

In order to phase in the new program, the proposed rule sets forth one timeline for approvals that expire before October 1, 2005 and another for approvals that expire on or after October 1, 2005.

Approvals expiring before October 1, 2005 are proposed to be administratively continued pending issuance of a docket renewal when the docket holder or permittee submits a complete application within 90 calendar days after receipt of a written notice from the Executive Director or by September 30, 2005, whichever is earlier. The Executive Director may extend the deadline for good cause shown in the event a substantially complete application, along with the full fee, is submitted by the deadline. The fee of \$1,000, payable in addition to the ordinary fee, is proposed to be charged for renewal applications submitted after September 30, 2005.

Approvals expiring after September 30, 2005 are proposed to be administratively continued pending issuance of a docket renewal when the docket holder or permittee submits a complete application at least 120 calendar days in advance of the expiration date. If the approval establishes a different application submission date, the docket or permit is controlling. Again, the Executive Director may extend the deadline for good cause shown, in the event a substantially complete application, along with the full fee, is submitted by the deadline. A fee of \$1,000 above the ordinary fee is proposed to be charged for renewal applications submitted fewer than 120 calendar days before the approval's expiration date.

The amendment provides for the Executive Director to implement procedures to furnish written notice to docket holders and permittees in advance of their approval expiration dates, reminding them to file a timely renewal application. However, failure of the Executive Director to send such notice or lack of receipt of the notice by the docket holder or permittee will not relieve the docket holder or permittee of any obligation or condition or create any defense.

Dated: December 13, 2004.

Pamela M. Bush,

Commission Secretary.

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DELAWARE RIVER BASIN COMMISSION

Notice of Proposed Rulemaking: Proposed Amendments to the Comprehensive Plan and Water Code Relating to the Coordinated Operation of Lower Basin and Hydroelectric Reservoirs During a Basinwide Drought

AGENCY: Delaware River Basin Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Delaware River Basin Commission ("Commission" or "DRBC") will hold a public hearing to receive comments on proposed amendments to Section 2.5.5 of the Water Code, relating to the Coordinated Operation of Lower Basin and Hydroelectric Reservoirs During a Basinwide Drought. The Commission proposes to amend and codify changes to the Comprehensive Plan and Water Code effected by Resolution No. 2002-33, approved in November 2002 by the Commission and the parties to the U.S. Supreme Court Decree in *New Jersey v. New York*, 347 U.S. 995 (1954) ("Decree Parties"). The amendments are for purposes of clarification and accuracy and to better ensure that the benefits of the changes effected by Resolution No. 2002-33 are achieved without compromising habitat protection goals. Resolution No. 2002-33, which was not codified, in part amended the Comprehensive Plan and Water Code relating to the utilization of Lake Wallenpaupack during drought watch, drought warning and drought operations. The proposed changes are as follows: First, numbered paragraph 1 of Resolution No. 2002-33 provides that "any and all provisions pertaining to the operation of Lake Wallenpaupack during basinwide drought warning also apply to basinwide drought watch as temporarily defined by the Commission in Docket No. D-77-20 CP." The proposed amendment adds the parenthetical "(Revision 7 and following)" at the end of this sentence to make clear that the most current applicable revision of Docket No. D-77-20 CP is intended to apply. Second, the inclusion of the term "drought watch" in brackets following every mention of "drought warning" in the November 2002 amendments is proposed to be deleted, because the Commission makes clear in numbered Paragraph 1 of the Resolution that provisions in Section 2.5.5 of the Water Code pertaining to the operation of Lake Wallenpaupack during drought warning also are intended to apply to drought watch as

defined by Docket No. D-77-20 CP (Revision 7 and following). Third, throughout the language added by Resolution No. 2002-33, the terms "drought conditions" and "drought warning conditions" are replaced by "drought operations" and "drought warning operations," respectively, to more accurately reflect the fact that the reservoir management activities described are triggered by a set of reservoir drought operating rules established by the Commission and the Decree Parties, rather than by hydrologic conditions. Fourth, the November 2002 amendments inserted language at Section 2.5.5 of the Water Code stating that "[d]uring 'drought' and 'drought warning' operations * * *, 'the power companies shall release water only in accordance with Commission direction.'" This statement is proposed to be changed to reflect the Commission's intention that "[d]uring 'drought' and 'drought warning' operations as defined in Figure 1 of Section 2.5.3.A. of the Water Code, releases from Lake Wallenpaupack shall be made only in accordance with Commission direction." In a related amendment, a new sentence is proposed to be added to Section 2.5.5 addressing operation of the Mongaup reservoir system by the Commission, which may take place only under more limited circumstances. The proposed provision reads, "After issuance of a Conservation Order by the Commission, power generation releases from the Mongaup reservoir system shall be made only in accordance with Commission direction." This statement restores the rule governing drought operation of the Mongaup system reservoirs to the rule in effect before the November 2002 amendments. Fifth, the Commission proposes to add a clause providing that when it directs releases from Lake Wallenpaupack during drought watch (including warning) and drought operations, it must give consideration to any flow and temperature targets established by the Commission and the Decree Parties in the upper Delaware River and in the West Branch Delaware, East Branch Delaware, and Neversink rivers for the protection of the cold water fisheries in these streams.

DATES: The public hearing will be held during the Commission's regularly scheduled business meeting on January 19, 2005 at 1:30 p.m. Persons wishing to testify at the hearing are asked to register in advance with the Commission by phoning 609-883-9500, ext. 224. Submission of written comments by January 14, 2005 would be appreciated, but written comments will

be accepted through the close of the public hearing on Wednesday, January 19, 2005.

ADDRESSES: The public hearing will be held in the Goddard Room of the Commission's office building at 25 State Police Drive in West Trenton, New Jersey. Written comments should be addressed to the Commission Secretary as follows: by e-mail to paula.schmitt@drbc.state.nj.us; by fax to 609-883-9522; by U.S. Mail to Commission Secretary, DRBC, P.O. Box 7360, West Trenton, NJ 08628-0360; or by overnight mail to Commission Secretary, DRBC, 25 State Police Drive, West Trenton, NJ 08628-0360.

FOR FURTHER INFORMATION CONTACT: The full text of the proposed resolution, the text of Resolution No. 2002-33, and the text of the sections of the Water Code as amended by both Resolution No. 2002-33 and the proposed resolution, are posted on the Commission's Web site, <http://www.drbc.net>. Please contact Commission Secretary Pamela Bush, 609-883-9500 ext. 203, with questions about the proposed action.

Dated: December 13, 2004.

Pamela M. Bush,

Commission Secretary.

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DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before February 18, 2005.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its

statutory obligations. The Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) title; (3) summary of the collection; (4) description of the need for, and proposed use of, the information; (5) respondents and frequency of collection; and (6) reporting and/or recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: December 14, 2004.

Angela C. Arrington,

Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Reinstatement.
Title: OSERS Peer Review Data Form.
Frequency: Biennially.
Affected Public: Individuals or household.

Reporting and Recordkeeping Hour Burden: Responses—2,500. Burden Hours—1,250.

Abstract: OSERS Peer Review Data Form will be used to evaluate applications submitted under Part D of the Individuals with Disabilities Education Improvement Act (IDEIA, H.R. 1350); the law indicates that "peer review panels shall include, to the extent practicable, parents of children with disabilities, individuals with disabilities, and persons from diverse backgrounds."

Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 2650. When you access the information collection, click on

"Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202-4700. Requests may also be electronically mailed to the Internet address OCIO_RIMG@ed.gov or faxed to (202) 245-6621. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at her e-mail address Sheila.Carey@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

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DEPARTMENT OF EDUCATION

Regional Advisory Committees

AGENCY: Regional Advisory Committees, Office of Elementary and Secondary Education, ED.

ACTION: Notice of real-time online conference meetings.

SUMMARY: This notice sets forth the schedule and agendas of forthcoming live, real-time online conferencing meetings of each of the 10 Regional Advisory Committees (RACs). Notice of RAC meetings is required under Section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of their opportunity to observe the meeting proceedings and to submit comment.

Meeting Format: All meetings will be conducted via online conference and will be available to the public online.

Meeting Purposes (Agendas): Each RAC will conduct three, 2-hour meetings to deliberate on findings and prepare their region's education needs assessment report:

*Meeting 1—*The RACs will: (1) Review input received from stakeholders and other relevant information and, based on the information received, deliberate about the critical education needs of State and school district policymakers and practitioners in the region that, if met, would help them to improve student achievement and meet the purposes of the No Child Left Behind Act, and (2) assess the extent of current resources and technical assistance opportunities available in the region to meet those needs.

*Meeting 2—*The RACs will deliberate about input received from stakeholders