

## DEPARTMENT OF COMMERCE

## Foreign-Trade Zones Board

[Docket 52-2004]

## Foreign-Trade Zone 141—Monroe County, NY; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the County of Monroe, New York, grantee of FTZ 141, requesting authority to expand FTZ 141, in Monroe County, New York, within the Rochester Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on November 17, 2004.

FTZ 141 was approved on April 2, 1987 (Board Order 355, 52 FR 12219, 4/15/87). The zone project currently consists of the following sites in the Monroe County, New York area: Site 1 (10 acres)—401 Pixley Road, Gates; Site 2 (8 acres)—39 Breck Street, Rochester; Site 3 (14 acres)—10 Carriage Street, Honoeye Falls; Site 4 (38 acres)—200 Carlson Road, Rochester; Site 5 (5 acres)—655-C Basket Road, Webster; Site 6 (5 acres)—111 Commerce Drive, Henrietta; Site 7 (3 acres)—10 Thruway Park Drive, Henrietta; Site 8 (2.2 acres)—1698 Lyell Avenue, Rochester; Site 9 (1 acre)—847 West Avenue, Building #10, Rochester; Site 10 (2 acres)—3025 Winton Road South, Rochester.

The applicant is requesting authority to expand the zone to include one additional site in Rochester: Proposed Site 11 (314 acres)—Rochester Technology Park, 789 Elmgrove Road, Rochester. The site is principally owned by Cohen Asset Management, Inc., and Continental Industrial Capital LLC. The new site is part of the former Site 4 (Elmgrove facility) subzone manufacturing site of FTZ 141A, Eastman Kodak Company, which is being converted to general industrial use. No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses below:

1. *Submissions via Express/Package Delivery Services:* Foreign-Trade Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th Street, NW., Washington, DC 20005; or

2. *Submissions via U.S. Postal Service:* Foreign-Trade Zones Board, U.S. Department of Commerce, FCB—4100W, 1401 Constitution Ave., NW., Washington, DC 20230.

The closing period for their receipt is January 24, 2005. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to February 7, 2005).

A copy of the application will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at address No. 1 listed above and at the Office of the County Executive, Suite 8100, 39 West Main Street, Rochester, New York 14614.

**Dennis Puccinelli,**

*Executive Secretary.*

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## DEPARTMENT OF COMMERCE

## Bureau of Industry and Security

[Docket No. 041025291-4291-01]

**Impact of Implementation of the Chemical Weapons Convention on Commercial Activities Involving "Schedule 1" Chemicals Through Calendar Year 2004**

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Notice of inquiry.

**SUMMARY:** The Bureau of Industry and Security (BIS) is seeking public comments on the impact that implementation of the Chemical Weapons Convention has had on commercial activities involving "Schedule 1" chemicals through calendar year 2004. This notice of inquiry is part of an effort to collect information to assist in the preparation of the annual certification required under Condition 9 of Senate Resolution 75, April 24, 1997, in which the Senate gave its advice and consent to the ratification of the Chemical Weapons Convention.

**DATES:** Comments are due December 21, 2004.

**ADDRESSES:** You may submit comments by any of the following methods:

• *E-mail:* [wfisher@bis.doc.gov](mailto:wfisher@bis.doc.gov). Include the phrase "Schedule 1 Notice of Inquiry" in the subject line;

• *Fax:* (202) 482-3355 (Attn: Willard Fisher);

• *Mail or Hand Delivery/Courier:* Willard Fisher, U.S. Department of Commerce, Bureau of Industry and Security, Regulatory Policy Division, 14th Street & Pennsylvania Avenue, NW., Room 2705, Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** For questions on the Chemical Weapons Convention requirements for "Schedule 1" chemicals, contact Larry Denyer, Treaty Compliance Division, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security, U.S. Department of Commerce, Phone: (703) 605-4400. For questions on the submission of comments, contact Willard Fisher, Regulatory Policy Division, Office of Exporter Services, Bureau of Industry and Security, U.S. Department of Commerce, Phone: (202) 482-2440.

**SUPPLEMENTARY INFORMATION:**

**Background**

In its resolution to advise and consent to the ratification of the Chemical Weapons Convention (Convention) (S. Res. 75, April 24, 1997), the Senate included several conditions. Condition 9 of Senate Resolution 75, titled "Protection of Advanced Biotechnology," provides that the President shall certify to the Congress on an annual basis that "\* \* \* the legitimate commercial activities and interests of chemical, biotechnology, and pharmaceutical firms in the United States are not being significantly harmed by the limitations of the Convention on access to, and production of, those chemicals and toxins listed in Schedule 1\* \* \*".

In 2000, 2001, 2002, and 2003, BIS solicited comments from the public on the commercial impact of the Convention's Schedule 1 limitations, and received no comments. In light of this, the President certified to Congress that firms were not significantly harmed by the Convention's Schedule 1 limitations. The Bureau of Industry and Security is collecting data to assist in determining the impact, if any, that the implementation of the Convention's requirements have had on commercial "Schedule 1" activities through calendar year 2004.

On July 8, 2004, President Bush, by Executive Order 13346, delegated his authority to make the annual certification to the Secretary of Commerce.

The Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and Their Destruction, commonly called the Chemical Weapons Convention (CWC), is an international arms control treaty that establishes the Organization for the Prohibition of Chemical Weapons (OPCW) to implement the verification provisions of the treaty. The CWC imposes a number of obligations on countries that have ratified the Convention (States Parties), including enactment of legislation to prohibit the production, storage, and use of chemical weapons, and establishment of a National Authority for liaison with the OPCW and other States Parties. The CWC also requires States Parties to implement a comprehensive data declaration and inspection regime to provide transparency and to verify that both the public and private sectors of States Parties are not engaged in activities prohibited under the CWC.

Schedule 1" chemicals are those toxic chemicals and precursors identified in the Convention as posing a high risk to the object and purpose of the Convention. The "Schedule 1" chemicals are set forth in the Convention's "Annex on Chemicals," as well as in Supplement No. 1 to part 712 of the Chemical Weapons Convention Regulations (15 CFR 712).

The "Schedule 1" provisions of the Convention that affect commercial activities are implemented through part 712 of the Chemical Weapons Convention Regulations and parts 742 and 745 of the Export Administration Regulations, both administered by the Bureau of Industry and Security. These regulations:

- (1) Prohibit the import of "Schedule 1" chemicals from States not Party to the Convention (15 CFR 712.2(b));
- (2) Require annual declarations by certain facilities engaged in the production of "Schedule 1" chemicals in excess of 100 grams aggregate per calendar year (*i.e.*, declared "Schedule 1" facilities) for purposes not prohibited by the Convention (15 CFR 712.5);
- (3) Require government approval of "declared Schedule 1" facilities (15 CFR 712.5(e));
- (4) Provide that "declared Schedule 1" facilities are subject to initial and routine inspection by the Organization for the Prohibition of Chemical Weapons (15 CFR 712.5(d));
- (5) Require 200 days advance notification of establishment of new "Schedule 1" production facilities producing greater than 100 grams aggregate of "Schedule 1" chemicals per calendar year (15 CFR 712.4);

(6) Require advance notification and annual reporting of all imports and exports of "Schedule 1" chemicals to, or from, other States Parties to the Convention (15 CFR 712.6, 742.18 and 745); and

(7) Prohibit the export of "Schedule 1" chemicals to States not Party to the Convention (15 CFR 742.18 and 745.2).

#### Discussion and Request for Comments

In order to assist in determining whether the legitimate commercial activities and interests of chemical, biotechnology, and pharmaceutical firms in the United States are being significantly harmed by the limitations of the Convention on access to, and production of, "Schedule 1" chemicals, BIS is seeking public comments on any effects that implementation of the Chemical Weapons Convention has had on commercial activities involving "Schedule 1" chemicals through calendar year 2004.

#### Submission of Comments

All comments must be submitted to the address indicated in this notice. The Department requires that all comments be submitted in written form.

The Department encourages interested persons who wish to comment to do so at the earliest possible time. The period for submission of comments will close on December 21, 2004. The Department will consider all comments received before the close of the comment period. Comments received after the end of the comment period will be considered if possible, but their consideration cannot be assured. The Department will not accept comments accompanied by a request that a part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. The Department will return such comments and materials to the persons submitting the comments and will not consider them. All comments submitted in response to this notice will be a matter of public record and will be available for public inspection and copying.

The Office of Administration, Bureau of Industry and Security, U.S. Department of Commerce, displays public comments on the BIS Freedom of Information Act (FOIA) Web site at <http://www.bis.doc.gov/foia>. This office does not maintain a separate public inspection facility. If you have technical difficulties accessing this web site, please call BIS's Office of Administration, at (202) 482-2165, for assistance.

Dated: November 18, 2004.

**Peter Lichtenbaum,**

*Assistant Secretary for Export Administration.*

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## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

[Docket No. 041103306-4306-01]

RIN 0693-AB54

#### Announcing Draft of Federal Information Processing Standard (FIPS) 201, Personal Identification Verification for Federal Employees and Contractors

**AGENCY:** National Institute of Standards and Technology (NIST), Commerce.

**ACTION:** Notice.

**SUMMARY:** This notice announces Draft Federal Information Processing Standard (FIPS) 201, Personal Identification Verification for Federal Employees and Contractors, for public review and comment. The draft of FIPS 201 is being proposed in response to tasking to the Secretary of Commerce by the President to promulgate, in accordance with applicable law, a Federal standard for secure and reliable forms of identification for Federal employees. The standard specifies the minimum necessary technical and operational requirements for such Federal identification credentials. Prior to the submission of this proposed standard to the Secretary of Commerce for review and approval, it is essential that consideration be given to the needs and views of the public, users, the information technology industry, and Federal, State and local government organizations. The purpose of this notice is to solicit such views.

**DATES:** Comments must be received on or before December 23, 2004.

**ADDRESSES:** Written comments may be sent to: Chief, Computer Security Division, Information Technology Laboratory, Attention: Comments on Draft FIPS 201, 100 Bureau Drive—Stop 8930, National Institute of Standards and Technology, Gaithersburg, MD 20899-8930. Electronic comments may also be sent to: [DRAFTFIPS201@nist.gov](mailto:DRAFTFIPS201@nist.gov). The draft of the standard is available via <http://csrc.nist.gov/piv-project/index.html>. Comments received in response to this notice will be published electronically at <http://csrc.nist.gov>.