

Corporation, 3333 K St., NW., Washington, DC, 20007; (202) 295-1624; [mcondray@lsc.gov](mailto:mcondray@lsc.gov).

**SUPPLEMENTARY INFORMATION:** Section 1007(a)(2) of the Legal Services Corporation Act ("Act"), 42 U.S.C. 2996f(a)(2), requires the Corporation to establish maximum income levels for individuals eligible for legal assistance, and the Act provides that other specified factors shall be taken into account along with income.

Section 1611.3(b) of the Corporation's regulations establishes a maximum income level equivalent to one hundred and twenty-five percent (125%) of the Federal Poverty Guidelines. Since 1982, the Department of Health and Human Services has been responsible for updating and issuing the Poverty Guidelines. The revised figures for 2004 set out below are equivalent to 125% of the current Poverty Guidelines as published on February 13, 2004 (69 FR 7336).

#### List of Subjects in 45 CFR Part 1611

Grant programs—law, legal services.

■ For reasons set forth above, 45 CFR part 1611 is amended as follows:

#### PART 1611—ELIGIBILITY

■ 1. The authority citation for part 1611 continues to read as follows:

**Authority:** Secs. 1006(b)(1), 1007(a)(1) Legal Services Corporation Act of 1974, 42 U.S.C. 2996e(b)(1), 2996f(a)(1), 2996f(a)(2).

■ 2. Appendix A of part 1611 is revised to read as follows:

#### Appendix A of Part 1611

#### LEGAL SERVICES CORPORATION 2004 POVERTY GUIDELINES\*

Size of family unit	48 contiguous states and the District of Columbia <sup>1</sup>	Alaska <sup>ii</sup>	Hawaii <sup>iii</sup>
1 .....	\$11,638	\$14,538	\$13,375
2 .....	15,613	19,513	17,950
3 .....	19,588	24,488	22,525
4 .....	23,563	29,463	27,100
5 .....	27,538	34,438	31,675
6 .....	31,513	39,413	36,250
7 .....	35,488	44,388	40,825
8 .....	39,463	49,363	45,400

\* The figures in this table represent 125% of the poverty guidelines by family size as determined by the Department of Health and Human Services.

<sup>1</sup> For family units with more than eight members, add \$3,975 for each additional member in a family.

<sup>ii</sup> For family units with more than eight members, add \$4,976 for each additional member in a family.

<sup>iii</sup> For family units with more than eight members, add \$4,575 for each additional member in a family.

**Victor M. Fortuno,**

*Vice President for Legal Affairs, General Counsel and Corporate Secretary.*

[FR Doc. 04-3783 Filed 2-20-04; 8:45 am]

**BILLING CODE 7050-01-P**

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[DA 04-137; MB Docket No. 03-8; RM-10625]

#### Radio Broadcasting Services; Irmo and Saluda, South Carolina

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In response to a *Notice of Proposed Rule Making*, 68 FR 5862 (February 5, 2003), this *Report and Order* grants the requests of Breckinridge Communications, LLC ("Breckinridge"), licensee of Station WJES-FM, to upgrade its station from Channel 221A to Channel 221C3 and to reallocate Channel 221C3 from Saluda to Irmo, South Carolina, thus providing Irmo with its first local aural transmission service. This document also denies comments filed by Glory Communications, Inc., licensee of Station WFMV(FM), South Congaree, South Carolina, which opposed Breckinridge's foregoing requests. The coordinates for Channel 221C3 at Irmo are 34-09-00 North Latitude and 81-13-00 West Longitude, with a site restriction of 7.8 kilometers (4.9 miles) northwest of Irmo, South Carolina.

**DATES:** Effective March 15, 2004.

**FOR FURTHER INFORMATION CONTACT:** R. Barthen Gorman, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order in MB Docket No. 03-8, adopted January 28, 2004, and released January 30, 2004. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC. This document may also be purchased from the Commission's duplicating contractors, Qualex International, Portals II, 445 12th Street, SW.rrr, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

#### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

#### PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for Part 73 reads as follows:

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

#### § 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under South Carolina, is amended by adding Irmo, Channel 221C3, and removing Saluda, Channel 221A.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 04-3822 Filed 2-20-04; 8:45 am]

**BILLING CODE 6712-01-P**

#### DEPARTMENT OF DEFENSE

#### 48 CFR Part 225

[DFARS Case 2003-D089]

#### Defense Federal Acquisition Regulation Supplement; Memorandum of Understanding—Sweden

**AGENCY:** Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to reflect a determination of the Deputy Secretary of Defense that it is inconsistent with the public interest to apply the restrictions of the Buy American Act to the acquisition of defense equipment produced or manufactured in Sweden.

**EFFECTIVE DATE:** February 23, 2004.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Williams, Defense Acquisition Regulations Council, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0328; facsimile (703) 602-0350. Please cite DFARS Case 2003-D089.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

A memorandum of understanding between the Government of Sweden and the Government of the United States provides for both governments to remove barriers to procurement of defense equipment produced in the

other country, and to accord to industries in the other country treatment no less favorable in relation to procurement than is accorded to industries of its own country. Therefore, DoD has determined that it is inconsistent with the public interest to apply the restrictions of the Buy American Act to the acquisition of defense equipment produced or manufactured in Sweden. This final rule amends DFARS 225.872-1 to add Sweden to the list of countries for which DoD has made such public interest determinations, and to remove Sweden from the list of countries for which exemption from the Buy American Act is permitted only on a purchase-by-purchase basis.

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

### B. Regulatory Flexibility Act

This rule will not have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Therefore, publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2003-D089.

### C. Paperwork Reduction Act

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

### List of Subjects in 48 CFR Part 225

Government procurement.

**Michele P. Peterson,**  
Executive Editor, Defense Acquisition  
Regulations Council.

■ Therefore, 48 CFR Part 225 is amended as follows:

■ 1. The authority citation for 48 CFR Part 225 continues to read as follows:

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

### PART 225—FOREIGN ACQUISITION

#### 225.872-1 [Amended]

■ 2. Section 225.872-1 is amended as follows:

■ a. In paragraph (a) by adding, in alphabetical order, "Sweden" to the list of countries; and

■ b. In paragraph (b) by removing "Sweden" from the list of countries.

[FR Doc. 04-3698 Filed 2-20-04; 8:45 am]

BILLING CODE 5001-08-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### RIN 1018-AH50

### Endangered and Threatened Wildlife and Plants; Removing the Mariana Mallard and the Guam Broadbill from the Federal List of Endangered and Threatened Wildlife

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** Under the authority of the Endangered Species Act of 1973 (Act), as amended, we, the U.S. Fish and Wildlife Service (Service), remove the Mariana mallard (*Anas platyrhynchos oustaleti*) and Guam broadbill (*Myiagra freycineti*) from the Federal List of Endangered and Threatened Wildlife. All available information indicates that these species are extinct. The Mariana mallard was endemic to the Mariana Archipelago and documented to have occurred on the islands of Guam, Tinian, and Saipan. We listed the Mariana mallard as endangered on June 2, 1977 (42 FR 28136), because its population was critically low due to excessive hunting and loss of wetland habitat. No confirmed sightings of the Mariana mallard have been made since 1979. The Guam broadbill was endemic to the island of Guam. We listed the Guam broadbill as endangered on August 27, 1984 (49 FR 33881), because of its critically low population. No confirmed sightings of the Guam broadbill have been made since 1984. This final rule removes the Federal protection provided by the Act for the Guam broadbill and Mariana mallard but does not alter or supersede their designation by the government of Guam as endangered species. The Mariana mallard is not a species protected by the Commonwealth of the Northern Mariana Islands Government (CNMI).

**DATES:** This rule is effective February 23, 2004.

**ADDRESSES:** The administrative record file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana

Boulevard, Room 3-122, Honolulu, HI 96850.

**FOR FURTHER INFORMATION CONTACT:** Fred Amidon, Fish and Wildlife Biologist, Pacific Islands Fish and Wildlife Office, at the above address (telephone: 808/792-9400; facsimile: 808/792-9580).

### SUPPLEMENTARY INFORMATION:

#### Background

The Mariana mallard was endemic to the Mariana Archipelago and documented to occur on the islands of Guam, Tinian, and Saipan. There was some speculation that Mariana mallards were once found on the islands of Rota and Pagan (Baker 1948; Steadman 1992; Reichel and Lemke 1994).

The Mariana mallard is believed to have been a subspecies that originated as a hybrid between the common mallard (*Anas platyrhynchos*) and the grey duck (*Anas superciliosa*) (Reichel and Lemke 1994). The majority of males and all female Mariana mallards resembled the grey duck except their legs were orange, their bill was olive, and they lacked the grey duck's prominent brown streak below the eye (Yamashina 1948). The remaining males resembled male common mallards, having green heads and purple-blue speculums (Yamashina 1948).

Mariana mallards were recorded in freshwater marshes, lakes, and rivers, and were also observed in mangrove lagoons (Stott 1947; Marshall 1949; Kibler 1950). Little was known about their foraging habitat but they were observed foraging on green vegetation and seeds (Marshall 1949). Mariana mallards apparently bred from March to August (Kuroda 1941, cited in Reichel and Lemke 1994; Kuroda 1942, cited in Reichel and Lemke 1994; Marshall 1949), and were believed to have laid 1 clutch of 7 to 12 eggs per year (Kuroda 1942, cited in Reichel and Lemke 1994).

No population estimate was ever recorded for the Mariana mallard prior to its decline. However, it was believed that they were never abundant due to the limited habitat availability of freshwater marshes and lakes in the Mariana Archipelago (Baker 1951). The largest number of Mariana mallards ever recorded was of 2 flocks of 50 to 60 Mariana mallards at Lake Hagoi, Tinian, in 1936 (Kuroda 1942, cited in Reichel and Lemke 1994). However, by the 1940s, most observations of Mariana mallards on Tinian, Saipan, and Guam were of 12 or fewer birds (Stott 1947; Marshall 1949; Kibler 1950). The last Mariana mallards observed on Guam and Tinian were observed in 1967 and 1974, respectively (Drahos 1977; Tenorio and Associates 1979). On