

Total Estimated Burden Hours: 2,500.
Status: Request for approval of a new information collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: May 5, 2004.

Wayne Eddins,

Departmental PRA Compliance Officer, Office of the Chief Information Officer.

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4912-N-07]

Draft Conformity Determination for the Proposed World Trade Center Memorial and Redevelopment Plan City of New York, New York County, NY

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of availability.

SUMMARY: In accordance with the federal Conformity Rule, the Lower Manhattan Development Corporation (LMDC) has reviewed the air quality analysis conducted for the proposed World Trade Center Memorial and Redevelopment Plan (Proposed Action). LMDC is a subsidiary of the Empire State Development Corporation (a political subdivision and public benefit corporation of the State of New York) and, as the recipient of HUD Community Development Block Grant funds appropriated for the World Trade Center disaster recovery and rebuilding efforts, acts as the responsible entity for compliance with the National Environmental Policy Act (NEPA) and the Clean Air Act, 42 U.S.C. 7401 *et seq.* (particularly sections 7506(c) and (d)) in accordance with 24 CFR 58.4 and 58.5. A Final Generic Environmental Impact Statement (FGEIS) for the Proposed Action has been distributed and is currently available for public review (69 FR 22866, April 27, 2004).

The Proposed Action is located in Lower Manhattan, New York County, which has been designated by the United States Environmental Protection Agency (EPA) as a moderate non-attainment area for particulate matter less than 10 micrometers in aerodynamic diameter (PM₁₀), and a severe non-attainment area for ozone. The area is in attainment of all other criteria pollutants: nitrogen dioxide (NO₂), lead, sulfur dioxide (SO₂) and carbon monoxide (CO). LMDC's review

has been conducted consistent with the requirements of 40 CFR part 93, subpart B: "Determining Conformity of General Federal Actions to State or Federal Implementation Plans" issued on November 30, 1993. LMDC has determined that, during some of the construction years, annual nitrogen oxide (NO_x) emissions from all the portions of the Proposed Action that may be federally-funded are predicted to exceed the *de minimis* threshold of 25 tons per year; accordingly, LMDC has prepared a general conformity determination to demonstrate that the federally-funded portions of the Proposed Action conform with the ozone State Implementation Plan.

As per the requirement in 40 CFR 93.153(h)(1), this notice lists the proposed activities that are presumed to conform and the basis for these presumptions. A comprehensive presentation of the bases for the conformity presumptions is included in the report entitled "Draft Conformity Determination: World Trade Center Memorial and Redevelopment Plan." This document is currently available for public review and comment.

DATES: Comments must be received by 5 p.m. eastern daylight time (e.d.t.) on June 11, 2004.

ADDRESSES: The Draft Conformity Determination is available at the following locations:

Chatham Square Library, 33 East Broadway, New York, NY 10002.

New Amsterdam Library, 9 Murray Street, New York, NY 10007.

Hamilton Fish Library, 415 East Houston Street, New York, NY 10002.

Hudson Park Library, 66 Leroy Street, New York, NY 10007.

Community Board #1, 49-51 Chambers Street #715, New York, NY 10007.

Community Board #2, 3 Washington Square Village, New York, NY 10012.

Community Board #3, 59 East 4th Street, New York, NY 10003.

The Draft Conformity Determination is also available on the LMDC Web site at <http://www.RenewNYC.com> in the "Planning, Design & Development" section. All comments should be in writing and sent to Lower Manhattan Development Corporation, Attention: Comments WTC Memorial and Redevelopment Plan/Draft Conformity Determination, One Liberty Plaza, 20th Floor, New York, NY 10006.

FOR FURTHER INFORMATION CONTACT:

William H. Kelley, Planning Project Manager, Lower Manhattan Development Corporation, One Liberty Plaza, 20th Floor, New York, NY 10006; telephone: (212) 962-2300; fax: (212)

962-2431; e-mail: wtcenvironmental@renewnyc.com.

SUPPLEMENTARY INFORMATION:

A. Background

The Proposed Action involves the construction of a World Trade Center Memorial and memorial-related improvements, as well as commercial, retail, museum and cultural facilities, new open space areas, new street configurations, and certain infrastructure improvements at the World Trade Center Site (WTC Site) bounded by Liberty, Church, and Vesey Streets and Route 9A and the Southern Site, which comprises two city blocks south of the WTC Site and portions of Liberty Street and Washington Street. A detailed description of the project components and the proposed construction process can be found in the FGEIS. The Draft Conformity Determination available for public review explicitly states which portions of the Proposed Action would be funded by HUD (or by another Federal agency) as well as portions that might be federally-funded (but could be funded by a non-Federal entity); however, all emissions that would be federally-funded or might be federally-funded have been included in the Draft Conformity analysis in order to present a conservative analysis. Specifically, the federally-funded portions of the Proposed Action might include cultural uses in the northwest and southwest quadrants of the WTC Site; the Memorial; public open spaces; deconstruction of the building at 130 Liberty Street (Deutsche Bank); and/or sub-grade construction at the Southern Site.

The Clean Air Act (CAA), as amended in 1990, defines a non-attainment area (NAA) as a geographic region that has been designated as not meeting one or more of the National Ambient Air Quality Standards (NAAQS). The Proposed Action is located in Lower Manhattan, New York County, which has been designated by the EPA as a moderate NAA of the NAAQS for PM₁₀ and severe NAA for ozone. No formal designation has been made to date regarding attainment of the NAAQS for fine particulate matter less than 2.5 micrometers in aerodynamic diameter (PM_{2.5}), which became effective September 16, 1997. The area is in attainment of all other criteria pollutants: nitrogen dioxide (NO₂), lead, sulfur dioxide (SO₂) and carbon monoxide (CO). EPA had re-designated New York City as in attainment for CO on April 19, 2002 (67 FR 19337); the CAA requires that a maintenance plan

ensure continued compliance with the CO NAAQS for former NAAs.

A State Implementation Plan (SIP) is a state's plan on how it will meet the NAAQS under the deadlines established by the CAA. In November 1998, New York State submitted its Phase II Alternative Attainment Demonstration for Ozone, which addressed attainment of the NAAQS by 2007, and has recently submitted revisions to the SIP for the attainment of the one-hour ozone NAAQS. These SIP revisions included additional emission reductions that EPA requested to demonstrate attainment of the standard and also update the SIP estimates using a new EPA model to predict mobile source emissions (MOBILE6).

The general conformity requirements in 40 CFR part 93, subpart B, apply to those federal actions that are located in a non-attainment or maintenance area, and that are not subject to transportation conformity requirements at 40 CFR part 51, subpart T, or part 93, subpart A, where the action's direct and indirect emissions have the potential to emit one or more of the six criteria pollutants (or precursors, in the case of ozone) at emission rates equal to or exceeding the prescribed rates at 40 CFR 93.153(b), or where the action encompasses 10 percent or more of a NAA or maintenance area's total emissions inventory for that pollutant. In the case of New York City, the prescribed annual rates are 25 tons of VOCs or NO_x (severe ozone NAA), 100 tons of CO (maintenance area), and in New York County only, 100 tons of PM₁₀ (moderate PM₁₀ NAA).

LMDC, as the recipient of HUD Community Development Block Grant Funds, has determined that the total annual direct and indirect emissions of CO, VOCs and PM₁₀ from the Proposed Action that could be applicable to the general conformity regulations are less than the rates prescribed in 40 CFR part 93 that would trigger the requirement to conduct a general conformity determination. Therefore, a general conformity determination for CO and PM₁₀ emissions is not required. Temporarily, during some of the construction years, annual NO_x emissions are predicted to exceed the prescribed rate of 25 tons per year; accordingly, LMDC has concluded that a determination of conformity with the ozone SIP is required.

B. Requirements of the Conformity Determination

The purpose of the conformity analysis is to establish that the federally-funded portions of the Proposed Action would conform to the New York ozone SIP, thereby demonstrating that total direct and indirect emissions of the ozone precursors, NO_x and VOC, from the project would not:

- Cause or contribute to any new violation of any standard in the area,
- Interfere with provisions in the applicable SIP for maintenance of any standard,
- Increase the frequency or severity of any existing violation of any standard in any area, or
- Delay timely attainment of any standard or any required interim emission reductions or other milestones in the SIP for purposes of—
 1. A demonstration of reasonable further progress (RFP),
 2. A demonstration of attainment, or
 3. A maintenance plan.

For the purposes of a general conformity determination, direct and indirect emissions are defined as follows (40 CFR 93.152):

- Direct Emissions: Those emissions of a criteria pollutant or its precursors that are caused or initiated by the Federal action and occur at the same time and place as the action;
- Indirect Emissions: Those emissions of a criteria pollutant or its precursors that—
 1. Are caused by the Federal action, but may occur later in time and/or may be further removed in distance from the action itself but are still reasonably foreseeable; and
 2. The Federal agency can practically control and will maintain control over due to a continuing program responsibility of the Federal agency.

LMDC has concluded that the pollutants of concern regarding the ozone SIP conformity are the ozone precursors: NO_x and VOCs. These precursors were the basis for the ozone SIP analysis for the ozone NAA, and are therefore used for this general conformity determination. LMDC has determined that the only predicted emissions due to the project would include direct emissions from engines operating on-site during construction,

and indirect emissions from construction-related vehicles traveling to and from the site.¹

C. Presumption of Conformity

LMDC has reviewed the air quality analysis conducted for the Proposed Action consistent with the requirement of 40 CFR part 93, "Determining Conformity of General Federal Actions to State or Federal Implementation Plans (SIP)."

LMDC has determined that maximum predicted direct and indirect emissions of CO and PM₁₀ from the federally-funded portions of the Proposed Action is predicted to be 58.0 and 3.2 tons per year, respectively. The CO and PM₁₀ emissions would be below the prescribed level of 100 tons per year as defined at 40 CFR 93.153; therefore, no further conformity determination was deemed necessary for CO or PM₁₀.

The Proposed Action would be located in an area designated as a severe ozone non-attainment area under the 1-hour average ozone NAAQS. The direct and indirect emissions during construction of the federally-funded portions of the Proposed Action were predicted to exceed the prescribed level for severe ozone non-attainment areas (25 tons per year of NO_x). Therefore, LMDC has reviewed the local NO_x and VOC emissions modeling analyses for the Proposed Action and has determined the following:

- The methods for estimating direct and indirect emissions from the Proposed Action meet the requirements of 40 CFR 93.159. The emissions scenario used in the air quality analysis is expected to produce the greatest off-site impacts on a daily and annual basis. Non-road engine emissions were predicted using the NONROAD model—the latest EPA model for determining emissions from non-road engines. On-road emissions were predicted using the MOBILE6 model—the latest EPA model for predicting emissions from on-road vehicles. Resuspension of road dust by on-road vehicles was estimated using the latest EPA guidance set forth in "AP-42—Compilation of Emission Factors." All of the above emissions modeling procedures were conducted based on the latest EPA guidance.

- The federally-funded portion of the Proposed Action was predicted to result in the following emissions of NO_x and VOCs (total tons per year):

¹ Pursuant to the direction of the Interagency Consultation Group, LMDC is coordinating with the New York State Department of Transportation, New York State Department of Environmental

Conservation, EPA, and the Metropolitan Planning Organization in order to make transportation data from the operational phase of the Proposed Action available for inclusion in the regional transportation

Best Practices model and in the regional Transportation Improvement Program (TIP).

Year	2004	2005	2006	2007	2008	2009–2013
NO _x	4.2	61.4	39.6	19.2	16.1	None.
VOCs	0.4	6.2	3.6	1.5	1.3	None.

• Pursuant to 40 CFR 93.158(a)(5)(i)(A), the New York State Department of Environmental Conservation has determined and documented that the total of direct and indirect VOC and NO_x emissions from the federally-funded portions of the Proposed Action, together with all other emissions in the non-attainment area, would not exceed the emissions budget specified in the “New York State Implementation Plan for Ozone—Phase II Alternative Attainment Demonstration.”

• The Proposed Action does not cause or contribute to any new violation, or increase the frequency or severity of any existing violation, of the standards for the pollutants addressed in 40 CFR 93.158.

• The Proposed Action does not violate any requirements or milestones in the ozone SIP.

Based on these determinations, the federally-funded portions of the Proposed Action are presumed to conform to the applicable SIPs for the project area. The activities that are presumed to conform include construction-related activities of the portions of the Proposed Action that may be federally-funded.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT**.

Dated: May 5, 2004.

Roy A. Bernardi,

Assistant Secretary for Community Planning and Development.

[FR Doc. 04–10718 Filed 5–11–04; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Issuance of Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of issuance of permits for marine mammals.

SUMMARY: The following permits were issued.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written

request for a copy of such documents to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax 703/358–2281.

FOR FURTHER INFORMATION CONTACT:

Division of Management Authority, telephone 703/358–2104.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on the dates below, as authorized by the provisions of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*), and/or the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*), the Fish and Wildlife Service issued the requested permit(s) subject to certain conditions set forth therein. For each permit for an endangered species, the Service found that (1) the application was filed in good faith, (2) the granted permit would not operate to the disadvantage of the endangered species, and (3) the granted permit would be consistent with the purposes and policy set forth in Section 2 of the Endangered Species Act of 1973, *as amended*.

Marine Mammals

Permit number	Applicant	Receipt of application Federal Register notice	Permit issuance date
082017	S. Mark Rayburg	69 FR 5568; February 5, 2004	April 8, 2004.
082019	Robert M. Stuck	69 FR 5568; February 5, 2004	April 8, 2004.
083232	Allen Dearmond	69 FR 8984; February 26, 2004	April 6, 2004.
083284	Allen Dearmond	69 FR 8984; February 26, 2004	April 8, 2004.

Dated: April 16, 2004.

Monica Farris,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 04–10769 Filed 5–11–04; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 120 5882 CC99; HAG# 04–171]

Notice of Public Meeting, Coos Bay Resource Advisory Committee Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Bureau of Land Management (BLM) Coos Bay District Resource Advisory Committee (RAC) Meeting as identified in section 205 (f)

(2) of the Secure Rural Schools and Community Self-Determination Act of 2000, Public Law 106–393 (the Act).

SUMMARY: The BLM Coos Bay District RAC is scheduled to meet on August 24, 2004, from 9 a.m. until 4 p.m. at the BLM Coos Bay District Office. The BLM Office is located at 1300 Airport Lane in North Bend, Oregon. The purpose of this meeting will be for the RAC to recommend for funding for Title II projects, as identified under Public Law 106–393. There will be an opportunity for the public to address the RAC at approximately 11 a.m. at this meeting. The RAC may also meet on August 25, 2004, for the same purpose. The need for this meeting will be dependent upon the progress made in making recommendations at the August 24th meeting. The scheduled meeting time

and location for the August 25th meeting will be the same as for the meeting scheduled on August 24th.

FOR FURTHER INFORMATION CONTACT: Sue Richardson, District Manager, at 756–0100 or Glenn Harkleroad, District Restoration Coordinator, at 751–4361 or glenn_harkleroad@or.blm.gov. The mailing address for the BLM Coos Bay District Office is 1300 Airport Lane, North Bend, Oregon 97459.

SUPPLEMENTARY INFORMATION:

Additional information about the Coos Bay RAC agenda can be found at <http://www.or.blm.gov/coosbay>. A meeting agenda will be posted at this site as the meeting date nears.