

misrepresentation. Under AC21, one number for each petition that is revoked on the basis of fraud or misrepresentation shall be restored to the total number of H-1B petition approvals available for the fiscal year during which an H-1B petition is revoked, regardless of the fiscal year in which the petition was approved.

**How Will USCIS Process H-1B Petitions That Were Originally Denied But Subsequently Ordered Approved by the Administrative Appeals Office or by a Federal Court?**

USCIS has considered cases currently on appeal in its determination of cases that could count towards the statutory cap. USCIS will process approved petitions in the order that they were originally filed with USCIS or the former Immigration and Naturalization Service.

**Will USCIS Refund a Filing Fee if a Petition Is Withdrawn or Revoked?**

No, USCIS will not refund the \$185 filing fee when a petition is revoked or withdrawn. The provisions contained in 8 CFR 103.2(a)(1) preclude the refunding of filing fees on Form I-129 petitions in these situations. USCIS will refund a filing fee only if the refund request is based on USCIS error or if the petition is filed subsequent to October 1, 2004. It should be noted that H-1B cap cases filed under the premium processing program are subject to the conditions contained in this notice.

Dated: October 4, 2004.

**Michael Petrucelli,**

*Deputy Director, U.S. Citizenship and Immigration Services.*

[FR Doc. 04-25917 Filed 11-22-04; 8:45 am]

BILLING CODE 4410-10-P

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-4903-N-93]

**Notice of Submission of Proposed Information Collection to OMB; Application for Access to the Automated Clearing House (ACH)**

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice of correction.

**SUMMARY:** The notice previously published under Docket No. FR-4903-N-92 displayed an incorrect title heading. The correct title is "Application for access to the Automated Clearing House (ACH)." The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

This is a request for continued approval to collect information from Title I Lenders applying for access to the Automated Clearing House (ACH) Program for electronic premium payment for the Title I Mortgage Insurance Program.

**DATES:** *Comments Due Date:* December 23, 2004.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2502-0512) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-6974.

**FOR FURTHER INFORMATION CONTACT:** Wayne Eddins, Reports Management Officer, AYO, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail [Wayne\\_Eddins@HUD.gov](mailto:Wayne_Eddins@HUD.gov); or Lillian Deitzer at [Lillian\\_L\\_Deitzer@HUD.gov](mailto:Lillian_L_Deitzer@HUD.gov) or

telephone (202) 708-2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Mr. Eddins or Ms Deitzer and at HUD's Web site at <http://www5.hud.gov:63001/po/i/icbts/collectionsearch.cfm>.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This notice also lists the following information:

*Title of Proposal:* Application for access to the Automated Clearing House (ACH)

*OMB Approval Number:* 2502-0512.

*Form Numbers:* HUD-56150.

*Description of The Need For the Information and Its Proposed Use:*

This is a request for continued approval to collect information from Title I Lenders applying for access to the Automated Clearing House (ACH) Program for electronic premium payment for the Title I Mortgage Insurance Program.

*Frequency of Submission:* On occasion.

	Number of burden respondents	Annual responses	×	Hours per response	=	Hours
<i>Reporting Burden</i> .....	2,406	147		0.2		29.4

*Total Estimated Burden Hours: 29.4.*  
*Status:* Extension of a currently approved collection.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: November 16, 2004.

**Wayne Eddins,**

*Departmental Reports Management Officer,  
 Office of the Chief Information Officer.*

[FR Doc. E4-3282 Filed 11-22-04; 8:45 am]

BILLING CODE 4210-72-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Submission of Information Collection to the Office of Management and Budget (OMB) for Review Under the Paperwork Reduction Act

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Indian Affairs (BIA) is submitting the information collection titled the Bureau of Indian Affairs Higher Education Grant Program Annual Report Form, OMB Control Number 1076-0106, and the Bureau of Indian Affairs Higher Education Grant Application Form, OMB Control Number 1076-0101 to OMB for approval under the Paperwork Reduction Act. Approval of the Higher Education Annual Grant Report form and the Higher Education Grant Application need to be renewed.

**DATES:** Submit comments on or before December 23, 2004.

**ADDRESSES:** You may submit comments on the information collection to the Desk Officer for the Department of the Interior, by facsimile at (202) 395-6566, or via e-mail:

*OIRA\_DOCKET@omb.eop.gov.*

Please send a copy of your comments to Director, Office of Indian Education Programs, 1849 C Street, NW., MS-3609-MIB, Washington, DC 20240. The telephone number is (202) 208-6123.

**FOR FURTHER INFORMATION CONTACT:** You may request further information or obtain copies of the information collection from Garry R. Martin, Branch Chief, Branch of Planning, Office of Indian Education Programs, 1849 C Street, NW., MS-3609-MIB, Washington, DC 20240.

**SUPPLEMENTARY INFORMATION:** The Bureau of Indian Affairs Higher Education Grant Program Annual Report Form (OMB No. 1076-0106) provides a profile of program financial data from which to derive a national analysis of

supplemental funding, unmet financial needs of eligible students and college graduation rates. Authority for the collection of information is contained in Public Law 93-638, The Indian Self-Determination and Education Assistance Act of 1975, as amended. The Bureau of Indian Affairs Higher Education Grant Application (OMB No. 1076-0101) provides for an annual collection of information required to make a determination of an applicant's eligibility for funding. The information must be collected for the applicant to be considered for a benefit. A request for comments on these information collection requests appeared in the **Federal Register** on April 16, 2004 (69 FR 20636). No comments were received regarding either of the information collection forms.

#### Request for Comments

The Bureau of Indian Affairs requests you to send your comments on this collection to the locations listed in the **ADDRESSES** section. Your comments should address:

(a) The necessity of this information collection for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) The accuracy of the agency's estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used;

(c) Ways we could enhance the quality, utility and clarity of the information to be collected; and

(d) Ways we could minimize the burden of the collection of the information on the respondents, such as through the use of automated collection techniques or other forms of information technology.

Please note that an agency may not sponsor or request, and an individual need not respond to, a collection of information unless it has valid OMB Control Number.

It is our policy to make all comments available to the public for review at the Bureau of Indian Affairs location listed in the **ADDRESSES** section, room 3609, during the hours of 8 a.m. to 4 p.m., Monday through Friday, except for legal holidays. If you wish to have your name and/or address withheld, you must state this prominently at the beginning of your comments. We will honor your request according to the requirements of the law. All comments from organizations or representatives will be available for review. We may withhold comments from review for other reasons.

OMB has up to 60 days to make a decision on the submission for renewal, but may make the decision after 30 days. Therefore, to receive the best consideration of your comments, you should submit them as early as possible.

#### Bureau of Indian Affairs Higher Education Grant Program Annual Report Form

*Title:* Bureau of Indian Affairs Higher Education Grant Program Annual Report Form.

*OMB Approval Number:* 1076-0106.

*Type of Review:* Renewal.

*Brief Description of Collection:*

Respondents who receive a grant are required to submit an annual report.

*Respondents:* Tribal higher education program directors.

*Number of Respondents:* 125.

*Estimated Time Per Response:* 3 hours.

*Frequency of Response:* Annual.

*Total Annual Burden to Respondents:* 375 hours.

#### Bureau of Indian Affairs Higher Education Grant Program Application

*Title:* Bureau of Indian Affairs Higher Education Grant Program Application.

*OMB Approval Number:* 1076-0101.

*Type of Review:* Renewal.

*Brief Description of Collection:*

Respondents receiving a benefit must annually complete the form to demonstrate unmet financial need for consideration for a grant.

*Respondents:* Tribal members, students.

*Number of Respondents:* 14,000.

*Estimated Time Per Response:* 1 hour.

*Frequency of Response:* Annual.

*Total Annual Burden to Respondents:* 14,000 hours.

Dated: November 15, 2004.

**David W. Anderson,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 04-25949 Filed 11-22-04; 8:45 am]

BILLING CODE 4310-6W-P

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Plan of Operations, Environmental Assessment, Padre Island National Seashore, TX

**AGENCY:** National Park Service, Department of the Interior.

**ACTION:** Notice of availability of a plan of operations, environmental assessment, and floodplains statement of findings for a 30-day public review at Padre Island National Seashore.

**SUMMARY:** The National Park Service (NPS), in accordance with § 9.52(b) of