

## II. 23 NOTICES OF COMMENCEMENT FROM: 01/01/05 TO 01/19/05—Continued

Case No.	Received Date	Commencement Notice End Date	Chemical
P-04-0874	01/10/05	12/22/04	(G) Acrylic polymer on the basis of methacrylates
P-04-0884	01/06/05	12/29/04	(G) Urethane acrylate
P-04-0915	01/06/05	01/04/05	(G) Styrene-methacrylate copolymer
P-04-0916	01/06/05	01/04/05	(G) Styrene-methacrylate copolymer
P-04-0917	01/06/05	01/04/05	(G) Styrene-methacrylate copolymer

**List of Subjects**

Environmental protection, Chemicals, Premanufacturer notices.

Dated: February 8, 2005.

**Vicki A. Simons,**

*Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.*

[FR Doc. 05-2790 Filed 2-11-05; 8:45 am]

**BILLING CODE 6560-50-S**

**FEDERAL COMMUNICATIONS COMMISSION****Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval**

January 28, 2005.

**SUMMARY:** The Federal Communications Commissions, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written comments should be submitted on or before March 16, 2005. If you anticipate that you will be submitting comments, but find it

difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all comments to Les Smith, Federal Communications Commission, Room 1-A804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to [Leslie.Smith@fcc.gov](mailto:Leslie.Smith@fcc.gov) or Kristy L. LaLonde, Office of Management and Budget (OMB), Room 10236 NEOB, Washington, DC 20503, (202) 395-3087 or via the Internet at [Kristy.L.LaLonde@omb.eop.gov](mailto:Kristy.L.LaLonde@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information or copy of the information collection(s) contact Les Smith at (202) 418-0217 or via the Internet at [Leslie.Smith@fcc.gov](mailto:Leslie.Smith@fcc.gov).

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060-0833.

*Title:* Implementation of Section 255 of the Telecommunications Act of 1996: Complaint Filings/Designation of Agents.

*Form Number:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Individuals or households; businesses or other for-profit entities; not-for-profit institutions, Federal government; and State, local or tribal governments.

*Number of Respondents:* 8,677 respondents (multiple responses).

*Estimated Time per Response:* 0.50-5.0 hours.

*Frequency of Response:* Recordkeeping; On occasion and one time reporting requirements; Third party disclosure requirement.

*Total Annual Burden:* 12,338 hours.

*Total Annual Cost:* \$720,000.

*Privacy Impact Assessment:* No impact(s).

*Needs and Uses:* This information collection includes rules governing the filing of complaints as part of the implementation of Section 255 of the Telecommunications Act of 1996, which seeks to ensure that telecommunications equipment and services are available to all Americans, including those individuals with disabilities. In particular, telecommunications service providers and equipment manufacturers

are asked for a one-time designation of an agent who will receive and promptly handle voluntary consumer complaints of accessibility concerns. As with any complaint procedure, a certain number of regulatory and information burdens are necessary to ensure compliance with FCC rules.

Federal Communications Commission.

**Marlene H. Dortch,**  
*Secretary.*

[FR Doc. 05-2500 Filed 2-11-05; 8:45 am]

**BILLING CODE 6712-01-P**

**FEDERAL MARITIME COMMISSION**

[Docket No. 04-12]

**Non-Vessel-Operating Common Carrier Service Arrangements**

Served: February 8, 2005.

**Order**

The Commission's rule exempting non-vessel-operating common carriers (NVOCCs) from the Shipping Act's tariff publication requirements, conditioned upon the filing of confidential service arrangements (NSAs), went into effect on January 19, 2005. 69 FR 75850 (Dec. 20, 2004). The International Shippers' Association (ISA) and the American Institute for Shippers' Associations (AISA) have filed petitions seeking reconsideration of the new rule, and asking the Commission to stay the effectiveness of that rule.<sup>1</sup> Both petitions were filed under Rule 261 of the Commission's Rules of Practice and Procedure; both also seek a waiver, under Rule 10, if the Commission finds them deficient under Rule 261.

For the reasons set forth below, we summarily reject both petitions, pursuant to Rule 261. We further deny the requests for waiver under Rule 10, and deny the requests for stay as moot.

<sup>1</sup> ISA's petition was filed on January 7, 2005, and AISA's petition was filed on January 11. The 15 day comment periods for both petitions extended beyond the scheduled effective date of the new rule. See 46 CFR 502.74. However, neither petitioner requested a shorter comment period for consideration of its request for a stay. See 46 CFR 502.103 (time may be shortened "for good cause").

### I. Background

Both ISA and AISA participated in the NSA rulemaking by filing comments, and both objected to the Commission's determination not to allow NVOCCs, in their capacity as shippers, to enter into NSAs. They disagreed with the Commission's decision to define "NSA shipper" as excluding "NVOCCs or shippers' associations whose membership includes NVOCCs." 46 CFR 531.3(o). ISA and AISA now contend that in the rulemaking process, the Commission failed to consider their arguments; acted beyond its statutory authority in enacting the new rule; failed to adequately analyze the rule's potential effects on competition between large NVOCCs and smaller NVOCCs; and improperly regulated the membership of shippers' associations.

Two joint replies in opposition to the petitions were filed by the National Industrial Transportation League, United Parcel Service, BAX Global, FedEx Trade Networks Transport & Brokerage, the Transportation Intermediaries Association, C.H. Robinson Worldwide, and BDP International. The first joint reply addresses the two petitions' request for a stay of the rule's effective date, arguing that a stay is not warranted. The second joint reply contends that the substantive arguments advanced by the two petitioners are erroneous. In particular, the second joint reply argues that the Commission did make adequate findings concerning the new rule's potential effects on competition, and that the new rule is within the agency's statutory authority under section 16 of the Shipping Act, 46 U.S.C. app. 1715.

### II. Discussion

Both petitions were filed pursuant to the Commission's Rule 261. That rule provides:

(a) Within thirty (30) days after issuance of a final decision or order by the Commission, any party may file a petition for reconsideration \* \* \*. A petition will be subject to summary rejection unless it:

(1) Specifies that there has been a change in material fact or in applicable law, which change has occurred after issuance of the decision or order;

(2) Identifies a substantive error in material fact contained in the decision or order; or

(3) Addresses a finding, conclusion or other matter upon which the party has not previously had the opportunity to comment or which was not addressed in the briefs or arguments of any party. Petitions which merely elaborate upon or repeat arguments made prior to the decision or order will not be received. A petition shall be verified if verification of the original pleading is

required and shall not operate as a stay of any rule or order of the Commission.

46 CFR 502.261(a).

We conclude that the two petitions have failed to meet any one of these standards. First, neither petition alleges that there has been a "change in material fact or in applicable law" subsequent to the issuance of the Commission's new rule. Neither petition cites an intervening judicial decision published subsequent to the issuance of the Commission's rule, nor to any alleged changes in material fact.

Second, neither petition seeks to identify "a substantive error in material fact" within the Commission's new rule. On the contrary, both petitions contend that the Commission reached an erroneous *legal* conclusion. As the text of Rule 261 makes clear, however, this is not an acceptable ground for seeking reconsideration.

Finally, neither ISA nor AISA contends that it did not have the opportunity to comment on any provision of the rule. Indeed, AISA even incorporates by reference its previously filed comments, in lieu of reiterating them. *See* AISA Petition at 2.

Pursuant to the standards of Rule 261, both petitions will be summarily rejected. *See* 46 CFR 502.261 (petitions failing to meet threshold standard for reconsideration "will be" summarily rejected). Both petitioners also request, if their petitions are deemed subject to summary rejection, that the Commission instead grant a waiver of Rule 261's requirements, pursuant to Rule 10. That rule provides:

Except to the extent that such waiver would be inconsistent with any statute, any of the rules in this part, except §§ 502.11 and 502.153, may be waived by the Commission or the presiding officer in any particular case to prevent undue hardship, manifest injustice, or if the expeditious conduct of business so requires.

46 CFR 502.10.

Neither petition sets forth an argument why summary rejection would constitute "undue hardship" or "manifest injustice," and neither contends that the "expeditious conduct of business" requires a waiver. Accordingly, the Commission concludes that "undue hardship" or "manifest injustice" will not arise from the summary rejection of the two petitions for reconsideration. The requests for a waiver are denied.

Finally, both petitions ask the Commission to stay the effective date of the new rule. As mentioned, the rule went into effect on January 19. The requests for stay are denied as moot.

### III. Conclusion

We summarily reject the two petitions for reconsideration, decline to authorize a waiver under Rule 10, and deny the requests for stay as moot.

*Therefore, it is ordered,* That the petitions are denied.

By the Commission.

**Karen V. Gregory,**

*Assistant Secretary.*

[FR Doc. 05-2796 Filed 2-11-05; 8:45 am]

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## FEDERAL RESERVE SYSTEM

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Board of Governors of the Federal Reserve System

**SUMMARY:** On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act, as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83-Is and supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

### Request for comment on information collection proposals

The following information collections, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collections, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's