

any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

Written comments on the proposed rule change were neither solicited nor received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Act<sup>7</sup> and subparagraph (f) of Rule 19b-4.<sup>8</sup> At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Comments may also be submitted electronically at the following e-mail address: [rule-comments@sec.gov](mailto:rule-comments@sec.gov). All comment letters should refer to File No. SR-PCX-2004-11. This file number should be included on the subject line if e-mail is used. To help the Commission process and review comments more efficiently, comments should be sent in hardcopy or by e-mail but not by both methods. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All

submissions should refer to File No. SR-PCX-2004-11, and should be submitted by April 6, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>9</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 04-5886 Filed 3-15-04; 8:45 am]

**BILLING CODE 8010-01-P**

**SMALL BUSINESS ADMINISTRATION**

**[Declaration of Disaster #P021]**

**State of Oregon (Amendment #1)**

In accordance with a notice received from the Department of Homeland Security—Federal Emergency Management Agency, effective March 4, 2004, the above numbered declaration is hereby amended to include Harney and Wheeler Counties for Public Assistance in the State of Oregon as disaster areas due to damages caused by severe winter storms occurring on December 26, 2003 and continuing through January 14, 2004.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is April 19, 2004.

(Catalog of Federal Domestic Assistance Program Nos. 59008).

Dated: March 10, 2004.

**Herbert L. Mitchell,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 04-5869 Filed 3-15-04; 8:45 am]

**BILLING CODE 8025-01-P**

**DEPARTMENT OF STATE**

**[Public Notice: 4652]**

**Office of Visa Services; 60-Day Notice of Proposed Information Collection: Form DS-230, Application for Immigrant Visa and Alien Registration; OMB Control Number 1405-0015**

**AGENCY:** Department of State.

**ACTION:** Notice.

**SUMMARY:** The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. This process is conducted in accordance with the Paperwork Reduction Act of 1995.

The following summarizes the information collection proposal to be submitted to OMB:

*Type of Request:* Extension of currently approved collection.

*Originating Office:* Bureau of Consular Affairs, Department of State (CA/VO).

*Title of Information Collection:* Application for Immigrant Visa and Alien Registration.

*Frequency:* Once per respondent.

*Form Number:* DS-230.

*Respondents:* Immigrant visa applicants.

*Estimated Number of Respondents:* 475,000 per year.

*Average Hours Per Response:* 2 hours.

*Total Estimated Burden:* 475,000 hours per year.

Public comments are being solicited to permit the agency to:

- Evaluate whether the proposed information collection is necessary for the proper performance of the functions of the agency.

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.

- Enhance the quality, utility, and clarity of the information to be collected.

- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

**FOR FURTHER INFORMATION CONTACT:**

Public comments, or requests for additional information regarding the collection listed in this notice should be directed to Brendan Mullarkey of the Office of Visa Services, U.S. Department of State, 2401 E St. NW., RM L-703, Washington, DC 20520, who may be reached at 202-663-1166.

Dated: March 10, 2004.

**Janice L. Jacobs,**

*Deputy Assistant Secretary of State for Visa Services, Bureau of Consular Affairs, Department of State.*

[FR Doc. 04-5901 Filed 3-15-04; 8:45 am]

**BILLING CODE 4710-06-P**

**DEPARTMENT OF STATE**

**[Public Notice 4641]**

**Meeting of the Department of State Advisory Committee on Cultural Diplomacy**

**SUMMARY:** The Department of State Advisory Committee on Cultural Diplomacy will meet March 31, 2004 at 1 p.m. Members of the press and general public may attend, although attendance will be limited by seating availability.

<sup>7</sup> 15 U.S.C. 78f(b)(3).

<sup>8</sup> 17 CFR 240.19b-4(f).

<sup>9</sup> 17 CFR 200.30-3(a)(12).

Access to Department of State buildings is strictly controlled, and individual building passes are required for all attendees.

To attend the meeting, please call (202) 205-2178 or (202) 205-2122 and provide your date of birth and Social Security number. Members of the public who have confirmed their attendance must present a photo ID at the security desk before they enter the Department of State and are escorted to the meeting room.

The Advisory Committee on Cultural Diplomacy is responsible for advising the Secretary of State on programs and policies to advance the use of cultural diplomacy in United States foreign policy. This charge includes providing to the Secretary guidance on increasing the presentation abroad of the finest of U.S. creative, visual, and performing arts, as well as strategies for increasing public-private partnerships to sponsor cultural exchange programs that promote the national interests of the United States. An agenda for the committee's first session will be distributed at the meeting.

Dated: March 10, 2004.

**Joseph Merante,**

*Chief, Cultural Programs Division, Office of Citizen Exchanges, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 04-5899 Filed 3-15-04; 8:45 am]

BILLING CODE 4710-05-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2003-15621; Notice 2]

#### Accuride Corporation; Grant of Application for Decision of Inconsequential Noncompliance

Accuride Corporation (Accuride) has determined that approximately 1,053 Extra Service Wheels, produced between May 27, 2003, and May 31, 2003, do not meet certain requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 120, "Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars." Some 466 of the 1,053 Extra Service Wheels were shipped to eleven different customers.

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Accuride has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports."

Notice of receipt of the application was published, with a 30-day comment

period, on July 21, 2003, in the **Federal Register** (68 FR 43254). NHTSA received no comments.

Accuride described the noncompliant wheels as size 22.5 x 8.25 inch, 15 degree drop center, one piece tubeless aluminum dual wheels. Accuride produced these wheels at its Erie, Pennsylvania plant and machined them at the Accuride plant in Cuyahoga Falls, Ohio. The symbol "DOT" and the designation, which indicates the source of the rims" published nominal dimensions, in this case "T," were inadvertently not marked on the wheels. Accuride believes that the omission of the "DOT-T" marking is inconsequential to safety as the omission in no way affects the performance of the wheel and does not otherwise compromise safety. Accuride states that all other information markings required by FMVSS No. 120 are correctly marked.

Paragraph S5.2 of FMVSS 120 requires that each rim be marked with specific information, including a designation indicating the source of the rims' published nominal dimensions and the symbol "DOT," constituting a certification by the manufacturer of the rim that it complies with all applicable motor vehicle safety standards. Exclusion of the information may cause mismatching of tires to rims that could result in tire and rim separations or blowouts.

In this case, the agency agrees that the noncompliance is inconsequential to motor vehicle safety as all other information markings, including the correct rim size designation, as required by FMVSS No. 120 are correctly marked and the consumer can refer to these markings to match the rims to tires. Also, the agency traditionally considers failure to mark "DOT" as a failure to certify under 49 CFR Part 567—Certification rather than a failure to comply with a FMVSS. As such, the absence of the "DOT" symbol in this case will not compromise the safe operation of motor vehicles.

In consideration of the foregoing, NHTSA has decided that the applicant has met its burden of persuasion that the noncompliance at issue is inconsequential to motor vehicle safety. Accordingly, Accuride's application is hereby granted, and the applicant is exempted from the obligation of providing notification of, and a remedy for, the noncompliance.

**Authority:** (49 U.S.C. 301118, 301120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: March 11, 2004.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

[FR Doc. 04-5891 Filed 3-15-04; 8:45 am]

BILLING CODE 4910-59-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-347 (Sub-No. 3X)]

#### Florida West Coast Railroad Company, Inc.—Abandonment and Discontinuance of Service Exemption—in Alachua and Gilchrist Counties, FL

On February 25, 2004, Florida West Coast Railroad Company, Inc. (FWCR), filed with the Surface Transportation Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon and discontinue service over an approximately 13-mile line of railroad extending from milepost 734.0, in Trenton, to milepost 721.0, in Newberry, in Alachua and Gilchrist Counties, FL. The line traverses United States Postal Service ZIP Codes 32669 and 32693, and includes no stations.

The line does not contain federally granted rights-of-way. Any documentation in FWCR's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by June 14, 2004.<sup>1</sup>

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,100 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than April 5, 2004. Each

<sup>1</sup> FWCR initially proposed a consummation date of April 15, 2004. FWCR's representative has subsequently acknowledged that, if its petition is granted, consummation cannot occur before the Board has authorized the proposed abandonment and discontinuance.