

the Consumer Product Safety Act, the Federal Hazardous Substances Act, and the Flammable Fabrics Act. As calculated in accordance with the amendments, the new amounts are \$8,000 for each violation and \$1,825,000 for any related series of violations.

**DATES:** The new amounts will become effective on January 1, 2005.

**FOR FURTHER INFORMATION CONTACT:**

Leonard H. Goldstein, Attorney, Office of the General Counsel, CPSC, Washington, DC 20207; telephone (301) 504-7635; e-mail [lgoldstein@cpsc.gov](mailto:lgoldstein@cpsc.gov).

**SUPPLEMENTARY INFORMATION:** The Consumer Product Safety Improvements Act of 1990 (Improvements Act), Pub. L. 101-608, 104 Stat. 3110 (November 16, 1990), amended the Consumer Product Safety Act (CPSA), the Federal Hazardous Substances Act (FHSA), and the Flammable Fabrics Act (FFA). First, the Improvements Act added civil penalty authority to the FHSA and FFA, which previously contained only criminal penalties. 15 U.S.C. 1264(c) and 1194(e). Second, the Improvements Act increased the maximum civil penalty amounts applicable to civil penalties under the CPSA, and set the same maximum amounts for the newly-created FHSA and FFA civil penalties. 15 U.S.C. 2069(a), 1264(c)(1), and 1194(e)(1).

Third, the Improvements Act directed the Commission to adjust the maximum civil penalty amounts periodically for inflation:

(A) The maximum penalty amounts authorized in paragraph (1) shall be adjusted for inflation as provided in this paragraph.

(B) Not later than December 1, 1994, and December 1 of each fifth calendar year thereafter, the Commission shall prescribe and publish in the **Federal Register** a schedule of maximum authorized penalties that shall apply for violations that occur after January 1 of the year immediately following such publication.

(C) The schedule of maximum authorized penalties shall be prescribed by increasing each of the amounts referred to in paragraph (1) by the cost-of-living adjustment for the preceding five years. Any increase determined under the preceding sentence shall be rounded to—

(i) In the case of penalties greater than \$1,000 but less than or equal to \$10,000, the nearest multiple of \$1,000;

(ii) In the case of penalties greater than \$10,000 but less than or equal to \$100,000, the nearest multiple of \$5,000;

(iii) In the case of penalties greater than \$100,000 but less than or equal to

\$200,000, the nearest multiple of \$10,000; and

(iv) In the case of penalties greater than \$200,000, the nearest multiple of \$25,000.

(D) For purposes of this subsection:  
(i) The term “Consumer Price Index” means the Consumer Price Index for all-urban consumers, published by the Department of Labor.

(ii) The term “cost-of-living adjustment for the preceding five years” means the percentage by which—

(I) The Consumer Price Index for the month of June of the calendar year preceding the adjustment; exceeds

(II) The Consumer Price Index for the month of June preceding the date on which the maximum authorized penalty was last adjusted. 15 U.S.C. 2069(a)(3), 1264(c)(6), and 1194(e)(5).

The Commission’s Directorate for Economics has calculated that the cost-of-living adjustment increases the maximum civil penalty amounts to \$7,737 for each violation and to \$1,823,736 for any related series of violations. Rounding off these numbers in accordance with the statutory directions, the adjusted maximum amounts are \$8,000 for each violation and \$1,825,000 for any related series of violations.

These new amounts will apply to violations that occur after January 1, 2005.

Dated: November 19, 2004.

**Todd A. Stevenson,**

*Secretary, Consumer Product Safety Commission.*

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1535 Command Drive, EE Wing, 3d Fl., Andrews AFB, MD 20762-7002.

**Albert Bodnar,**

*Air Force Federal Register Liaison Officer.*

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## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### Notice of Intent

**AGENCY:** Air Combat Command, United States Air Force.

**ACTION:** Notice of intent.

**SUMMARY:** The United States Air Force is issuing this Notice of Intent (NOI) to announce that it is conducting an Environmental Impact Statement (EIS) to describe the proposed action for the Airspace Training Initiative. The proposed action would enhance the F-16 aircraft training mission for Shaw AFB and McEntire Air National Guard Station (ANGS). This NOI describes the Air Force’s scoping process and identifies the Air Force’s point of contact.

The Air Force conducted a series of scoping meetings in South Carolina and Georgia during September 2004 to receive public input on alternatives, concerns, and issues to be addressed in an environmental analysis. Based on the input received from the scoping meetings, the Air Force has determined that an EIS is required. The EIS will consider environmental issues identified by the public and agencies during the September meetings and received from correspondence during the scoping process. The Air Force has currently identified changes to airspace and aircraft noise as potential key issue requiring detailed analysis in the EIS.

No additional scoping meetings are scheduled. However, based upon interest expressed during community outreach scoping meetings, the public comment period has been extended through December 17, 2004. All written comments on the scope of alternatives and impacts received, as a result of the scoping meetings, or during the extended scoping period will be considered in the preparation of this EIS.

The proposed EIS will be prepared in compliance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321-4347), the Council on Environmental Quality NEPA Regulations (40 CFR 1500-1508); and the Air Force’s Environmental Impact Analysis Process (EIAP) (Air Force Instruction 32-7061 as promulgated at

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### Active Duty Service Determinations for Civilians or Contractual Groups

On November 4, 2004, the Secretary of the Air Force, acting as Executive Agent of the Secretary of Defense, determined that the service of the group known as “U.S. Civil Servants on Temporary Duty at Long Binh, Republic of Vietnam From about April 4, 1972, to about April 27, 1972, to Design a Commercial Carrier Commodity Tariff and Shipment Control System” shall not be considered “active duty” for purposes of all laws administered by the Department of Veterans Affairs (VA).

**FOR FURTHER INFORMATION CONTACT:** Mr. James D. Johnston at the Secretary of the Air Force Personnel Council (SAFPC),

32 CFR 989) to determine the potential environmental consequences of the Airspace Training Initiative. The Federal Aviation Administration is participating as a cooperating agency in this process.

As part of the Airspace Training Initiative proposal, the Air Force will analyze alternatives to modify Shaw AFB's airspace to enhance the ability of the 20th Fighter Wing at Shaw AFB and the 169th Fighter Squadron at McEntire ANG to train as they need to fight in the evolving Global War on Terror. The proposed action includes the following:

- Creating a new Military Operations Area (MOA), that joins the western boundary of the existing Gamecock D MOA with the eastern boundary of existing Poinsett Electronic Combat Range (ECR).
- Lowering the floor of the existing Gamecock D MOA from 10,000 to 5,000 feet mean sea level (MSL) and combining and using Gamecock C and Gamecock D MOAs concurrently and simultaneously.
- Raising the ceiling on the existing Poinsett Low MOA from 2,500 feet MSL to 5,000 feet MSL.
- Modifying the boundary of the existing Bulldog A MOA to match that of Bulldog B MOA and lowering the current 11,000 foot MSL floor of the "shelf area" to 500 feet above ground level (AGL) to coincide with the Bulldog A floor.
- Extending the use of defensive training with training chaff and flares into the new and modified airspace. Developing training transmitter sites beneath the Bulldog and Gamecock MOAs and along the coast of South Carolina.

Alternatives to the proposed action include variations in altitude structure, special use airspace boundaries, extent and number of transmitter sites, and a no-action alternative.

The Air Force will accept comments at any time during the environmental analysis process. However, to ensure the Air Force has sufficient time to consider public input in the preparation of the Draft EIS, the scoping period has been extended. Comments should be submitted to the address below by December XX, 2004.

*Point of Contact:* Ms. Linda DeVine, HQ ACC/CEVP, 129 Andrews St., Suite 102, Langley AFB, VA 23665-2769, (757) 764-9434.

**Albert Bodnar,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. 04-26144 Filed 11-24-04; 8:45 am]

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**DEPARTMENT OF DEFENSE**

**Department of the Air Force**

**HQ USAF Scientific Advisory Board**

**AGENCY:** Department of the Air Force, DoD.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to Public Law 92-463, notice is hereby given of the forthcoming meeting of the 2004 Science and Technology Quality Review Panel. The purpose of the meeting is to allow the Air Force Scientific Advisory Board to assess the quality and long-term relevance of Air Force Research Laboratory research reviewed in Fall 2004. Because classified and contractor-proprietary information will be discussed, this meeting will be closed to the public.

**DATES:** December 10, 2004.

**ADDRESSES:** 1560 Wilson Blvd, Suite 400, Arlington VA 22209-2404.

**FOR FURTHER INFORMATION CONTACT:** Major Kyle Gresham, Air Force Scientific Advisory Board Secretariat, 1180 Air Force Pentagon, Rm 5D982, Washington DC 20330-1180, (703) 697-4808.

**Albert Bodnar,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. 04-26181 Filed 11-24-04; 8:45 am]

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**DEPARTMENT OF DEFENSE**

**Department of the Air Force**

**Privacy Act of 1974; System of Records**

**AGENCY:** Department of the Air Force, DoD.

**ACTION:** Notice to delete systems of records.

**SUMMARY:** The Department of the Air Force is deleting a system of records notice from its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

**DATES:** This proposed actions will be effective without further notice on December 27, 2004, unless comments are received which result in a contrary determination.

**ADDRESSES:** Send comments to the Air Force Privacy Act Manager, Office of the Chief Information Officer, AF-CIO/P, 1155 Air Force Pentagon, Washington, DC 20330-1155.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Anne Rollins at (703) 696-6280.

**SUPPLEMENTARY INFORMATION:** The Department of the Air Force systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed deletion is not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: November 19, 2004.

**Jeannette Owings-Ballard,**

*OSD Federal Register Liaison Officer, Department of Defense.*

**F061 AFMC A**

**SYSTEM NAME:**

Aeromedical Research Data (June 11, 1997, 62 FR 31793).

*Reason:* Records are now being maintained under the system of records F044 AF SG E, entitled "Medical Record System" last published in the **Federal Register** December 9, 2003, 68 FR 68609.

[FR Doc. 04-26110 Filed 11-24-04; 8:45 am]

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**DEPARTMENT OF DEFENSE**

**Department of the Army; Corps of Engineers**

**Availability of the Draft Environmental Impact Statement for the Athens Navigation Project, Village of Athens, Greene County, NY**

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of availability

**SUMMARY:** This announces the availability of the Draft Environmental Impact Statement (DEIS) which assesses the potential environmental impacts of the construction of deepening the navigation channel at Athens, NY. This DEIS has been prepared in accordance with the National Environmental Policy Act (NEPA), and U.S. Army Corps of Engineers (USACE) regulations for implementing NEPA.

**DATES:** The comment period for the DEIS will end 45 days after publication of the NOA in the **Federal Register** by the U.S. Environmental Protection Agency. The end date falls within the second week of January 2005.

**ADDRESSES:** To obtain copies of the DEIS or submit comments, contact Bonnie Hulkower, Environmental Coordinator, U.S. Army Corps of Engineers, New