

700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9L, dated September 2, 2003, and effective September 16, 2003, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is minimal. Since this is a routine matter that would only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

#### PART 71—[AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9L, dated September 2, 2003, and effective September 16, 2003, is proposed to be amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

#### AEA VA E5 Lynchburg, VA (Revised)

Lynchburg Regional-Preston Glenn Field,  
Lynchburg, VA  
(lat. 37°19'36" N., long. 79°12'02" W.)  
Falwell Airport, Lynchburg, VA  
(lat. 37°22'41" N., long. 79°07'20" W.)  
Lynchburg VORTAC  
(lat. 37°15'17" N., long. 79°14'11" W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Lynchburg Regional-Preston Glenn Field and within 2.7 miles each side of the Lynchburg VORTAC 200° radial extending from the 6.5-mile radius to 7.4 miles south of the VORTAC and within 3.1 miles each side of the Lynchburg VORTAC 022° radial extending from the 6.5-mile radius to 21.3 miles northeast of the VORTAC and within a 6-mile radius of Falwell Airport.

\* \* \* \* \*

Issued in Jamaica, New York, on April 5, 2004.

**John G. McCartney,**

*Assistant Manager, Air Traffic Division,  
Eastern Region.*

[FR Doc. 04–8362 Filed 4–12–04; 8:45 am]

**BILLING CODE 4910–13–M**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Parts 1917 and 1918

[Docket No. S–025A]

RIN 1218–AA56

#### Longshoring and Marine Terminals; Vertical Tandem Lifts

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Proposed rule; notice of hearing.

**SUMMARY:** OSHA is convening an informal public hearing to receive testimony and documentary evidence on Vertical Tandem Lifts.

**DATES:** *Informal public hearing.* The Agency will hold the informal public hearing in Washington, DC beginning July 29, 2004. The hearing will commence at 10 a.m. on the first day, and at 9 a.m. on the second and subsequent days, which will be scheduled, if necessary.

Notice of Intention to Appear to provide testimony at the informal public hearing. Parties who intend to present testimony at the informal public hearing must notify OSHA in writing of their intention to do so no later than May 13, 2004.

*Hearing testimony and documentary evidence.* Parties who are requesting more than 10 minutes to present their testimony, or who will be submitting documentary evidence at the hearing, must provide the Agency with copies of their full testimony and all documentary evidence they plan to present by June 14, 2004.

**ADDRESSES:** *Informal public hearing.* The informal public hearing will be held in the Auditorium on the plaza

level of the Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC.

*Notice of Intention to Appear at the hearing.* Notices of Intention to Appear at the informal public hearing should be submitted in triplicate (3 copies) to the Docket Office, Docket No. S–025A, Room N–2625, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. These notices also may be faxed to the Docket Office at (202) 693–1648, or submitted electronically at <http://ecomments.osha.gov>. OSHA Docket Office and Department of Labor hours of operation are 8:15 a.m. to 4:45 p.m.

*Hearing testimony and documentary evidence.* Testimony and documentary evidence must be submitted in triplicate (3 copies) to the Docket Office at the above address. Testimony and documentary evidence totaling 10 or fewer pages may be faxed to the Docket Office at (202) 693–1648. Materials such as studies or journal articles may not be attached to faxed testimony or documentary evidence; instead, three copies of this material must be mailed to the Docket Office at the above address. Such material must identify clearly the name of the individual who is testifying, date, docket number, and subject so that OSHA can attach it to the appropriate faxed documents.

**FOR FURTHER INFORMATION CONTACT:** For general information and press inquiries, contact Ms. Layne Lathram, Office of Communications, Room N–3647, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 (telephone: (202) 693–1999). For technical inquiries, contact Mr. Paul Rossi, Office of Maritime, Room N–3609, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 (telephone: (202) 693–2086; fax: (202) 693–1663). For hearing information, contact Ms. Veneta Chatmon, Office of Communications, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 (telephone: (202) 693–1999). For additional copies of this **Federal Register** notice, contact the Office of Publications, Room N–3103, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 (telephone: (202) 693–1888). Electronic copies of this **Federal Register** notice, as well as news releases and other relevant documents, are available at OSHA’s homepage at <http://www.osha.gov>.

**SUPPLEMENTARY INFORMATION:** OSHA published a proposed standard for Longshoring and Marine Terminals;

Vertical Tandem Lifts, in the **Federal Register** on September 16, 2003 (68 FR 54297). On December 10, 2003 (68 FR 68804), OSHA published a notice providing an additional sixty (60) days for the submission of comments and hearing requests, extending the comment period to February 13, 2004. During the comment period, OSHA received two requests for a public hearing (Exs. 40–13 and 43–1). OSHA is granting these requests. The Agency is placing the Notices of Intention to Appear, hearing testimony, and documentary evidence in the rulemaking docket, which will be available for inspection and copying at the OSHA Docket Office.

### Public Participation—Comments and Hearings

OSHA encourages members of the public to participate in this rulemaking by providing oral testimony and documentary evidence at the informal public hearing. Accordingly, the Agency invites interested parties having knowledge of, or experience with, the issues raised in the Notice of Proposed Rulemaking (NPRM) to participate in this process, and welcomes any pertinent data that will provide the Agency with the best available evidence to use in developing the final rule. This section describes the procedures the public must use to schedule an opportunity to deliver oral testimony and to provide documentary evidence at the informal public hearing.

*Hearing arrangements.* Pursuant to section 6(b)(3) of the Occupational Safety and Health Act (“the Act”; 29 U.S.C. 655), members of the public must have an opportunity at the informal public hearing to provide oral testimony concerning the issues raised in the NPRM. An administrative law judge will preside over the hearing, and will resolve any procedural matters relating to the hearing on the first day.

*Purpose of the hearing.* The legislative history of Section 6 of the Act, as well as the Agency’s regulation governing public hearings (29 CFR 1911.15), establish the purpose and procedures of informal public hearings. Although the presiding officer of the hearing is a judge and questions by interested parties are allowed on pertinent issues, the hearing is informal and legislative in purpose. Therefore, the hearing provides interested parties with an opportunity to make effective and expeditious oral presentations in the absence of procedural restraints that could impede or protract the rulemaking process. The hearing is not an adjudicative proceeding subject to the technical rules of evidence; instead, it is

an informal administrative proceeding convened for the purpose of gathering and clarifying information. The regulations that govern the hearing, and the pre-hearing guidelines issued for the hearing, will ensure that participants are treated fairly and have due process; this approach will facilitate the development of a clear, accurate, and complete record. Accordingly, application of these rules and guidelines will be such that questions of relevance, procedures, and participation will be decided in favor of developing a complete record.

*Conduct of the hearing.* Conduct of the hearing will conform to the provisions of 29 CFR part 1911 (“Rules of Procedure for Promulgating, Modifying, or Revoking Occupational Safety and Health Standards”). Although the judge who presides over the hearing makes no decision or recommendation on the merits of the NPRM or the final rule, the judge has the responsibility and authority to ensure that the hearing progresses at a reasonable pace and in an orderly manner. To ensure that interested parties receive a full and fair informal hearing, the judge has the authority and power to: Regulate the course of the proceedings; dispose of procedural requests, objections, and similar matters; confine the presentations to matters pertinent to the issues raised; use appropriate means to regulate the conduct of the parties who are present at the hearing; question witnesses, and permit others to question witnesses; and limit the time for such questions. At the close of the hearing, the judge will establish a post-hearing comment period for parties who participated in the hearing. During the first part of this period, the participants may submit additional data and information to OSHA, and during the second part of this period, they may submit briefs, arguments, and summations.

*Notice of Intention to Appear to provide testimony at the informal public hearings.* Hearing participants must file a Notice of Intention to Appear that provides the following information: The name, address, and telephone number of each individual who will provide testimony; the capacity (*e.g.*, name of the establishment/organization the individual is representing; the individual’s occupational title and position) in which the individual will testify; approximate amount of time requested for the individual’s testimony; specific issues the individual will address, including a brief description of the position that the individual will take with respect to each of these issues; and any documentary evidence the

individual will present, including a brief summary of the evidence.

OSHA emphasizes that, while the hearing is open to the public and interested parties are welcome to attend, only a party who files a proper Notice of Intention to Appear may ask questions and participate fully in the hearing. A party who did not file a Notice of Intention to Appear may be allowed to testify at the hearing if time permits, but this determination is at the discretion of the presiding judge.

*Hearing testimony and documentary evidence.* The Agency will review each submission and determine if the information it contains warrants the amount of time requested. OSHA then will allocate an appropriate amount of time to each presentation, and will notify the participants of the time allotted to their presentations. Prior to the hearing, the Agency will notify the participant if the allotted time is less than the requested time, and will provide the reasons for this action. OSHA may limit to 10 minutes the presentation of any participant who fails to comply substantially with these procedural requirements. The Agency may also request a participant to return for questions at a later time.

*Certification of the record and final determination after the informal public hearing.* Following the close of the hearing and post-hearing comment period, the judge will certify the record to the Assistant Secretary of Labor for Occupational Safety and Health. This record will consist of all of the written comments, oral testimony, documentary evidence, and other material received during the hearing. Following certification of the record, OSHA will review the proposed provisions in light of all the evidence received as part of the record, and then will issue the final determinations based on the entire record.

### Authority

John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, directed the preparation of this document. It is issued under sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), Section 41 of the Longshore and Harbor Workers’ Compensation Act (33 U.S.C. 941), Secretary’s Order 5–2002 (67 FR 65008), and 29 CFR part 1911.

Signed at Washington, DC on April 6, 2004.

**John L. Henshaw,**

*Assistant Secretary of Labor.*

[FR Doc. 04-8301 Filed 4-12-04; 8:45 am]

**BILLING CODE 4510-26-M**

## POSTAL SERVICE

### 39 CFR Part 111

#### Packaging Standards and General Mailability

**AGENCY:** Postal Service.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** The Postal Service™ is extending the comment period for the proposed rule titled “Packaging Standards and General Mailability” that was published on February 26, 2004, in the **Federal Register** (69 FR 8899-8905).

**DATES:** The comment period is extended through May 13, 2004.

**ADDRESSES:** Mail or deliver written comments to the Manager, Mailing Standards, Attn: Neil Berger, U.S. Postal Service, 1735 N. Lynn Street, Room 3025, Arlington, VA 22209-6038. Written comments may also be submitted via facsimile transmission to (703) 292-4058. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, at the Postal Service Headquarters Library, 475 L'Enfant Plaza, SW., 11th Floor North, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Neil Berger at (703) 292-3645, Mailing Standards, United States Postal Service.

**SUPPLEMENTARY INFORMATION:** On February 26, 2004, the Postal Service published a proposed rule containing minor changes and editorial reorganization to the *Domestic Mail Manual* (DMM™) in order to clarify and standardize packaging and closing requirements, types of acceptable mailing containers, and mailing requirements for certain articles processed on Postal Service sorting equipment.

This proposed rule would also update terminology and reorganize current standards for better reference and presentation. This proposed rule does not affect any of the current standards for the preparation of presort

destination packages of mailpieces prepared under DMM M020.

**Neva R. Watson,**

*Attorney, Legislative.*

[FR Doc. 04-8255 Filed 4-12-04; 8:45 am]

**BILLING CODE 7710-12-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-7646-9]

#### National Priorities List for Uncontrolled Hazardous Waste Sites, Proposed Rule No. 40; Correction

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule; correction.

**SUMMARY:** The Environmental Protection Agency (“EPA” or “the Agency”) published a proposed rule in the **Federal Register** of March 8, 2004 (69 FR 10646), proposing 11 sites to the National Priorities List (NPL). This document corrects the name of one of the sites.

**FOR FURTHER INFORMATION CONTACT:** Yolanda Singer, phone (703) 603-8835, State, Tribal and Site Identification Branch, Assessment and Remediation Division, Office of Superfund Remediation and Technology Innovation (Mail Code 5204G); U.S. Environmental Protection Agency; 1200 Pennsylvania Avenue NW., Washington, DC 20460.

#### Correction

In the **Federal Register** of March 8, 2004, on page 10652, in Table 1, under the site name column, “Devil’s Swamp—Ewell Property” is corrected to read “Devil’s Swamp Lake.”

Dated: April 7, 2004.

**Marianne Lamont Horinko,**

*Assistant Administrator, Office of Solid Waste and Emergency Response.*

[FR Doc. 04-8315 Filed 4-12-04; 8:45 am]

**BILLING CODE 6560-50-M**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 04-765, MB Docket No. 04-78, RM-10866]

#### Digital Television Broadcast Service; Ponce, PR

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Siete Grande Television, Inc., licensee of station WSTE-TV, requesting the substitution of DTV channel 8c for WSTE’s assigned DTV channel 66. DTV Channel 8c can be allotted to Ponce, Puerto Rico, at reference coordinates 18-02-52 N. and 66-39-16 W. with a power of 50, a height above average terrain HAAT of 88 meters.

**DATES:** Comments must be filed on or before May 24, 2004, and reply comments on or before June 8, 2004.

**ADDRESSES:** The Commission permits the electronic filing of all pleadings and comments in proceeding involving petitions for rule making (except in broadcast allotment proceedings). See *Electronic Filing of Documents in Rule Making Proceedings*, GC Docket No. 97-113 (rel. April 6, 1998). Filings by paper can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. The Commission’s contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission’s Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Stuart A. Shorestein, Wolf, Block, Schorr & Solis-Cohen LLP, 250 Park Avenue, New York, New York 10177 (Counsel for Siete Grande Television, Inc.).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission’s Notice of Proposed Rule Making, MB Docket No. 04-78, adopted March 23, 2004, and released April 2, 2004. The full text of this document is available for public