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#### List of Subjects

Environmental protection, Pesticides and pests.

Dated: August 3, 2004.

**Joseph Merenda,**

*Director, Office of Science Coordination and Policy.*

[FR Doc. 04-18022 Filed 8-5-04; 8:45 am]

BILLING CODE 6560-50-S

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-7799-1]

#### Clean Water Act Section 303(d): Availability of EPA's Decision To Add Waters and Pollutants to Colorado's 2004 List

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

**ACTION:** Notice of availability.

**SUMMARY:** Region VIII of the EPA is hereby providing notice, and requesting public comment on EPA's decision to identify additional water quality limited segments and associated pollutants in Colorado to be listed pursuant to Clean Water Act section 303(d)(2). Section 303(d)(2) of the Clean Water Act requires that states submit and EPA approve or disapprove lists of waters for which existing technology-based pollution controls are not stringent enough to attain or maintain state water quality standards and for which total maximum daily loads (TMDLs) must be prepared.

On July 26, 2004, EPA partially approved and partially disapproved Colorado's section 303(d) list submittal for the 2004 listing cycle. Specifically, EPA approved Colorado's listing of 117 waters, associated pollutants, and associated priority rankings. EPA

disapproved Colorado's decisions not to list six waterbodies and associated pollutants and one pollutant for a waterbody already listed by the State. EPA identified these additional water bodies and pollutants along with priority rankings for inclusion on the year 2004 section 303(d) list.

EPA is providing the public the opportunity to review its decisions to add waters and pollutants (shown in Table 1) to Colorado's 2004 section 303(d) list, as required by EPA's Public Participation regulations (40 CFR part 25). EPA will consider public comments in reaching its final decisions on the additional water bodies and pollutants identified for inclusion on Colorado's list.

**DATES:** Comments must be submitted to EPA on or before September 20, 2004.

**ADDRESSES:** Comments on the proposed decisions should be sent to Kathryn Hernandez, TMDL Team (8EPR-EP), U.S. Environmental Protection Agency Region VIII, 999 18th Street, Suite 300, Denver, CO 80202-2466, telephone (303) 312-6101, facsimile (303) 312-6339, e-mail

[hernandez.kathryn@epa.gov](mailto:hernandez.kathryn@epa.gov). Oral comments will not be considered. Copies of EPA's decision concerning Colorado's list that explain the rationale for EPA's decisions can be obtained at EPA Region VIII's Web site at <http://www.epa.gov/region08/water/tmdl>, or by writing or calling Ms. Hernandez at the above address. The full administrative record containing background technical information is on file and may be inspected at the U.S. EPA, Region VIII Technical Library found in the Environmental Information Service Center (EISC). The Library and Service Center are located on the ground floor at Denver Place, 999 18th Street, Denver Colorado. The Library is open to the public from 10 a.m. to 4 p.m. The Library can be contacted by calling the Service Center at (303) 312-6312 or (800) 227-8917. Arrangements to

examine the administrative record may also be made by contacting Kathryn Hernandez.

#### FOR FURTHER INFORMATION CONTACT:

Kathryn Hernandez at (303) 312-6101 or Bruce Zander (TMDL Coordinator) at (303) 312-6846 or [zander.bruce@epa.gov](mailto:zander.bruce@epa.gov).

**SUPPLEMENTARY INFORMATION:** Section 303(d) of the Clean Water Act (CWA) requires that each state identify those waters for which existing technology-based pollution controls are not stringent enough to attain or maintain state water quality standards. For those waters, states are required to establish TMDLs according to a priority ranking.

EPA's Water Quality Planning and Management regulations include requirements related to the implementation of section 303(d) of the CWA (40 CFR 130.7). The regulations require states to identify water quality limited waters still requiring TMDLs every two years. The lists of waters still needing TMDLs must also include priority rankings, identify the pollutants causing the impairment, and must identify the waters targeted for TMDL development during the next two years (40 CFR 130.7).

Consistent with EPA's regulations, Colorado submitted to EPA its listing decisions under section 303(d)(2) on March 18, 2004. On July 26, 2004, EPA approved Colorado's listing of 117 waters and associated priority rankings. EPA disapproved Colorado's decisions not to list six water quality limited segments and associated pollutants as well as one pollutant for a segment already on the State's list. EPA identified these additional waters and pollutants along with priority rankings for inclusion on the 2004 section 303(d) list. EPA solicits public comment on its identification of the additional waters, associated pollutants and priority rankings, for inclusion on Colorado's 2004 section 303(d) list.

TABLE 1.—LIST OF WATERS AND POLLUTANTS FOR ADDITION TO COLORADO'S 2004 CWA SECTION 303(D) LIST

Waterbody description	Pollutant(s)	Water quality standard not met	Priority ranking
Red Mountain Creek (from East Fork of Red Mountain Creek to Uncompahgre River) Segment COGUUN06b.	Copper, lead, zinc .....	Aquatic life use .....	Low.
West Fork of Clear Creek (from Woods Creek to Clear Creek mainstem) Segment COSPCL05.	Zinc .....	Zinc numeric standard (acute) for aquatic life use.	Low.
Middle South Platte River (from Big Dry Creek to Highway 60) Segment COSPMS01.	Dissolved oxygen .....	Dissolved oxygen numeric standard for aquatic life use.	Low.
Blue River Tributaries (Camp Creek, Jones Gulch) Segment COUCBL06.	pH .....	pH numeric standard for aquatic life use.	Low.
Blue River Tributaries (Keystone Gulch, Mozart Creek) Segment COUCBL08.	pH .....	pH numeric standard for aquatic life use.	Low.
Bear Creek (from Evergreen Lake to Harriman Ditch) Segment COSPBE01.	Temperature .....	Aquatic life use .....	Low.

TABLE 1.—LIST OF WATERS AND POLLUTANTS FOR ADDITION TO COLORADO'S 2004 CWA SECTION 303(D) LIST—Continued

Waterbody description	Pollutant(s)	Water quality standard not met	Priority ranking
Dolores River (from below McPhee Reservoir to Bradfield Ranch Bridge) Segment COSJDO04.	Unknown .....	Aquatic life use .....	Low.

**Authority:** Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: July 30, 2004.

**Max H. Dodson,**

*Assistant Regional Administrator, Office of Ecosystems Protection and Remediation.*

[FR Doc. 04-18027 Filed 8-5-04; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval.

July 30, 2004.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Pub. L. No. 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written Paperwork Reduction Act (PRA) comments should be submitted on or before September 7, 2004. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should

advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all Paperwork Reduction Act (PRA) comments to Les Smith, Federal Communications Commission, Room 1-A804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to [Leslie.Smith@fcc.gov](mailto:Leslie.Smith@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collection(s), contact Les Smith at (202) 418-0217 or via the Internet at [Leslie.Smith@fcc.gov](mailto:Leslie.Smith@fcc.gov).

#### SUPPLEMENTARY INFORMATION:

*OMB Control Number:* 3060-0787.

*Title:* Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, CC Docket No. 94-129.

*Form Number:* N/A.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Individuals or household; Business or other for-profit entities; and State, local, or tribal Government.

*Number of Respondents:* 35,036.

*Estimated Time per Response:* 1-10 hours.

*Frequency of Response:* Recordkeeping; On occasion and biennial reporting requirements; Third party disclosure.

*Total Annual Burden:* 146,794 hours.

*Total Annual Cost:* \$51,187,500.

*Privacy Impact Assessment:* Yes.

*Needs and Uses:* On March 17, 2003, the FCC released the *Third Order on Reconsideration and Second Further Notice of Proposed Rulemaking*, CC Docket No. 94-129, FCC 03-42 (*Third Order on Reconsideration*), in which the Commission revised and clarified certain rules to implement section 258 of the 1996 Act. On May 23, 2003, the Commission also released an *Order* (CC Docket No. 94-129, FCC 03-116) clarifying certain aspects of the *Third Order on Reconsideration*. The rules and requirements implementing section 258 can be found primarily at 47 CFR part 64. The modified and revised rules will strengthen the ability of our rules to deter slamming, while protecting consumers from carriers that may take

advantage of consumer confusion over different types of telecommunications services. This *Third Order on Reconsideration* also contains a *Further Notice of Proposed Rulemaking*, in which we seek comment on rule modification with respect to third party verifications. On July 16, 2004, the Commission released the *First Order on Reconsideration and Fourth Order on Reconsideration*, CC Docket Nos. 94-129 and 00-257, FCC 04-153 (*Reconsideration Order*), which the Commission modified rule 64.1120(e)(3)(iii). As noted, when subscribers are switched between carriers as a result of a negotiated sale or transfer or the exiting carrier's bankruptcy, we believe the acquiring carrier should generally be responsible for carrier change charges associated with a negotiated sale or transfer. However, while we maintain this general rule rather than adopting either SBC's or Verizon's proposed modifications, we do adopt one minor modification to the rule for particular, limited circumstances. Specifically, when an acquiring carrier acquires customers by default—other than through bankruptcy—and state law would require the exiting carrier to pay these costs, we will require the exiting carrier to pay such costs to meet our streamlined slamming rules. The change in the rule does not impose any new or modified information collection requirements. The modification to rule 47 CFR 64.1120(e)(3)(iii) does not affect the existing annual hourly and cost changes.

*OMB Control Number:* 3060-0966.

*Title:* Sections 80.385, 80.475, and 90.303, Automated Marine Telecommunications Service (AMTS).

*Form Number:* N/A.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Businesses or other for-profit entities, and Individuals or households.

*Number of Respondents:* 20.

*Estimated Time per Response:* 0.50 hours.

*Frequency of Response:* On occasion reporting requirement; Third party disclosure.

*Total Annual Burden:* 10 hours.

*Total Annual Cost:* N/A.