IV. Application and Submission Information

Note: Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

IV.1 Contact Information to Request an Application Package: The Application Package comprises the Proposal Submission Instruction (PSI) document, consisting of required application forms and standard guidelines for proposal preparation.

The Solicitation Package may be downloaded from: *http://exchanges.state.gov/education/rfgps/menu.htm.* Please read all information before downloading.

IV.2 To receive a hard copy of the Application Package via U.S. Postal Service, contact Thomas Johnston, Office of Citizen Exchanges, ECA/PE/C/NEA–AF, Room 216, U.S. Department of State, SA–44, 301 4th Street, SW., Washington, DC 20547, Telephone (202)453–8162; Fax (202)453–8168; E-mail *JohnstonTJ@state.gov.* Please refer to Funding Opportunity Number ECA/PE/C/NEA–AF–05–61 on all inquiries and correspondence.

IV.3. Content and Form of Submission: Applicants must follow all instructions in the Solicitation Package. The original and ten copies of the application should be sent per the instructions under IV.3e. ''Submission Dates and Times section,'' below.

IV.3a. 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 U.S. Government. This 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. Please ensure that your DUNS number is included in the appropriate box of the SF–424 which is part of the formal application package.

IV.3b. All proposals must contain an executive summary, proposal narrative and budget. Please refer to the Application Package, containing the mandatory Proposal Submission Instructions (PSI) document, for additional formatting and technical requirements.

IV.3c. You must have nonprofit status with the IRS at the time of application. If your organization is a private nonprofit which has not received a grant or cooperative agreement from ECA in the past three years, or if your organization received nonprofit status from the IRS within the past four years, you must submit the necessary documentation to verify nonprofit status as directed in the PSI document. Failure to do so will cause your proposal to be declared technically ineligible.

IV.3d. Please take into consideration the following information when preparing your proposal narrative:

IV.3d.1 *Adherence to All Regulations Governing the J Visa.* The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs is the official program sponsor of the exchange program covered by this RFGP, and an employee of the Bureau will be the ''Responsible Officer'' for the program under the terms of 22 CFR part 62, which covers the administration of the Exchange Visitor Program (J visa program). Under the terms of 22 CFR part 62, organizations receiving grants

under this RFGP will be third parties ''cooperating with or assisting the sponsor in the conduct of the sponsor's program.'' The actions of grantee program organizations shall be ''imputed to the sponsor in evaluating the sponsor's compliance with'' 22 CFR 62. Therefore, the Bureau expects that any organization receiving a grant under this competition will render all assistance necessary to enable the Bureau to fully comply with 22 CFR part 62 *et seq.*

The Bureau of Educational and Cultural Affairs places great emphasis on the secure and proper administration of Exchange Visitor (J visa) Programs and adherence by grantee program organizations and program participants to all regulations governing the J visa program status. Therefore, proposals should *explicitly state in writing* that the applicant is prepared to assist the Bureau in meeting all requirements governing the administration of Exchange Visitor Programs as set forth in 22 CFR part 62. If your organization has experience as a designated Exchange Visitor Program Sponsor, the applicant should discuss their record of compliance with 22 CFR part 62 *et seq.*, including the oversight of their Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, recordkeeping, reporting and other requirements.

The Office of Citizen Exchanges of ECA will be responsible for issuing DS–2019 forms to participants in this program.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at *http://exchanges.state.gov* or from: United States Department of State, Office of Exchange Coordination and Designation, ECA/EC/ECD—SA–44, Room 734, 301 4th Street, SW., Washington, DC 20547, Telephone: (202) 401–9810, FAX: (202) 401–9809.

IV.3d.2. *Diversity, Freedom and Democracy Guidelines.* Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and disabilities. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into your proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' the Bureau ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Public Law 106—113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

IV.3d.3. *Program Monitoring and Evaluation.* Proposals must include a plan to monitor and evaluate the project's success, both as the activities unfold and at the end of the program. The Bureau recommends that your proposal include a draft survey questionnaire or other technique plus a description of a methodology to use to link outcomes to original project objectives. The Bureau expects that the grantee will track participants or partners and be able to respond to key evaluation questions, including satisfaction with the program, learning as a result of the program, changes in behavior as a result of the program, and effects of the program on institutions (institutions in which participants work or partner institutions). The evaluation plan should include indicators that measure gains in mutual understanding as well as substantive knowledge.

Successful monitoring and evaluation depend heavily on setting clear goals and outcomes at the outset of a program. Your evaluation plan should include a description of your project's objectives, your anticipated project outcomes, and how and when you intend to measure these outcomes (performance indicators). The more that outcomes are ''smart'' (specific, measurable, attainable, results-oriented, and placed in a reasonable time frame), the easier it will be to conduct the evaluation. You should also show how your project objectives link to the goals of the program described in this RFGP.

Your monitoring and evaluation plan should clearly distinguish between program outputs and outcomes. Outputs are products and services delivered, often stated as an amount. Output information is important to show the scope or size of project activities, but it cannot substitute for information about progress towards outcomes or the results achieved. Examples of outputs include the number of people trained or the number of seminars conducted. Outcomes represent specific results a project is intended to achieve and are usually measured as an extent of change. Findings on outputs and outcomes should both be reported, but the focus should be on outcomes.

We encourage you to assess the following four levels of outcomes, as they relate to the program goals set out in the RFGP (listed here in increasing order of importance):

1. *Participant satisfaction* with the program and exchange experience.

2. *Participant learning,* such as increased knowledge, aptitude, skills, and changed understanding and attitude. Learning includes both substantive (subject-specific) learning and mutual understanding.

3. *Participant behavior,* concrete actions to apply knowledge in work or community; greater participation and responsibility in civic organizations; interpretation and explanation of experiences and new knowledge gained; continued contacts between participants, community members, and others.

4. *Institutional changes,* such as increased collaboration and partnerships, policy reforms, new programming, and organizational improvements.

Please note: Consideration should be given to the appropriate timing of data collection for each level of outcome. For example, satisfaction is usually captured as a short-term outcome, whereas behavior and institutional changes are normally considered longer-term outcomes.

Overall, the quality of your monitoring and evaluation plan will be judged on how well it (1) specifies intended outcomes; (2) gives clear descriptions of how each outcome will be measured; (3) identifies when particular outcomes will be measured; and (4) provides a clear description of the data collection strategies for each outcome (*i.e.*, surveys, interviews, or focus groups). (Please note that evaluation plans that deal only with the first level of outcomes [satisfaction] will be deemed less competitive under the present evaluation criteria.)

Grantees will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

IV.3e. Please take the following information into consideration when preparing your budget:

IV.3e.1. Applicants must submit a comprehensive budget for the entire project. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification. Budgets that limit administrative costs to approximately 25% of the funding sought from ECA will be given priority consideration.

IV.3e.2. Allowable costs for the program include the following:

(1) Direct program expenses

(2) Administrative costs

(3) Allowable indirect costs

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

IV.3f. *Submission Dates and Times: Application Deadline Date:* May 23, 2005.

Explanation of Deadlines: Due to heightened security measures, proposal submissions must be sent via a nationally recognized overnight delivery service (*i.e.*, DHL, Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, etc.) and be shipped no later than the above deadline. The delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. ECA will not notify you upon receipt of application. Delivery of proposal packages *may not* be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered. Applications may not be submitted electronically at this time.

Applicants must follow all instructions in the Solicitation Package.

Important note: When preparing your submission please make sure to include one extra copy of the completed SF–424 form and place it in an envelope addressed to ''ECA/EX/PM''.

The original and ten copies of the application should be sent to: U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, Ref.: ECA/PE/C/NEA–AF–05–61, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Along with the Project Title, all applicants must enter the above Reference Number in Box 11 on the SF–424 contained in the mandatory Proposal Submission Instructions (PSI) of the solicitation document.

IV.3g. Intergovernmental Review of Applications: Executive Order 12372 does not apply to this program.

IV.3h. Applicants must also submit the ''Executive Summary'' and ''Proposal Narrative'' sections of the proposal in text (.txt) format on a PC-formatted disk. The Bureau will provide these files electronically to the appropriate Public Affairs Section(s) at the U.S. embassy(ies) for its(their) review.

V. Application Review Information

V.1. Review Process

The Bureau will review all proposals for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for grant awards resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. All criteria carry equal weight in the proposal evaluation:

Quality of the program idea: Proposals should be substantive, well thought out, focused on issues of demonstrable relevance to all proposed participants, and responsive to the exchange suggestions and guidelines provided above.

Implementation Plan and Ability to Achieve Objectives: A detailed project implementation plan should establish a clear and logical connection between the interest, the expertise, and the logistic capacity of the applicant and the objectives to be achieved. The plan should discuss in concrete terms how the institution proposes to achieve the objectives. Institutional resources—including personnel—assigned to the project should be adequate and appropriate to achieve project objectives. The substance of workshops and site visits should be included as an attachment, and the responsibilities of U.S. participants and in-country partners should be clearly delineated.

Institutional Capacity: Proposals should include an institutional record of successful exchange programs, with reference to responsible fiscal management and full compliance with reporting requirements. The Bureau will consider the demonstrated potential of new applicants and will evaluate the performance record of prior recipients of Bureau grants as reported by the Bureau grant staff.

Post-Grant Activities: Applicants should provide a plan for sustained follow-on activity (building on the linkages developed under the grant and the activities initially funded by the grant) after grant funds have been expended. This will ensure that Bureau-supported projects are not isolated events. Funds for all post-grant activities must be in the form of contributions from the applicant or sources outside the Bureau. Costs for these activities should not appear in the proposal budget but should be outlined in the narrative.

Project Evaluation/Monitoring: Proposals should include a detailed plan to monitor and evaluate the project. Competitive evaluation plans will describe how the applicant organization will measure results, defined in both qualitative and quantitative terms and will include draft data collection instruments (surveys, questionnaires, etc.) in Tab E. Successful applicants will be expected to submit a report after each project component is concluded or semi-annually, whichever is less frequent.

Cost Effectiveness and Cost Sharing: Administrative costs should be kept low. Proposal budgets should provide evidence of any cost sharing offered, comprised of cash or in-kind contributions. Cost sharing may be derived from diverse sources, including private sector contributions and/or direct institutional support.

Support of Diversity: Proposals should demonstrate support for the Bureau's policy on diversity. Features relevant to this policy should be cited in program implementation (selection of participants, program venue, and program evaluation), program content, and program administration.

VI. Award Administration Information

VI.1a. *Award Notices:* Final awards cannot be made until funds have been appropriated by Congress, allocated, and committed through internal Bureau procedures. Successful applicants will receive an Assistance Award Document (AAD) from the Bureau's Grants Office. The AAD and the original grant proposal with subsequent modifications (if applicable) shall be the only binding authorizing document between the recipient and the U.S. Government. The AAD will be signed by an authorized Grants Officer and mailed to the recipient's responsible officer, identified in the application.

Unsuccessful applicants will receive notification of the results of the application review from the ECA program office coordinating this competition.

VI.2 *Administrative and National Policy Requirements:* Terms and Conditions for the Administration of ECA agreements include the following:

Office of Management and Budget Circular A–122, ''Cost Principles for Nonprofit Organizations.''

Office of Management and Budget Circular A–21, ''Cost Principles for Educational Institutions.''

OMB Circular A–87, ''Cost Principles for State, Local and Indian Governments''.

OMB Circular No. A–110 (Revised), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations.

OMB Circular No. A–102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

OMB Circular No. A–133, Audits of States, Local Government, and Non-profit Organizations.

Please reference the following Web sites for additional information: *http://www.whitehouse.gov/omb/grants. http://exchanges.state.gov/education/grantsdiv/terms.htm#articleI.*

VI.3. *Reporting Requirements:* You must provide ECA with a hard copy original plus one copy of the following reports:

1. Semi-annual program and financial reports, which include a description of program activities implemented in the course of the six-month period and an accounting of expenditures.

2. A final program and financial report no more than 90 days after the expiration date of the award.

3. Grantees will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. (Please refer to IV. Application and Submission Instructions (IV.3.d.3) above for Program Monitoring and Evaluation information.

All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

All reports must be sent to the ECA Grants Officer and ECA Program Officer listed in the final assistance award document.

Organizations awarded grants will be required to maintain specific data on program participants and activities in an electronically accessible database format that can be shared with the Bureau as required. As a minimum, the data must include the following:

(1) Name, address, contact information and biographic sketch of all persons who travel internationally on funds provided by the grant.

(2) Itineraries of international and domestic travel, providing dates of travel and cities in which any exchange experiences take place. Final schedules for in-country and U.S. activities must be received by the ECA Program Officer at least three work days prior to the official opening of the activity.

VII. Agency Contacts

For questions about this announcement, contact: Thomas Johnston, Office of Citizen Exchanges, ECA/PE/C/NEA–AF, Room 216, ECA/PE/C/NEA–AF–05–61, U.S. Department of State, SA–44, 301 4th Street, SW., Washington, DC 20547, Telephone: (202) 453–8162; Fax: (202) 453–8168; E-mail: *JohnstonTJ@state.gov.* Correspondence with the Bureau concerning this RFGP should reference the above title and number ECA/PE/C/NEA–AF–05–61.

Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

VIII. Other Information

Notice: The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: April 15, 2005.

C. Miller Crouch,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 05–8034 Filed 4–20–05; 8:45 am]

BILLING CODE 4710–05–P

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1995, as Amended by Public Law 104–13; Submission for OMB Review; Comment Request

AGENCY: Tennessee Valley Authority.

ACTION: Submission for OMB review; comment request.

SUMMARY: The proposed information collection described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended). The Tennessee Valley Authority is soliciting public comments on this proposed collection as provided by 5 CFR 1320.8(d)(1). Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer: Alice D. Witt, Tennessee Valley Authority, 1101 Market Street (EB 5B), Chattanooga, Tennessee 37402–2801; (423) 751–6832. (SC: 0008ZN2)

Comments should be sent to OMB Office of Information & Regulatory Affairs, Attention: Desk Officer for Tennessee Valley Authority, no later than May 23, 2005.

SUPPLEMENTARY INFORMATION:

Type of Request: Regular submission; proposal for a reinstatement of an expired collection with changes, which expired on 8/31/1998, (OMB Control number: 3316–0101).

Title of Information Collection: Customer Survey For TVA Recreation Boating Safety On Tributary Lakes.

Frequency of Use: Once.

Type of Affected Public: Individuals or households.

Small Businesses or Organizations Affected: No.

Federal Budget Functional Category Code: 271.

Estimated Number of Annual Responses: 8,000.

Estimated Total Annual Burden Hours: 2,000.

Estimated Average Burden Hours Per Response: 0.25.

Need For and Use of Information: This survey will collect information from recreational users of TVA lakes on their needs and requirements. The information will be used to assess TVA's operation and to identify potential areas of improvement.

Jacklyn J. Stephenson,

Senior Manager, Enterprise Operations, Information Services.

[FR Doc. 05–7987 Filed 4–20–05; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular: Change 1 to 23–21, Airworthiness Compliance Checklists Used To Substantiate Major Alterations for Small Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of issuance of advisory circular.

SUMMARY: This notice announces the issuance of change 1 to Advisory Circular (AC) 23–21, Airworthiness Compliance Checklists Used to Substantiate Major Alterations for Small Airplanes. The most significant change is a revision in all locations to the signature required so the aircraft may be returned to service after major alteration. The Aviation Safety Inspector in the Flight Standards District Office must now sign instead of an Airframe and Powerplant mechanic. Other changes were minor.

DATES: Change 1 to Advisory Circular 23–21 was issued by the Acting Manager of the Small Airplane Directorate on March 16, 2005.

How to Obtain Copies: A paper copy of change 1 to AC 23–21 may be obtained by writing to the U.S. Department of Transportation, Subsequent Distribution Office, DOT Warehouse, SVC–121.23, Ardmore East Business Center, 3341Q 75th Ave., Landover, MD 20785, telephone 301–322–5377, or by faxing your request to the warehouse at 301–386–5394. The change to the AC will also be available on the Internet at *http://www.faa.gov/certification/aircraft.*

Issued in Kansas City, Missouri on April 8, 2005.

Nancy C. Lane,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–7976 Filed 4–20–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose a Passenger Facility Charge (PFC) at Fort Lauderdale International Airport, Fort Lauderdale, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose a PFC at Fort Lauderdale International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before May 23, 2005.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address:

Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, Florida 32822.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Tom Jargiello, Director of Aviation of the Broward County Aviation Department at the following address: 320 Terminal Drive, Fort Lauderdale, Florida 33315.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Broward County Aviation Department under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Miguel Martinez, Program Manager, Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, Florida 32822, (407) 812–6331, extension 123. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose a PFC at Fort Lauderdale International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (15 CFR part 158).

On April 14, 2005, the FAA determined that the application to impose a PFC submitted by Broward County Aviation Department was substantially complete within the requirements of section 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than July 16, 2005.

The following is a brief overview of the application.

PFC Application No.: 05–07–I–00–FLL.

Level of the proposed PFC: $4.50.

Proposed charge effective date: March 1, 2010.

Proposed charge expiration date: January 1, 2011.

Total estimated net PFC revenue: $33,000,000.

Brief description of proposed project(s): Noise Mitigation Bank (Property Acquisition, Residential Soundproofing, etc.)

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/Commercial Operators (ATCO) filing FAA form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Broward County Aviation Department.

Issued in Orlando, Florida on April 14, 2005.

Bart Vernace,

Acting Manager, Orlando Airports District Office, Southern Region.

[FR Doc. 05–7975 Filed 4–20–05; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application 05–05–C–00–LAS To Impose and Impose and Use Passenger Facility Charge (PFC) at McCarran International Airport, and Use the PFC Revenue at McCarran International, Henderson Executive, and North Las Vegas Airports, Las Vegas, NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and impose and use a PFC at McCarran International Airport, and use the revenue of a PFC at McCarran International Airport, Henderson Executive Airport, and North Las Vegas Airport under the provisions

of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before May 23, 2005.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Room 3012, Lawndale, CA 90261, or San Francisco Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA 94010–1303. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Randall H. Walker, Director of Aviation, Clark County Department of Aviation, at the following address: P.O. Box 11005, Las Vegas, NV 89111–1005. Air carriers and foreign air carriers may submit copies of written comments previously provided to the Clark County Department of Aviation under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Joseph Rodriguez, Environmental Planning and Compliance Section Supervisor, San Francisco Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA 94010–1303, telephone: (650) 876–2778, extension 610. The application may be viewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and impose and use a PFC at McCarran International Airport and use the revenue from PFC at McCarran International, Henderson Executive, and North Las Vegas Airports under the provisions of the 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On March 28, 2005, the FAA determined that the application to impose and impose and use a PFC submitted by the Clark County Department of Aviation was substantially complete within the requirements of § 158.25 of part 158.

The FAA will approve or disapprove the application, in whole or in part, no later than June 24, 2005.

The following is a brief overview of the impose and impose and use application No. 05–05–C–00–LAS.

Proposed charge effective date: November 1, 2015.

Proposed charge expiration date: August 1, 2021.

Level of the proposed PFC: $4.50.

Total estimated PFC revenue: $997,274,700.

Brief description of proposed projects:

Impose Only: Design of terminal 3, Russell Road relocation, and Russell Road Park at McCarran International Airport;

Impose and use: Pedestrian bridge from concourse C gates to concourses A/B gates, in-line explosives detection systems, taxiway B renovation/taxiway C extension, central plant upgrade, heating ventilation and air conditioning upgrades in concourses A/B, ramp rehabilitation, and satellite D apron at McCarran International Airport; construct terminal and ramp, and relocate airport traffic control tower at Henderson Executive Airport; construct east side basing improvements at North Las Vegas Airport.

Class or classes or air carriers which the public agency has requested not be required to collect PFCs: Non-Scheduled On-Demand Air Carriers filing FAA Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Division located at: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Room 3012, Lawndale, CA 90261. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Clark County Department of Aviation.

Issued in Lawndale, California, on March 28, 2005.

Mia Paredes Ratcliff,

Manager, Planning and Programming Branch, Western-Pacific Region.

[FR Doc. 05–7972 Filed 4–20–05; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application 05–05–C–00–SGF To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Springfield-Branson Regional Airport, Springfield, MO

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

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Springfield-Branson Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before May 23, 2005.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Central Region, Airports Division, 901 Locust Street, Kansas City, MO 64106.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Gary A. Cyr, Sr., A.A.E., Director of Aviation, at the following address: Springfield-Branson Regional Airport, 5000 West Kearney, Suite 15, Springfield, Missouri 65803.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Springfield, Springfield-Branson Regional Airport, under section 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Lorna Sandridge, PFC Program Manager, FAA, Central Region, 901 Locust Street, Kansas City, MO 64106, (816) 329–2641. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at the Springfield-Branson Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On January 13, 2005, the FAA determined that the application to impose and use the revenue from a PFC submitted by the City of Springfield, Missouri, was not substantially complete within the requirements of section 158.25 of part 158. The City of Springfield submitted supplemental information on April 4, 2005, to complete the application. The FAA will approve or disapprove the supplemental application, in whole or in part, no later than August 2, 2005.

The following is a brief overview of the application.

Level of the proposed PFC: $4.50.

Proposed charge effective date: August, 2005.

Proposed charge expiration date: March, 2006.

Total estimated PFC revenue: $900,000.

Brief description of proposed project: Acquire land for the midfield replacement terminal.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: nonscheduled Part 1356 and air taxi operators.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Springfield-Branson Regional Airport.

Issued in Kansas City, Missouri on April 12, 2005.

George A. Hendon,

Manager, Airports Division, Central Region.

[FR Doc. 05–7973 Filed 4–20–05; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Submission Deadline for International Slots for the Winter 2005/2006 Scheduling Season

AGENCY: Department of Transportation, FAA.

ACTION: Notice of submission deadline.

SUMMARY: On October 1, 1999, the FAA amended the regulations governing takeoff and landing slots and slot allocation procedures at certain High Density Traffic Airports as a result of the ''Open Transborder'' Agreement between the Government of the United States and the Government of Canada. One element of this final rule established that the deadline for submission of requests for international slots will be published in a **Federal Register** notice for each scheduling season. The purpose of the amendment is for the FAA deadline for international slots requests to coincide with the International Air Transport Association deadline for submission of international requests.

In accordance with this amendment, the FAA announces in this notice that the deadline for submitting requests for international slots at John F. Kennedy International Airport (JFK) for allocation under 14 CFR 93.217 is May 12, 2005.

Additionally, the FAA has designated Chicago's O'Hare International Airport (O'Hare) as a Level 2, Schedules Facilitated Airport under the IATA Guidelines. As such, the FAA requests carriers intening to conduct international service to O'Hare submit their intended schedules following the same procedures used for submitting requests for slots at JFK.

DATES: Requests for international slots must be submitted no later than May 12, 2005.

ADDRESSES: Requests may be submitted by mail to Slot Administration Office, AGC–220 Office of the Chief Counsel, 800 Independence Ave., SW., Washington, DC 20591; facsimile: 202–267–7277; ARINC: DCAYAXD; email address: *7-AWA-slotadmin@faa.gov.*

FOR FURTHER INFORMATION CONTACT: Lorelei Peter, Regulations Division, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone number: 202–267–3073.

Issued in Washington, DC on April 15, 2005.

Andrew B. Steinberg,

Chief Counsel.

[FR Doc. 05–7974 Filed 4–20–05; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2005–21010]

Notice of Receipt of Petition for Decision That Nonconforming 2002–2003 Hobby Wohnwagenwerk Exclusive 650 KMFE Trailers Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 2002–2003 Hobby Wohnwagenwerk Exclusive 650 KMFE trailers are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2002–2003 Hobby Wohnwagenwerk Exclusive 650 KMFE trailers that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they have safety features that comply with, or are capable of being altered to comply with, all such standards.

DATES: The closing date for comments on the petition is May 23, 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 am to 5 pm]. 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)(B), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards, and has no substantially similar U.S.-certified counterpart, shall be refused admission into the United States unless NHTSA has decided that the motor vehicle has safety features that comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards based on destructive test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Registered Importer Corporation of Oxnard, California (''RIC'') (Registered Importer 01–290) has petitioned NHTSA to decide whether 2002–2003 Hobby Wohnwagenwerk Exclusive 650 KMFE trailers that were not originally manufactured to conform to all applicable Federal motor vehicle safety standards are eligible for importation into the United States. RIC contends that these vehicles are eligible for importation under 49 U.S.C. 30141(a)(1)(B) because they have safety features that comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards. RIC submitted information with its petition intended to demonstrate that 2002–2003 Hobby

Wohnwagenwerk Exclusive 650 KMFE trailers, as originally manufactured, comply with one applicable FMVSS and are capable of being modified to comply with all other applicable standards to which they were not originally manufactured to conform.

Specifically, the petitioner claims that 2002–2003 Hobby Wohnwagenwerk Exclusive 650 KMFE trailers have safety features that comply with Standard No. 119 *New Pneumatic Tires for Vehicles Other than Passenger Cars.*

Petitioner also contends that the vehicles are capable of being altered to meet the following standards, in the manner indicated:

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* installation of rear mounted identification lamps and front side mounted amber clearance lamps.

Standard No. 120 *Tire Selection and Rims for Motor Vehicles Other than Passenger Cars:* installation of a tire information placard.

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. 05–8004 Filed 4–20–05; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2005–21011]

Notice of Receipt of Petition for Decision That Nonconforming 2001–2005 Mercedes Benz Sprinter Trucks Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 2001–2005 Mercedes Benz Sprinter trucks are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2001–2005 Mercedes Benz Sprinter trucks 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 May 23, 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 am to 5 pm]. 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**.

Registered Importer Corporation of Oxnard, California (''RIC'')(Registered Importer 01–290) has petitioned NHTSA to decide whether nonconforming 2001–2005 Mercedes Benz Sprinter trucks are eligible for importation into the United States. The vehicles which RIC believes are substantially similar are 2001–2005 Dodge Sprinter 2500/3500 trucks 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 2001–2005 Mercedes Benz Sprinter trucks 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.

RIC submitted information with its petition intended to demonstrate that non-U.S. certified 2001–2005 Mercedes Benz Sprinter trucks 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 2001–2005 Mercedes Benz Sprinter trucks 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*, 106 *Brake Hoses*, 113 *Hood Latch System*, 114 *Theft Protection*, 116 *Motor Vehicle Brake Fluids*, 118 *Power-Operated Window, Partition, and Roof Panel Systems*, 119 *New Pneumatic Tires for Vehicles Other than Passenger Cars*, 120 *Tire Selection and Rims for Motor Vehicles Other than Passenger Cars*, 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, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 212 *Windshield Mounting*, 219 *Windshield Zone Intrusion*, 301 *Fuel System Integrity*, 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*: installation of an indicator lamp lens cover inscribed with the word ''brake'' in the instrument cluster in place of one inscribed with the international ECE warning symbol.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: installation of U.S.-model (a) headlamp assemblies that incorporate front side marker lamps and front side reflex reflectors; (b) taillamp assemblies that incorporate rear side marker lamps and rear side reflex reflectors; and (c) a high-mounted stoplamp assembly.

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. 208 *Occupant Crash Protection*: installation of air bag warning labels to meet the requirements of this standard.

The petitioner states that the occupant protection system in these vehicles consists of an airbag and combination lap and shoulder belts at the driver's seating position.

Standard No. 214 *Side Impact Protection*: 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 St., SW., Washington, DC 20590. [Docket hours are from 9 am to 5 pm]. 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. 05–8005 Filed 4–20–05; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. RSPA–04–18817; Notice 2]

Pipeline Safety: Grant of Waiver; Tractebel Power, Inc.

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice; grant of waiver.

SUMMARY: The Pipeline and Hazardous Materials Safety Administration's (PHMSA), formerly the Research and Special Programs Administration (RSPA), Office of Pipeline Safety (OPS) is granting Tractebel Power, Inc.'s (TPI) petition for a waiver of the pipeline safety regulations to employ a 1.0 longitudinal joint factor (LJF) for austenitic stainless steel pipe in its Tractebel Calypso Pipeline (TCP) project.

SUPPLEMENTARY INFORMATION:

Background

TPI petitioned RSPA/OPS for a waiver from compliance with the gas pipeline safety regulations at 49 CFR 192.113 to allow it to employ a 1.0 longitudinal joint factor (LJF) for austenitic stainless steel pipe. TPI requested the waiver because it intends to install a 96 mile, 24-inch diameter, X65 steel, standard API 5L compliant interstate natural gas pipeline. The pipeline will extend from its liquefied natural gas (LNG) receiving and re-gasification terminal in Freeport, Grand Bahamas Island, to an onshore location in Broward County, FL. TPI intends to construct a portion of this pipeline through a U.S. Navy exclusion zone offshore of Port Everglades, in Broward County, FL. As a condition of the pipeline traversing the exclusion zone, the U.S. Navy stipulated that approximately 14,000 feet of the pipeline be constructed of a low magnetic permeability steel material to prevent electromagnetic interference with U.S. Navy operations. Therefore, TPI is proposing to use a 1.0 LJF and install austenitic stainless steel pipe to satisfy the U.S. Navy requirement. TPI also intends to use mechanical joints to isolate the carbon steel from the austenitic stainless steel pipeline and will use fusion bond epoxy abrasion coating material to minimize coating disbondment. TPI gave the following reasons for selecting austenitic stainless steel pipe and the use of a 1.0 LJF:

- The pipeline meets the requirements of the U.S. Navy and is a low magnetic permeability pipe material;
- The pipeline is manufactured to the American Society for Testing and Materials (ASTM) standards ASTM A 358 and A 999;
- The plate material is manufactured to comply with standards ASTM A 240 and Unified Numbering System S31254;
- The selected material is compatible with the bending properties and the test criteria in Appendix B of 49 CFR part 192;
- The selected material is compatible with the weldability testing and inspection criteria required by Appendix B of 49 CFR part 192; and
- The selected material is consistent with prior practice of the American Society of Mechanical Engineers (ASME) standard ASME B31.8 to allow a LJF of 1.0 when the longitudinal seam has been subjected to 100 percent X-ray.

On September 17, 2004, RSPA/OPS published a notice in the **Federal Register** requesting public comment on TPI's waiver request (69 FR 056113). No comments were received in response to the Notice.

Findings and Grant of Waiver

For the reasons explained above and in Notice 1, PHMSA/OPS finds that the requested waiver is consistent with pipeline safety. Therefore, TPI's request for waiver of compliance with 49 CFR 192.113 is granted on the condition that TPI conducts the following activities:

- TPI must X-ray 100 percent of the girth welds of this pipeline as part of the procurement specification to comply with the requirements of Appendix B to Part 192—Qualification of Pipe, Section II (B) Weldability;
- TPI must purchase ASTM A 358, class 1 pipe and radiograph 100 percent of the longitudinal joint;
- TPI must employ qualified welding procedures specifically designed to address the material characteristics of austenitic stainless steel pipe;
- TPI must consider and address any special testing requirements unique to the material characteristics of austenitic stainless steel pipe;
- TPI must provide PHMSA/OPS—Southern Region the opportunity to

review its overall project design package prior to and during the construction of this pipeline. The design package must include TPI's methodology to validate the calibration of the in-line inspection (ILI) tool that TPI intends to use when performing an inspection of its austenitic stainless steel pipeline. The design package must also include a description of the ILI tool. The ILI tool must be capable of detecting anomalies including—but not limited to—mechanical damage and pipe deformation; and

• TPI must exceed the tensile testing requirements of Appendix B to Part 192, Qualification of Pipe, Section II (D) Tensile Properties—which requires one test per 10 lengths of pipe—and perform one tensile test per five lengths of pipe for both the plate and the welded joint per the tensile testing required under ASTM A 358 (Section 12).

Authority: 49 U.S.C. 60118(c) and 49 CFR 1.53.

Issued in Washington, DC on April 15, 2005.

Theodore L. Willke,

Deputy Associate Administrator for Pipeline Safety.

[FR Doc. 05–8011 Filed 4–20–05; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA—05–20922]

Pipeline Safety: Pipeline Integrity Management in High Consequence Areas for Hazardous Liquid Operators

AGENCY: Office of Pipeline Safety (OPS), Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice; hazardous liquid integrity management lessons learned meeting.

SUMMARY: OPS will sponsor a 1½ day workshop to review the initial Integrity Management (IM) inspections of hazardous liquid pipeline operators. Workshop topics will cover the lessons learned, accomplishments, and future expectations for such programs from both the OPS and industry perspectives.

DATES: Tuesday, May 17, 2005, from 8:30 a.m. to 5 p.m., and Wednesday, May 18, 2005, from 8:30 a.m. to 12 p.m.

ADDRESSES: The Westin Oaks, 5011 Westheimer, Houston, Texas 77056; (713) 960–8100. For discounted rates, please refer to the U.S. Department of Transportation (USDOT)—Liquid IM Meeting guest room block when making reservations. The deadline for reserving sleeping room accommodations is April 18, 2005. Further information is available on the PHMSA Web site at *http://primis.phmsa.dot.gov/meetings/Mtg30.mtg*. The Web site provides links to other useful information, such as the meeting agenda, and enables viewers to submit questions to OPS regarding the workshop.

This meeting is open to all interested parties. To facilitate meeting planning, advance registration for attending the workshop is strongly recommended. Advanced registration can be accomplished at the PHMSA web site. The deadline for advanced registration is Friday, May 13, 2005. Walk-in registration will be accommodated on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Beth Callsen (tel. 202–366–4572; E-mail: *beth.callsen@dot.gov*).

SUPPLEMENTARY INFORMATION:

1. Background

In 2000, OPS issued the first in a series of rules to improve safety and environmental protection in High Consequence Areas (HCAs). The first IM rule (65 FR 75378; November 3, 2000; effective May 29, 2001) applies to hazardous liquid operators who own or operate 500 or more miles of pipeline. Subsequently, the rule was extended to include operators who own or operate less than 500 miles of hazardous liquid pipeline, (67 FR 2136; January 26, 2002; effective February 15, 2002).

The IM rule applies to pipelines that can affect HCAs. HCAs include populated areas, unusually sensitive environmental areas, and commercially navigable waterways. The objectives of the rule are to:

• Accelerate the assessment of pipeline segments that can affect HCAs. Assessment includes in-line inspection, hydrostatic pressure testing, or other equivalent methods.

• Improve operator management systems to identify and prevent potential integrity threats.

• Improve government's role in the oversight of operator integrity management programs.

• Improve public confidence in safe pipeline operation.

The rule also addresses several National Transportation Safety Board (NTSB) recommendations, Congressional mandates, and pipeline safety issues raised over the years. More information about the rule can be found at *http://primis.phmsa.dot.gov/iim*.

Beginning September 2002, OPS began full IM Program inspections of hazardous liquid pipeline operators. In 2004, OPS inspected over 100 hazardous liquid pipeline operators with pipeline lengths ranging from a few miles to more than 10,000 miles. These pipelines comprise more than 99% of the nation's hazardous liquid pipeline mileage.

Through these inspections and the resulting enforcement actions, OPS has assured that operators are conducting integrity assessments of their pipelines, are repairing defects that could undermine safe operation, and are putting in place the management systems and tools to improve identification and remediation of potential unsafe conditions. These interactions with operators have provided OPS a thorough understanding of operator IM programs, and have significantly improved OPS's understanding of the physical condition of the nation's pipelines.

During this meeting, OPS will share the results and lessons learned from these inspections, and will describe how these lessons will be applied in planning and conducting future IM inspections. OPS will also cover the modifications it has made to the inspection protocols as a result of these initial inspections. Industry representatives will present their perspectives on the IM inspections, summarize their IM program accomplishments, and present their perspectives on future challenges.

Issued in Washington, DC, on April 12, 2005.

Theodore L. Willke,

Deputy Associate Administrator for Pipeline Safety.

[FR Doc. 05–8007 Filed 4–20–05; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. RSPA–04–19856]

Pipeline Safety: Drug and Alcohol Testing

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of intent to issue an Advisory Bulletin; request for public comment.

SUMMARY: This notice advises operators of gas, hazardous liquid and carbon dioxide pipelines and liquefied natural gas facilities that the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of

Pipeline Safety (OPS), intends to issue an Advisory Bulletin to begin collecting annual drug and alcohol testing data for contractor employees performing covered functions in the pipeline industry. The collection of contractor testing data is necessary for the calculation of the minimum annual percent rate for random drug testing, which is based on the reported positive rate for the entire industry. No regulatory change is necessary because the current rule already requires operators to report testing data for covered employees to OPS. The Advisory Bulletin will end the deferment period addressed in the preamble to the current rule for reporting contractor data and suggest a method for reporting the data that minimizes the problems associated with duplication. This notice proposes a method for reporting contractor data, seeks public comment on the method, and encourages suggestions for alternative approaches for reporting contractor testing data.

DATES: Comments must be received by June 6, 2005.

ADDRESSES: You must identify docket number RSPA–04–19856. Comments may either be mailed to U.S. Department of Transportation, Dockets Facility, Plaza 401, 400 7th Street, SW., Washington, DC 20590 or submitted electronically at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Sheila Wright, Program Analyst, PHMSA, OPS at (202) 366–4554, or by e-mail, *sheila.wright@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

Under 49 CFR Part 199, each operator having more than 50 covered employees must submit an annual Management Information System (MIS) report to OPS of its drug and alcohol testing results for covered employees by March 15th of each year for the prior calendar year. Operators with 50 or less covered employees may be required to submit annual MIS reports if notified by OPS in writing. A covered employee is a person employed by the operator, a contractor engaged by the operator, or a person employed by such a contractor, who performs operations, maintenance, or emergency-response functions regulated by 49 CFR parts 192, 193, or 195.

In the final rule, 58 FR 68258, Dec. 23, 1993, OPS concluded that submission of contractor testing data by operators could result in duplicative reporting and inaccurate data. OPS noted that inaccuracies could affect the positive rate for the entire industry, thereby affecting the minimum annual percent rate for random drug testing. Accordingly, OPS deferred collecting contractor testing data, but stated that operators must continue to maintain the records required by 49 CFR Part 199, and ensure their contractors maintain the same. OPS also stated that it would re-evaluate the collection of contractor testing data and develop a method of collecting to avoid the problem of duplication.

During subsequent meetings of the Technical Pipeline Safety Standards Committee and the Technical Hazardous Liquid Pipeline Safety Standards Committee, OPS discussed its intent to begin collecting contractor testing data. OPS pointed out that it plans to begin collecting this data in the 2006 reporting period, and begin any necessary enforcement in 2007. Comments at the meetings were supportive of the initiative to collect contractor data. Commenters suggested that it would be pragmatic for contractors to report their testing data directly to OPS. The transcript of the most recent public meeting is available in the docket *(http://dms.dot.gov)* under docket number RSPA–04–19856.

OPS does not directly regulate contractors with respect to drug and alcohol testing, but places the responsibility on operators to ensure all covered employees are tested and that the testing results are submitted annually to OPS. Accordingly, pipeline operators monitor contractor compliance with drug and alcohol testing requirements as required by 49 CFR part 199. Operators use a variety of methods to monitor covered contractor employees, such as testing of contract employees, requiring contractors to have their own testing programs, or working with contractors that belong to drug testing consortium groups.

Collecting contractor testing data is essential for analyzing OPS's approach to detecting and deterring use of controlled substances. The information is also necessary to calculate the minimum annual percent rate for random drug testing, which is based on the reported positive rate for the entire industry. Collecting this data will not require a regulatory change because 49 CFR part 199 requires operators to report testing data for all covered employees, which includes contractors. The preamble to the current rule merely deferred submission of the data until the development of a methodology. OPS intends to issue an Advisory Bulletin that will end the deferment period noted in the preamble to the final rule.

Proposed Method

Commenters to the original final rule and at the public meeting indicated that submission of contractor testing data should be done by contractors themselves, not by pipeline operators. Based on these suggestions, OPS proposes in lieu of operators submitting contractor data, the operators may opt to use contractors as their agents to report the data. If operators choose this method, OPS encourages them to consider adding language in their contractual agreements to that effect. To facilitate these submissions, OPS would create and assign unique identifiers for contractors to submit annual testing data on the DOT MIS data collection form by mail or by online submission.

Request for Comments

OPS encourages comments on this proposed method in addition to suggestions for alternative methods of collecting contractor testing data. Specifically, OPS invites comments on the validity of the method being proposed and ways to avoid duplication and enhance quality. Following the review of timely comments, OPS will issue an Advisory Bulletin notifying operators of the selected method to begin reporting contractor testing data in calendar year 2006.

Issued in Washington, DC, on April 15, 2005.

Theodore L. Willke,

Deputy Associate Administrator for Pipeline Safety.

[FR Doc. 05–8008 Filed 4–20–05; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34684]

Mississippi Southern Railroad, Inc.—Lease and Operation Exemption—The Kansas City Southern Railway Company

Mississippi Southern Railroad, Inc. (MSRR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease, from The Kansas City Southern Railway Company (KCS), and operate approximately 26.5 miles of rail line extending between milepost 133.0, near Bay Springs, MS, and milepost 159.5, near Newton, MS.

This transaction is related to STB Finance Docket No. 34683, *Watco Companies, Inc.—Continuance in Control Exemption—Mississippi Southern Railroad, Inc.,* wherein Watco Companies, Inc., has concurrently filed

a verified notice of exemption to continue in control of MSRR, upon its becoming a Class III rail carrier.

MSRR certifies that its projected revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and states that such revenues will not exceed $5 million annually. The transaction was scheduled to be consummated on or shortly after April 5, 2005.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34684, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Karl Morell, Of Counsel, Ball Janik LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: April 13, 2005.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 05–7881 Filed 4–20–05; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34683]

Watco Companies, Inc.—Continuance in Control Exemption—Mississippi Southern Railroad, Inc.

Watco Companies, Inc. (Watco), has filed a verified notice of exemption to continue in control of the Mississippi Southern Railroad, Inc. (MSRR), upon MSRR's becoming a Class III rail carrier.[1]

The transaction was scheduled to be consummated on or shortly after April 5, 2005.

This transaction is related to the concurrently filed verified notice of exemption in STB Finance Docket No. 34684, *Mississippi Southern Railroad, Inc.—Lease and Operation Exemption—The Kansas City Southern Railway Company.* In that proceeding, MSRR seeks to acquire by lease from The Kansas City Southern Railway Company and operate approximately 26.5 miles of rail line extending between milepost 133.0, near Bay Springs, MS, and milepost 159.5, near Newton, MS.

Watco, a Kansas corporation, is a noncarrier that currently controls 11 Class III rail carriers: South Kansas and Oklahoma Railroad Company (SKO), Palouse River & Coulee City Railroad, Inc. (PRCC), Timber Rock Railroad, Inc. (TIBR), Stillwater Central Railroad (SLWC), Eastern Idaho Railroad, Inc. (EIRR), Kansas & Oklahoma Railroad, Inc. (K&O), Pennsylvania Southwestern Railroad, Inc. (PSWR), Great Northwest Railroad, Inc. (GNR), Kaw River Railroad, Inc. (KRR), Mission Mountain Railroad, Inc. (MMT), and Appalachian & Ohio Railroad, Inc. (AO).

Applicant states that: (1) The rail lines operated by SKO, PRCC, TIBR, SLWC, EIRR, K&O, PSWR, GNR, KRR, MMT, and AO do not connect with the rail line being leased by MSRR; (2) the continuance in control is not part of a series of anticipated transactions that would connect the rail line being acquired by MSRR with any railroad in the Watco corporate family; and (3) neither MSRR nor any of the carriers controlled by Watco are Class I carriers. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2). The purpose of the transaction is to reduce overhead expenses, coordinate billing, maintenance, mechanical and personnel policies and practices of applicant's rail carrier subsidiaries and thereby improve the overall efficiency of rail service provided by the 12 railroads.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34683, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Karl Morell, Of Counsel, Ball Janik LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: April 13, 2005.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 05–7880 Filed 4–20–05; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF VETERANS AFFAIRS

Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board; Notice of Meetings

The Department of Veterans Affairs gives notice under Public Law 92–463 (Federally Advisory Committee Act) that the subcommittees of the Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board will meet from 8 a.m. to 5 p.m. as indicated below:

Subcommittee for	Date(s)	Location
Nephrology	May 16, 2005	One Washington Circle.
Respiration	May 16–27, 2005	Holiday Inn on the Hill.
Immunology—B	May 19, 2005	The Churchill Hotel.
General Medical Science	May 23, 2005	Hotel Madera.
Aging and Clinical Geriatrics	May 25, 2005	Hotel Lombardy.
Neurobiology—A	May 26–27, 2005	Hotel Rouge.

[1] Watco owns 100% of the issued and outstanding stock of MSRR.

Subcommittee for	Date(s)	Location
Neurobiology—D	June 1, 2005	The Churchill Hotel.
Hematology	June 2, 2005	Hotel Lombardy.
Mental Hlth & Behav Sciences—A	June 3, 2005	Hotel Rouge.
Surgery—B	June 6, 2005	Hotel Lombardy.
Clinical Research Prgm	June 6, 2005	One Washington Circle.
Gastroenterology	June 9–10, 2005	Holiday Inn on the Hill.
Infectious Diseases—A	June 10, 2005	The Churchill Hotel.
Surgery—A	June 13, 2005	Holiday Inn Central.
Endocrinology—B	June 13, 2005	Hotel Madera.
Oncology—A	June 13–14, 2005	Crystal Gateway Marriott.
Infectious Diseases—B	June 14–15, 2005	The Churchill Hotel.
Immunology—A	June 16, 2005	Topaz Hotel.
Neurobiology—C	June 16–17, 2005	Hotel Helix.
Oncology—B	June 16–17, 2005	Holiday Inn on the Hill.
Cardiovascular Studies—A	June 20, 2005	Holiday Inn Central.
Endocrinology—A	June 20–21, 2005	Holiday Inn Central.
Neurobiology—E	June 22, 2005	Holiday Inn on the Hill.
Cardiovascular Studies—B	June 24, 2005	Hilton Embassy Row.
Neurobiology—B	June 24, 2005	Hilton Embassy Row.
Mental Hlth & Behav Sciences—B	June 23–24, 2005	Hotel Rouge.

The addresses of the hotels are:

Crystal Gateway Marriott, 1700 Jefferson Davis Hwy, Arlington, VA.

Hilton Embassy Row, 2015 Massachusetts Avenue, NW., Washington, DC.

Holiday Inn Central, 1501 Rhode Island Avenue, NW., Washington, DC.

Holiday Inn on the Hill, 415 New Jersey Avenue, NW., Washington, DC.

Hotel Helix, 1430 Rhode Island Avenue, NW., Washington, DC.

Hotel Lombardy, 2019 Pennsylvania Avenue, NW., Washington, DC.

Hotel Madera, 1310 New Hampshire Avenue, NW., Washington, DC.

Hotel Rouge, 1315 16th Street, NW., Washington, DC.

One Washington Circle, One Washington Circle, NW., Washington, DC.

The Churchill Hotel, 1914 Connecticut Avenue, NW., Washington, DC.

Topaz Hotel, 1733 N Street, NW., Washington, DC.

The purpose of the Merit Review Board is to provide advice on the scientific quality, budget, safety and mission relevance of investigator-initiated research proposals submitted for VA merit review consideration. Proposals submitted for review by the Board involve a wide range of medical specialties within the general areas of biomedical, behavioral and clinic science research.

The subcommittee meetings will be open to the public for approximately one hour at the start of each meeting to discuss the general status of the program. The remaining portion of each subcommittee meeting will be closed to the pubic for the review, discussion, and evaluation of initial and renewal projects.

The closed portion of the meetings involves discussion, examination, reference to staff and consultant critiques of research protocols. During this portion of the subcommittee meetings, discussion and recommendations will deal with qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, as well as research information, the premature disclosure of which could significantly frustrate implementation of proposed agency action regarding such research projects.

As provided by subsection 10(d) of Public Law 92–463, as amended, closing portions of these subcommittee meetings is in accordance with 5 U.S.C. 552b(c)(6) and (9)(B). Those who plan to attend or would like to obtain a copy of minutes of the subcommittee meetings and rosters of the members of the subcommittees should contact LeRoy G. Frey, Ph.D., Chief, Program Review (121F), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC, 20420 at (202) 254–0288.

Dated: April 8, 2005.

By direction of the Secretary.

E. Philip Riggin,

Committee Management Officer.

[FR Doc. 05–7985 Filed 4–20–05; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Disability Benefits Commission; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that the Veterans' Disability Benefits Commission has scheduled a meeting on May 9 and 10, 2005, at Sofitel Lafayette Square Hotel, 806 15th Street, NW., Washington, DC 20005. The meeting will convene at 8 a.m. and conclude at 5 p.m each day and is open to the public.

The purpose of the Commission is to carry out a study of the benefits under the laws of the United States that are provided to compensate and assist veterans and their survivors for disabilities and deaths attributable to military service. The Commission will receive briefings intended to provide an understanding of programs managed by the Department of Veterans Affairs and other Federal departments and agencies for disabled veterans and their survivors. The Commission will also take testimony from representatives of interested stakeholders and the public concerning issues relating to these benefits that should be addressed by the Commission. Stakeholder groups include veterans' service organizations and military associations.

The agenda for May 9 includes an introduction of Commission members, a description and the legislative history of VA's disability compensation program, Commission responsibilities, ethics requirements, other federal disability and survivor programs, and a review of literature concerned with disability issues. Agenda items for May 10 include testimony by panels comprised of representatives from veterans' service organizations and military associations.

Interested persons may attend and present oral statements to the Commission. Interested parties can provide written comments for review by the Commission in advance of the

meeting to Mr. Ray Wilburn, Acting Executive Director, Program Evaluation Service (008B2), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. Individuals who wish to attend the meeting should contact Mr. Wilburn at (202) 273–7509 or by e-mail at *vetscommission@va.gov.*

Dated: April 15, 2005.

By direction of the Secretary.

E. Philip Riggin,

Committee Management Officer.

[FR Doc. 05–7986 Filed 4–20–05; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

Voluntary Services National Advisory Committee, Notice of Meeting

The Department of Veterans Affairs gives notice under Public Law 92–463 (Federal Advisory Committee Act) that the annual meeting of the Department of Veterans Affairs Voluntary Service (VAVS) National Advisory Committee (NAC) will be held on May 25–28, 2005, at the Doubletree Paradise Valley Resort, 5401 North Scottsdale Road, Scottsdale, Arizona. The meeting sessions are scheduled from 6 p.m. until 8 p.m. on May 25; from 8:30 a.m. until 3 p.m. on May 26 and 27; and from 8:30 a.m. until 2 p.m. on May 28, with a closing program at 6 p.m. that day. The meeting is open to the public.

The Committee, comprised of sixty-three national voluntary organizations advises the Secretary, through the Under Secretary for Health, on the coordination and promotion of volunteer activities within VA health care facilities. The primary purposes of this meeting are: To provide for committee review of volunteer policies and procedures; to accommodate full and open communications between the organizations, representatives and the Voluntary Service Office and field staff; to provide educational opportunities geared towards improving volunteer programs with special emphasis on methods to recruit, retain, motivate and recognize volunteers; and to approve committee recommendations.

The May 25 session will involve opening ceremonies and remarks by several VA and local officials. The May 26 session will feature a video presentation from Dr. Perlin, a Voluntary Service Report, and recognition of the recipients of the VAVS Award for Excellence and NAC Volunters of the Year. In addition, the James H. Parks Memorial Scholarship Luncheon will be held to honor an outstanding youth volunteer. The following educational workshops are scheduled:

1. Assignment-Driven Recruitment and Retention: It's All in the Packaging

2. My Health*e*Vet

3. Hospice Care–A Celebration of Life

4. The Family Support in Seamless Transition

On May 27, the business session will include subcommittee reports and presentations on the Fisher House and Seamless Transition. This session will be followed by a repeat of the educational workshops.

The May 28 session will include remarks from the Director, Veterans Canteen Service and Mr. Stephen Gower, a motivational speaker. The evening will conclude with a Volunteer Recognition Dinner, with entertainment provided by winners in the National Veterans Creative Arts Program.

No time will be allocated at this meeting for receiving oral presentations from the public. However, interested persons may either attend or file statements with the Committee. Written statements may be filed either before the meeting of within 10 days after the meeting and addressed to: Ms. Laura Balun, Administrative Officer, Voluntary Service Office (10C2), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. Individuals interested in attending are encouraged to contact Ms. Balun at (202) 273–8952.

Dated: April 12, 2005.

By direction of the Secretary.

E. Philip Riggin,

Committee Management Officer.

[FR Doc. 05–7984 Filed 4–20–05; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register
Vol. 70, No. 76
Thursday, April 21, 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

Bureau of Industry and Security

15 CFR Parts 742, 744, and 774

[Docket No. 050401091–5091–01]

RIN 0694–AD37

Expansion of the Country Scope of the License Requirements that Apply to Chemical/Biological (CB) Equipment and Related Technology; Amendments to CB-Related End-User/End-Use and U.S. Person Controls

Correction

In rule document 05–7523 beginning on page 19688 in the issue of Thursday, April 14, 2005, make the following correction:

On page 19692, the first table should be corrected in part to read as follows:

Control(s)	Country chart
* * * * * * *	
CB applies to ''technology'' for items controlled by 1C351, 1C352, 1C353, or 1C354	CB Column 1.
* * * * * * *	

[FR Doc. C5–7523 Filed 4–20–05; 8:45 am]
BILLING CODE 1505–01–D

DEPARTMENT OF TREASURY

Office of the Secretary

31 CFR Part 10

[TD 9165]

RIN 1545–BA70

Regulations Governing Practice Before the Internal Revenue Service

Correction

In rule correction C4–27678 appearing on page 19559 in the issue of April 13, 2005, the correction document should read as follows:

§10.37 [Corrected]

On page 75845, in § 10.37, in the first column, in paragraph (b), in the third line, ''June 20, 2004'' should read ''June 20, 2005''.

[FR Doc. C4–27678 Filed 4–20–05; 8:45 am]
BILLING CODE 1505–01–D

Reader Aids

Federal Register

Vol. 70, No. 76

Thursday, April 21, 2005

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
TTY for the deaf-and-hard-of-hearing	**741–6086**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **http://www.gpoaccess.gov/nara/index.html**

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access are located at: **http://www.archives.gov/federal_register/**

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **http://listserv.access.gpo.gov** and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings);* then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, APRIL

16691–16920 1
16921–17196 4
17197–17300 5
17301–17582 6
17583–17886 7
17887–18262 8
18263–18960 11
18961–19252 12
19253–19678 13
19679–19876 14
19877–20044 15
20045–20270 18
20271–20454 19
20455–20690 20
20691–20806 21

CFR PARTS AFFECTED DURING APRIL

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
7877 17197
7878 17293
7879 17295
7880 17297
7881 17301
7882 17883
7883 17885
7884 17887
7885 20265
7886 20269
7887 20455
7888 20691

Administrative Orders:
Memorandums:
Memorandums of March 31, 2005 17195

Executive Orders:
11767 (Revoked by EO 13377) 20263
12863 (Amended by EO 13376) 20261
13070 (See EO 13376) 20261
13295 (Amended by EO 13375) 17299
13301 (See EO 13376) 20261
13375 17299
13376 20261
13377 20263

4 CFR

Ch. I 17583
21 19679

5 CFR

310 20457

Proposed Rules:
337 17610

6 CFR

Proposed Rules:
5 20061

7 CFR

54 17611
62 17611
272 18263
274 18263
301 20271
354 16691
624 16921
723 17150
955 20693
982 20695
1001 18961
1124 18963
1463 17150
1464 17150
1700 17199
1709 17199
1728 20698
1738 16930
1942 19253
1955 20703
4279 17616

Proposed Rules:
29 20724
946 16759
1000 19012
1001 19012
1005 19012
1006 19012
1007 19012
1030 ..... 19012, 19709
1032 19012
1033 19012
1124 ..... 19012, 19636
1126 19012
1131 ..... 19012, 19636
1738 16967

8 CFR

217 17820
231 17820
251 17820

9 CFR

77 19877
93 18252
94 18252
95 18252
97 16691
98 18252

Proposed Rules:
93 17928
94 17928
98 17928

10 CFR

2 20457

Proposed Rules:
52 20062

11 CFR

Proposed Rules:
100 16967
110 16967
114 16967

12 CFR

225 20704
303 17550
325 17550
327 17550
347 ..... 17550, 20704
617 18965
1710 17303

Proposed Rules:
723 20487

13 CFR

134 17583

48 CFR

Ch. 1 ..... 18954, 18959
8 18954
25 18954
39 18958
52 18959
237 19003

Proposed Rules:

2 17945
7 17945
34 17945
36 20329
42 17945
52 17945
204 ..... 19036, 19037
205 19038
211 ..... 19039, 20726
212 20726
213 ..... 19041, 19042
223 19039
226 19038
242 19043
244 19044
252 ..... 19038, 19039, 19043, 19044, 20726
253 19042
538 19045
546 19051
552 ..... 19042, 19051

49 CFR

171 20018
174 20018
219 16966
541 20481
571 18136
573 16742
575 20720
585 18136
1002 17335

Proposed Rules:

172 17385
225 20333
230 20333

50 CFR

13 18311
17 ..... 17864, 17916, 18220, 19154, 19562
20 17574
21 18311
92 18244
216 19004
223 ..... 17211, 17386
229 20484
300 ..... 16742, 19004, 20304
622 ..... 16754, 17401
648 16758
660 20304
679 ..... 16742, 19338, 19708

Proposed Rules:

17 20512
223 17223
224 17223
600 17949
648 19724
679 19409

REMINDERS

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.

RULES GOING INTO EFFECT APRIL 21, 2005

AGRICULTURE DEPARTMENT

Farm Service Agency

Property management:

Management of inventory and/or custodial real property; published 4-21-05

AGRICULTURE DEPARTMENT

Rural Business-Cooperative Service

Property management:

Management of inventory and/or custodial real property; published 4-21-05

AGRICULTURE DEPARTMENT

Rural Housing Service

Property management:

Management of inventory and/or custodial real property; published 4-21-05

AGRICULTURE DEPARTMENT

Rural Utilities Service

Property management:

Management of inventory and/or custodial real property; published 4-21-05

ENERGY DEPARTMENT

Federal Energy Regulatory Commission

Filing fees; annual update; published 3-22-05

ENVIRONMENTAL PROTECTION AGENCY

Superfund program:

National oil and hazardous substances contingency plan—

National priorities list update; published 4-21-05

SECURITIES AND EXCHANGE COMMISSION

Securities:

Asset-backed securities; registration, disclosure, and reporting requirements; published 4-21-05

TRANSPORTATION DEPARTMENT

Disadvantaged business enterprise participation in DOT financial assistance programs; airport concessions; published 3-22-05

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration

Consumer information:

Uniform tire quality grading standards; published 4-21-05

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

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]

Spearmint oil produced in—

Far West; comments due by 4-25-05; published 2-23-05 [FR 05-03480]

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Plant-related quarantine, domestic:

Citrus canker; comments due by 4-26-05; published 2-25-05 [FR 05-03685]

AGRICULTURE DEPARTMENT

Federal Crop Insurance Corporation

Crop insurance regulations:

General administrative regulations; policies submission, policies provisions, premium rates and premium reduction plans; comments due by 4-25-05; published 2-24-05 [FR 05-03435]

AGRICULTURE DEPARTMENT

Rural Business-Cooperative Service

Special programs:

Business and industry guaranteed loan program; annual renewal fee; comments due by 4-29-05; published 2-28-05 [FR 05-03775]

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Endangered and threatened species:

Sea turtles conservation requirements—

Exceptions to taking prohibitions; Florida and Pacific coast of Mexico; comments due by 4-28-05; published 3-29-05 [FR 05-06187]

Fishery conservation and management:

Caribbean, Gulf, and South Atlantic fisheries—

Vermilion snapper; comments due by 4-25-05; published 2-24-05 [FR 05-03579]

Vermilion snapper; comments due by 4-25-05; published 3-9-05 [FR 05-04608]

West Coast States and Western Pacific fisheries—

Pacific Coast groundfish; correction; comments due by 4-29-05; published 3-30-05 [FR 05-06323]

COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

Semi-annual agenda; Open for comments until further notice; published 12-22-03 [FR 03-25121]

DEFENSE DEPARTMENT

Army Department

Privacy Act; implementation; comments due by 4-26-05; published 2-25-05 [FR 05-03663]

DEFENSE DEPARTMENT

Acquisition regulations:

Advisory and assistance services; comments due by 4-25-05; published 2-22-05 [FR 05-03203]

Foreign ball and roller bearings; restrictions; comments due by 4-25-05; published 2-22-05 [FR 05-03201]

Pilot Mentor-Protege Program; Open for comments until further notice; published 12-15-04 [FR 04-27351]

Provision of information to cooperative agreement holders; comments due by 4-25-05; published 2-22-05 [FR 05-03200]

Specialized service contracting; comments due by 4-25-05; published 2-22-05 [FR 05-03206]

Telecommunications services; comments due by 4-25-05; published 2-22-05 [FR 05-03207]

Utility rates etablished by regulatory bodies; comments due by 4-25-05; published 2-22-05 [FR 05-03196]

Utility services; comments due by 4-25-05; published 2-22-05 [FR 05-03198]

Privacy Act; implementation; comments due by 4-26-05; published 2-25-05 [FR 05-03666]

DEFENSE DEPARTMENT

Engineers Corps

Danger zones and restricted areas:

Florida; various military sites; comments due by 4-25-05; published 3-25-05 [FR 05-05905]

DEFENSE DEPARTMENT

Navy Department

Privacy Act; implementation; comments due by 4-26-05; published 2-25-05 [FR 05-03670]

EDUCATION DEPARTMENT

Grants and cooperative agreements; availability, etc.:

Vocational and adult education—

Smaller Learning Communities Program; Open for comments until further notice; published 2-25-05 [FR E5-00767]

ENERGY DEPARTMENT

Meetings:

Environmental Management Site-Specific Advisory Board—

Oak Ridge Reservation, TN; Open for comments until further notice; published 11-19-04 [FR 04-25693]

Worker Safety and Health Program; comments due by 4-26-05; published 1-26-05 [FR 05-01203]

ENERGY DEPARTMENT

Energy Efficiency and Renewable Energy Office

Commercial and industrial equipment; energy efficiency program:

Test procedures and efficiency standards—

Commercial packaged boilers; Open for comments until further notice; published 10-21-04 [FR 04-17730]

ENERGY DEPARTMENT

Federal Energy Regulatory Commission

Electric rate and corporate regulation filings:

Virginia Electric & Power Co. et al.; Open for

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.

H.R. 1134/P.L. 109–7

To amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of certain disaster mitigation payments. (Apr. 15, 2005; 119 Stat. 21)

Last List April 4, 2005

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.