

material distinct from the material from which it was transformed.

\* \* \* \* \*

(b) This clause implements the Balance of Payments Program by providing a preference for domestic construction material. In addition, the Contracting Officer has determined that the Trade Agreements Act and Free Trade Agreements apply to this acquisition. Therefore, the Balance of Payments Program restrictions are waived for designated country and Free Trade Agreement country construction materials.

\* \* \* \* \*

(d) United States law will apply to resolve any claim of breach of this contract.

(End of clause)

#### *Alternate I (Jan 2004)*

As prescribed in 225.7503(b), delete the definitions of "Free Trade Agreement country" and "Free Trade Agreement country construction material" from the definitions in paragraph (a) of the basic clause, add the following definition of "Chilean construction material" to paragraph (a) of the basic clause, and substitute the following paragraphs (b) and (c) for paragraphs (b) and (c) of the basic clause:

"Chilean construction material" means a construction material that—

(1) Is wholly the growth, product, or manufacture of Chile; or

(2) In the case of a construction material that consists in whole or in part of materials from another country, has been substantially transformed in Chile into a new and different construction material distinct from the materials from which it was transformed.

(b) This clause implements the Balance of Payments Program by providing a preference for domestic construction material. In addition, the Contracting Officer has determined that the Trade Agreements Act, the Chile Free Trade Agreement, and the Singapore Free Trade Agreement apply to this acquisition. Therefore, the Balance of Payments Program restrictions are waived for designated country and Chilean construction material.

(c) The Contractor shall use only domestic, designated country, or Chilean construction material in performing this contract, except for—

(1) Construction material valued at or below the simplified acquisition threshold in Part 2 of the Federal Acquisition Regulation; or

(2) The construction material or components listed by the Government as follows:

*[Contracting Officer to list applicable excepted materials or indicate "none".]*

[FR Doc. 04-568 Filed 1-12-04; 8:45 am]

BILLING CODE 5001-08-P

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### 49 CFR Parts 222 and 229

[Docket No. FRA-1999-6439, Notice No. 9]

[RIN 2130-AA71]

#### Use of Locomotive Horns at Highway-Rail Grade Crossings

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Interim final rule; correction and announcement of public hearing.

**SUMMARY:** On December 18, 2003, FRA published an Interim Final Rule (IFR) in the **Federal Register** (68 FR 70585) addressing the use of locomotive horns at highway-rail grade crossings. FRA is interested in receiving public comments on all aspects of the IFR. In the IFR, FRA announced that it would schedule a public hearing to allow interested parties the opportunity to comment on these issues. This notice announces the scheduling of the public hearing and makes one technical correction to the IFR.

**DATES:** Correction: The correction to part 222 is effective December 18, 2004.

Public Hearing: The date of the public hearing is February 4, 2004, at 9:30 a.m. in Washington, DC. Any person wishing to participate in the public hearing should notify FRA's Docket Clerk by telephone (202-493-6030), by fax (202-493-6068), or by mail at the address provided below at least five working days prior to the date of the hearing. The notification should identify the party the person represents, and the particular subject(s) the person plans to address. The notification should also provide the Docket Clerk with the participant's mailing address.

**ADDRESSES:** (1) Docket Clerk: Written notification should identify the docket number of this proceeding (Docket No. FRA-1999-6439) and must be submitted to Ms. Ivornette Lynch, Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, RCC-10, 1120 Vermont Avenue, NW., Stop 10, Washington, DC 20590.

(2) Public Hearing: The public hearing will be held at the Washington Plaza Hotel, 10 Thomas Circle, NW., Washington, DC 20005.

**FOR FURTHER INFORMATION CONTACT:** Ron Ries, Office of Safety, FRA, 1120 Vermont Avenue, NW., Stop 25, Washington, DC 20590 (telephone 202-493-6299); or Kathryn Shelton, Office of Chief Counsel, FRA, 1120 Vermont

Avenue, NW., Stop 10, Washington, DC 20590 (telephone 202-493-6038).

#### SUPPLEMENTARY INFORMATION:

##### Technical Correction

■ In interim final rule document 03-30606 beginning on page 70586 in the issue of Thursday, December 18, 2003, make the following correction:

##### Appendix C to Part 222 [Corrected]

■ 1. On page 70677, in the first column, in the first paragraph, in the first line, the parenthetical sentence "(New Quiet Zones within the Chicago Region will reflect an increased risk index of 17.3 percent.)" is removed.

Issued in Washington, DC, on January 8, 2004.

Allan Rutter,

Administrator.

[FR Doc. 04-705 Filed 1-12-04; 8:45 am]

BILLING CODE 4910-06-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 030130026-3323-02; I.D. 121202B]

RIN 0648-AM30

#### Fisheries of the Exclusive Economic Zone off Alaska; Halibut Fisheries in U.S. Convention Waters Off Alaska; Management Measures to Reduce Seabird Incidental Take in the Hook-and-Line Halibut and Groundfish Fisheries

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** NMFS issues a final rule to revise regulations requiring seabird avoidance measures in the hook-and-line groundfish fisheries of the Bering Sea and Aleutian Islands management area (BSAI) and Gulf of Alaska (GOA) and in the Pacific halibut fishery in U.S. Convention waters off Alaska. This action is intended to improve the current requirements and further mitigate interactions with the short-tailed albatross (*Phoebastria albatrus*), an endangered species protected under the Endangered Species Act (ESA), and with other seabird species in hook-and-line fisheries in and off Alaska, and thus further the goals and objectives of the Magnuson-Stevens Fishery