

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211 because that Executive Order applies only to rules that are "significant" under Executive Order 12866, and this rule is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113, section 12(d) (15 U.S.C. 272 note) directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs the EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This rule does not involve technical standards covered by voluntary consensus standards. In addition, under RCRA section 3006(b), the EPA grants a State's application for authorization as long as the State meets the criteria required under RCRA. It would thus be inconsistent with applicable law for the EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that satisfies the requirements of RCRA. Therefore, the EPA did not consider the use of any voluntary consensus standards in developing this rule.

J. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA is submitting a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A

major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined in 5 U.S.C. 804(2). This action will be effective immediately upon today's publication in the **Federal Register**.

List of Subjects

40 CFR Part 262

Environmental protection, Hazardous waste, Reporting and recordkeeping requirements.

40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous materials transportation, Indian-lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: The Federal regulation changes are being made under the authority of the Resource Conservation and Recovery Act (RCRA) sections 2002 and 3002, 42 U.S.C. 6912 and 6922. The authorizations of the Massachusetts revisions are being made under the authority of RCRA sections 2002 and 3006, 42 U.S.C. 6912 and 6926.

Dated: March 3, 2004.

Ira W. Leighton,

Acting Regional Administrator, EPA New England.

■ For the reasons set forth in the preamble, chapter I of title 40 of the Code of Federal Regulations is amended as follows:

PART 262—STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

■ 1. The authority citation for part 262 continues to read as follows:

Authority: 42 U.S.C. 6906, 6912, 6922–6925, 6937, and 6938.

Subpart A—General

■ 2. Section 262.10 is amended by adding paragraph (k) to read as follows:

§ 262.10 Purpose, scope and applicability.

* * * * *

(k) Generators in the Commonwealth of Massachusetts may comply with the State regulations regarding Class A recyclable materials in 310 C.M.R. 30.200, when authorized by the EPA under 40 CFR part 271, with respect to those recyclable materials and matters covered by the authorization, instead of complying with the hazardous waste accumulation requirements of § 262.34, the reporting requirements of § 262.41, the storage facility operator requirements of 40 CFR parts 264 and

265 and the permitting requirements of 40 CFR part 270. Such generators must also comply with any other applicable requirements, including any applicable authorized State regulations governing hazardous wastes not being recycled and any applicable Federal requirements which are being directly implemented by the EPA within Massachusetts pursuant to the Hazardous and Solid Waste Amendments of 1984.

Subpart J—University Laboratories XL Project—Laboratory Environmental Management Standard

■ 3. Section 262.108 is revised to read as follows:

§ 262.108 When will this subpart expire?

This subpart will expire on September 30, 2006.

PART 271—REQUIREMENTS FOR AUTHORIZATION OF STATE HAZARDOUS WASTE PROGRAMS

■ EPA is granting Final authorization under part 271 to the Commonwealth of Massachusetts for revisions to its hazardous waste program under the Resource Conservation and Recovery Act.

[FR Doc. 04-5644 Filed 3-11-04; 8:45 am]

BILLING CODE 6560-50-P

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

45 CFR Part 2400

Fellowship Program Requirements

AGENCY: James Madison Fellowship Foundation.

ACTION: Final rule.

SUMMARY: The following are amendments to the regulations governing the annual competition for James Madison Fellowships and the obligations of James Madison Fellows. These amendments update and replace certain provisions of the Foundation's existing regulations as implemented by the James Madison Memorial Fellowship Act of 1986. These revised regulations govern the qualifications and applications of candidates for fellowships; the selection of Fellows by the Foundation; the graduate programs Fellows must pursue; the terms and conditions attached to awards; the Foundation's annual Summer Institute on the Constitution; and related requirements and expectations regarding fellowships. No comments were received regarding this new rule.

DATES: This rule is effective March 12, 2004.

SUPPLEMENTARY INFORMATION: The reason for the changes to the Foundation's regulations comes as a result of the Foundation's desire to clarify several of the rules and regulations that James Madison Fellows must observe when accepting their fellowships. Although many of the changes are minor insertions of words and punctuation, this document specifically expands the definition section to include further detailed definitions on Credit Hour Equivalent, Incomplete, Repayment, Satisfactory Progress, Stipend, Teaching Obligation, Termination and Withdrawal. The Foundation now encourages James Madison Fellows to choose a graduate program which does not include the writing of a thesis. Graduate programs for which Fellows may apply have been broadened to include political science. Finally, a section entitled "Teaching Obligation" was added to further clarify the obligation to teach, required by the Foundation once each fellow has earned a master's degree.

Regulatory Flexibility Act Certification

The President certifies that these regulations would not have a significant economic impact on a substantial number of small entities.

These regulations apply to individuals eligible to apply for fellowship assistance. Individuals are not included in the definition of "small entities" in the Regulatory Flexibility Act.

Paperwork Reduction Act of 1995

These regulations do not contain any information collection requirements.

List of Subjects in 45 CFR Part 2400

Education, Fellowships.

Dated: March 8, 2004.

Paul A. Yost, Jr.

President.

■ For the reasons set forth in the preamble and under authority of 20 U.S.C. 4501 *et seq.*, chapter XXIV, title 45 of the Code of Federal Regulations is amended by amending part 2400 as follows:

PART 2400—FELLOWSHIP PROGRAM REQUIREMENTS

■ 1. The authority citation for part 2400 is revised to read as follows:

Authority: 20 U.S.C. 4501 *et seq.*, unless otherwise noted.

■ 2. Section 2400.3 is amended by revising paragraphs (a)(8) and (b)(8) to read as follows:

§ 2400.3 Eligibility.

* * * * *

(a) * * *

(8) Sign agreements that, after completing the education for which the fellowship is awarded, they will teach American history, American government, social studies, or political science full time in secondary schools for a period of not less than one year for each full year of study for which assistance was received, preferably in the State listed as their legal residence at the time of their fellowship award. For the purposes of this provision, a full academic year of study is considered by the Foundation to be 18 credit hours or 27 quarter hours. Fellows' teaching obligations will be figured at full academic years of study; and when Fellows have studies for partial academic years, those years will be rounded upward to the nearest one-half year to determine Fellows' total teaching obligations.

(b) * * *

(8) Sign an agreement that, after completing the education for which the fellowship is awarded, they will teach American history, American government, social studies, or political science full time in secondary schools for a period of not less than one year for each full academic year of study for which assistance was received, preferably in the State listed as their legal residence at the time of their fellowship award. Fellows' teaching obligations will be figured at full academic years of study; and when Fellows have studies for partial academic years, those years will be rounded upward to the nearest one-half year to determine Fellows' total teaching obligations.

■ 3. Section 2400.4 is amended by revising the definitions of "*Full-time study*," "*State*," and "*Stipend*," to read as follows:

§ 2400.4 Definitions.

* * * * *

Full-time study means study for an enrolled student who is carrying at least 9 credit hours a semester or its equivalent.

* * * * *

State means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and, considered as a single entity, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Stipend means the amount paid by the Foundation to a Fellow or on his or her behalf for the allowable costs of

graduate study which have been approved under the fellowship.

* * * * *

■ 4. Section 2400.20 is revised to read as follows:

§ 2400.20 Preparation of application.

Applications, on forms mailed directly by the Foundation to those who request applications or downloaded from the Foundation's Web site, must be completed by all fellowship candidates in order that they be considered for an award.

■ 5. Section 2400.30 is amended by adding a new paragraph (g) to read as follows:

§ 2400.30 Selection criteria.

* * * * *

(g) Content of the 600-word essay.

§ 2400.31 [Amended]

■ 6. In § 2400.31, paragraph (b) is amended by removing the word "legally" and adding, in its place, the word "legal"; and paragraph (c) is amended by removing the words "An alternate will receive" and adding, in their place, "An alternate may, at the Foundation's discretion, receive".

§ 2400.42 [Amended]

■ 7. In § 2400.42, paragraph (b) is amended by removing the word "constitution" and adding, in its place, the word "Constitution".

§ 2400.43 [Amended]

■ 8. In § 2400.43, paragraph (c) is amended by removing the words "strongly encourages" and adding, in their place, the words "in general, requires".

■ 9. Section 2400.44 is amended by revising paragraph (a) to read as follows:

§ 2400.44 Commencement of graduate study.

(a) Fellows may commence study under their fellowships as early as the summer following the announcement of their award. Fellows are normally expected to commence study under their fellowships in the fall term of the academic year following the date on which their award is announced. However, as indicated in § 2400.61, they may seek to postpone the commencement of fellowship study for up to one year under extenuating circumstances.

* * * * *

§ 2400.46 [Amended]

■ 10. Section 2400.46 is amended by removing the word "five" and adding, in its place, the word "three".

■ 11. Section 2400.47 is revised to read as follows:

§ 2400.47 Summer Institute's relationship to fellowship.

Each year, the Foundation normally offers during July a four-week graduate-level Institute on the principles, framing, ratification, and implementation of the United States Constitution at an accredited university in the Washington, DC, area. The Institute is an integral part of each fellowship.

■ 12. Section 2400.48 is revised to read as follows:

§ 2400.48 Fellows' participation in the Summer Institute.

Each fellow is required as part of his or her fellowship to attend the Institute (if it is offered), normally during the summer following the Fellow's commencement of graduate study under a fellowship.

§ 2400.50 [Amended]

■ 13. Section 2400.50 is amended by removing "For their participation in the Institute, Fellows are paid" and adding, in its place, "At the Foundation's discretion, Fellows may be paid".

§ 2400.53 [Amended]

■ 14. Section 2400.53 is amended by adding a new sentence at the end to read "A waiver of the time limit may be given for full-time students who require more than 36 credit hours or 54 quarter hours to complete their approved degree."

■ 15. Section 2400.55 is amended by revising paragraphs (f) and (i) to read as follows:

§ 2400.55 Certification for stipend.

* * * * *

(f) The amount and nature of income from any other grants or awards;

* * * * *

(i) A full Plan of Study over the duration of the fellowship, including information on the contents of required constitutional courses. Senior Fellows must provide evidence of their continued full-time employment as teachers in grades 7–12.

■ 16. Section 2400.56 is revised to read as follows:

§ 2400.56 Payment of stipend.

Payment for tuition, required fees, books, room, and board subject to the limitations in §§ 2400.52 through 2400.55 and §§ 2400.59 through 2400.60 will be paid via Electronic Funds Transfer to each Fellow at the beginning of each term of enrollment and upon the Fellow's submission of a completed Payment Request Form which includes

the current University bulletin of cost information.

§ 2400.58 [Amended]

■ 17. In § 2400.58, paragraph (a) is amended by removing the words "fewer than" and adding, in their place, the words "at least"; and paragraph (b) is amended by removing the words "the Foundation will seek to recover" and adding, in their place, the words "the Fellow must repay".

§ 2400.60 [Amended]

■ 18. In § 2400.60, paragraph (a) is amended by removing the words "unless they are credited to the minimum number of credits required for the degree" at the end of the paragraph.

§ 2400.61 [Amended]

■ 19. Section 2400.61 is amended by adding a new sentence at the end to read "All postponements are given at the Foundation's discretion and will normally not extend for more than one year."

■ 20. Section 2400.63 is revised to read as follows:

§ 2400.63 Excluded graduate study.

James Madison Fellowships do not provide support for study toward doctoral degrees, for the degree of master of arts in public affairs or public administration. The Foundation may at its discretion, upon request of the Fellow, provide tuition only assistance toward teacher certification.

[FR Doc. 04–5585 Filed 3–11–04; 8:45 am]

BILLING CODE 6820–05–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–99–5157]

Federal Motor Vehicle Safety Standards; Bus Emergency Exits and Window Retention and Release

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule; delay of effective date.

SUMMARY: NHTSA published a final rule in April 2002 that amended the Federal motor vehicle safety standard on bus emergency exits and window retention and release. The agency received several petitions for reconsideration of the rule. At present, the rule is to take effect on

April 21, 2004. To allow for more time to respond to the petitions, this document delays the effective date of the final rule.

DATES: The effective date of the final rule published on April 19, 2002 (67 FR 19343) and amended on April 22, 2003 (68 FR 19752), is delayed until April 21, 2006. Any petitions for reconsideration of today's final rule must be received by NHTSA not later than April 26, 2004.

ADDRESSES: Petitions for reconsideration should refer to the docket number for this action and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: For technical issues you may call: Mr. Charles Hott, Office of Crashworthiness Standards, at (202) 366–0247. Mr. Hott's FAX number is: (202) 493–2739.

For legal issues, you may call Ms. Dorothy Nakama, Office of the Chief Counsel, at (202) 366–2992. Her FAX number is: (202) 366–3820.

You may send mail to both of these officials at the National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: Federal Motor Vehicle Safety Standard No. 217, *Bus emergency exits and window retention and release*, (49 CFR 571.217) (FMVSS No. 217), specifies requirements for the retention of windows other than windshields in buses, and for operating forces, opening dimensions, and markings for bus emergency exits. The purpose of FMVSS No. 217 is to minimize the likelihood of occupants being thrown from the bus in a crash and to provide a means of readily accessible emergency egress.

2002 Final Rule

On April 19, 2002 (67 FR 19343) (DMS Docket No. NHTSA–99–5157), NHTSA published a final rule amending FMVSS No. 217 to reduce the likelihood that wheelchair securement anchorages¹ would be installed such that a wheelchair secured thereto would block access to emergency exit doors. For a side emergency exit door, the final rule restricted these anchorages from being placed in an area bounded by transverse vertical planes 305 mm (12 inches) forward and rearward of the center of the door aisle and a longitudinal vertical plane through the longitudinal centerline of the school bus.

For a rear emergency exit door, the final rule restricted the anchorages from being placed in an area bounded by:

¹ Defined at S4 of 49 CFR 571.222.