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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, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, Room TW-A325, 445 12th Street, SW., Washington, DC 20554. Parties should also send a copy of their filings to Jennifer McKee, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, Room 5-A263, 445 12th Street, SW., Washington, DC 20554, or by e-mail to [jennifer.mckee@fcc.gov](mailto:jennifer.mckee@fcc.gov). Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

The original petitions for reconsideration filed by the parties in CC Docket Nos. 94-1 and 96-262 are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, or by e-mail at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules, 47 CFR 1.1200 *et seq.* Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations

and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required. Other requirements pertaining to oral and written presentations are set forth in § 1.1206(b) of the Commission's rules, 47 CFR 1.1206(b).

**Authority:** 47 U.S.C. 152, 154, 155, 303; 47 CFR 0.291, 1.429.

Federal Communications Commission.

**Jeffrey J. Carlisle,**

*Acting Chief, Wireline Competition Bureau.*

[FR Doc. 04-18804 Filed 8-16-04; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL MARITIME COMMISSION

[Docket No. 04-09]

### American Warehousing of New York, Inc. v. the Port Authority of New York and New Jersey; Notice of Filing of Complaint and Assignment

Notice is given that a complaint has been filed by American Warehousing of New York, Inc. ("Complainant") against The Port Authority of New York and New Jersey ("Respondent"). Complainant contends that Respondent violated sections 10(d)(3)<sup>1</sup>, and 10(d)(4) of the Shipping Act of 1984, U.S.C. app. section 1709(d)(3) and 1709(d)(4), respectively. Specifically, the Complainant alleges that the Respondent has unreasonably refused to deal with Complainant and shown unreasonable prejudice against the Complainant by refusing to negotiate in good faith a long-term extension or renewal of their Marine Terminal Lease Agreement ("Agreement of Lease"). As a direct result of these allegations, Complainant claims that it has suffered and will continue to suffer substantial ongoing economic damages and injury. Complainant seeks an order directing Respondent to cease all actions to terminate Complainant's leasehold relationship with Respondent; recommence discussions with the Complainant in good faith for a long-term extension of the Agreement of Lease similar to those entered into by Respondent for its other terminals; establish and put in force such practices as the Commission determines to be reasonable; pay reparations in an amount yet to be determined but exceeding \$15,000,000.00 per year, including interest and attorney fees or any other damages to be determined;

<sup>1</sup> Complainant references section 10(d)(3) of the Shipping Act of 1984, 46 U.S.C. app. section 1709(d)(3), which applies sections 10(b)(10) and 10(b)(13) to marine terminal operators.

and take any other such action or provide any other such relief as the Commission determines to be warranted.

This proceeding has been assigned to the Office of Administrative Law Judges. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61, and only after consideration has been given by the parties and the presiding officer to the use of alternative forms of dispute resolution. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the presiding officer in this proceeding shall be issued by August 11, 2005 and a final decision of the Commission shall be issued by December 9, 2005.

**Karen Gregory,**

*Assistant Secretary.*

[FR Doc. 04-18727 Filed 8-16-04; 8:45 am]

**BILLING CODE 6730-01-P**

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than August 31, 2004.

**A. Federal Reserve Bank of Richmond** (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. *William Ray Harris, Sr., Jean Wright Harris, Michael Wesley Harris, Florence*

*Diane Harris, Austin Ray Harris, Clayton Moore Harris, Matthew Wesley Harris, William Ray Harris, Jr., William Otis Hundley, Jr., Sandra Harris Hundley, and Joshua James Spain*, all of Mineral, Virginia, as a group; to acquire voting shares of Peoples Bank of Virginia, Richmond, Virginia.

**B. Federal Reserve Bank of Atlanta** (Sue Costello, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30303:

1. *James Bernard Cantrelle*, Raceland, Louisiana, *Albert Anthony Cheramie*, Golden Meadow, Louisiana, *Huey Joseph Cheramie*, Cut Off, Louisiana, *Eldon Joseph Frazier*, Cut Off, Louisiana, and *Walter Harold Maples*, Grand Isle, Louisiana, to acquire additional voting shares of SBT Bancshares, Inc., and thereby indirectly acquire additional voting shares of State Bank & Trust Company, both of Golden Meadow, Louisiana.

Board of Governors of the Federal Reserve System, August 11, 2004.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. 04-18753 Filed 8-16-04; 8:45 am]

**BILLING CODE 6210-01-S**

## FEDERAL RESERVE SYSTEM

### Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 10, 2004.

**A. Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166-2034:

1. *Cass Information Systems, Inc.*, Bridgeton, Missouri; to acquire Franklin Bancorp, and thereby indirectly acquire Franklin Bank of California, both in Orange, California, pursuant to section 225.28(b)(4)(i) of Regulation Y.

Board of Governors of the Federal Reserve System, August 11, 2004.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. 04-18752 Filed 8-16-04; 8:45 am]

**BILLING CODE 6210-01-S**

## FEDERAL RESERVE SYSTEM

### Sunshine Act Meeting

**AGENCY HOLDING THE MEETING:** Board of Governors of the Federal Reserve System.

**TIME AND DATE:** 11:30 a.m., Monday, August 23, 2004.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

**STATUS:** Closed.

#### MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

#### FOR FURTHER INFORMATION CONTACT:

Michelle A. Smith, Director, Office of Board Members; 202-452-2955.

**SUPPLEMENTARY INFORMATION:** You may call 202-452-3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at <http://www.federalreserve.gov> for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Board of Governors of the Federal Reserve System, August 13, 2004.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. 04-18940 Filed 8-13-04; 1:37 pm]

**BILLING CODE 6210-01-S**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Nominations Requested/Open for the 2004 Secretary's Innovation in Prevention Awards

**AGENCY:** Department of Health and Human Services, Office of the Secretary.

**ACTION:** Notice.

**SUMMARY:** The Department of Health and Human Services (HHS) seeks nominations of public and private sector organizations to support the 2004 Secretary's Innovation in Prevention Awards Initiative. This activity is part of a broader Departmental initiative called Steps to a Healthier U.S. that advances President George W. Bush's HealthierUS goal of helping Americans live longer, better and healthier lives. The Secretary's Innovation in Prevention Awards Initiative will identify and celebrate outstanding organizations that have implemented innovative and creative chronic disease prevention and health promotion programs. To be nominated, a program must address at least one of the following risk factors: (1) Obesity; (2) Physical activity; and (3) Nutrition.

The Department intends that these awards will provide an opportunity to increase public awareness of creative approaches to develop and expand innovative health programs and duplication of successful strategies.

Awards will be given in the following categories:

- Faith-Based
- Health Care Delivery
- Healthy Workplace
  - Large Employer >500 employees
  - Small Employer <500 employees
- Non-Profit
- Media
- Public Sector
- Schools (K-12)

The following criteria will be taken into consideration upon review:

- Creativity/Innovation
- Leadership
- Sustainability
- Replicability
- Effectiveness
- Receipt of national award(s)

**DATES:** Nominations must be received by 5 p.m. e.d.t., September 3, 2004.

Nominations: Partnership for Prevention, a 501(c)3 focused on health promotion, is handling all Innovation in Prevention Award nominations on behalf of the Department. To nominate a program send an e-mail to: [2004InnovationAwards@prevent.org](mailto:2004InnovationAwards@prevent.org). Include your name, organization, award category, and contact information in the