

without change, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The Federal regulations.gov website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

**FOR FURTHER INFORMATION CONTACT:** Rose Quinto, (215) 814-2182, or by e-mail at [quinto.rose@epa.gov](mailto:quinto.rose@epa.gov).

**SUPPLEMENTARY INFORMATION:** For further information, please see the information provided in the direct final action for the approval of a Consent Order establishing VOC RACT for Kaydon Ring and Seal, Inc., that is located in the "Rules and Regulations" section of this *Federal Register* publication.

Dated: August 16, 2004.

**Richard J. Kampf,**

*Acting Regional Administrator, Region III.*  
[FR Doc. 04-19821 Filed 8-30-04; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CA 207-0437b; FRL-7803-9]

#### Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District and Mojave Desert Air Quality Management District

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the Antelope Valley Air Quality Management District (AVAQMD) and Mojave Desert Air Quality Management District (MDAQMD) portions of the California State Implementation Plan (SIP). These revisions concern federally enforceable limitations on the potential to emit of air pollution sources. We are proposing to approve local rules under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** Any comments on this proposal must arrive by September 30, 2004.

**ADDRESSES:** Send comments to Gerardo Rios, Permits Office Chief (AIR-3), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, or e-mail to [R9airpermits@epa.gov](mailto:R9airpermits@epa.gov), or submit comments at <http://www.regulations.gov>.

You can inspect a copy of the submitted SIP revisions and EPA's technical support documents (TSDs) at our Region IX office during normal business hours. You may also see copies of the submitted SIP revisions and TSDs at the following locations:

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 "I" Street, Sacramento, CA 95814.

Antelope Valley Air Quality Management District, 43301 Division Street, #206, Lancaster, CA 93535.

Mojave Desert Air Quality Management District, 14306 Park Avenue, Victorville, CA 92392.

A copy of the rule may also be available via the Internet at <http://www.arb.ca.gov/drdb/drdbtxt.htm>.

Please be advised that this is not an EPA website and may not contain the same version of the rule that was submitted to EPA.

**FOR FURTHER INFORMATION CONTACT:** Manny Aquitania, Permits Office (AIR-

3), U.S. Environmental Protection Agency, Region IX, (415) 947-4123; [aquitania.manny@epa.gov](mailto:aquitania.manny@epa.gov).

**SUPPLEMENTARY INFORMATION:** This proposal addresses the approval of local AVAQMD Rule 226 and MDAQMD 222 in the Rules and Regulations section of this *Federal Register*, we are approving these local rules in a direct final action without prior proposal because we believe this SIP revision is not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: July 23, 2004.

**Laura Yoshii,**

*Acting Regional Administrator, Region IX.*

[FR Doc. 04-19816 Filed 8-30-04; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL MARITIME COMMISSION

### 46 CFR Parts 502, 503, 515, 520, 530, 535, 540, 550, 555, and 560

[Docket No. 04-11]

RIN 3072-AC27

#### Update of Existing and Addition of New Filing Fees

**AGENCY:** Federal Maritime Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Federal Maritime Commission ("Commission") proposes to revise its existing fees for filing petitions and complaints; various public information services, such as record searches, document copying, and admissions to practice; filing ocean transportation intermediary license applications; applications for special permission; service contracts; agreements; and passenger vessel performance and casualty certificate applications. These revised fees reflect current costs to the Commission. In addition, the Commission is adding a separate fee for the filing of terminal exempt agreements.

**DATES:** Comments are due by September 29, 2004.

**ADDRESSES:** Address comments to: Bryant L. VanBrakle, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Washington,

DC 20573-0001, E-mail:  
*secretary@fmc.gov*.

**FOR FURTHER INFORMATION CONTACT:**

Thomas B. Stephens, Presidential Management Fellow, Office of the Executive Director, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573-0001, (202) 523-5800, E-mail:  
*executivedirector@fmc.gov*.

**SUPPLEMENTARY INFORMATION:** The Commission is authorized under the Independent Offices Appropriation Act ("IOAA"), 31 U.S.C. 9701 (1983), to establish fees for services and benefits that it provides to specific recipients. The IOAA provides that each service or thing of value provided by an agency to a person be self-sustaining to the extent possible, and that each charge shall be fair and based on the costs to the Government, the value of the service or thing to the recipient, the policy or interest served, and other relevant facts. 31 U.S.C. 9701.

The primary guidance for implementation of IOAA is Office of Management and Budget ("OMB") Circular A-25, as revised July 8, 1993. OMB Circular A-25 requires that a reasonable charge be made to each recipient for a measurable unit or amount of Government service from which the recipient derives a benefit, in order that the Government recover the full cost of rendering that service.

OMB Circular A-25 further provides that costs be determined or estimated from the best available records in the agency, and that cost computations cover the direct and indirect costs to the Government of carrying out the activity, including but not limited to:

- (A) Direct and indirect personnel costs, including salaries and fringe benefits such as medical insurance and retirement,
- (B) Physical overhead, consulting, and other indirect costs including material and supply costs, utilities, insurance, travel and rent,
- (C) The management and supervisory costs, and
- (D) The costs of enforcement,

collection, research, establishment of standards and regulations, including any required environmental impact statements.

OMB Circular A-25, paragraphs 6.d.1.(a), (b), (c) and (d).

OMB Circular A-25 also calls for a periodic reassessment of costs, with related adjustment of fees, if necessary, and the establishment of new fees where none exist.

The Commission's current filing and service fees have been in effect since July 15, 2002, and are no longer

representative of the Commission's actual costs for providing such services. Accordingly, the Commission proposes to revise its fees so as to reflect costs attendant in providing the involved services. Fee increases primarily reflect increases in salary and indirect (overhead) costs. For some services, the increase in processing or review time accounts in part for the increase in the level of proposed fees. For other services, proposed fees are lower than current fees due to overall reduced costs to provide those services.

The Commission has reviewed its current fees and developed data on the time and cost involved in providing particular services to arrive at the updated direct labor costs for those services. The direct labor costs include clerical, professional, supervisory, and executive time expended on an activity, plus a check processing cost of \$0.53. The indirect costs include Government overhead costs, which are fringe benefits and other wage-related Government contributions contained in OMB Circular A-76;<sup>1</sup> Commission general and administrative expenses;<sup>2</sup> and office general and administrative overhead expenses.<sup>3</sup> The sum of these indirect cost components gives an indirect cost factor that is added to the direct labor costs of an activity to arrive at the fully distributed cost.

A detailed summary of the data used to arrive at the proposed fees is available from the Secretary of the Commission upon written or e-mail request.

As part of the process described above, the Commission has decided to establish a separate fee for terminal exempt agreements. Currently, the Commission maintains the same filing fee for carrier and terminal exempt agreements; however, terminal exempt agreements generally require less processing time than carrier exempt agreements. Consequently, the Commission has decided to establish a separate filing fee for terminal exempt agreements to reflect better the difference in processing times.

<sup>1</sup> These include leave and holidays, retirement, worker's compensation, awards, health and life insurance, and Medicare. These are expressed as a percentage of basic pay.

<sup>2</sup> These costs include all salaries and overhead, such as rent, utilities, supplies, and equipment, allocated to the Offices of the Commissioners, Program and Administrative Offices and General Counsel. The percentage of these costs to the total agency budget is allocated across all Commission programs.

<sup>3</sup> These expenses are limited to the overhead expenses allocated to those bureaus and offices involved in the fee-generating activities, and is derived from dividing allocated overhead expenses by the total funding for these fee-generated offices.

The Commission intends to update its fees biennially in keeping with OMB guidance. In updating its fees, the Commission will incorporate changes in the salaries of its employees into direct labor costs associated with its services, and recalculate its indirect costs (overhead) based on current level of costs.

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the Chairman of the Federal Maritime Commission certifies that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. While the Commission recognizes that the proposed rule may impact businesses that qualify as small entities under Small Business Administration guidelines, the Commission is required to assess recipients of specific governmental services reasonable charges to recover the costs of providing these services. The charges in the proposed rule reflect the costs of specific Commission services mandated by statute, and these services benefit the shipping industry and the foreign commerce of the United States. The Commission believes that the charges proposed in the rule will not have a harmful effect on entities within the Commission's jurisdiction, the general public, or the U.S. economy. Furthermore, the Commission's regulations provide for waiver or reduction of any charge in extraordinary situations pursuant to 46 CFR 503.41. Requests for fee waiver or reduction are to be made to the Secretary of the Commission, and should demonstrate either that the waiver or reduction is in the best interest of the public or that imposition of the fee would impose an undue hardship.

This Rule does not contain any collection of information requirements as defined by the Paperwork Reduction Act of 1980, as amended. Therefore, OMB review is not required.

**List of Subjects**

*46 CFR Part 502*

Administrative practice and procedure, Claims, Equal access to justice, Investigations, Lawyers, Maritime carriers, Penalties, Reporting and recordkeeping requirements.

*46 CFR Part 503*

Classified information, Freedom of information, Privacy, Sunshine act.

*46 CFR Part 515*

Exports, Freight forwarders, Non-vessel-operating common carriers, Ocean transportation intermediaries,

Licensing requirements, Financial responsibility requirements, Reporting and recordkeeping requirements.

46 CFR Part 520

Common carrier, Freight, Intermodal transportation, Maritime carriers, Reporting and recordkeeping requirements.

46 CFR Part 530

Freight, Maritime carriers, Reporting and recordkeeping requirements.

46 CFR Part 535

Administrative practice and procedure, Maritime carriers, Reporting and recordkeeping requirements.

46 CFR Part 540

Insurance, Maritime carriers, Penalties, Reporting and recordkeeping requirements, Surety bonds.

46 CFR Part 550

Administrative practice and procedure, Maritime carriers.

46 CFR Part 555

Administrative practice and procedure, Investigations, Maritime carriers.

46 CFR Part 560

Administrative practice and procedure, Maritime carriers.

For the reasons set forth above, the Federal Maritime Commission amends 46 CFR Parts 502, 503, 515, 520, 530, 535, 540, 550, 555, and 560 as follows:

PART 502—RULES OF PRACTICE AND PROCEDURE

1. The authority citation for Part 502 continues to read as follows:

Authority: 5 U.S.C. 504, 551, 552, 553, 556(c), 559, 561-569, 571-596; 5 U.S.C. 571-584; 12 U.S.C. 1141j(a); 18 U.S.C. 207; 26 U.S.C. 501(c)(3); 28 U.S.C. 2112(a); 31 U.S.C. 9701; 46 U.S.C. app. 817d, 817e, 1114(b), 1705, 1707-1711, 1713-1716; E.O. 11222 of May 8, 1965, 30 FR 6469, 3 CFR, 1964-1965 Comp. P. 306; 21 U.S.C. 853a; Pub. L. 105-258, 112 Stat. 1902.

Subpart D—Rulemaking

2. The fourth sentence of § 502.51(a) is revised to read as follows:

§ 502.51 Initiation of procedure to issue, amend, or repeal a rule.

(a) \* \* \* Petitions shall be accompanied by remittance of a \$241 filing fee. \* \* \*

\* \* \* \* \*

Subpart E—Proceedings; Pleadings; Motions; Replies

3. Section 502.62(g) is revised to read as follows:

§ 502.62 Complaints and fee.

\* \* \* \* \*

(g) The complaint shall be accompanied by remittance of a \$221 filing fee.

\* \* \* \* \*

4. Section 502.68(a)(3) is revised to read as follows:

§ 502.68 Declaratory orders and fee.

(a) \* \* \*

(3) Petitions shall be accompanied by remittance of a \$241 filing fee.

\* \* \* \* \*

5. Section 502.69(b) is revised to read as follows:

§ 502.69 Petitions-General and fee.

\* \* \* \* \*

(b) Petitions shall be accompanied by remittance of a \$241 filing fee. [Rule 69.]

Subpart K—Shortened Procedure

6. The last sentence of § 502.182 is revised to read as follows:

§ 502.182 Complaint and memorandum of facts and arguments and filing fee.

\* \* \* The complaint shall be accompanied by remittance of a \$221 filing fee. [Rule 182.]

Subpart Q—Refund or Waiver of Freight Charges

7. § 502.271(d)(5) is revised to read as follows:

§ 502.271 Special docket application for permission to refund or waive freight charges.

\* \* \* \* \*

(d) \* \* \*

(5) Applications must be accompanied by remittance of a \$77 filing fee.

\* \* \* \* \*

Subpart S—Informal Procedure for Adjudication of Small Claims

8. The last sentence of § 502.304(b) is revised to read as follows:

§ 502.304 Procedure and filing fee.

\* \* \* \* \*

(b) \* \* \* Such claims shall be accompanied by remittance of a \$67 filing fee.

\* \* \* \* \*

PART 503—PUBLIC INFORMATION

9. The authority citation for Part 503 continues to read as follows:

Authority: 5 U.S.C. 552, 552a, 552b, 553; 31 U.S.C. 9701; E.O. 12958 of April 20, 1995 (60 FR 19825), sections 5.2 (a) and (b).

10. In § 503.43, paragraphs (c)(1) (i) and (ii), the first sentence of paragraph (c)(2), paragraphs (c)(3) (ii) and (iii), paragraph (c)(4), paragraph (d) and paragraph (e) are revised to read as follows:

§ 503.43 Fees for services.

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(i) Search will be performed by clerical/administrative personnel at a rate of \$19 per hour and by professional/executive personnel at a rate of \$48 per hour.

(ii) Minimum charge for record search is \$19.

(2) Charges for review of records to determine whether they are exempt from disclosure under § 503.33 shall be assessed to recover full costs at the rate of \$79 per hour. \* \* \*

(3) \* \* \*

(ii) By Commission personnel, at the rate of five cents per page (one side) plus \$19 per hour.

(iii) Minimum charge for copying is \$4.75.

\* \* \* \* \*

(4) The certification and validation (with Federal Maritime Commission seal) of documents filed with or issued by the Commission will be available at \$94 for each certification.

(d) To have one's name and address placed on the mailing list of a specific docket as an interested party to receive all issuances pertaining to that docket: \$9 per proceeding.

(e) Applications for admission to practice before the Commission for persons not attorneys at law must be accompanied by a fee of \$104 pursuant to § 502.27 of this chapter.

Subpart G—Access to Any Record of Identifiable Personal Information

11. In § 503.69, paragraph (b)(2) is revised to read as follows:

§ 503.69 Fees.

\* \* \* \* \*

(b) \* \* \*

(2) The certification and validation (with Federal Maritime Commission seal) of documents filed with or issued by the Commission will be available at \$94 for each certification.

\* \* \* \* \*

**PART 515—LICENSING, FINANCIAL RESPONSIBILITY REQUIREMENTS, AND GENERAL DUTIES FOR OCEAN TRANSPORTATION INTERMEDIARIES**

12. The authority citation for Part 515 continues to read as follows:

**Authority:** 5 U.S.C. 553; 31 U.S.C. 9701; 46 U.S.C. app. 1702, 1707, 1709, 1710, 1712, 1714, 1716, and 1718; Pub. L. 105–383, 112 Stat. 3411; 21 U.S.C. 862.

**Subpart A—General**

13. In Part 515 revise all references to the “Bureau of Consumer Complaints and Licensing” to read “Bureau of Certification and Licensing.”

14. In § 515.5, paragraphs (a), (b)(1), (b)(2), and (b)(3) are revised to read as follows:

**§ 515.5 Forms and Fees.**

(a) *Forms.* License form FMC–18 Rev., and financial responsibility forms FMC–48, FMC–67, FMC–68, FMC–69 may be obtained from the Commission’s Web site at <http://www.fmc.gov>, the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, DC 20573, or from any of the Commission’s area representatives.

(b) \* \* \*  
(1) Application for license as required by § 515.12(a): \$825;

(2) Application for status change or license transfer as required by §§ 515.18(a) and 515.18(b): \$525; and

(3) Supplementary investigations required by § 515.25(a): \$225.

**Subpart D—Duties and Responsibilities of Ocean Transportation Intermediaries; Reports to Commission**

15. The second sentence of § 515.34 is revised to read as follows:

**§ 515.34 Regulated Persons Index.**

\* \* \* \* \*  
The database may be purchased for \$108 by contacting the Bureau of Certification and Licensing, Federal Maritime Commission, Washington, DC 20573. \* \* \*

**PART 520—CARRIER AUTOMATED TARIFFS**

16. The authority citation for Part 520 continues to read as follows:

**Authority:** 5 U.S.C. 553; 46 U.S.C. app. 1701–1702, 1707–1709, 1712, 1716; and sec. 424 of Pub. L. 105–383, 112 Stat. 3411.

**Subpart B—Filing Requirements**

17. The last sentence of § 520.14(c)(1) is revised to read as follows:

**§ 520.14 Special permission.**

(c) \* \* \*

(1) \* \* \* Every such application shall be submitted to the Bureau of Trade Analysis and be accompanied by a filing fee of \$195.  
\* \* \* \* \*

**PART 530—SERVICE CONTRACTS**

18. The authority citation for Part 530 continues to read as follows:

**Authority:** 5 U.S.C. 553; 46 U.S.C. app. 1704, 1705, 1707, 1716.

**Subpart B—Service Contracts**

19. Section 530.10(c), introductory text, is revised to read as follows:

**§ 530.10 Amendment, correction cancellation, and electronic transmission errors.**

\* \* \* \* \*  
(c) Corrections. Requests shall be filed, in duplicate, with the Commission’s Office of the Secretary within forty-five (45) days of the contract’s filing with the Commission, accompanied by remittance of a \$315 service fee, and shall include:  
\* \* \* \* \*

**PART 535—AGREEMENTS BY OCEAN COMMON CARRIERS AND OTHER PERSONS SUBJECT TO THE SHIPPING ACT OF 1984**

20. The authority citation for Part 535 continues to read as follows:

**Authority:** 5 U.S.C. 553; 46 U.S.C. app. 1701–1707, 1709–1710, 1712 and 1714–1718; Pub. L. 105–383, 112 Stat. 3411.

**Subpart D—Filing of Agreements**

21. In § 535.401, paragraphs (f) and (g) are revised to read as follows:

**§ 535.401 General requirements.**

\* \* \* \* \*  
(f) *Fees.* The filing fee is \$1,780 for new agreements requiring Commission review and action; \$851 for agreement modifications requiring Commission review and action; \$397 for agreements processed under delegated authority (for types of agreements that can be processed under delegated authority, see § 501.26(e) of this chapter); \$138 for carrier exempt agreements; and \$75 for terminal exempt agreements.  
(g) The fee for the Commission’s agreement database report is \$6.

**PART 540—PASSENGER VESSEL FINANCIAL RESPONSIBILITY**

22. The authority citation for Part 540 continues to read as follows:

**Authority:** 5 U.S.C. 552, 553; 31 U.S.C. 9701; secs. 2 and 3, Pub. L. 89–777, 80 Stat. 1356–1358; 46 U.S.C. app. 817e, 817d; 46 U.S.C. 1716.

**Subpart A—Proof of Financial Responsibility, Bonding and Certification of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation**

23. The last two sentences in § 540.4(b) are revised to read as follows:

**§ 540.4 Procedure for establishing financial responsibility.**

\* \* \* \* \*  
(b) \* \* \* An application for a Certificate (Performance), excluding an application for the addition or substitution of a vessel to the applicant’s fleet, shall be accompanied by a filing fee remittance of \$2,767. An application for a Certificate (Performance) for the addition or substitution of a vessel to the applicant’s fleet shall be accompanied by a filing fee remittance of \$1,382.  
\* \* \* \* \*

**Subpart B—Proof of Financial Responsibility, Bonding and Certification of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages**

24. The last two sentences in § 540.23(b) are revised to read as follows:

**§ 540.23 Procedure for establishing financial responsibility.**

\* \* \* \* \*  
(b) \* \* \* An application for a Certificate (Casualty), excluding an application for the addition or substitution of a vessel to the applicant’s fleet, shall be accompanied by a filing fee remittance of \$1,206. An application for a Certificate (Casualty) for the addition or substitution of a vessel to the applicant’s fleet shall be accompanied by a filing fee remittance of \$605.  
\* \* \* \* \*

**PART 550—REGULATIONS TO ADJUST OR MEET CONDITIONS UNFAVORABLE TO SHIPPING IN THE FOREIGN TRADE OF THE UNITED STATES**

25. The authority citation for Part 550 continues to read as follows:

**Authority:** 5 U.S.C. 553; sec. 19(a)(2), (e), (f), (g), (h), (i), (j), (k) and (l) of the Merchant Marine Act, 1920, 46 U.S.C. app. 876(a)(2), (e), (f), (g), (h), (i), (j), (k) and (l), as amended by Pub. L. 105–258; Reorganization Plan No. 7 of 1961, 75 Stat 840; and sec. 10002 of the Foreign Shipping Practices Act of 1988, 46 U.S.C. app. 1710a.

**Subpart D—Petitions for Section 19 Relief**

26. Section 550.402 is revised to read as follows:

**§ 550.402 Filing of petitions.**

All requests for relief from conditions unfavorable to shipping in the foreign trade shall be by written petition. An original and fifteen copies of a petition for relief under the provisions of this part shall be filed with the Secretary, Federal Maritime Commission, Washington, DC 20573. The petition shall be accompanied by remittance of a \$241 filing fee.

**PART 555—ACTIONS TO ADDRESS ADVERSE CONDITIONS AFFECTING U.S.-FLAG CARRIERS THAT DO NOT EXIST FOR FOREIGN CARRIERS IN THE UNITED STATES**

27. The authority citation for Part 555 continues to read as follows:

**Authority:** 5 U.S.C. 553; sec. 10002 of the Foreign Shipping Practices Act of 1988 (46 U.S.C. app. 1710a), as amended by Pub. L. 105–258.

28. In § 555.4, paragraph (a) is revised to read as follows:

**§ 555.4 Petitions.**

(a) A petition for investigation to determine the existence of adverse conditions as described in § 555.3 may be submitted by any person, including any common carrier, shipper, shippers' association, ocean freight forwarder, or marine terminal operator, or any branch, department, agency, or other component of the Government of the United States. Petitions for relief under this part shall be in writing, and filed in the form of an original and fifteen copies with the Secretary, Federal Maritime Commission, Washington, DC 20573. The petition shall be accompanied by remittance of a \$241 filing fee.

\* \* \* \* \*

**PART 560—ACTIONS TO ADDRESS CONDITIONS UNDULY IMPAIRING ACCESS OF U.S.-FLAG VESSELS TO OCEAN TRADE BETWEEN FOREIGN PORTS**

29. The authority citation for Part 560 continues to read as follows:

**Authority:** 5 U.S.C. 553; secs. 13(b)(6), 15 and 17 of the Shipping Act of 1984, 46 U.S.C. app. 1712(b)(6), 1714 and 1716, as amended by Pub. L. 105–258; sec. 10002 of the Foreign Shipping Practices Act of 1988 (46 U.S.C. app. 1710a), as amended by Pub. L. 105–258.

30. Section 560.3(a)(2) is revised to read as follows:

**§ 560.3 Petitions for relief.**

(a) \* \* \*

(2) An original and fifteen copies of such a petition including any supporting documents shall be filed with the Secretary, Federal Maritime Commission, Washington, DC 20573. The petition shall be accompanied by remittance of a \$241 filing fee.

\* \* \* \* \*

By the Commission.

**Bryant L. VanBrakle,**  
*Secretary.*

[FR Doc. 04–19772 Filed 8–30–04; 8:45 am]

**BILLING CODE 6730–01–P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Parts 223 and 224**

[I.D. 052104F]

**Endangered and Threatened Species: Extension of Public Comment Period and Notice of Public Hearings on Proposed Listing Determinations for West Coast Salmonids**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Extension of public comment period; notice of public hearings.

**SUMMARY:** In June 2004, NMFS proposed to list 27 Evolutionarily Significant Units (ESUs) of salmon and *O. mykiss* as threatened and endangered under the ESA. As part of this proposal, NMFS announced a public comment period. In this notice, NMFS is extending the public comment period for this proposal to October 20, 2004. Additionally, NMFS is announcing that hearings will be held at eight locations in the Pacific Northwest from mid-September to mid-October to provide additional opportunities and formats to receive public input. Dates and locations of public hearings to be held in California will be announced in a subsequent **Federal Register** notice.

**DATES:** Written comments must be received by October 20, 2004. See **SUPPLEMENTARY INFORMATION** for the specific public meeting dates.

**ADDRESSES:** You may submit comments on the proposed listing determinations for 27 ESUs of West Coast Salmon and *O. mykiss* (69 FR 33101; June 14, 2004) by any of the following methods:

E-mail: The mailbox address for submitting e-mail comments on the

proposed listing determinations for 27 West Coast ESUs of salmon and *O. mykiss* is [salmon.nwr@noaa.gov](mailto:salmon.nwr@noaa.gov). Please include in the subject line of the e-mail comment the document identifier “Proposed Listing Determinations.”

Mail: Submit written comments and information to Chief, NMFS, Protected Resources Division, 525 NE Oregon Street, Suite 500, Portland, Oregon, 97232–2737. Please identify the comment as regarding the “Proposed Listing Determinations.” You may hand-deliver written comments to our office at the street address given above, suite 210. Business hours are 8 a.m. to 5 p.m., Monday through Friday, except Federal holidays (i.e., September 6, 2004, and October 11, 2004, during the extended comment period).

Hand Delivery/Courier: NMFS, Protected Resources Division, 525 NE Oregon Street, Suite 210, Portland, Oregon, 97232–2737. Business hours are noted above.

Fax: 503–230–5435. Please identify the fax comment as regarding the “Proposed Listing Determinations.”

Federal e-Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

See **SUPPLEMENTARY INFORMATION** for hearing locations. You may obtain information updates on the public hearings on the Internet at the following web address: <http://www.nwr.noaa.gov/AlseaResponse/meetings.html/>.

**FOR FURTHER INFORMATION CONTACT:**

Garth Griffin, NMFS, Northwest Region, (503) 231–2005. Copies of the **Federal Register** notices cited herein and additional salmon-related materials are available on the Internet at <http://www.nwr.noaa.gov>.

**SUPPLEMENTARY INFORMATION:****Background**

On June 14, 2004, NMFS published proposed ESA listing determinations for 27 salmon and *O. mykiss* ESUs, including 18 ESUs that occur in Oregon, Washington and Idaho (69 FR 33101). The 27 proposed listing determinations include 162 total hatchery programs as part of 4 ESUs being proposed for endangered status and 23 ESUs being proposed for threatened status. In addition, NMFS proposed amendments to the existing ESA 4(d) protective regulations for the proposed threatened ESUs.

**Extension of Public Comment Period**

Several requests have been received to extend the comment periods for the proposed listing determinations for 27 ESUs. The comment period for the proposed listings was to end on