

under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). This proposed rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely proposes to approve a State rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order.

This proposed rule pertaining to Maryland's AIM rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: May 18, 2004.

Richard J. Kampf,

Acting Regional Administrator, Region III.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[VA141-5075b; FRL-7666-6]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Commonwealth of Virginia; Control of Emissions From Existing Commercial/Industrial Incineration (CISWI) Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the commercial and industrial solid waste incinerator 111(d)/129 plan (the "plan") submitted by the Virginia Department of Environmental Quality (DEQ). The plan was submitted to EPA by the DEQ on September 8, 2003, and supplemental information on August 11, and September 30, 2003, and April 6, 2004. In the "Final Rules" section of this **Federal Register**, EPA is approving the Commonwealth of Virginia's CISWI plan submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipate no adverse comments. A more detailed description of the state submittal and EPA's evaluation are included in a Technical Support Document (TSD) prepared in support of this rulemaking action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be

addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by June 24, 2004.

ADDRESSES: Submit your comments, identified by VA141-5075 by one of the following methods:

A. *Federal eRulemaking Portal:*

<http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

B. *E-mail:* wilkie.walter@epa.gov.

C. *Mail:* Walter Wilkie, Chief, Air Quality Analysis Branch, Mailcode 3AP22, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. VA141-5075. EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [regulations.gov](http://www.regulations.gov) or e-mail. The Federal [regulations.gov](http://www.regulations.gov) website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division,

U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, 23219.

FOR FURTHER INFORMATION CONTACT:

James B. Topsale, P.E., at (215) 814-2190, or by e-mail at topsale.jim@epa.gov.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the "Rules and Regulations" section of this **Federal Register** publication. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: May 18, 2004.

Richard J. Kampf,

Acting Regional Administrator, Region III.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 43 and 63

[IB Docket No. 04-112; FCC No. 04-70]

Reporting Requirements for U.S. Providers of International Telecommunications Services

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document is a summary of the Notice of Proposed Rulemaking adopted by the Commission in this proceeding. The Commission seeks comment on the continued need for traffic and revenue reports and facilities-use reports and on proposals that simplify and the reports that carriers must file. The Commission also seeks comment of the elimination of requirement that international telegraph carriers file their contracts with their foreign correspondents.

DATES: Comments are due to be filed by July 26, 2004, and reply comments are due to be filed by August 23, 2004. OMB, the general public, and other Federal agencies are invited to comment on the information collection requirements on or before July 26, 2004.

FOR FURTHER INFORMATION CONTACT: David Krech or John Copes, Policy

Division, International Bureau, (202) 418-1460. For information concerning the information collection(s) contained in this document, contact Judith B. Herman at 202-418-0214, or via the Internet at JudithB.Herman@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rulemaking* in IB Docket No. 04-112, FCC 04-70, adopted March 24, 2004. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY-A257), 445 12th Street, SW, Washington, DC 20554. The document is also available for download over the Internet at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-04-70.pdf. The complete text may also be purchased from the Commission's copy contractor, Qualex International, in person at 445 12th Street, SW., Room CY-B402, Washington, DC. 20554, via telephone at (202) 863-2893, via facsimile at (202) 863-2898, or via e-mail at qualexint@aol.com. This Notice of Proposed Rulemaking (NPRM) contains proposed new or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-3. It will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the modified information collections contained in this proceeding.

Summary of Notice of Proposed Rulemaking

On March 24, 2004, the Commission adopted a Notice of Proposed Rulemaking in the Matter of Reporting Requirements for U.S. Providers of International Telecommunications Services; Amendment of Part 43 of the Commission's Rule (NPRM). In the NPRM, the Commission undertakes a comprehensive review of the reporting requirements to which carriers providing U.S. international services are subject under part 43 of the rules. The NPRM seeks comment on changes to simplify the reporting requirements and to ensure the usefulness of the data collected by the Commission.

The NPRM seeks comment on whether to retain the annual traffic and revenue reporting requirements. Currently, § 43.61(a) requires international telecommunications carriers to file annual reports setting forth their traffic and revenues for each international service they provide. Section 43.82 of the Commission's rules requires facilities-based U.S.

international telecommunications carriers to file annual circuit-status reports that detail, as of December 31st each year, the number of circuits they own or lease to each country they serve and the services for which they use each such circuit. The NPRM seeks comment on whether to retain the § 43.53 telegraph carrier report.

The NPRM tentatively concludes that the § 43.61 traffic and revenue reports and the § 43.82 circuit-status reports continue to be needed and proposes to retain them. The NPRM, however, proposes certain simplifications to lessen the burden on the carriers of filing the reports and, in a few cases, proposes to expand the information carriers are required to file to make the reports more useful under current conditions in the international telecommunications market.

The NPRM proposes a number of ways to simplify the § 43.61 traffic and revenue reports and § 43.82 circuit-status report. For example, the NPRM proposes to eliminate the current requirement in the annual traffic and revenue report that carriers file the number of messages they carry to and from the foreign countries they serve, requiring only that they continue to report the number of minutes they handle and the amount of revenues associated with those minutes. Second, the NPRM proposes to eliminate the current requirement that carriers file traffic and revenue information or circuit-status information for services they offer between the U.S. Mainland and offshore U.S. points such as Hawaii and Puerto Rico or traffic carried between two such offshore U.S. points. Third, the NPRM proposes to establish a \$5 million annual revenue threshold for reporting U.S. international resale telephone services. That is, U.S. carriers that provide international telephone service on a resale basis do not have to file an annual traffic and revenue report unless their annual resale revenues exceed \$5 million. Similarly, the NPRM proposes to implement a \$5 million annual revenue threshold also for "miscellaneous" international services, *i.e.*, services other than international telephone service. The NPRM includes a staff proposal that recommends a number of ways to simplify the information that international carriers must report on covered services. The staff proposal is available for download over the Internet at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-04-70A1.pdf.

The NPRM also seeks comment on the need to retain the § 43.61(b) and § 43.61(c) quarterly traffic and revenue reports. If the Commission ultimately