

economic impact on a substantial number of small entities.

### B. Paperwork Reduction Act

The Paperwork Reduction Act of 1995<sup>12</sup> imposes certain requirements on federal agencies (including the Commission) in connection with their conducting or sponsoring any collection of information as defined by the Paperwork Reduction Act ("PRA"). The amendment to Rule 1.55(d) that is the subject of this proposed rulemaking does not alter the paperwork burden associated with the OMB Collection of Information submission, OMB Control Number 3038-0022, Rules Pertaining to Contract Markets and Their Members, where the Commission most recently described the paperwork burden associated with the 2001 rulemaking amendments.<sup>13</sup> Thus, there is no need for an additional submission pursuant to the PRA.

### List of Subjects in 17 CFR Part 1

Brokers, Commodity Futures, Consumer protection, Disclosure, Reporting and recordkeeping requirements.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act and, in particular, Sections 4b, 4c(b), and 8a(5) thereof, 7 U.S.C. 6b, 6c(b), and 12a(5) (2000), and pursuant to the authority contained in 5 U.S.C. 552 and 552b (2003), the Commission hereby proposes to amend Chapter I of Title 17 of the Code of Federal Regulations as follows:

### PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. The authority citation for Part 1 continues to read as follows:

**Authority:** 7 U.S.C. 1a, 2, 4, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6j, 6k, 6l, 6m, 6n, 6o, 6p, 7, 7a, 7b, 8, 9, 12, 12a, 12c, 13a, 13a-1, 16, 16a, 19, 21, 23, and 24, as amended by the Commodity Futures Modernization Act of 2000, appendix E of Pub. L. 106-554, 114 Stat. 2763 (2000).

2. Section 1.55 is proposed to be amended by revising paragraph (d)(1) to read as follows:

#### § 1.55 Distribution of "Risk Disclosure Statement" by futures commission merchants and introducing brokers.

\* \* \* \* \*

(d) \* \* \*

(1) Prior to the opening of such account, the futures commission merchant or introducing broker obtains

an acknowledgment from the customer, which may consist of a single signature at the end of the futures commission merchant's or introducing broker's customer account agreement, or on a separate page, of the disclosure statements, consents and elections specified in this section and § 1.33(g), and in § 33.7, § 155.3(b)(2), § 155.4(b)(2), and § 190.06 of this chapter, and which may include authorization for the transfer of funds from a segregated customer account to another account of such customer, as listed directly above the signature line, provided the customer has acknowledged by check or other indication next to a description of each specified disclosure statement, consent or election that the customer has received and understood such disclosure statement or made such consent or election; and

\* \* \* \* \*

Dated: November 4, 2004.

By the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 04-24949 Filed 11-8-04; 8:45 am]

BILLING CODE 6351-01-P

### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 117

[CGD08-04-040]

RIN 1625-AA09

#### Drawbridge Operation Regulation; Mississippi River, Iowa and Illinois

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to change the regulation governing the Clinton Railroad Drawbridge, Mile 518.0, Upper Mississippi River, at Clinton, Iowa. The drawbridge would open on signal if at least 24 hours advance notice is given from 7:30 a.m., on December 15, 2004, until 7:30 a.m. on March 1, 2005. This proposed rule would allow time for making upgrades to critical mechanical components and perform scheduled annual maintenance and repairs.

**DATES:** Comments and related material must reach the Coast Guard on or before December 9, 2004.

**ADDRESSES:** You may mail comments and related material to Commander, Eighth Coast Guard District, Bridge Branch, 1222 Spruce Street, St. Louis, MO 63103-2832. Commander (obr)

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 room 2.107f in the Robert A. Young Federal Building, Eighth Coast Guard District, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Roger K. Wiebusch, Bridge Administrator, (314) 539-3900, extension 2378.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD08-04-040), 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 that 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 Eighth 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

On September 7, 2004, the Union Pacific Railroad Company requested a temporary change to the operation of the Clinton Railroad Drawbridge across the Upper Mississippi River, Mile 518.0 at Clinton, Iowa to open on signal if at least 24 hours advance notice is given to facilitate critical bridge repair and annual maintenance. Advance notice may be given by calling the Clinton Yardmaster's office at (563) 244-3204 at any time; or (563) 244-3269 weekdays between 7 a.m. and 3:30 p.m.; or Mr. Tomaz Gawronski, office (515) 263-4536 or cell phone (515) 229-2993.

<sup>12</sup> Pub. L. 104-13 (May 13, 1995).

<sup>13</sup> See 66 FR 45221, 45228 (August 28, 2001).

The Clinton Railroad Drawbridge navigation span has a vertical clearance of 18.7 feet above normal pool in the closed to navigation position. Navigation on the waterway consists primarily of commercial tows and recreational watercraft and will not be significantly impacted due to the reduced navigation in winter months. Presently, the draw opens on signal for passage of river traffic. The Union Pacific Railroad Company requested the drawbridge be permitted to remain closed-to-navigation from 7:30 a.m., December 15, 2004 until 7:30 a.m., March 1, 2005, unless 24 hours advance notice is given of the need to open. Winter conditions on the Upper Mississippi River coupled with the closure of Rock Island Railroad & Highway Drawbridge, Mile 482.9, Upper Mississippi River, at Rock Island, Illinois will preclude any significant navigation demands for the drawspan opening. The Clinton Railroad Drawbridge, Mile 518.0 Upper Mississippi River is located upstream from the Rock Island Railroad & Highway Drawbridge. Performing maintenance on the bridge during the winter, when the number of vessels likely to be impacted is minimal, is preferred to bridge closure or advance notification requirements during the navigation season. This temporary change to the drawbridge's operation has been coordinated with the commercial waterway operators.

#### Regulatory Evaluation

This rulemaking 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 section 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 (DHS).

The Coast Guard expects that this temporary change to operation of the Clinton Railroad Drawbridge will have minimal economic impact on commercial traffic operating on the Upper Mississippi River. This temporary change has been written in such a manner as to allow for minimal interruption of the drawbridge's regular operation.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have 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. This proposed rule will have a negligible impact on vessel traffic. The primary users of the Upper Mississippi River in Clinton, Iowa are commercial towboat operators. With the onset of winter conditions most activity on the Upper Mississippi River is curtailed and there are few, if any, significant navigation demands for opening the drawspan.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (*see ADDRESSES*) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this proposed rule so that they could better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Mr. Roger K. Wiebusch, Bridge Administrator, Eighth Coast Guard District, Bridge Branch, at (314) 539–3900, extension 2378.

#### Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

#### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires

Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this proposed rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### Taking of Private Property

This proposed rule will not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

#### Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it

does not require a Statement of Energy Effects under Executive Order 13211.

### Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

### Environment

We have analyzed this rule under Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction, from further environmental documentation. Paragraph 32(e) excludes the promulgation of operating regulations or procedures for drawbridges from the environmental documentation requirements of the National Environmental Policy Act (NEPA). Since this proposed regulation would alter the normal operating conditions of the drawbridge, it falls within this exclusion. A “Categorical Exclusion Determination” is available in the docket for inspection or copying where indicated under **ADDRESSES**.

### List of Subjects in 33 CFR Part 117

Bridges.

### Regulations

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

#### **PART 117—DRAWBRIDGE OPERATION REGULATIONS**

1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; Department of Homeland Security Delegation No. 0170.1; 33

CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. From 7:30 a.m., December 15, 2004 until 7:30 a.m. March 1, 2005, in § 117.671 add new paragraph (c) to read as follows:

#### **§ 117.671 Upper Mississippi River.**

\* \* \* \* \*

The Clinton Railroad Drawbridge, Mile 518.0, Upper Mississippi River at Clinton, Iowa shall open on signal if at least 24 hours notice is given. Notice may be given by calling Clinton Yardmaster’s office at (563) 244–3204 at anytime; or (563) 244–3269 weekdays between 7 a.m. and 3:30 p.m.; or Mr. Tomaz Gawronski, office (515) 263–4536 or cell phone (515) 229–2793.

Dated: October 27, 2004.

**R.F. Duncan,**

*Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.*

[FR Doc. 04–24972 Filed 11–8–04; 8:45 am]

**BILLING CODE 4910–15–P**

## **POSTAL SERVICE**

### **39 CFR Part 111**

#### **Address Sequencing Services**

**AGENCY:** Postal Service.

**ACTION:** Proposed rule.

**SUMMARY:** The United States Postal Service provides mailers with both manual and electronic address sequencing services for their address lists, including electronic address sequencing (EAS) service and computerized delivery sequencing (CDS) service. Mailers who prepare their mail using these services may qualify for postage discounts. In addition, these services help mailers use the best possible addresses on their mail. This improves mail deliverability and reduces the costs of the Postal Service.

Mailers who qualify for, and obtain, the highest level of address sequencing service (Level 3 Service) from the Postal Service for an address list, may then apply to obtain a CDS subscription for each separate address group in each 5-digit ZIP Code within that address list. The Postal Service proposes to streamline the process by which it provides seed addresses to CDS subscribers and accepts address lists from mailers for Level 3 Service. The Postal Service proposes to provide mailers with more detailed information so that they may properly submit address lists to the Postal Service in order to obtain address sequencing services. CDS subscribers will continue

to obtain the benefit of using seed addresses to assist them in protecting their address lists. The Postal Service also proposes to clarify that the requirements for obtaining Level 3 Service and CDS subscriptions for Post Office box address groups is the same as for other address groups.

**DATES:** Written comments must be received on or before December 9, 2004.

**ADDRESSES:** Written comments should be mailed to the Computerized Delivery Sequence (CDS) Department, National Customer Support Center, United States Postal Service, 6060 Primacy Pkwy Ste 201, Memphis TN 38188–0001. Copies of all written comments will be available at this address for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday.

#### **FOR FURTHER INFORMATION CONTACT:**

Becky Dunn, National Customer Support Center, United States Postal Service, (800)-238–3150.

**SUPPLEMENTARY INFORMATION:** The Postal Service offers a range of manual and electronic address sequencing services not only to mailers who develop or own address lists, but also to mailers who use address lists they obtain from third parties. Mailers, as well as parties acting on behalf of mailers, may obtain address sequencing services by submitting address lists to the Postal Service either in the form of address cards or electronic address files (both forms are referred to as “address lists”). The Postal Service only provides address sequencing and correction services. It does not provide address lists of postal customers to the public. See 39 U.S.C. 412. The Postal Service offers mailers three levels of address sequencing services for address lists:

*Level 1 Service:* The Postal Service arranges addresses in delivery sequence and removes undeliverable addresses from address lists.

*Level 2 Service:* In addition to Level 1 Service, the Postal Service inserts blank cards for missing addresses in an address list submitted as address cards, or delivery sequence numbers for addresses missing from the mailer’s electronic address list file.

*Level 3 Service:* In addition to Levels 1 and 2 Service, the Postal Service inserts addresses for missing or new addresses either by address cards or into electronic address files, depending on whether the mailer has submitted its address list as address cards or as an electronic address list file. In order to obtain Level 3 Service, a mailer must satisfy the Postal Service requirements summarized below.