

flag) in a prominent location and by night a fixed red light.

(iv) Whenever a vessel is handling or transferring Class 1 (explosive) materials while at anchor in Anchorage G, no other vessel may anchor in Anchorage G without the permission of the Captain of the Port. The Captain of the Port must consult with the Commander, Naval Base Norfolk, before granting a vessel permission to anchor in Anchorage G.

(v) A vessel located within Anchorage G may not handle or transfer Class 1 (explosive) materials within 400 yards of Norfolk Harbor Entrance Reach.

(vi) A vessel may not handle or transfer Class 1 (explosive) materials within 850 yards of another anchored vessel, unless the other vessel is also handling or transferring Class 1 (explosive) materials.

(vii) A vessel may not handle or transfer Class 1 (explosive) materials within 850 yards of Anchorage F or H.

(5) *Anchorage I: Anchorage Berths I-1 and I-2.* A vessel that is 500 feet or less in length or that has a draft of 30 feet or less may not anchor in Anchorage Berth I-1 or I-2 without the permission of the Captain of the Port.

(6) *Anchorage K: Anchorage Berths K-1 and K-2.* A vessel that is 500 feet or less in length or that has a draft of 30 feet or less may not anchor in Anchorage Berth K-1 or K-2 without the permission of the Captain of the Port.

(7) *Anchorage N.* Portions of this anchorage are a special anchorage area under § 110.72aa of this part during marine events regulated under § 100.501 of this chapter.

(8) *Anchorage O.* (i) A vessel may not anchor in Anchorage O unless it is a recreational vessel.

(ii) No float, raft, lighter, houseboat, or other craft may be laid up for any reason in Anchorage O without the permission of the Captain of the Port.

(9) *Anchorage Q: Quarantine Anchorage.* (i) A vessel that is arriving from or departing for sea and that requires an examination by public health, customs, or immigration authorities may anchor in Anchorage Q.

(ii) Every vessel using Anchorage Q must be prepared to move promptly under its own power to another location when directed by the Captain of the Port, and must promptly vacate Anchorage Q after being examined and released by authorities.

(iii) When any vessel using Anchorage Q is under the charge of a pilot, the pilot shall remain on board while the vessel is in Anchorage Q.

(iv) Any non-self-propelled vessel using Anchorage Q shall have a tugboat in attendance while undergoing

examination by quarantine, customs, or immigration authorities, except with the permission of the Captain of the Port.

(v) Any non-self-propelled vessel using Anchorage P shall have a tugboat in attendance while undergoing examination by quarantine, customs, or immigration authorities, except with the permission of the Captain of the Port.

Dated: September 2, 2004.

Ben Thomason III,

Captain, U.S. Coast Guard, Acting Commander, Fifth Coast Guard District.

[FR Doc. 04-21523 Filed 9-24-04; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

33 CFR Part 325

RIN 0710-AA51

Processing of Department of the Army Permits; Procedures for the Protection of Historic Properties

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The U.S. Army Corps of Engineers (Corps) is issuing an advance notice of proposed rulemaking (ANPRM) to obtain early comment on issues related to fulfilling the requirements of Section 106 of the National Historic Preservation Act in the Corps Regulatory Program. Specifically, we are soliciting comments on how our permit application processing procedures should be revised as a result of the 1992 amendments to the National Historic Preservation Act and the Advisory Council on Historic Preservation's revised regulations on protection of historic property. We are also soliciting suggestions for facilitating government-to-government consultation with American Indian and Alaska Native governments, as well as consultation with State Historic Preservation Officers, Tribal Historic Preservation Officers, Native Hawaiian organizations, interested organizations, the regulated public, and other interested parties during the rulemaking process. Comments received in response to this ANPRM will be used to determine the course of action for revising our permit processing procedures for the protection of historic properties.

DATES: Submit comments on or before November 26, 2004.

ADDRESSES: Written comments should be sent to the U.S. Army Corps of Engineers, Attn: CECW-MVD (David B. Olson), 441 "G" Street, NW., Washington, DC 20314-1000, or by e-mail to

david.b.olson@hq02.usace.army.mil.

Electronic comments should be submitted in ASCII format or portable document format, to ensure that those comments can be read. Electronic files should avoid the use of special characters and any form of encryption, and be free of any defects or viruses. Consideration will be given to all comments received within 60 days of the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Mr. David Olson at 202-761-4922 or access the U.S. Army Corps of Engineers Regulatory home page at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/>.

SUPPLEMENTARY INFORMATION:

Background

The U.S. Army Corps of Engineers (Corps) issues Department of the Army (DA) permits pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1413) for certain activities in waters of the United States. The procedures for processing DA permits are found at 33 CFR part 325. We issue approximately 7,000 individual permits and 78,000 general permit verifications each year. In addition, many minor activities are authorized each year by non-reporting general permits.

On June 29, 1990 (55 FR 27000), we issued regulations at 33 CFR part 325, Appendix C to establish procedures to fulfill the requirements of Section 106 of the National Historic Preservation Act (NHPA) and other historic preservation laws applicable to the Corps Regulatory Program. Since Appendix C was issued, the NHPA was amended in 1992 and the Advisory Council on Historic Preservation (ACHP) revised its regulations at 36 CFR part 800 on December 12, 2000 (65 FR 77698), and July 6, 2004 (69 FR 40544).

In the March 8, 2002, issue of the **Federal Register** (67 FR 10822) we published a notice to solicit comments on how the Corps should address the changes to the NHPA and 36 CFR part 800. In response to that notice, we received 41 comments. Comments were received from Indian tribes, State Historic Preservation Officers, historic preservation organizations, industry groups, and individuals. Most

commenters expressed support for revising Appendix C to address the 1992 amendments to the NHPA and the ACHP's revised regulations at 36 CFR part 800. Many commenters provided specific recommendations for revising Appendix C.

After considering the comments received in response to the March 8, 2002, **Federal Register** notice, and reviewing the Federal agency program alternatives at 36 CFR 800.14, we identified several options for updating our permit application processing procedures to address the 1992 amendments to the NHPA and the revised 36 CFR part 800. The options we identified are:

- Revise Appendix C to incorporate the current requirements and procedures at 36 CFR part 800.
- Revoke Appendix C and use 36 CFR part 800, subpart B when reviewing individual permit applications, and utilize Federal agency program alternatives at 36 CFR 800.14 for general permits.
- Revoke Appendix C and use 36 CFR part 800, subpart B for all individual permits and general permits.
- Revoke Appendix C and develop non-regulation alternative procedures in accordance with 36 CFR 800.14.

We are requesting comments on the appropriateness and feasibility of these options. We are also inviting suggestions for other options that we have not identified. In addition, we are seeking recommendations for the preferred option that would be pursued through the Administrative Procedures Act rulemaking process to revise Regulatory Program procedures for the protection of historic properties.

We are also soliciting comments and recommendations on appropriate means for fulfilling our government-to-government consultation responsibilities with American Indian and Alaskan Native governments during the rulemaking process. Please see the section below entitled "Executive Order 13175."

We are also seeking comments and suggestions on how to effectively consult with other interested parties, such as non-governmental organizations, industry groups, and permit applicant groups, during the rulemaking process.

An objective of this rulemaking effort is to revise our permit processing procedures to afford appropriate protection of historic properties, while providing efficient and timely review of permit applications.

Administrative Requirements

Plain Language

In compliance with the principles in the President's Memorandum of June 1, 1998, (63 FR 31855) regarding plain language, this preamble is written using plain language. Therefore, the use of "we" in this notice refers the Corps and the use of "you" refers to the reader. We have also used the active voice, short sentences, and common everyday terms except for necessary technical terms.

Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Corps must determine whether the regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. The Executive Order defines "significant regulatory action" as one that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, we have determined that this ANPRM is not a "significant regulatory action" because it does not meet any of these four criteria. The ANPRM initiates the rulemaking process for revising our permit processing procedures for the protection of historic properties.

Executive Order 13175

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (published at 65 FR 67249 on November 9, 2000), requires agencies to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." The phrase "policies that have tribal implications" is defined in the Executive Order to include regulations and other policy statements or actions that have "substantial direct

effects 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."

This ANPRM and subsequent related rulemaking actions will have tribal implications. These rulemaking actions will have direct effects on tribal governments, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes. The 1992 amendments to the NHPA and the ACHP's revised regulations at 36 CFR part 800 require consultation with Indian tribes when Federal undertakings, such as activities that require DA permits, may affect historic properties on tribal lands or historic properties of religious and cultural significance to Indian tribes located off tribal lands. Therefore, revising our permit processing procedures for the protection of historic properties will have tribal implications.

We are soliciting comments and suggestions for facilitating government-to-government consultation with American Indian and Alaskan Native governments during this rulemaking process. The preamble for the final regulation resulting from this rulemaking process will contain the tribal summary impact statement required by the Executive Order.

On October 20, 1998, the Department of Defense issued its "American Indian and Alaska Native Policy" (DoD policy). An annotated version of the DoD policy is available at: <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/DoDPolicy.pdf>. We are soliciting comments on the DoD policy's applicability to the Corps Regulatory Program, but we are not seeking comments on the DoD policy itself.

Executive Order 12898

Executive Order 12898 requires that, to the greatest extent practicable and permitted by law, each Federal agency must make achieving environmental justice part of its mission. Executive Order 12898 provides that each Federal agency conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under such programs, policies, and activities

because of their race, color, or national origin.

This ANPRM is not expected to negatively impact any community, and therefore is not expected to cause any disproportionately high and adverse impacts to minority or low-income communities. This ANPRM will assist us in revising our permit processing procedures for the protection of historic properties, some of which are located in minority or low-income communities.

Environmental Documentation

We prepare appropriate environmental documentation, including Environmental Impact Statements when required, for all permit decisions. Therefore, environmental documentation under the National Environmental Policy Act is not required for this ANPRM. Appropriate environmental documentation has been, or will be, prepared for each action that is subjected to the permit application review process.

Dated: September 20, 2004.

John Paul Woodley, Jr.,

Assistant Secretary for the Army (Civil Works), Department of the Army.

[FR Doc. 04-21540 Filed 9-24-04; 8:45 am]

BILLING CODE 3710-92-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-7818-2]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent for partial deletion of the Centre County Kepone Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA), Region III, announces its intent to delete a portion of the Centre County Kepone Superfund Site (the Site), comprising approximately 8 acres to the north of Struble Road (referred to as the "Administration Parcel"), from the National Priorities List (NPL) and requests public comment on this action. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is found in Appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution

Contingency Plan (NCP). The EPA and the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (PADEP), have determined that because no manufacturing operations ever occurred on the Administration Parcel and it is located upgradient from the contaminated portions of the Site, that this portion of the Site may be deleted from the NPL. The partial deletion pertains only to the Administration Parcel of the Site. The other portions of the Site will remain on the NPL, and response actions will continue. This action does not preclude further actions under Superfund.

In the "Rules and Regulations" section of today's **Federal Register**, EPA is publishing a direct final notice of deletion of the Administration Parcel of the Centre County Kepone Superfund Site without prior notice of intent to delete because EPA views this as a non-controversial revision and anticipates no adverse comment. EPA has explained its reasons for this deletion in the preamble to the direct final deletion. If EPA receives no adverse comment(s) on the direct final notice of deletion, EPA will not take further action on this notice of intent to delete. If EPA receives adverse comment(s), EPA will withdraw the direct final notice of deletion and it will not take effect. EPA will, as appropriate, address all public comments in a subsequent final deletion notice based on this notice of intent to delete. EPA will not institute a second comment period on this notice based on this notice of intent to delete. Any parties interested in commenting must do so at this time. For additional information, see the direct final notice of deletion, which is located in the Rules section of this **Federal Register**.

DATES: EPA will accept comments until October 27, 2004.

ADDRESSES: Written comments should be addressed to: David Polish, Community Involvement Coordinator, U.S. EPA Region III, Mailcode 3HS43, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, (215) 814-3327 or 1-800-553-2509, polish.david@epa.gov.

FOR FURTHER INFORMATION CONTACT: Frank Klanchar, Project Manager, U.S. EPA Region III, Mailcode 3HS22, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, (215) 814-3218 or 1-800-438-2474, klanchar.frank@epa.gov.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final Notice of Deletion, which is located in the Rules section of this **Federal Register**.

Information Repositories: Repositories have been established to provide detailed information concerning this decision at the following addresses: U.S. EPA Region III Library, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, (215) 814-5000, Monday through Friday 8 a.m. to 12 p.m.; Schlow Memorial Library, 118 South Fraser Street, State College, PA 16801, (814) 237-6236, Monday through Wednesday 9 a.m. to 9 p.m., Thursday 12 p.m. to 9 p.m., Friday 9 a.m. to 6 p.m., Saturday 9 a.m. to 5 p.m., Sunday (during school year) 1:30 p.m. to 5 p.m.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Dated: September 14, 2004.

Andrew Carlin,

Acting Regional Administrator, Region III.

[FR Doc. 04-21494 Filed 9-24-04; 8:45 am]

BILLING CODE 6560-50-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1852

RIN 2700-AD03

NASA Research Announcements—Small Business Subcontracting Plans and Publication Acknowledgement and Disclaimers

AGENCY: National Aeronautics and Space Administration.

ACTION: Proposed rule.

SUMMARY: This proposed rule amends the NASA FAR Supplement to require for NASA Research Announcements: Submission of a small business subcontracting plan with any proposal having subcontracting possibilities that may result in the award of a contract whose value exceeds \$500,000; and acknowledgement of NASA sponsorship and disclaimer of agency endorsement of results.

DATES: Comments must be received by November 26, 2004.

ADDRESSES: Interested parties may submit comments, identified by RIN number 2700-AD03, via the Federal eRulemaking Portal: <http://>