

**Does This Process Apply to H-1B Petitions Filed for Employment to Commence on or After October 1, 2004?**

No. Those petitions are not affected by the procedures described in this notice and will be adjudicated in the normal fashion, regardless of whether they are filed after this year's cap is reached. Petitioners are reminded that, pursuant to 8 CFR part 214.2(h)(9)(i)(B), petitions for H-1B classification may not be filed or approved more than six months prior to the requested employment start date. Therefore, petitions filing for work to commence on October 1, 2004, should not be filed prior to April 1, 2004. H-1B petitions filed for employment to commence on or after October 1, 2004, will be counted, if otherwise chargeable against the annual H-1B cap, against the FY 2005 numerical cap.

**How Will CIS Treat H-1B Petitions That Are Revoked for Any Reason Other Than Fraud or Willful Misrepresentation?**

For purposes of the annual numerical limitation, if an H-1B petition was approved in a prior fiscal year (e.g. FY2000, 2001, 2002, 2003) but revoked in FY2004, that revocation *will have no effect* on the FY2004 cap and the number *will not be restored* to the total number of H-1B new petition approvals available for the remainder of FY2004.

However, if an H-1B petition was approved in FY2004 (and the approval was counted against the FY2004 cap), and the H-1B petition subsequently is revoked during FY2004 for any reason other than fraud or willful misrepresentation (e.g. the petitioner goes out of business), that number *will*

*be restored* to the total number of H-1B petition approvals available for the remainder of FY2004. If the same H-1B petition is revoked for any reason other than fraud or willful misrepresentation after the end of FY2004, CIS *will not restore* the number to the FY2004 cap.

**How Will CIS Process H-1B Petitions That Are Revoked for Fraud or Willful Misrepresentation?**

Section 108 of the American Competitiveness in the Twenty-first Century Act of 2000, Pub. L. 106-313 ("AC21"), sets forth the procedure when an H-1B petition is revoked on the basis of fraud or willful misrepresentation. Under AC21, one number 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 on the basis of fraud or misrepresentation, regardless of the fiscal year in which the petition was approved.

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

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

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

No, CIS will not refund the \$130 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. The CIS will refund a filing fee only if the refund request is based on CIS error or if the petition is filed subsequent to February 17, 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.

**William Yates,**

*Acting Director, Bureau of Citizenship and Immigration Services.*

[FR Doc. 04-4089 Filed 2-20-04; 11:16 am]

**BILLING CODE 4410-10-P**

**DEPARTMENT OF THE INTERIOR**

**National Park Service**

**AGENCY:** National Park Service, Interior.

**ACTION:** Public notice.

**SUMMARY:** Pursuant to 36 CFR 51.23, public notice is hereby given that the National Park Service proposes to extend the following expiring concession contract for a period of up to 3 years until September 30, 2006.

**SUPPLEMENTARY INFORMATION:** The listed concession authorization expired on September 30, 2003. The National Park Service has determined that the proposed extension is necessary in order to avoid interruption of visitor services and has taken all reasonable and appropriate steps to consider alternatives to avoid such interruption. This extension will allow the National Park Service to complete and issue a prospectus leading to the competitive selection of a concessioner for new long-term concession contracts covering these operations.

Conc ID No.	Concessioner name	Park
LAME004 .....	Lake Mead Ferry Service, Inc. ....	Lake Mead National Recreation Area.

**EFFECTIVE DATE:** October 1, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Cynthia Orlando, Concession Program Manager, National Park Service, Washington, DC, 20240, Telephone 202/513-7156.

Dated: January 27, 2004.

**Richard G. Ring,**

*Associate Director, Administration, Business Practices and Workforce Development.*

[FR Doc. 04-4136 Filed 2-24-04; 8:45 am]

**BILLING CODE 4312-53-M**

**DEPARTMENT OF THE INTERIOR**

**National Park Service**

**AGENCY:** National Park Service, Interior.

**ACTION:** Public notice.

**SUMMARY:** Pursuant to the terms of existing concession contracts, public notice is hereby given that the National Park Service has requested a continuation of visitor services for the following expiring concession contract for a period of 1 year, or until such time as a new contract is awarded, whichever occurs first.

**SUPPLEMENTARY INFORMATION:** The listed concession authorization expired on September 30, 2003. Under the provisions of current concession contracts and pending the development and public solicitation of a prospectus for a new concession contract, the National Park Service authorizes continuation of visitor services for a period not-to-exceed 1 year, or until such time as a new contract is awarded, whichever occurs first, under the terms and conditions of the current concession contract, as amended. The continuation of operations does not

affect any rights with respect to

selection for award of a new concession contract.

Concession contract No.	Concessioner name	Park
CC-YOSE001 .....	Ansel Adams Gallery .....	Yosemite National Park.

**EFFECTIVE DATE:** October 1, 2003.

**FOR FURTHER INFORMATION CONTACT:**  
Cynthia Orlando, Concession Program Manager, National Park Service, Washington, DC 20240, Telephone 202/513-7156.

Dated: January 20, 2004.

**Richard G. Ring,**

*Associate Director, Administration, Business Practices and Workforce Development.*

[FR Doc. 04-4224 Filed 2-24-04; 8:45 am]

**BILLING CODE 4312-53-M**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **Notice of Availability of the Finding of No Significant Impact for Proposed Field Evaluation of Innovative Capping Technologies for Contaminated Sediment Remediation, Anacostia River, Washington, DC**

**ACTION:** Notice of availability of Decision Notice (DN) and Finding of No Significant Impact (FONSI).

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality regulations, National Park Service (NPS) guidance and requirements, the NPS prepared an environmental assessment (EA) evaluating environmental impacts potentially resulting from implementation of a demonstration project of innovative capping techniques for contaminated sediment remediation. This EA presented a pilot project recommended by the Anacostia Watershed Toxics Alliance and coordinated with the Environmental Protection Agency for evaluating innovative capping techniques, which involve placement of a covering or cap of material over river bottom areas that contain known contaminated sediments to physically and chemically isolate them from the aquatic environment. The EA was made available for a 30-day public review period that ended on October 24, 2003. It was also discussed in meetings open to the public. The NPS conducted the EA as part of its decision making process for its issuance of a special use permit to authorize this proposed action to occur on the bed of the Anacostia River, which it administers. After the comment period,

NPS selected Alternative 2: Implement the Demonstration Project, and on November 25, 2003 it issued a FONSI.

In Alternative 2, researchers would use caps made from alternative materials that can degrade or control sediment-bound contaminants more efficiently than sand alone. This approach of "active capping," could significantly improve the effectiveness of capping as a remedial approach and has great potential to reduce costs and durations of cleanups across the country. A grid of capping cells will be established of approximately 200 by 300 feet at a site in the Anacostia River near the General Services Administration Southeast Federal Center, Washington, DC. The installation of the demonstration project would occur over a two-month period and the capping material would be studied over a two-year period. The cap material would be placed in a manner that would provide the necessary layer thickness while minimizing re-suspension of the contaminated sediment and dispersal of the capping materials.

The Anacostia River offers an opportunity for the proposed demonstration under realistic, well-documented, *in-situ* conditions at contaminated sediment sites. The demonstration will advance the ongoing federal restoration of the Anacostia River and it will also provide better technical understanding of controlling factors, guidance for proper remedy selection and approaches, and broader scientific, regulatory and public acceptance of innovative approaches. The results of the proposed study would be available to the public.

**SUPPLEMENTARY INFORMATION:** Requests for copies of the NPS' DN/FONSI/EA, or for any additional information, should be directed to Mr. Michael Wilderman, National Capital Parks-East, 1900 Anacostia Drive, SE., Washington, DC 20020, Telephone: (202) 690-5165.

Dated: January 28, 2004.

**Terry R. Carlstrom,**

*Regional Director, National Park Service, National Capital Region.*

[FR Doc. 04-4133 Filed 2-24-04; 8:45 am]

**BILLING CODE 4310-71-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **Notice of Availability of the Finding of No Significant Impact for Proposed Actions To Manage Flight Obstructions To Preserve Safety at Andrews Air Force Base, Affecting Suitland Parkway**

**ACTION:** Notice of availability of Decision Notice (DN) and Finding of No Significant Impact (FONSI).

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality regulations, and NPS guidance, the United States Air Force (USAF) and the National Park Service (NPS) prepared an environmental assessment (EA) for the management of flight obstructions to preserve safety at Andrews Air Force Base (AAFB), which is an action affecting Suitland Parkway, in Prince George's County, Maryland. Suitland Parkway is administered by the NPS. The EA contained analysis developed in consideration of comments received as a result of a public scoping meeting held on February 6, 2001. The USAF is the lead agency for this project and prepared an EA with assistance from the NPS and advertised its availability for public review on December 26, 2002. The NPS is a cooperating agency and published a **Federal Register** notice of availability on January 16, 2003. The NPS 30-day public review period initiated by the FR notice ended on February 17, 2003. After the comment period, NPS selected Alternative 2: Vegetation Management, and issued a FONSI on May 13, 2003.

Alternative 2 would bring the runways into compliance with airspace clearance requirements established to ensure safe operation of the runways by trimming, removing, and replacing trees within the Suitland Parkway corridor that are tall enough to penetrate the approach/departure surfaces at the adjacent AAFB. These obstructions are considered by the USAF to be an adverse effect on safe flight operations at AAFB and the selected alternative would improve safety for aircraft using AAFB. The USAF also selected this alternative for action.