

345 F.3d at 913. The court further said, "Without some explicit provision to the contrary (as exists for quantification of the ratable take duty), Congress presumably intended that enforcement would be at the hands of the obligee of the conditions [*i.e.*, a person transporting oil or gas through the pipeline], the Secretary of the Interior (or possibly other persons that the conditions might specify)." *Id.* At 913–914.

The MMS has authority to regulate open and non-discriminatory access to pipelines operating under rights-of-way on the OCS, and is interested in hearing what you think "open and non-discriminatory access" means. Comments and suggestions from any party are welcomed and encouraged. The MMS is particularly interested in receiving responses from entities that have a right-of-way grant for one or more pipelines regulated by the MMS under OCSLA, entities that ship production through these pipelines, and purchasers and end-users of production shipped through these pipelines.

The MMS is interested in determining the scope, magnitude, and seriousness of any instances where access or discrimination problems were encountered by service providers or shippers of natural gas, both for lines that do not operate under the jurisdiction of the NGA and those that do. (We are also interested in whether the lack of NGA-regulatory oversight has had or may have potential positive or negative impacts). The MMS also is interested in the circumstances under which a service provider would deny service to a shipper. We solicit comments from any party that feels it has been denied open and non-discriminatory access to pipelines on the OCS, and suggestions for actions that could have been taken or should be taken to prevent this from happening.

A record of access issues that arise between shippers and service providers would help the MMS to gain a better perspective on the need for a regulatory framework to ensure open and non-discriminatory pipeline access. The MMS is giving consideration to establishing a hotline which could be used by both shippers and service providers to report concerns and perceived instances of open and non-discriminatory access violations. A hotline could be one way for MMS to document relevant complaints that occur.

The MMS would like comments regarding the types of complaints that it might receive if it did establish a hotline. The MMS would like input concerning the advantages and

disadvantages of resolving the complaints through an informal negotiation or a more rigorous dispute resolution process. The MMS would appreciate a discussion regarding the possible structure of either an informal or formal complaint resolution process. In the event the complaint escalated into a more formal dispute, the MMS would like comments on what the resolution process could look like and how it might differ from an informal complaint resolution process. The MMS also would like comments on whether interested parties would be more likely to participate in one type of complaint resolution process over another and what circumstances might affect this decision.

Beyond questions of documenting complaints and methods for resolving disputes, the MMS would like comments concerning what factual information or data would be necessary to make a determination that open access has been denied or that discrimination has occurred, what mechanisms MMS could use to gather such information, and the extent to which the information should be made public. The MMS is interested in comments regarding whether this mandate can be accomplished in the absence of information collection and the dissemination of some or all of the information.

### III. Definitions and Other Topics

The MMS is committed to carrying out the Secretary's objectives and the requirements established by the OCSLA. We encourage the public to participate in the planned public meetings and to provide comments and suggestions to help us determine where changes are needed in the regulations. We are requesting input for defining terms used in this notice, and comments on other topics which are not identified in this notice but should be considered in a proposed rule. These include, but are not limited to, the following:

A. *Definitions:* We are considering revising or creating definitions of the following terms:

- Non-discriminatory access
- Open access
- Pipelines subject to OCSLA
- Service provider
- Shipper

B. *Other specific topics that may be addressed at the meetings:* The MMS is interested in receiving comments on any other issues relevant to the DOI's mandate under the OCSLA to assure "open and non-discriminatory access" to pipelines on the OCS.

Dated: March 29, 2004.

R.M. "Johnnie" Burton,

Director, Minerals Management Service.

[FR Doc. 04–8247 Filed 4–7–04; 3:28 pm]

BILLING CODE 4310-MR-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

[NC–112L–2004–1–FRL–7646–3]

### Approval of Section 112(l) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants From the Pulp and Paper Industry; State of North Carolina

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

**ACTION:** Proposed rule.

**SUMMARY:** On August 26, 2003, the EPA published in the **Federal Register** a direct final rule to approve the North Carolina Department of Environment and Natural Resources (NC DENR) equivalency by permit program, pursuant to section 112(l) of the Clean Air Act, to implement and enforce State permit terms and conditions that substitute for the National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry and the National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite and Stand-Alone Semi-chemical Pulp Mills, for the International Paper Riegelwood mill in Riegelwood, North Carolina. Today's action is taken to amend the approval of NC DENR's section 112(l) authority for hazardous air pollutants, equivalency by permit provisions, in order to extend its coverage to include the following four mills: International Paper Roanoke Rapids mill in Roanoke Rapids, North Carolina; Blue Ridge Paper Products in Canton, North Carolina; Weyerhaeuser New Bern facility in New Bern, North Carolina; and the Weyerhaeuser Plymouth facility in Plymouth, North Carolina. In the Rules section of this **Federal Register**, EPA is granting NC DENR the authority to implement and enforce alternative requirements in the form of title V permit terms and conditions for the additional four North Carolina mills, after EPA has approved the state's alternative requirements. A detailed rationale for this approval is set forth in the final rule amendment. If no significant, material, and adverse comments are received in response to this rule, no further activity is

contemplated. If EPA receives adverse comments, the final rule amendment will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** Written comments must be received on or before May 12, 2004.

**ADDRESSES:** Comments may be submitted by mail to: Lee Page, Air Toxics Assessment and Implementation Section, Air Toxics and Monitoring Branch, Air, Pesticides and Toxics Management Division; U.S. Environmental Protection Agency Region 4; 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960.

Comments may also be submitted electronically, or through hand delivery/courier. Please follow the detailed instructions described in the final rule amendment, **SUPPLEMENTARY INFORMATION** section [Part (I)(B)(1)(i) though (iii)] which is published in the Rules Section of this **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Lee Page, Air Toxics Assessment and Implementation Section, Air Toxics and Monitoring Branch, Air, Pesticides and Toxics Management Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9141. Mr. Page can also be reached via electronic mail at [page.lee@epa.gov](mailto:page.lee@epa.gov).

**SUPPLEMENTARY INFORMATION:** For additional information see the final rule amendment which is published in the Rules Section of this **Federal Register**.

Dated: April 2, 2004.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 04-8223 Filed 4-9-04; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 87

[WT Docket No. 01-289; FCC 03-238]

#### Aviation Communications

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** In this document the Commission solicits comment on proposed rules that are intended to accommodate technological advances,

facilitate operational flexibility, and promote spectral efficiency in the Aviation Radio Service.

**DATES:** Submit comments on or before July 12, 2004, and reply comments are due on or before August 10, 2004.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. See

**SUPPLEMENTARY INFORMATION** for filing instructions.

**FOR FURTHER INFORMATION CONTACT:**

Jeffrey Tobias, [Jeff.Tobias@FCC.gov](mailto:Jeff.Tobias@FCC.gov), Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau, (202) 418-0680, or TTY (202) 418-7233.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Federal Communications Commission's Further Notice of Proposed Rulemaking (FNPRM) in WT Docket No. 01-289, FCC 03-238, adopted on October 6, 2003, and released on October 16, 2003. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the Commission's copy contractor, Qualex International, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. The full text may also be downloaded at: [www.fcc.gov](http://www.fcc.gov).

Alternative formats are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 or TTY (202) 418-7365 or at [bmillin@fcc.gov](mailto:bmillin@fcc.gov).

1. The FNPRM solicits comment on whether the Commission should: (i) Authorize use of Universal Access Transceiver technology on the 978 MHz frequency; (ii) permit licensees to utilize any emission type of their choosing in aeronautical spectrum that is not shared with other services, subject to certain conditions, and eliminate all requirements specific to data rates and modulation types, in order to accommodate new technologies such as Inmarsat's 64 kbps service; (iii) enable the use of non-geostationary satellite networks for Aeronautical Mobile Satellite (Route) Service (AMS(R)S); (iv) broaden AMS(R)S regulations so that they take account of the satellite systems of both Inmarsat and other operators; (v) adopt additional technical requirements for AMS(R)S; (vi) identify new uses for the frequencies formerly reserved for the Civil Air Patrol; (vii) remove the radionavigation allocation in the 14000-14200 MHz band; (viii) expand the availability of air traffic control spectrum for ground control communications; (ix) streamline the listing of HF band frequencies in Part 87

frequency tables; (x) codify the terms of a waiver permitting certification and use of a back-up safety device designed to supplement conventional 121.5 MHz Emergency Locator Transmitters (ELTs); (xi) codify the terms of a waiver authorizing a special station identification format to be used by aircraft being operated by maintenance personnel from one location in an airport to another location in the airport; and (xii) terminate the assignment of FCC control numbers to ultralight aircraft.

#### I. Procedural Matters

##### A. Ex Parte Rules—Permit-But-Disclose Proceeding

2. This is a permit-but-disclose notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules.

##### B. Comment Dates

3. Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before July 12, 2004 and reply comments on or before August 10, 2004. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.

4. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be addressed to the Commission's Secretary, Marlene H.