

### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify Docket FAA-2004-17000; Airspace Docket 02-ANM-06, and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit, with those comments, a self-addressed stamped postcard on which the following statement is made: "Comments to Docket FAA-2004-17000; Airspace Docket 02-ANM-06." The postcard will be date/time stamped and returned to the commenter.

### Availability of NPRM

An electronic copy of this document may be downloaded through the Internet at <http://dms.dot.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at <http://www.faa.gov> or the Superintendent of Document's Web page at <http://www.access.gpo.gov/nara>.

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Airspace Branch ANM-520, 1601 Lind Avenue, SW., Renton, WA 98055. Communications must identify both document numbers for this notice. Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, at (202) 267-9677, to request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

### The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations, part 71 (14 CFR part 71) by establishing Class E airspace extending upward from the surface of the earth at Aspen-Pitkin County/Sardy Field, Aspen, CO. A reduction in hours of Class D service has made this amendment necessary. This action will establish Class E airspace extending upward from the surface of the earth for the safety of aircraft executing IFR operations outside the hours of Class D service. Class E airspace will be

effective during specified dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be published in the Airport/Facility Directory.

Class E airspace areas designated as surface areas, are published in Paragraph 6002, of FAA Order 7400.9L dated September 2, 2003, and effective September 16, 2003, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11013; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

### PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

#### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9L, Airspace Designations and Reporting Points, dated September 2, 2003, and effective September 16, 2003, is amended as follows:

*Paragraph 6002 Class E airspace designated as surface area for an airport.*

\* \* \* \* \*

#### ANM OR E2 Aspen, CO [Added]

Aspen-Pitkin County/Sardy Field  
(lat. 39°13'23"N., long. 106°52'08"W.)

Within a 4.3-mile radius of Aspen-Pitkin County/Sardy Field. This Class E airspace is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

\* \* \* \* \*

Issued in Seattle, Washington, on February 27, 2004.

**Raul C. Treviño,**

*Acting Manager, Air Traffic Division,  
Northwest Mountain Region.*

[FR Doc. 04-6154 Filed 3-18-04; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[REG-156232-03]

RIN 1545-BC80

### Information Reporting Relating to Taxable Stock Transactions; Hearing Cancellation

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Cancellation of notice of public hearing on proposed rulemaking.

**SUMMARY:** This document provides notice of cancellation of a public hearing under section 6043(c) requiring information reporting by a corporation if control of the corporation is acquired or if the corporation has a recapitalization or other substantial change in capital structure.

**DATES:** The public hearing originally scheduled for March 31, 2004, at 10 a.m., is cancelled.

**FOR FURTHER INFORMATION CONTACT:** Robin R. Jones of the Publications and Regulations Branch, Legal Processing Division at (202) 622-7180 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on Tuesday, December 30, 2003 (68 FR 75182), announced that a public hearing was scheduled for March 31, 2004, at 10 a.m., in the IRS Auditorium. The subject of the public hearing is proposed regulations under section 6043 (c) of the Internal Revenue Code. The public comment period for these expired on March 10, 2004.

The notice of proposed rulemaking and notice of public hearing, instructed those interested in testifying at the public hearing to submit an outline of the topics to be addressed. As of Tuesday, March 16, 2004, no one has requested to speak. Therefore, the public hearing scheduled for March 31, 2004, is cancelled.

**LaNita Van Dyke,**

*Acting Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedures and Administration).*

[FR Doc. 04-6221 Filed 3-18-04; 8:45 am]

**BILLING CODE 4830-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 261

[FRL-7638-1]

#### Hazardous Waste Management System; Proposed Exclusion for Identification and Listing of Hazardous Waste

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

**ACTION:** Proposed rule.

**SUMMARY:** The EPA (also, “the Agency” or “we” in this preamble) is proposing to grant a petition submitted by General Electric Company (GE), King of Prussia, Pennsylvania, to exclude (or “delist”), on a one-time basis, certain solid wastes that have been deposited and/or accumulated in two (2) on-site drying beds and two (2) on-site basins referred to by GE as “surface impoundments” at its RCA del Caribe facility in Barceloneta, Puerto Rico from the lists of hazardous wastes contained in the regulations. These drying beds and basins were used exclusively for disposal of its chemical etching wastewater treatment plant (WWTP) sludge from 1971 to 1978.

The Agency has tentatively decided to grant the petition based on an evaluation of waste-specific information provided by GE. This proposed decision, if finalized, would conditionally exclude the petitioned waste from the requirements of hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA).

If finalized, the EPA would conclude that GE’s petitioned waste is nonhazardous with respect to the original listing criteria or factors which could cause the waste to be hazardous. The waste would still be subject to Local, State (as used herein the term

State includes the Commonwealth of Puerto Rico) and Federal regulations for nonhazardous solid waste.

**DATES:** The Agency will accept public comments on this proposed decision until May 3, 2004. Comments postmarked after the close of the comment period will be stamped “late.” These “late” comments may not be considered in formulating a final decision.

Any person may request a hearing on this proposed rule by filing a written request by April 5, 2004. Pursuant to 40 CFR 260.20(d), the request must state the issue to be raised and explain why written comments would not suffice to communicate the person’s views.

**ADDRESSES:** Please send two copies of your comments to Ernst J. Jabouin, RCRA Program Branch (2DEPP-RPB), Environmental Protection Agency, Region 2, 290 Broadway, New York, NY 10007-1866.

Any person may request a hearing on this proposed decision by filing a request to the Director, of the Division of Environmental Planning and Protection (DEPP), Environmental Protection Agency, Region 2, 290 Broadway, New York, NY 10007-1866.

**FOR FURTHER INFORMATION CONTACT:** For technical information concerning this document, contact Ernst J. Jabouin at the address above or at 212-637-4104. The RCRA regulatory docket for this proposed rule is located at the EPA Region 2, 290 Broadway, New York, NY 10007-1866, and is available for viewing from 8 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. Call Ernst J. Jabouin at 212-637-4104 for appointments. The public may copy material from the regulatory docket at \$0.15 per page.

#### SUPPLEMENTARY INFORMATION:

##### I. Overview Information

- A. What action is EPA proposing?
- B. Why is EPA proposing to approve this delisting?
- C. How will GE manage the waste if it is delisted?
- D. When would EPA finalize the proposed delisting?
- E. How would this action affect the states?

##### II. Background

- A. What is the history of the delisting program?
- B. What is a delisting petition, and what does it require of a petitioner?
- C. What factors must EPA consider in deciding whether to grant a delisting petition?

##### III. EPA’s Evaluation of the Waste Information and Data

- A. What wastes did GE petition EPA to delist?
- B. What information and analyses did GE submit to support this petition?
- C. How did GE generate the petitioned waste?

- D. How did GE sample and analyze the data in this petition?
- E. What were the results of GE’s analysis?

##### IV. Methodology for Risk Assessments

- A. How did EPA evaluate the risk of delisting this waste?
- B. What risk assessment methods has the Agency used in previous delisting determinations that are being used in this proposal?

##### V. Evaluation of This Petition

- A. What other factors did EPA consider in its evaluation?
  - B. What did EPA conclude about GE’s analysis?
  - C. What is EPA’s evaluation of this delisting petition?
- ##### VI. Conditions for Exclusion
- A. What are the maximum allowable concentrations of hazardous constituents for the waste?
  - B. What are the conditions of the exclusion?
  - C. What happens if GE fails to meet the conditions of the exclusion?

##### VII. Regulatory Impact

- VIII. Regulatory Flexibility Act
- IX. Paperwork Reduction Act
- X. Unfunded Mandates Reform Act
- XI. Executive Order 12875
- XII. Executive Order 13045
- XIII. Executive Order 13084
- XIV. Executive Order 13132
- XV. National Technology Transfer and Advancement Act

## I. Overview Information

### A. What Action Is EPA Proposing?

The EPA is proposing to grant GE’s petition to have its wastewater treatment sludge excluded, or delisted, from the definition of a hazardous waste. The Agency evaluated the petition using a fate and transport model to predict the concentration of hazardous constituents which could be released from the petitioned waste after it is disposed.

### B. Why Is EPA Proposing To Approve This Delisting?

GE petitioned EPA to exclude, or delist, the wastewater treatment sludge because GE believes that the petitioned waste does not meet the criteria for which EPA listed it. GE also believes there are no additional constituents or factors that could cause the wastes to be hazardous. Based on EPA’s review described below, the Agency has tentatively determined that the waste can be considered nonhazardous.

In reviewing this petition, EPA considered the original listing criteria and the additional factors as required by the Hazardous and Solid Waste Amendments of 1984 (HSWA). See section 222 of HSWA, 42 U.S.C. 6921(f), and 40 CFR 260.22 (d)(2) through (4). EPA evaluated the petitioned waste against the listing criteria and factors cited in 40 CFR 261.11(a)(2) and (3).