

Based upon information from the committee, the majority of olive producers may be classified as small entities, but only one of the three handlers may be classified as a small entity.

This rule would revise § 932.121 of the order's administrative rules and regulations pertaining to producer districts, and § 932.125 pertaining to producer representation on the committee. The changes would decrease the number of producer districts from four to two and would reapportion producer membership on the committee to reflect the consolidation. District 1, comprising the northern part of the production area, would be apportioned three producer members (and alternates) on the committee. District 2, comprising the southern part of the production area, would be apportioned five producer members (and alternates) on the committee. These changes would reflect recent shifts in olive acreage and producer numbers within the production area and would provide equitable committee representation from each district. The committee unanimously recommended these changes.

This rule would consolidate producer districts and reallocate producer membership on the committee; thus, there would be no additional anticipated costs to handlers or producers.

The only alternative to these changes discussed by the committee was to leave the districts and producer membership allocation as they currently exist. However, the committee believes that the recent shifts in acreage and producer numbers within the districts and production area have made these changes necessary to assure equitable producer representation from the districts.

This proposed rule would impose no additional reporting or recordkeeping requirements on California olive 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.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

In addition, the committee's meeting was widely publicized throughout the California olive industry and all interested persons were invited to attend the meeting and participate in committee deliberations on all issues. Like all committee meetings, the July 8, 2004, meeting was a public meeting and all entities, both large and small, were

able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

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.

A 60-day comment period is provided to allow interested persons to respond to this proposed rule. All written comments timely received will be considered before a final determination is made on this matter. The proposed redistricting and reapportionment would coincide with the 2005 committee selection, which is scheduled to take place in the spring of 2005 for the new term to begin June 1, 2005.

#### List of Subjects in 7 CFR Part 932

Marketing agreements, Olives, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 932 is proposed to be amended as follows:

#### PART 932—OLIVES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 932 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

2. Section 932.121 is revised to read as follows:

##### § 932.121 Producer districts.

Pursuant to the authority in § 932.35(k), commencing with the term of office beginning June 1, 2005, district means any of the following geographical areas of the State of California:

(a) District 1 shall include the counties of Alpine, Tuolumne, Stanislaus, Santa Clara, Santa Cruz, and all counties north thereof.

(b) District 2 shall include the counties of Mono, Mariposa, Merced, San Benito, Monterey and all counties south thereof.

3. Section 932.125 is revised to read as follows:

##### § 932.125 Producer representation on the committee.

Pursuant to the authority in §§ 932.25 and 932.35(k), commencing with the term of office beginning June 1, 2005, representation shall be apportioned as follows:

(a) District 1 shall be represented by three producer members and alternates.

(b) District 2 shall be represented by five producer members and alternates.

Dated: October 22, 2004.

**A.J. Yates,**

*Administrator, Agricultural Marketing Service.*

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## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 35

[Docket No. PRM–35–17]

#### Organization of Agreement States; Receipt of Petition for Rulemaking

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Petition for rulemaking; notice of receipt.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is publishing a notice of receipt of a petition for rulemaking, dated September 3, 2004, which was filed with the Commission by Stanley Fitch, on behalf of the Organization of Agreement States (OAS). The petition was docketed by the NRC on October 1, 2004, and has been assigned Docket No. PRM–35–17. The petitioner requests that the NRC amend its regulations to specify the minimum number of didactic (classroom and laboratory) training hours required to meet the requirement for training and experience to qualify as an authorized nuclear pharmacist and an authorized user identified in the NRC's regulations on training for uptake, dilution, and excretion studies; imaging and localization studies; and use of unsealed byproduct material for which a written directive is required. This notice of receipt is being published for information only, not for public comment.

**DATES:** This petition for rulemaking was docketed on October 1, 2004.

**ADDRESSES:** The notice of receipt and any publicly available documents related to this petition may be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The PDR reproduction contractor will copy documents for a fee. Selected documents, including this notice of receipt, may be viewed and downloaded electronically via the NRC rulemaking Web site at <http://ruleforum.llnl.gov>. Address questions about our rulemaking Web site to Carol

Gallagher (301) 415-5905; e-mail [cag@nrc.gov](mailto:cag@nrc.gov).

Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:** Michael T. Lesar, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone: 301-415-7163 or Toll Free 800-368-5642, or e-mail [mtl@nrc.gov](mailto:mtl@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**Petitioner**

The OAS is a nonprofit, voluntary, scientific and professional society incorporated in the District of Columbia. The membership of OAS consists of state radiation control directors and staff from the 33 Agreement States who are responsible for implementation of their respective radioactive materials programs. The purpose of the OAS is to provide a mechanism for these Agreement States to work with each other and with the NRC on regulatory issues associated with their respective agreements. Agreement States are those states that have entered into an effective regulatory discontinuance agreement with the NRC under subsection 274b. of the Atomic Energy Act (AEA). The role of the Agreement State is to regulate most types of radioactive material in accordance with the compatibility requirements of the AEA.

**Discussion**

The petitioner requests that the NRC amend its regulations in 10 CFR 35.55, 10 CFR 35.190, 10 CFR 35.290, and 10 CFR 35.390, specify the minimum number of didactic (classroom and laboratory) training hours for the authorized nuclear pharmacists and the authorized users identified in these sections. The NRC revised 10 CFR Part 35, Medical Use of Byproduct Material, on April 24, 2002. The revised training and experience requirements in 10 CFR 35.55, 35.190, 35.290 and 35.390 require

training and experience to include both classroom and laboratory training and supervised work experience, but there is no specified breakdown in these sections of these hours. The petitioner states that, in the current regulations, minimum numbers of didactic training hours for radiation safety training are not specified or separated from the total training hours. Part 35, Subpart J (which was reinserted into the current rule but will expire in October 2005), does specify a minimum number of classroom and laboratory training hours and supervised work experience.

The petitioner believes that the lack of clearly defined didactic (*i.e.*, classroom and laboratory) training hours for this rule weakens the rule's consistency and uniformity. The petitioner further believes that need for specified didactic training hours is a radiation safety issue rather than a "practice of medicine" issue. The petitioner also believes that radiation safety for the patient and the occupational radiation workers may be compromised. The petitioner states that a majority of radiation safety principles and procedures are learned during this classroom and laboratory training. The petitioner also asserts that the inclusion of a specification for a minimum number of hours of classroom and laboratory training ('didactic' training), in §§ 35.55, 35.190, 35.290, and 35.390, will increase consistency and uniformity of requirements between States and make it easier to maintain regulations that are consistent with the NRC's designation of requirements for training and experiences as compatibility category B.

**Conclusion**

The NRC is currently revising the training and experience requirements of Part 35. Among the issues being addressed in the current rulemaking is whether a minimum number of didactic training hours should be defined and specified in §§ 35.55, 35.190, 35.290 and 35.390. Therefore the NRC will address the issues raised in this petition as part of the ongoing rulemaking, "Medical Use of Byproduct Material—Recognition of Speciality Boards (RIN No. AH19)." A proposed rule was published in the **Federal Register** on December 9, 2003 (68 FR 68549). Because the issues raised by this petition are being considered in a current rulemaking, NRC is not instituting a separate public comment period for this action.

Dated at Rockville, Maryland, this 22nd day of October 2004.

For the Nuclear Regulatory Commission.

**Annette Vietti-Cook,**

*Secretary of the Commission.*

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

**Docket No. FAA-2003-19053; Airspace Docket No. 04-ANM-10**

**RIN 2120-AA66**

**Proposed Revision of VOR Federal Airway 208**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to modify Federal Airway 208 (V-208) by changing the originating point of the airway from the Santa Catalina, CA, Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) to the Ventura, CA, VORTAC. The proposed modification would extend V-208 by incorporating a route segment that air traffic control (ATC) frequently assigns to aircraft arriving at the Los Angeles, CA, terminal area. The proposed change would enhance the management of aircraft in the Southern California area.

**DATES:** Comments must be received on or before December 13, 2004.

**ADDRESSES:** Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify FAA Docket No. FAA-2004-19053 and Airspace Docket No. 04-ANM-10, at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>.

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

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis