

assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

## II. Background

In the **Federal Register** of January 7, 2004 (69 FR 917) (FRL-7325-6), EPA announced the issuance of EUP 524-EUP-96 to Monsanto Company, 800 N. Lindberg Blvd., St. Louis, MO 63167. Monsanto has requested to extend this EUP to February 28, 2005 and to amend it by allowing an additional 2,530 acres to be planted. Plantings are still to include the plant-incorporated protectants ZMIR39 x MON810 combined insecticidal trait stacked corn hybrids along with ZMIR39 and MON810 corn hybrids; *Bacillus thuringiensis* Cry3Bb1 protein and the genetic material necessary for its production (vector ZMIR39) in corn (ZMIR39) and *Bacillus thuringiensis* Cry1Ab delta-endotoxin and the genetic material necessary for its production (vector PV-ZMCT01) in corn (MON810) for breeding and observation nursery, inbred seed increase production, line per se and hybrid yield, insect efficacy, product characterization and performance/ labeling, insect resistance management, non-target organism and benefit, seed treatment, swine growth and feed efficiency, dairy cattle feed efficiency, beef cattle growth and feed efficiency, and cattle grazing feed efficiency trials. The program is proposed for the States of Alabama, California, Colorado, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Puerto Rico, South Dakota, Tennessee, Texas, Virginia, and Wisconsin.

## III. What Action is the Agency Taking?

Following the review of the Monsanto application and any comments and data received in response to this notice, EPA will decide whether to issue or deny the EUP request for this EUP program, and if issued, the conditions under which it is to be conducted. Any issuance of an EUP will be announced in the **Federal Register**.

## IV. What is the Agency's Authority for Taking this Action?

The Agency's authority for taking this action is under FIFRA section 5.

### List of Subjects

Environmental protection,  
Experimental use permits.

Dated: February 19, 2004.

**Janet L. Andersen,**

*Director, Biopesticides and Pollution  
Prevention Division, Office of Pesticide  
Programs.*

[FR Doc. E4-454 Filed 3-2-04; 8:45 am]

**BILLING CODE 6560-50-S**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7631-1]

### **Proposed CERCLA Administrative Cost Recovery Settlement; Union Pacific Railroad Company, Northwest Oil Drain Superfund Site, Salt Lake City, UT**

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

**ACTION:** Administrative Order On Consent; request for public comment.

**SUMMARY:** In accordance with the requirements of Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), 42 U.S.C. 9622(i), notice is hereby given of a proposed Administrative Order On Consent (AOC) for recovery of certain past response costs concerning the Northwest Oil Drain (NWOD) Superfund Site in Salt Lake City, Utah, with the Union Pacific Railroad Company (UPRR), Respondent. The settlement requires UPRR to pay \$100,000.00 to the Hazardous Substance Superfund for partial payment of past response costs incurred by EPA. The settlement includes a covenant not to sue the Respondent pursuant to Sections 106 and 107 (a) of CERCLA, 42 U.S.C. 9606 and 9607(a), Sections 309(b) and 311 of the Clean Water Act, 42 U.S.C. 1319 and 1321, and Section 1002 (a) and (b)(1) of the Oil Pollution Act of 1990, 33 U.S.C. 2702(a) and (b)(1), for the Site, for the Matters Addressed in the AOC. The AOC also provides that Respondent is entitled to contribution protection for Matters Addressed, as provided by Section 113(j) of CERCLA, 42 U.S.C. 9613(j).

The NWOD is located in northern Salt Lake County and in Davis County, northwest of downtown Salt Lake City, Utah. The NWOD was constructed in the 1920's and was used to convey stormwater and industrial and municipal discharges into the Great Salt Lake. Presently, the NWOD is composed of a series of former and existing unlined canals including a flowing and open section and a non-flowing section. The sludge/sediment in the NWOD contains elevated concentrations of organic contaminants and metals.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the Day-Riverside Branch Library, 1575 West 1000 North, Salt Lake City, Utah, and at the Superfund Records Center, EPA Region 8, 999 18th Street, Suite 300, Denver, Colorado.

**DATES:** Comments must be submitted on or before April 2, 2004.

**ADDRESSES:** The proposed settlement is available for public inspection at the Superfund Records Center, EPA Region 8, 999 18th Street, Suite 300, Denver, CO 80202-2466, (303) 312-6473, and at the Day-Riverside Branch Library, Salt Lake City, Utah. Comments should be addressed to James M. Stearns, (8ENF-L), Enforcement Attorney, U.S. Environmental Protection Agency, Region 8, 999 18th Street, Suite 300, Denver, CO 80202-2466, and should reference the Administrative Order on Consent, Respondent UPRR, Northwest Oil Drain Superfund Site, Salt Lake City, Utah.

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

James M. Stearns, (8ENF-L), Enforcement Attorney, U.S. Environmental Protection Agency, Region 8, 999 18th Street, Suite 300, Denver, CO 80202-2466, (303) 312-6912.

**SUPPLEMENTARY INFORMATION:** An earlier AOC, EPA Docket No. CERCLA-08-2003-0014, was entered into by Respondents Salt Lake City Corporation, Salt Lake County, BP Products North America Inc., and Chevron U.S.A. Inc. ("NWOD PRP Group"), to perform response activities to remove contaminated sludge/sediment in the NWOD and to pay certain past response costs. The proposed settlement with UPRR includes a covenant-not-to-sue with respect to Future Response Costs and the work to be performed at the Site. The covenant-not-to-sue will only take effect upon certification by UPRR that it has performed or paid for the performance of its proportionate share of the work to be performed by the NWOD PRP Group.

Dated: February 17, 2004.

**Carol Rushin,**

*Assistant Regional Administrator, Office of Enforcement, Compliance, and Environmental Justice.*

[FR Doc. 04-4699 Filed 3-2-04; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7630-6]

### Notice of Tentative Approval and Solicitation of Request for a Public Hearing for Public Water System Supervision Program Revision for the State of Delaware

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

**ACTION:** Notice of tentative approval and solicitation of requests for a public hearing.

**SUMMARY:** Notice is hereby given in accordance with the provision of section 1413 of the Safe Drinking Water Act as amended, and the rules governing National Primary Drinking Water Regulations Implementation that the State of Delaware has revised its approved Public Water System Supervision Program. The Delaware statute has been amended to clarify the authority of Delaware Health and Social Services to impose administrative penalties on systems of all sizes. This resolves a question regarding the Department's authority to impose administrative penalties on systems serving less than 500 service connections. Delaware has adopted a Radionuclides Rule to establish a new maximum contaminant level (MCL) for uranium and revise monitoring requirements, a Filter Backwash Recycling Rule to require water systems to institute changes to return recycle flows of a plant's treatment process that may compromise pathogen treatment, a Consumer Confidence Report Rule which requires annual drinking water quality reports from community water suppliers, and a Public Notification Rule to revise the general public notification regulations (set requirements for public water systems to follow regarding the form, manner, frequency, and content of a public notice). The State has agreed to a schedule to correct several minor errors in its Radionuclides Rule submission. EPA has determined that these revisions are no less stringent than the corresponding Federal regulations. Therefore, EPA has decided to tentatively approve these program revisions. All interested parties are

invited to submit written comments on this determination and may request a public hearing.

**DATES:** Comments or a request for a public hearing must be submitted by April 2, 2004. This determination shall become effective on April 2, 2004 if no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, and if no comments are received which cause EPA to modify its tentative approval.

**ADDRESSES:** Comments or a request for a public hearing must be submitted to the U.S. Environmental Protection Agency Region III, 1650 Arch Street, Philadelphia, PA 19103-2029. Comments may also be submitted electronically to Jennie Saxe at [saxe.jennie@epa.gov](mailto:saxe.jennie@epa.gov). All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

- Drinking Water Branch, Water Protection Division, U.S. Environmental Protection Agency Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.
- Office of Drinking Water, Division of Public Health, Delaware Health and Social Services, Blue Hen Corporate Center, Suite 203, Dover, DE 19901.

**FOR FURTHER INFORMATION CONTACT:** Jennie Saxe, Drinking Water Branch (3WP22) at the Philadelphia address given above; telephone (215) 814-5806 or fax (215) 814-2318.

**SUPPLEMENTARY INFORMATION:** All interested parties are invited to submit written comments on this determination and may request a public hearing. All comments will be considered, and, if necessary, EPA will issue a response. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by April 2, 2004, a public hearing will be held.

A request for public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such a hearing; and (3) the signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Dated: February 23, 2004.

**James W. Newsom,**

*Acting Regional Administrator, EPA, Region III.*

[FR Doc. 04-4700 Filed 3-2-04; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL ELECTION COMMISSION

### Sunshine Act Meeting

**AGENCY:** United States Election Assistance Commission.

\* \* \* \* \*

**DATE AND TIME:** Tuesday, March 23, 2004, at 10 A.M.

**PLACE:** 1201 Constitution Ave., NW., Washington, DC (EPA East Building, room 1153).

**STATUS:** This meeting will be open to the public.

**NOTE:** Early arrival: Those attending are advised to arrive early for registration and security check.

**PURPOSE:** Organizational plans for the newly established United States Election Assistance Commission.

\* \* \* \* \*

### PERSON TO CONTACT FOR INFORMATION:

Bryan Whitener, Telephone: (202) 694-1095.

**DeForest B. Soaries, Jr.,**

*Chairman, United States Election Assistance Commission.*

[FR Doc. 04-4809 Filed 3-1-04; 8:45 am]

**BILLING CODE 6820-MP-M**

## FEDERAL MARITIME COMMISSION

### Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

*Agreement No.:* 010982-035 (Correction).

*Title:* Florida-Bahamas Shipowner and Operators Association.

*Parties:* Tropical Shipping and Construction Co., Ltd.; Atlantic Caribbean Line, Inc.; Pioneer Shipping Ltd.; Crowley Liner Services, Inc.; Seaboard Marine, Ltd.; G&G Marine, Inc.; and Caicos Cargo Ltd.

*Synopsis:* An earlier notice indicated that King Maritime, Inc. would be