

(f) The text of this proposed paragraph (f) is the same as the text of § 1.263A–2T(f) published elsewhere in this issue of the **Federal Register**.]

**Mark E. Matthews,**

*Deputy Commissioner for Services and Enforcement.*

[FR Doc. 05–15362 Filed 8–2–05; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Department of the Army

#### 32 CFR Part 581

RIN 0702–AA51

#### Personnel Review Board

**AGENCY:** Department of the Army, DoD.

**ACTION:** Proposed rule.

**SUMMARY:** The Department of the Army proposes to amend its regulation on Army Board for Correction of Military Records to be in compliance with the United States District Court for the District of Columbia decision (*Daniel J. Lipsman v. Secretary of the Army—Civil Action No. 02–0151 (RMU)*, Document Nos. 18, 20, decided September 7, 2004, 2004 U.S. Dist. LEXIS 17866).

**DATES:** Comments submitted to the address below on or before September 2, 2005 will be considered.

**ADDRESSES:** You may submit comments, identified by “32 CFR Part 581 and RIN 0702-AA51 in the subject line, by any of the following methods:

- *Federal Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *E-Mail:* [Hubert.Shaw@hqda.army.mil](mailto:Hubert.Shaw@hqda.army.mil). Include 32 CFR Part 581 and RIN 0702-AA51 in the subject line of the message.

- *Mail:* The Army Review Boards Agency, ATTN: Hubert S. Shaw, 1901 South Bell Street, 2nd Floor, Arlington, Virginia 22202–4508.

**FOR FURTHER INFORMATION CONTACT:** Hubert S. Shaw, 703–607–1779.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

This rule has previously been published. Section 581.3 contained in 32 CFR part 581 provides Department of the Army policy, criteria and administrative instructions regarding an applicant’s request for the correction of a military record. The Administrative Procedure Act, as amended by the Freedom of Information Act, requires that certain policies and procedures and other information concerning the

Department of the Army be published in the **Federal Register**. The policies and procedures covered by this part fall into that category.

##### B. Regulatory Flexibility Act

The Department of the Army has determined that the Regulatory Flexibility Act does not apply because the proposed rule does not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601–612.

##### C. Unfunded Mandates Reform Act

The Department of the Army has determined that the Unfunded Mandates Reform Act does not apply because the proposed rule does not include a mandate that may result in estimated costs to State, local or tribal governments in the aggregate, or the private sector, of \$100 million or more.

##### D. National Environmental Policy Act

The Department of the Army has determined that the National Environmental Policy Act does not apply because the proposed rule does not have an adverse impact on the environment.

##### E. Paperwork Reduction Act

The Department of the Army has determined that the Paperwork Reduction Act does not apply because the proposed rule does not involve collection of information from the public.

##### F. Executive Order 12630 (Government Actions and Interference with Constitutionally Protected Property Rights)

The Department of the Army has determined that Executive Order 12630 does not apply because the proposed rule does not impair private property rights.

##### G. Executive Order 12866 (Regulatory Planning and Review)

The Department of the Army has determined that according to the criteria defined in Executive Order 12866 this proposed rule is not a significant regulatory action.

##### H. Executive Order 13045 (Protection of Children From Environmental Health Risk and Safety Risks)

The Department of the Army has determined that according to the criteria defined in Executive Order 13045 this proposed rule does not apply.

##### I. Executive Order 13132 (Federalism)

The Department of the Army has determined that according to the criteria

defined in Executive Order 13132 this proposed rule does not apply because it will not have a substantial effect 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.

**Carl W.S. Chun,**

*Director, Army Board for Correction of Military Records.*

#### List of Subjects in 32 CFR Part 581

Administrative practice and procedure, Archives and Records, Military Personnel.

For reasons stated in the preamble the Department of the Army proposes to amend § 581.3 of part 581 to read as follows:

#### PART 581—PERSONNEL REVIEW BOARD

1. The authority citation for part 581 continues to read as follows:

**Authority:** 10 U.S.C. 1552, 1553, 1554, 3013, 3014, 3016; 38 U.S.C. 3103(a).

2. Amend § 581.3 by revising paragraphs (g)(4)(i) and (ii) to read as follows:

##### § 581.3 Army Board for Correction of Military Records.

\* \* \* \* \*

(g) \* \* \*

(4) \* \* \*

(i) If the ABCMR receives the request for reconsideration within 1 year of the ABCMR’s original decision and if the ABCMR has not previously reconsidered the matter, the ABCMR staff will review the request to determine if it contains evidence (including, but not limited to, any facts or arguments as to why relief should be granted) that was not in the record at the time of the ABCMR’s prior consideration. If new evidence has been submitted, the request will be submitted to the ABCMR for its determination of whether the new evidence is sufficient to demonstrate material error or injustice. If no new evidence is found, the ABCMR staff will return the application to the applicant without action.

(ii) If the ABCMR receives a request for reconsideration more than 1 year after the ABCMR’s original decision or after the ABCMR has already considered one request for reconsideration, then the case will be returned without action and the applicant will be advised that his

next remedy is appeal to a court of appropriate jurisdiction.

\* \* \* \* \*

[FR Doc. 05-15299 Filed 8-2-05; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[R10-OAR-2005-OR-0005; FRL-7944-2]

### Approval and Promulgation of Air Quality Implementation Plans; Oregon; Correcting Amendments

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

**ACTION:** Proposed rule.

**SUMMARY:** In this action, EPA is proposing to correct an error in the notice which approved the removal of Oregon's control technology guidelines for perchloroethylene (perc) dry cleaning systems and related definitions and provisions, published on December 1, 2004. Perc is a solvent commonly used in dry cleaning, maskant operations, and degreasing operations. In the notice published on December 1, 2004 (69 FR 69823), EPA inadvertently listed an incorrect State effective date in the incorporation by reference section which listed revised provisions of the Oregon Administrative Rules. This proposed action would correct the erroneous date so that the appropriate version of the Oregon Administrative Rules is incorporated by reference.

**DATES:** Comments must be received on or before September 2, 2005.

**ADDRESSES:** Submit your comments, identified by Docket ID No. R10-OAR-2005-OR-0005, by one of the following methods:

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

- **Agency Web Site:** <http://www.epa.gov/edocket>. EDOCKET, EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.

- **Mail:** Colleen Huck, Office of Air, Waste and Toxics, AWT-107, EPA, Region 10, 1200 Sixth Ave., Seattle, Washington 98101.

- **Hand Delivery:** Colleen Huck, Office of Air, Waste and Toxics, AWT-107, 9th Floor, EPA, Region 10, 1200 Sixth Ave., Seattle, Washington 98101. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

#### FOR FURTHER INFORMATION CONTACT:

Colleen Huck at telephone number: (206) 553-1770, e-mail address: [Huck.Colleen@epa.gov](mailto:Huck.Colleen@epa.gov), fax number: (206) 553-0110, or the above EPA, Region 10 address.

**SUPPLEMENTARY INFORMATION:** For further information, please see the direct final action, of the same title, which is located in the Rules and Regulations section of this **Federal Register**. EPA is publishing this action without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comments. A detailed rationale for the correction is set forth in the preamble to the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this proposed rule.

If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if we receive 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: July 18, 2005.

**Julie M. Hagensen,**

*Acting Regional Administrator, Region 10.*

[FR Doc. 05-15337 Filed 8-2-05; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 1 and 73

[MB Docket No. 05-210; FCC 05-120]

### Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In this document, the Commission adopted a Notice of

Proposed Rulemaking (NPRM), seeking comment on a number of procedures designed to streamline the process of allocating new FM channels and modifying the communities of license of existing radio stations, and to reduce current backlogs in proceedings to amend the FM Table of Allotments. In the NPRM, the Commission also announced a freeze on all new petitions to amend the FM Table of Allotments, and announced its intention to open a 90-day window during which parties to pending proceedings to amend the FM Table of Allotments, in which Notices of Proposed Rulemaking have been released and comment and reply comment deadlines have passed, may universally settle all conflicts between their proposals and/or counterproposals, without limitation as to reimbursement.

**DATES:** Comments may be filed no later than October 3, 2005, and reply comments may be filed no later than November 1, 2005. Written comments on the Paperwork Reduction Act proposed information collection requirements must be submitted by the public, Office of Management and Budget (OMB), and other interested parties on or before October 3, 2005.

**ADDRESSES:** You may submit comments, identified by MB Docket No. 05-210, by any of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

- **Federal Communications Commission's Web Site:** <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.

- **E-mail:** [ecfs@fcc.gov](mailto:ecfs@fcc.gov). Include the docket number in the subject line of the message. See the **SUPPLEMENTARY**

**INFORMATION** section of this document for detailed information on how to submit comments by e-mail.

- **Mail:** 445 12th Street, SW., Washington, DC 20554.

- **People with Disabilities:** Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 202-418-0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

#### FOR FURTHER INFORMATION CONTACT:

Peter Doyle, Chief, Media Bureau, Audio Division, (202) 418-2700; Thomas Nessinger, Attorney-Advisor, Media Bureau, Audio Division, (202) 418-2700.