

abbreviated claims. As previously discussed, in the past, the agency has considered the use of the word "may" or "might" in health claims to communicate to consumers the multifactorial nature of the disease or health-related condition (60 FR 66206 at 66219). That is, these words are considered to indicate the ability of a substance to reduce the risk of a disease or health-related condition (*id.*). In section II.C of this document, FDA seeks comments on whether "may" should be removed from health claims because it could be interpreted as a reflection of the science supporting the claim instead of the multifactorial nature of the disease. Significantly, however, the agency relied, in part, upon the use of "may" to justify making optional the requirement that a health claim state that development of a particular disease depends on many factors, and thereby provide for a shorter health claim (60 FR 66206 at 66219). If the agency were to make optional or discontinue the use of the word "may" or "might" in unqualified health claims, would health claims be misleading to consumers? Would FDA need to retain the requirement that a health claim state that development of a particular disease depends on many factors in order for the claim not to be misleading? If so, would such information need to appear as part of the claim each time the claim is presented on the label in order for the claim not to be misleading?

### III. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket numbers found in brackets in the heading of this document. If you base your comments on scientific evidence or data, please submit copies of the specific information along with your comments. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 26, 2004.

**Jeffrey Shuren,**

*Assistant Commissioner for Policy.*

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### 24 CFR Part 990

[Docket No. FR-4874-N-05]

### Negotiated Rulemaking Advisory Committee on the Operating Fund; Notice of Meeting

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Notice of Negotiated Rulemaking Committee meeting.

**SUMMARY:** This document announces a meeting of HUD's Negotiated Rulemaking Advisory Committee on the Operating Fund. The purpose of the committee is to provide advice and recommendations on developing a rule for effectuating changes to the Public Housing Operating Fund Program in response to the Harvard University Graduate School of Design's "Public Housing Operating Cost Study."

**DATES:** The committee meeting will be held on Tuesday and Wednesday, May 11 and 12, 2004. Each day the meeting will start at approximately 8:30 a.m. and run until approximately 5 p.m., unless the committee agrees otherwise.

**ADDRESSES:** The committee meeting will take place at the Westin Peachtree Plaza Hotel, 210 Peachtree Street, NW., Atlanta, Georgia 30303-1704; telephone: (404) 659-1400 (this telephone number is not toll-free).

**FOR FURTHER INFORMATION CONTACT:** Chris Kubacki, Director, Funding and Financial Management Division, Public and Indian Housing—Real Estate Assessment Center, Suite 800, Department of Housing and Urban Development, 1280 Maryland Ave., SW., Washington, DC 20024-2135; telephone (202) 708-4932 (this telephone number is not toll-free). Individuals with speech or hearing impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339.

### SUPPLEMENTARY INFORMATION:

#### I. Background

Through the Operating Fund program, HUD distributes operating subsidies to public housing agencies (PHAs). A regulatory description of the Operating Fund program can be found at 24 CFR part 990. The Operating Fund Formula regulations were developed through negotiated rulemaking procedures. Negotiated rulemaking for an Operating Fund Formula was initiated in March 1999, and resulted in a proposed rule,

published on July 10, 2000 (65 FR 42488), which was followed by an interim rule published on March 29, 2001 (66 FR 17276). The March 29, 2001, interim rule established the Operating Fund Formula that is currently in effect.

During the negotiated rulemaking for the Operating Fund Formula, Congress in the Conference Report (H. Rept. 106-379, October 13, 1999) accompanying HUD's Fiscal Year (FY) 2000 Appropriation Act (Public Law 106-74, approved October 20, 1999) directed HUD to contract with the Harvard University Graduate School of Design (Harvard GSD) to conduct a study on the costs incurred in operating well-run public housing. Harvard GSD issued a final report, the Harvard Cost Study, on June 6, 2003. In Section 222 of the Consolidated Appropriations Act, 2004 (Pub. L. 108-199, approved January 23, 2004), Congress directed the Secretary to conduct negotiated rulemaking with the publication of a final rule by July 1, 2004.

On March 10, 2004, HUD published a document establishing a Negotiated Rulemaking Advisory Committee on the Operating Fund (Committee) to provide advice and recommendations on developing a rule for effectuating changes to the Public Housing Operating Fund Program in response to the Harvard Cost Study. The first meeting of the Committee was held in Washington, DC on March 30, March 31, and April 1, 2004. A second meeting was held, also in Washington, DC, on April 13-15, 2004.

#### II. Committee Meeting

This document announces a third meeting of the Committee. The Committee meeting will take place as described in the **DATES** and **ADDRESSES** section of this document.

In accordance with the Federal Advisory Committee Act (5 U.S.C. Appendix) and the implementing regulations issued by the General Services Administration at 41 CFR part 102-3, HUD publishes notices in the **Federal Register** of an advisory committee meeting at least 15 calendar days prior to the meeting. In this case HUD is providing less than 15-days advance notice due to exceptional circumstances. The Committee was originally scheduled to complete its work at the second meeting. Although great progress was made at the second meeting towards the development of a rule, the Committee determined that a third meeting would be necessary to complete its work. The time required to complete hotel reservations and other logistical arrangements prevented

publication of this meeting notice prior to today's date.

The agenda planned for the meeting includes discussion of issues relating to the development of changes in response to the Harvard Cost Study. The meeting will be open to the public without advance registration. Public attendance may be limited to the space available. Members of the public may be allowed to make statements during the meeting, to the extent time permits, and file written statements with the committee for its consideration. Written statements should be submitted to the address listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

Dated: April 29, 2004.

**William O. Russell,**

*Deputy Assistant Secretary for Public and Voucher Programs.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD01-04-033]

RIN 1625-AA09

#### Drawbridge Operation Regulations; Hutchinson River, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to change the drawbridge operating regulations governing the operation of the Pelham Parkway Bridge, mile 0.4, across the Hutchinson River, New York. This change would allow the bridge owner to require a thirty-minute advance notice for bridge openings between 6 a.m. and 7 p.m. from July 1, 2004 through May 1, 2005. This action is necessary to facilitate bridge painting operations.

**DATES:** Comments must reach the Coast Guard on or before June 3, 2004.

**ADDRESSES:** You may mail comments to Commander (obr), First Coast Guard District Bridge Branch, One South Street, Battery Park Building, New York, New York, 10004, or deliver them to the same address between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (212) 668-7165. The First Coast Guard District, Bridge Branch, maintains the public docket for this rulemaking. Comments and material received from the public, as well as

documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the First Coast Guard District, Bridge Branch, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Judy Leung-Yee, Project Officer, First Coast Guard District, (212) 668-7195.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

We encourage you to participate in this rulemaking by submitting comments or related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD01-04-033), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know if they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

##### Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the First Coast Guard District, Bridge Branch, at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

##### Background and Purpose

The Pelham Parkway Bridge has a vertical clearance of 13 feet at mean high water and 20 feet at mean low water in the closed position. The existing operating regulations listed at 33 CFR 117.793(a), require the draw to open on signal at all times.

The owner of the bridge, New York City Department of Transportation, requested a thirty-minute advance notice for bridge openings at the Pelham Parkway Bridge between 6 a.m. and 7 p.m. from July 1, 2004 through May 1, 2005, to facilitate bridge painting operations at the bridge.

This rulemaking is necessary to facilitate the safe removal of construction personnel and equipment from the bridge after a request to open the bridge is received.

##### Discussion of Proposal

This proposed change would allow the owner of the Pelham Parkway Bridge to require a thirty-minute advance notice for bridge openings between 6 a.m. and 7 p.m. from July 1, 2004 through May 1, 2005, to facilitate the safe evacuation of construction personnel and equipment from the draw after a bridge opening request is received.

The Coast Guard believes this rule is reasonable in order to provide for the safety of the construction personnel working on the bridge, and because the Hutchinson River is navigated predominantly by commercial vessels that already provide advance notice for their bridge openings.

The bridge painting work is best accomplished during the warmer weather conditions. As a result, we have implemented a shortened 30-day comment period for this proposed rule to insure this rulemaking becomes effective by the requested start date to take advantage of the better weather conditions for bridge painting.

##### Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation, under the regulatory policies and procedures of DHS, is unnecessary.

This conclusion is based on the fact that the bridge will continue to open on signal for vessel traffic provided the thirty-minute notice is given.

##### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under section 5 U.S.C. 605(b), that this proposed rule would not have a