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DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

7 CFR Part 1599

RIN 0551–AA64

McGovern-Dole International Food for Education and Child Nutrition Program

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Final rule.

SUMMARY: These regulations govern the foreign donation of agricultural commodities, and the provision of financial and technical assistance to implement the McGovern-Dole International Food for Education and Child Nutrition Program. This program would provide agricultural commodities and financial and technical assistance to carry out preschool and school food for education programs and maternal, infant, and child nutrition programs, in foreign countries.

EFFECTIVE DATE: June 20, 2003.

FOR FURTHER INFORMATION CONTACT: William S. Hawkins, Director, Program Administration Division, Foreign Agricultural Service, United States Department of Agriculture, 1400 Independence Ave., SW., Stop 1031, Washington, DC 20250–1031; telephone (202) 720–3241. The USDA prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs and marital or familial status. Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc) should contact the USDA Office of Communications at (202) 820–5881 (voice) or (202) 720–7808 (TDD).

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule is issued in conformance with Executive Order 12866. It has been determined significant for purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988, Civil Justice Reform. This rule would have preemptive effect with respect to any State or local laws, regulations or policies which conflict with such provisions or which otherwise impede their full implementation; does not have retroactive effect; and does not require administrative proceedings before suit may be filed.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (see the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115).

Regulatory Flexibility Act

The Regulatory Flexibility Act is not applicable to this rule because FAS is not required by any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule. In any event, this rule deals primarily with requirements imposed upon foreign governments and non-profit entities distributing humanitarian grant food supplies overseas. Therefore, the rule does not have a significant impact upon a substantial number of small business entities.

Paperwork Reduction Act

The information collection requirements imposed by this final rule have been previously submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). OMB has assigned control number 0551–0039 for this information collection. This regulation does not change any of the information collection requirements from the proposed rule.

Government Paperwork Elimination Act

FAS is committed to compliance with the Government Paperwork Elimination Act, which requires Government agencies, in general, to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

Background

Section 3107 of the Farm Security and Rural Investment Act of 2002, Pub. L. 107–171, authorized the President to establish a program to be known as the McGovern-Dole International Food for Education and Child Nutrition Program. This program would provide agricultural commodities and financial and technical assistance to carry out preschool and school food for education programs and maternal, infant, and child nutrition programs, in foreign countries. By Presidential Memorandum, March 11, 2003, the President delegated the responsibility for implementing this program to the Secretary of Agriculture and it has been further delegated, within the Department of Agriculture, to the Administrator, Foreign Agricultural Service. Congress directed that $100 million of Commodity Credit Corporation (CCC) funds be used for this program in fiscal year 2003. Thereafter, the program is subject to annual appropriations.

The McGovern-Dole International Food for Education and Child Nutrition Program is implemented under the authorities of the Foreign Agricultural Service and, therefore, this new program will be subject to regulations that are separate from other foreign assistance commodity grant programs operated under the authority of the Commodity Credit Corporation (CCC), *i.e.*, section 416(b) and Food for Progress. However, because there are many similarities between these programs and it would be advisable to retain the same procedures and rules to the extent practical, this rule will adopt, and repeat in 7 CFR part 1599, most of the regulations currently in 7 CFR part 1499 that are applicable to the section 416(b) and Food for Progress programs. Sections 1599.7 and 1599.8, which cover procedures that apply to procuring ocean transportation, and arranging for entry and handling of commodities in the foreign country, are nearly identical to 7 CFR part 1499.

On March 26, 2003, the Foreign Agricultural Service (FAS) published a proposed rule (68 FR 14546) to govern

the foreign donation of resources, including agricultural commodities, to implement the McGovern-Dole International Food for Education and Child Nutrition Program. Comments on the proposed rule were received from one private voluntary organization, one nutritionally focused organization, and the Maritime Administration (MARAD). Their comments are discussed below, except for those dealing with issues outside of the scope of the proposed rule, or those making editorial suggestions.

Types of Food Available

Comment: A PVO asked if there is any assurance that food types will be consistent from one year to the next. The PVO expressed concern that it is very difficult to manage a program when it is unsure—from one year to the next—whether the same commodities will be available. This is important for both monetization and distribution, as any organization selects commodities based on marketability and acceptability to target beneficiaries.

Response: USDA may procure commodities of U.S. origin for use in the McGovern-Dole International Food for Education and Child Nutrition Program. The program is not subject to declarations of surplus or lack of availability. The program is not subject to the surplus determinations required for section 416(b) programs nor the limitations resulting from determinations of short supply, which limit the commodities available under Pub. L. 480 Title I and Title II. FAS is willing to sign multiple year agreements with the funding of each year subject to the annual appropriations process. So assuming that funds are available, if FAS commits to provide a specific commodity, a PVO can be assured of receiving that commodity.

Focus on School Feeding and Maternal-Child Health

Comment: A PVO requested that USDA determine in advance of programming decisions, the allocation of resources between school feeding and maternal-child health (MCH). The PVO expressed concern regarding the implications of opening up the program to an entirely new sector, given that the resources are already reduced in comparison to the pilot Global Food for Education Program, and all of the pilot projects were in education.

Response: No set division between the school feeding and MCH components will be established by USDA. USDA would give priority consideration to those proposals that integrate a MCH component within an educational environment. This could be done through several means, but not limited to: (1) Situations where the school can be utilized as a setting for normalcy to the family undergoing a crisis situation (conflicts in the country, natural disasters, etc.), and (2) areas where children entering school are not exhibiting sufficient growth and development to maintain age-to-grade graduation targets. USDA will also look favorably upon those proposals that link MCH programs funded through outside resources to the proposed school feeding program.

USDA Providing Financial/Technical Assistance

Comment: A PVO requested clarification on the provision of technical assistance to programs during project implementation, which is mentioned in the proposed rule. The PVO further requested that FAS indicate who will set the priorities in terms of what type of technical assistance is needed, and how can PVOs benefit from it.

Response: USDA considers technical assistance to cover any type of supplemental or specialized technical knowledge that the organization needs to establish and implement the program. An example of technical assistance in the establishment phase of the program would be providing expertise to organizations to develop a health curriculum to be used in the implementation phase of the program. Technical assistance could also include the cost of nutritionists to design appropriate meals, the cost of health specialists to design de-worming programs, and the cost of specialists who would design teacher training classes. The Farm Security and Rural Investment Act of 2002 (Farm Act of 2002) allows for the Food and Nutrition Service (FNS) to provide technical advice under the McGovern-Dole Program. FNS may, for example provide field expertise or work with the Cooperating Sponsor to evaluate the nutritional impact of the fortification of commodities under the McGovern-Dole Program.

Budget Reporting Requirements

Comment: A PVO questioned the need for the reporting requirements in § 1599.15(c)(3)(v) in the proposed rule ''Disbursements from the special account, including date, amount and purpose of the disbursement''. The PVO states that including the date in the report implies that cooperating sponsors would need to give details on every single item purchased or activity performed out of these funds. If sales proceeds are used for program activities, disbursement might be on an almost-daily basis. This report might be very lengthy and time-consuming for both cooperating sponsor and USDA. The PVO requested that FAS remove this date requirement and allow the cooperating sponsor to categorize expenses.

Response: The requirement to include the date of disbursements made from the special funds account is necessary because it provides an accurate record of the expenditures made from the account for the specific purpose of monitoring and evaluating the financial transactions of the agreement. A broad categorization of expenses would not allow the adequate tracking of the progress of the agreement and disbursements made during the designated reporting period. The requirement to include dates of disbursement is consistent with regulations covering other USDA programs. Previous participants in these other programs have not reported any difficulties.

Fortification of Commodities

Comment: A nutritionally focused organization requested that FAS incorporate expenditures related to evaluation of the potential nutritional impact of the fortification of commodities, as well as their actual impact on targeted recipients in post-program implementation, into the overall plan for implementing the McGovern-Dole International Food for Education and Child Nutrition Program.

Response: USDA did not add requested language to the proposed rule. USDA believes that the costs discussed in the comment could be considered as technical assistance. The proposed rule makes clear that Cooperating Sponsors can request technical assistance.

Ocean Freight Differential

Comment: MARAD requested that, since the amount of ocean freight differential (OFD) is jointly determined by USDA and MARAD, the definition in § 1599.l regarding OFD be revised to read: ''OFD—the amount as jointly determined by FAS and the Maritime Administration, by which the cost of ocean transportation is higher than would otherwise be the case by reason of the requirement that the commodities be transported on U.S. flag vessels.''

Response: The OFD is solely computed by USDA, therefore, FAS will maintain the language as is. MARAD's involvement is limited to interagency reimbursements, which is outside the scope of this rule.

Comment: MARAD suggested that § 1599.6 is not clear and could appear to set up a conflict when (a) refers to domestic points and states FAS will choose the point of delivery based on lowest cost to FAS. However, the objective is lowest landed cost at ultimate foreign destination.

Response: The proposed regulation states FAS will choose the point of delivery basis lowest cost to FAS. This language is necessary to allow for the situation where FAS may not choose to finance any portion of the ocean freight, *i.e.*, lowest cost for commodities. At the same time, it is broad enough to include lowest landed cost, *i.e.*, lowest cost for both commodities and freight.

Comment: MARAD commented that § 1599.7 (b)(2) and (6) refer to Transportation News Ticker (TNT), which no longer exists, and suggested FAS establish a Web site to publish all tenders as the primary source, and utilize Reuters or Dow-Jones as a secondary source.

Response: The fact that the TNT no longer exists is reflected in the final rule. FAS has established a Web site that publicizes all freight tenders for the programs under FAS oversight as well as the notice of awards. FAS prefers that shipping agents use a commercially available news wire service. The FAS Web site is only done as a convenience and should not be the primary source of information because these are not government invitations for bids.

Comment: MARAD requested that in § 1599.7, FAS state that shipments must comply with all laws and international conventions to which USA is a signator, not just the Merchant Marine Act of 1936. For example, Pub. L. 105–383 prohibits the shipment of these cargoes on any vessel found to be ''substandard'' as defined in that law.

Response: The purpose of the regulation is only to inform food aid grantees of their affirmative obligation to comply with cargo preference requirements. Questions of vessel eligibility, *e.g.* Pub. L. 105–383, will be addressed in the vessel approval process. Additionally, a general reference to ''all'' laws and conventions would not be informative. It is understood that shipments must comply with all laws and international conventions.

Comment: MARAD commented that § 1599.7(b)(4) only requires public bid openings for shipments of bulk and non-liner packaged commodities, and questions why liner shipments are excluded. MARAD stated that there should be public bid openings for all shipments regardless of type of commodity or vessel.

Response: FAS does not preclude negotiations in contracting for liner shipments due to the complexity of the freight bids and the liner trade in general. Open tenders do not allow the flexibility needed for arranging liner shipments.

Comment: MARAD stated that in § 1599.7(b)(8) the Cooperating Sponsor is required to furnish to the Director, Operations Division, a copy of the signed laytime statement and statement of facts at the discharge port. MARAD requested that copies of those documents also be sent to the Office of Cargo Preference. The rationale is to provide that office with the necessary information to address any questions or complaints regarding the cargo delivery, and to be able to furnish vessel-owners who may make future call at those ports with historical data that may be helpful in future deliveries to those destinations to avoid recurring problems.

Response: This would add an unnecessary burden. It is FAS' responsibility to address any questions and complaints regarding food aid programs under their oversight. FAS keeps close contact with all parties involved in the food aid shipments to resolve problems that may arise. Furthermore, each U.S. flag vessel is required to send a post voyage report to the Office of Financial and Rate Approvals in MARAD. This report creates historical data that is kept on file in that office.

Comment: MARAD commented that § 1599.7(e)(5) states ocean freight is earned when vessel and cargo arrives at first port of discharge. MARAD requested that FAS use standard commercial terms and state that ocean freight is earned when cargo is loaded on the vessel. MARAD further stated that the regulation's force majeure clause takes care of any non-arrival.

Response: FAS desires to retain the policy, applicable to all USDA's foreign food aid programs, that freight is not payable under charter parties until the vessel arrives at the discharge port or, if additional services are to be performed, only a portion of the freight be paid until the services are performed. This assures, to the maximum extent possible, that carriers will perform their obligations. Upon reviewing this regulation, FAS believes that the use of the phrase ''freight is earned'' is confusing and may conflict with the remainder of the paragraph. Therefore, the final rule has been revised to make it clear that not more than 85% of the freight will be deemed ''earned'' if the charter party provides that the carrier must complete additional requirements after discharge.

Comment: MARAD requested a language change in § 1599.15(b), which requires evidence of export by onboard bill of lading authenticated by Customs. It requires the bill of lading to state destination country. MARAD suggested that FAS insert the word ''final'' before ''destination country'' as current practice has been the bills only show the destination country of discharge port when the cargo is actually destined to another inland nation. Bills have a field which allows the showing of both discharge port and final destination and both these fields should be utilized.

Response: Bills of lading show destination country where vessel carrier's responsibility ends. If inland transportation is required and the cargo is to be shipped on a through bill of lading, the bill of lading will show the ultimate destination country. However, if the Cooperating Sponsor is arranging inland transportation, the bill of lading will only show the discharge port, which is where the carrier's responsibility ends. Carriers would not want to be liable for ultimate destination if their responsibility ended at the ocean port of discharge.

Comment: MARAD expressed concern regarding language in § 1599.15(c)(i), asking why FAS only requires a report regarding claims be submitted for US-flag vessels, and not for foreign flag vessels. MARAD stated that this rule should apply equally to all vessels regardless of nationality of registry.

Response: KCCO does pursue claims on both U.S. and foreign flag vessels. FAS will amend the regulation to require both U.S. and foreign flag vessel reports.

Effective Date: In order to ensure that the McGovern-Dole International Food for Education and Child Nutrition Program is implemented this fiscal year, it is essential that this rule be made effective June 20, 2003. A delay in the effective date may jeopardize FAS' ability to review the assistance proposals received in sufficient time to conclude agreements prior to the lapse of funding authorization for this fiscal year. In addition, the program's focus on school feeding and other educational aspects of assistance requires that FAS strive to conclude agreements in sufficient time to meet the needs of the school year. The need to prepare and review proposals and procure and ship commodities consequently constitutes good cause to make this rule effective June 20, 2003.

List of Subjects in 7 CFR Part 1599

Agricultural commodities, Exports, Foreign aid.

■ Accordingly, Title 7 of the Code of Federal Regulations is amended by adding a new part 1599 to read as follows:

PART 1599—MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM

Sec.

Authority: 7 U.S.C. 1736–1; Presidential Memorandum, March 11, 2003.

§ 1599.1 What special definitions apply?

Activity—a Cooperating Sponsor's use of agricultural commodities and financial and technical assistance provided under Program Agreements.

Agricultural Counselor or Attache—the United States Foreign Agricultural Service representative stationed abroad, who has been assigned responsibilities with regard to the country into which the commodities provided are imported, or such representative's designee.

Associate Administrator—Associate Administrator, Foreign Agricultural Service.

CCC—the Commodity Credit Corporation.

Commodities—U.S. agricultural commodities or products.

Director, CCC–OD—the Director, CCC Operations Division, Foreign Agricultural Service, USDA.

Director, PAD—the Director, Program Administration Division, Foreign Agricultural Service, USDA.

Director, PPDED—the Director, Program Planning, Development & Evaluation Division, Foreign Agricultural Service, USDA.

Deputy Administrator—Deputy Administrator for Export Credits, Foreign Agricultural Service, USDA.

FAS—Foreign Agricultural Service, USDA.

Force Majeure—damage caused by perils of the sea or other waters; collisions; wrecks; stranding without the fault of the carrier; jettison; fire from any cause; Act of God; public enemies or pirates; arrest or restraint of princes, princesses, rulers of peoples without the fault of the carrier; wars; public disorders; captures; or detention by public authority in the interest of public safety.

KCCO—Kansas City Commodity Office, Farm Services Agency, USDA, PO Box 419205, Kansas City, Missouri, 64141–6205.

KCMO/DMD—Debt Management Division, Kansas City Management Office, Farm Services Agency, USDA, PO Box 419205, Kansas City, Missouri, 64141–6205.

Ocean freight differential—the amount, as determined by FAS, by which the cost of ocean transportation is higher than would otherwise be the case by reason of the requirement that the commodities be transported on U.S.-flag vessels.

Program Agreement—an agreement entered into by FAS and Cooperating Sponsors to implement the McGovern-Dole International Food for Education and Child Nutrition Program.

Program income—interest on sale proceeds and money received by the Cooperating Sponsor, other than sales proceeds, as a result of carrying out approved activities.

Recipient agency—an entity located in the importing country which receives commodities or commodity sale proceeds from a Cooperating Sponsor for the purpose of implementing activities.

Sale proceeds—money received by a Cooperating Sponsor from the sale of commodities.

USDA—the United States Department of Agriculture.

§ 1599.2 What is the general purpose and scope of the regulations?

This part establishes the general terms and conditions governing the donation of commodities and financial and technical assistance to Cooperating Sponsors under the McGovern-Dole International Food for Education and Child Nutrition Program. This part does not apply to donations to intergovernmental agencies or organizations (such as the World Food Program) unless FAS and such intergovernmental agency or organization enter into an agreement incorporating this part. Cooperating Sponsors should also familiarize themselves with regulations at 7 CFR part 3019—Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations.

In addition to the regulations in this part 1599, grants awarded to non-governmental Cooperating Sponsors by FAS are subject to 7 CFR 3015.205, 7 CFR part 3019 and 7 CFR part 3052.

§ 1599.3 Are there eligibility requirements for Cooperating Sponsors?

A Cooperating Sponsor may be either:

(a) A foreign government;

(b) An entity registered with the Agency for International Development (AID) in accordance with AID regulations; or

(c) An entity that demonstrates to FAS' satisfaction:

(1) Organizational experience and resources available to implement and manage the type of program proposed, *i.e.*, targeted food assistance, activities that improve the food security, health and nutrition of women and children, and economic development activities;

(2) Experience working in the targeted country; and

(3) Experience and knowledge on the part of personnel who will be responsible for implementing and managing the program. FAS may require that an entity submit a financial statement demonstrating that it has the financial means to implement an effective donation program.

§ 1599.4 How do I apply?

To apply for this program, a Cooperating Sponsor shall submit an SF–424, which is a standard application for federal assistance, a Program Introduction, a Plan of Operation, and a Budget Proposal to the Director, PPDED and to the Agricultural Counselor or Attaché responsible for the country where activities are to be implemented. Electronic submissions of these items are preferred, particularly through the

FAS on-line system. If on-line submission is not available, e-mail or hard copy are acceptable.

(a) SF–424

(b) Program Introduction shall include the following:

(1) Information about the organization's past food aid activities with particular emphasis on school feeding, maternal child health or other relevant development activities, its experience within the country where the program is proposed, and any other relevant information to demonstrate its capability to implement the program in the country, with particular emphasis on the organizations ability to:

(i) Identify and assess the needs of beneficiaries, especially malnourished or undernourished mothers and their children who are 5 years of age or younger, and school-age children who are malnourished, undernourished, or do not regularly attend school;

(ii) In the case of preschool and school-age children, target low-income areas where child enrollment and attendance in school is low or girls enrollment and participation in preschool or school is low;

(iii) Incorporate developmental objectives for improving literacy and primary education (especially with girls); and,

(iv) In the case of maternal and child nutrition activities, coordinate supplementary feeding and nutrition programs with existing or newly established maternal, infant, and child programs that meet maternal, prenatal, postnatal, and newborns health needs;

(2) Reasons for the need for the food aid and in particular, a school feeding program in the country. The organization shall include statistics on poverty, food deficits, and related items such as:

(i) Literacy rates for the target population;

(ii) Percentage of school age children attending schools, especially females;

(iii) Malnutrition rates;

(iv) Public expenditures on primary education;

(v) Country's current school feeding operations, if they exists, along with current funding resources;

(vi) Any information regarding teacher training, community infrastructure (PTAs), health, nutrition, and water and sanitation information; and lastly,

(vii) Other potential donors;

(3) Verification that the national government is committed to or is working toward, through a national action plan, the goals of the World Declaration on Education for All convened in 1990 in Jomtien, Thailand, and the follow-up Dakar Framework for Action of the World Education Forum, convened in 2000;

(4) Steps to graduate the program from food aid and address sustainability, or sustainable program components, which will continue after the end of food aid donations. In addressing graduation or sustainability,

(i) Address how the program will sustain the benefits of the education, enrollment, and attendance of children in schools in the targeted communities when the provision of commodities and assistance to a recipient country under FFE terminates;

(ii) Estimate the time required until the recipient country or eligible organizations will be able to provide sufficient assistance without additional assistance under FFE; or in the absence of sustainability; and

(iii) Explain how the program will provide other long term benefits to targeted populations of the recipient country;

(5) Information on methods used to involve indigenous institutions as well as local communities and governments in the development and implementation of the programs and activities to foster local capacity building and leadership;

(6) An explanation of how each requested expenditure identified in § 1599.6(b)(4)(i) would enhance the effectiveness of the activities implemented under this subpart. For purposes of this section, ''expenditures that would enhance the effectiveness of the activities implemented under this subpart'' are those expenditures which would increase the likelihood of meeting the objectives of the activities as stated in the Plan of Operation. Examples of costs that may enhance the effectiveness of a school feeding program may be the purchase of utensils and food trays, text books, and incentives for teachers, as well as the use of consultancies to provide technical assistance in the educational improvement area when conducting teacher training. These costs may include a limited amount to procure locally produced foods.

(7) If your proposal includes monetization or barter, demonstrate that monetization or bartering of commodities offers more benefits than a direct cash outlay.

(c) A Plan of Operation shall provide the following information:

(1) Country of donation.

(2) Kind, quantity and delivery schedule of commodities requested.

(3) Activity objectives. Briefly state what the goals to be accomplished for the program are.

(4) Program description shall include the following:

(i) Fully describe the steps involved in program implementation;

(ii) Method for choosing beneficiaries of activities;

(iii) Program administration, including a description of the Cooperating Sponsors plan to develop, implement, monitor, report on, and provide accountability for activities. The Cooperating Sponsor shall also include, as appropriate, plans for administering the distribution or sale of commodities and the expenditure of sale proceeds, and identification of the administrative or technical personnel who will implement the activities;

(iv) Activity budgets, including costs that will be borne by the Cooperating Sponsor, other organizations or local governments. If a nongovernmental Cooperating Sponsor requests FAS to fund costs identified in § 1599.6(b)(4)(i), the Cooperating Sponsor shall include a detailed description of:

(A) The costs for which funding is requested; and,

(B) The amount of funding requested for each cost;

(v) The recipient agency, if any, that will be involved in the program and a description of each recipient agency's capability to perform its responsibilities as stated in the Plan of Operation;

(vi) Governmental or nongovernmental entities involved in the program and the extent to which the program will strengthen or increase the capabilities of such entities to further economic development in the recipient country. The Cooperating Sponsor shall also include a description of the steps that the government of the host country is taking to improve the preschool and school systems in the country;

(vii) Method of educating consumers as to the source of the provided commodities and, where appropriate, preparation and use of the commodity; and

(viii) Criteria for measuring progress towards achieving the objectives of activities and evaluating program outcome, including health, nutrition and education.

(5) Use of funds or goods and services generated: If the activity involves the use of sale proceeds, the receipt of goods or services from the barter of commodities, or the use of program income, the cooperating sponsor shall provide the following information:

(i) The quantity and type of commodities to be sold or bartered;

(ii) Extent to which any sale or barter of the agricultural commodities provided would displace or interfere

with any sales that may otherwise be made;

(iii) The amount of sale proceeds anticipated to be generated from the sale, the value of the goods or services anticipated to be generated from the barter of the agricultural commodities provided, or the amount of program income expected to be generated;

(iv) The steps taken to use, to the extent possible, the private sector in the process of selling commodities;

(v) The specific uses of sale proceeds or program income and a timetable for their expenditure; and

(vi) Procedures for assuring the receipt and deposit of sale proceeds and program income into a separate special account and procedures for the disbursement of the proceeds and program income from such special account.

(6) Distribution methods: (i) A description of the transportation and storage system which will be used to move the agricultural commodities from the receiving port to the point at which distribution is made to the recipient;

(ii) A description of any reprocessing or repackaging of the commodities that will take place; and

(iii) A logistics plan that demonstrates the adequacy of port, transportation, storage, and warehouse facilities to handle the flow of commodities to recipients without undue spoilage or waste.

(7) Duty free entry: Documentation indicating that any commodities to be distributed to recipients, rather than sold, will be imported and distributed free from all customs, duties, tolls, and taxes.

(8) Economic impact: Information indicating that the commodities can be imported and distributed without a disruptive impact upon production, prices and marketing of the same or like products within the importing country.

(d) Budget proposals shall include funds requested, from either cash or monetization resources, to fund administrative, ITSH, technical and financial assistance costs. Budget proposals shall be submitted in a spreadsheet format.

(e) After submission and approval by FAS, a Program Agreement will be developed. The Program Agreement, which will incorporate the terms and conditions set forth in this part, the commodities provided by FAS, and any packaging, will meet the specifications set forth in such Program Agreement. A Program Agreement may contain special terms or conditions, in addition to or in lieu of, the terms and conditions set forth in the regulations in this part when FAS determines that such special terms or conditions are necessary to effectively carry out the particular Program Agreement. The Plan of Operation, Budget Proposal, and Commodity specifications will be incorporated into the Program Agreement as Attachments.

§ 1599.5 When is a usual marketing requirement included?

(a) A foreign government Cooperating Sponsor shall provide to the Director, PPDED, data showing commercial and non-commercial imports of the types of agricultural commodities requested during the prior five years, by country of origin, and an estimate of imports of such commodities during the current year.

(b) FAS may require that a Program Agreement with a foreign government include a ''usual marketing requirement'' that establishes a specific level of imports for a specified period. The Program Agreement may also include a prohibition on the export of provided commodities, as well as of other similar commodities specified in the Program Agreement.

§ 1599.6 How are costs and advances apportioned?

(a) FAS will bear the costs of the packaging, enrichment, preservation, and fortification of agricultural commodities, and the processing, transportation, handling and other incidental charges incurred in delivering commodities to Cooperating Sponsors. FAS will deliver bulk grain shipments f.o.b. vessel, and shipments of all other commodities f.a.s. vessel or intermodal points. FAS will choose the point of delivery based on lowest cost to FAS.

(b) When the Associate Administrator approves in advance and in writing, FAS may agree to bear all or a portion of reasonable costs associated with:

(1) Transportation from U.S. ports to designated ports or points of entry abroad;

(2) Maritime survey costs;

(3) Transportation from designated ports or points of entry abroad to designated storage and distribution sites, and reasonable storage and distribution costs if the recipient country is a low income, net food-importing country that:

(i) Meets the poverty criteria established by the International Bank for Reconstruction and Development for Civil Works Preference; and

(ii) Has a national government that is committed to or is working toward, through a national action plan, the goals of the World Declaration on Education for All and the Dakar Framework for Action of the World Education Forum; and

(4) The costs of a nongovernmental Cooperating Sponsor:

(i) In the recipient country that enhance the effectiveness of the activities including packaging, enrichment, preservation and fortification of agricultural commodities; and

(ii) For administrative or monitoring expenses specified in the program agreement.

(5) The administrative expenses of any Federal agency implementing or assisting in the implementation of the McGovern-Dole International Food for Education and Child Nutrition Program, including the administrative costs of the Food and Nutrition Service to provide technical advice on the establishment and implementation of programs, including providing field expertise in recipient countries.

(c) FAS will not pay any costs incurred by the Cooperating Sponsor prior to the date of the Program Agreement.

(d) Except as provided in paragraph (b) of this section, the Cooperating Sponsor shall ordinarily bear all costs incurred subsequent to FAS' delivery of commodities at U.S. ports or intermodal points.

(e) A Cooperating Sponsor seeking agreement by FAS to bear the storage and distribution costs identified in paragraph (b)(3) of this section or the costs identified in paragraph (b)(4) of this section shall submit to the Director, PPDED, a Program Operation Budget detailing such costs. If approved, the Program Operation Budget shall become part of the Program Agreement. The non-governmental Cooperating Sponsor may make adjustments between line items of an approved Program Operation Budget up to 10 percent of the total amount of the budget as last approved without any further approval. Adjustments beyond these limits must be specifically approved by the Director, PPDED.

(f) The Cooperating Sponsor may request advance of up to 100 percent of the amount of an approved Program Operating Budget if FAS determines that the Cooperating Sponsor's financial management system meets the requirements of 7 CFR 3019.21. However, FAS will not approve any request for an advance received earlier than 60 days after the date of a previous advance made in connection with the same Program Agreement.

(g) Funds advanced shall be deposited in an interest bearing account until expended. Interest earned on advance of funds must be returned to FAS.

(h) The Cooperating Sponsor shall return to FAS any funds not obligated as of the 180th day after being advanced, together with interest earned on such unexpended funds. Funds and interest shall be returned within 30 days of such date.

(i) The Cooperating Sponsor shall, not later than 10 days after the end of each calendar quarter, submit a financial statement to the Director, PPDED, accounting for all funds advanced and all interest earned.

(j) FAS will pay all other costs for which it is obligated under the Program Agreement by reimbursement. However, FAS will not pay any cost incurred after the final date specified in the Program Agreement.

(k) Program income may be used to further eligible activity objectives.

§ 1599.7 What procedures apply to procuring ocean transportation?

(a) *Cargo preference.* Shipments of commodities are subject to the requirements of sections 901(b) and 901b of the Merchant Marine Act, 1936, regarding carriage on U.S.-flag vessels. A Cooperating Sponsor shall comply with the instructions of FAS regarding the quantity of commodities that must be carried on U.S. flag vessels.

(b) *Freight procurement requirements.* When FAS is financing any portion of the ocean freight, whether on U.S. flag or non-U.S. flag vessels, and the Cooperating Sponsor arranges ocean transportation:

(1) The Cooperating Sponsor shall arrange ocean transportation through competitive bidding and shall obtain approval of all invitations for bids from the Director, CCC–OD.

(2) Invitations for bids shall be posted on FAS' Web site and a commercially available news wire service.

(3) Freight invitations for bids shall include specified procedures for payment of freight, including the party responsible for the freight payments, and expressly require that:

(i) Offers include a contract canceling date no later than the last contract layday specified in the invitation for bids;

(ii) Offered rates be quoted in U.S. dollars per metric ton;

(iii) If destination bagging or transportation to a point beyond the discharge port is required, the offer separately state the total rate and the portion thereof attributable to the ocean segment of the movement;

(iv) Any non-liner U.S. flag vessel 15 years or older offer, in addition to any other offered rate, a one-way rate applicable in the event the vessel is scrapped or transferred to foreign flag registry prior to the end of the return voyage to the United States;

(v) In the case of packaged commodities, U.S. flag carriers specify whether delivery will be direct breakbulk shipment, container shipment, or breakbulk transshipment and identify whether transshipment (including container relays) will be via U.S. or foreign flag vessel;

(vi) Vessels offered subject to Maritime Administration approval will not be accepted; and

(vii) Offers be received by a specified closing time, which must be the same for both U.S. and non-U.S. flag vessels.

(4) In the case of shipments of bulk commodities and non-liner shipments of packaged commodities, the Cooperating Sponsor shall open offers in public in the United States at the time and place specified in the invitation for bids and consider only offers that are responsive to the invitation for bids without negotiation. Late offers shall not be considered or accepted.

(5) All responsive offers received for both U.S. flag and foreign flag service shall be presented to KCCO which will determine the extent to which U.S.-flag vessels will be used.

(6) The Cooperating Sponsor shall promptly furnish the Director, CCC–OD, or other official specified in the Program Agreement, copies of all offers received with the time of receipt indicated thereon. The Director, CCC–OD, or other official specified in the Program Agreement, will approve all vessel fixtures. The Cooperating Sponsor may fix vessels subject to the required approval; however, the Cooperating Sponsor shall not confirm a vessel fixture until advised of the required approval and the results of the Maritime Administration's guideline rate review. The Cooperating Sponsor shall not request guideline rate advice from the Maritime Administration.

(7) Non-Vessel Operating Common Carriers may not be employed to carry shipments on either U.S. or foreign-flag vessels.

(8) The Cooperating Sponsor shall promptly furnish the Director CCC–OD, a copy of the signed laytime statement and statement of facts at the discharge port.

(c) *Shipping agents.* (1) The Cooperating Sponsor may appoint a shipping agent to assist in the procurement of ocean transportation. The Cooperating Sponsor shall nominate the shipping agent in writing to the Deputy Administrator, Room 4077–S, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, DC 20250–1031, and include a copy of the proposed agency agreement. The Cooperating Sponsor shall specify the time period of the nomination.

(2) The shipping agent so nominated shall submit the information and certifications required by 7 CFR 17.4 to the Deputy Administrator.

(3) A person may not act as a shipping agent for a Cooperating Sponsor unless the Deputy Administrator has notified the Cooperating Sponsor in writing that the nomination is accepted.

(d) *Commissions.* (1) When any portion of the ocean freight is paid by FAS, total commissions earned on U.S. and foreign flag bookings by all parties arranging vessel fixtures, shall not exceed 2½ percent of the total freight costs.

(2) Address commissions are prohibited.

(e) *Contract terms.* When FAS is paying any portion of the ocean freight, charter parties and liner booking contracts must conform to the following requirements, as applicable:

(1) Packaged commodities on liner vessels shall be shipped on the basis of full berth terms with no demurrage or despatch;

(2) Shipments of bulk liquid commodities may be contracted in accordance with trade custom. Other bulk commodities, including shipments that require bagging or stacking for the account of the vessel, shall be shipped on the basis of vessel load, free out, with demurrage and despatch applicable at load and discharge ports; except that, if bulk commodities require further inland distribution, they shall be shipped on the basis of vessel load with demurrage and despatch at load and berth terms discharge, *i.e.*, no demurrage, despatch, or detention at discharge. Demurrage and despatch shall be settled between the ocean carrier and commodity suppliers at load port and between the ocean carrier and charterers at discharge ports. FAS is not responsible for resolving disputes involving the calculation of laytime or the payment of demurrage or despatch.

(3) If the Program Agreement requires the Cooperating Sponsor to arrange an irrevocable letter of credit for ocean freight, the Cooperating Sponsor shall be liable for detention of the vessel for loading delays attributable solely to the decision of the ocean carrier not to commence loading because of the failure of the Cooperating Sponsor to establish such letter of credit. Charter parties and liner booking contracts may not contain a specified detention rate. The ocean carrier shall be entitled to reimbursement, as damages for detention for all time so lost, for each calendar day or any part of the calendar

day, including Saturdays, Sundays and holidays. The period of such delay shall not commence earlier than upon presentation of the vessel at the designated loading port within the laydays specified in the charter party or liner booking contract, and upon notification of the vessel's readiness to load in accordance with the terms of the applicable charter party or liner booking contract. The period of such delay shall end at the time that operable irrevocable letters of credit have been established for ocean freight or the time the vessel begins loading, whichever is earlier. Time calculated as detention shall not count as laytime. Reimbursement for such detention shall be payable no later than upon the vessel's arrival at the first port of discharge.

(4) Charges including, but not limited to charges for inspection, fumigation, and carrying charges, attributable to the failure of the vessel to present before the canceling date will be for the account of the ocean carrier.

(5) 100% of ocean freight is earned and payable under a charter party when the vessel and cargo arrive at the first port of discharge, Provided, That if a force majeure prevents the vessel's arrival at the first port of discharge, 100% of the ocean freight is payable, and provided further, that if the charter party provides for completing additional requirements after discharge such as bagging, stacking, or inland transportation, not more than 85% of the ocean freight is earned and payable at the time the Associate Administrator determines that such force majeure was the cause of nonarrival; and

(6) When the ocean carrier offers delivery to destination ports on U.S.-flag vessels, but foreign-flag vessels are used for any part of the voyage to the destination port without first obtaining the approval of the Cooperating Sponsor, KCCO, and any other approval that may be required by the Program Agreement, the ocean freight rate will be reduced to the lowest responsive foreign-flag vessel rate offered in response to the same invitation for bids and the carrier agrees to pay FAS the difference between the contracted ocean freight rate and the freight rate offered by such foreign-flag vessel.

(f) *Coordination between FAS and the Cooperating Sponsor.* When a Program Agreement specifies that the Cooperating Sponsor will arrange ocean transportation:

(1) FAS will provide that KCCO furnishes the Cooperating Sponsor, or its agent, a Notice of Commodity Availability (Form FAS–512) which will specify the receiving country, commodity, quantity, and date at U.S. port or intermodal delivery point.

(2) The Cooperating Sponsor shall complete the Form FAS–512 indicating name of steamship company, vessel name, vessel flag and estimated time of arrival at U.S. port; and shall sign and return the completed form to KCCO, with a copy to the Director, CCC–OD. If FAS agrees to pay any part of the ocean transportation for liner cargoes, the Cooperating Sponsor shall also indicate on the Form FAS–512 the applicable Federal Maritime Commission tariff rate, and tariff identification.

(3) FAS will arrange for KCCO to issue instructions to have the commodity delivered f.a.s. or f.o.b. vessel, U.S. port of export or intermodal delivery point, consigned to the Cooperating Sponsor.

(g) *Documents required for payment of freight*—(1) *General rule.* To receive payment for ocean freight, the Cooperating Sponsor shall submit the following documents to the Director, CCC–OD:

(i) One signed copy of completed Form FAS–512;

(ii) Four copies of the original on-board bills of lading indicating the freight rate and signed by the originating carrier;

(iii) For all non-containerized grain cargoes,

(A) One signed copy of the Federal Grain Inspection Service (FGIS) Official Stowage Examination Certificate (Vessel Hold Certificate);

(B) One signed copy of the National Cargo Bureau Certificate of Readiness (Vessel Hold Inspection Certificate); and

(C) One signed copy of the National Cargo Bureau Certificate of Loading;

(iv) For all containerized grain and grain product cargoes, one copy of the FGIS Container Condition Inspection Certificate;

(v) One signed copy of liner booking note or charter party covering ocean transportation of cargo;

(vi) For charter shipments, a signed notice of arrival at first discharge port submitted by the Cooperating Sponsor;

(vii) For all liner cargoes, a copy of the tariff page;

(viii) Four copies of either:

(A) A request by the Cooperating Sponsor for reimbursement of ocean freight or ocean freight differential indicating the amount due, and accompanied by a certification from the ocean carrier that payment has been received from the Cooperating Sponsor; or

(B) A request for direct payment to the ocean carrier, indicating amount due; or

(C) A request for direct payment of ocean freight differential to the ocean carrier accompanied by a certification from the carrier that payment of the Cooperating Sponsor's portion of the ocean freight has been received.

(ix) Each request to FAS for payment must provide a document, on letterhead and signed by an official or agent of the requester, the name of the entity to receive payment, the bank ABA number to which payment is to be made; the account number for the deposit at the bank; the requester's taxpayer identification number; and the type of the account into which funds will be deposited.

(2) *In cases of force majeure.* To receive payment in cases where the Associate Administrator determines that circumstances of force majeure have prevented the vessel's arrival at the first port of discharge, the Cooperating Sponsor shall submit all documents required by paragraph (g)(1) of this section except for the notice of arrival required by paragraph (g)(1)(vi) of this section.

(h) *FAS payment of ocean freight or ocean freight differential.*—(1) *General rule.* FAS will pay, not later than 30 days after receipt in good order of the required documentation, 100 percent of either the ocean freight or the ocean freight differential, whichever is specified in the Program Agreement.

(2) *Additional requirements after discharge.* Where the charter party or liner booking note provide for the completion of additional services after discharge, such as bagging, stacking or inland transportation, FAS will pay, not later than 30 days after receipt in good order of the required documentation, either not more than 85 percent of the total freight charges or 100 percent of the ocean freight differential, whichever is specified in the Program Agreement. FAS will pay the remaining balance, if any, of the freight charges not later than 30 days after receipt of notification from the Cooperating Sponsor that such additional services have been provided; except that FAS will not pay any remaining balance where the Associate Administrator determines that the vessel's arrival at first port of discharge was prevented by force majeure.

(3) *No demurrage.* FAS will not pay demurrage.

§ 1599.8 Who arranges for entry and handling in the foreign country?

(a) The Cooperating Sponsor shall make all necessary arrangements for receiving the commodities in the recipient country, including obtaining appropriate approvals for entry and transit. The Cooperating Sponsor shall store and maintain the commodities from time of delivery at port of entry or

point of receipt from originating carrier in good condition until their distribution, sale or barter.

(b) When FAS has agreed to pay costs of transporting, storing, and distributing commodities from designated points of entry or ports of entry, the Cooperating Sponsor shall arrange for such services, by through bill of lading, or by contracting directly with suppliers of services, as FAS may approve. If the Cooperating Sponsor contracts directly with the suppliers of such services, the Cooperating Sponsor may seek reimbursement by submitting documentation to FAS indicating actual costs incurred. All supporting documentation must be sent to the Director, CCC–OD. FAS, at its option, will reimburse the Cooperating Sponsor for the cost of such services in U.S. dollars at the exchange rate in effect on the date of payment by FAS, or in foreign currency.

§ 1599.9 What are the restrictions on commodity use and distribution?

(a) The Cooperating Sponsor may use the commodities provided only in accordance with the terms of the Program Agreement.

(b) In the event that its participation in the program terminates, the nongovernmental Cooperating Sponsor will safeguard any undistributed commodities and sales proceeds and dispose of such commodities and proceeds as directed by FAS.

§ 1599.10 Are there special requirements for agreements between Cooperating Sponsor and Recipient Agencies?

(a) The Cooperating Sponsor shall enter into a written agreement with a recipient agency prior to the transfer of any commodities, sale proceeds or program income to the recipient agency. Copies of such agreements shall be provided to the Agricultural Counselor or Attache, and the Director, PPDED. Such agreements shall require the recipient agency to pay the Cooperating Sponsor the value of any commodities, sale proceeds or program income that are used for purposes not expressly permitted under the Program Agreement, or that are lost, damaged, or misused as a result of the recipient agency's failure to exercise reasonable care;

(b) FAS may waive the requirements of paragraph (a) of this section where it determines that such an agreement is not feasible or appropriate.

§ 1599.11 What procedures apply to sales and barter of commodities provided and the use of proceeds?

(a) Commodities may be sold or bartered without the prior approval of FAS where damage has rendered the commodities unfit for intended program purposes and sale or barter is necessary to mitigate loss of value.

(b) A Cooperating Sponsor may, but is not required to, negotiate an agreement with the host government under which the commodities imported for a sale or barter may be imported, sold, or bartered without assessment of duties or taxes. In such cases and where the commodities are sold, they shall be sold at prices reflecting prevailing local market value.

(c) The Cooperating Sponsor shall deposit all sale proceeds into an interest-bearing account unless prohibited by the laws or customs of the importing country or FAS determines that to do so would constitute an undue burden. Interest earned on such deposits shall only be used for approved activities.

(d) Except as otherwise provided in this part, the Cooperating Sponsor may use sale proceeds and resulting interest only for those purposes approved in the applicable Plan of Operation.

(e) FAS will approve the use of sale proceeds and interest to purchase real and personal property where local law permits the Cooperating Sponsor to retain title to such property, but will not approve the use of sale proceeds or interest to pay for the acquisition, development, construction, alteration or upgrade of real property that is:

(1) Owned or managed by a church or other organization engaged exclusively in religious activity, or

(2) Used in whole or in part for sectarian purposes; except that, a Cooperating Sponsor may use such sale proceeds or interest to pay for repairs or rehabilitation of a structure located on such real property to the extent necessary to avoid spoilage or loss of provided commodities but only if such structure is not used in whole or in part for any religious or sectarian purposes while the provided commodities are stored in such structure. When not approved in the Plan of Operation, such use may be approved by the Agricultural Counselor or Attache.

(f) The Cooperating Sponsor shall follow commercially reasonable practices in procuring goods and services and when engaging in construction activity in accordance with the approved Plan of Operation. Such practices shall include procedures to prevent fraud, self-dealing and conflicts of interest, and shall foster free and open competition to the maximum extent practicable.

(g) To the extent required by the Program Agreement, the Cooperating Sponsor shall submit to the Director, PPDED, an inventory of all assets acquired with sale proceeds or interest or program income. In the event that its participation in the program terminates, the Cooperating Sponsor shall dispose, at the direction of the Director, PPDED, of any property, real or personal, so acquired.

§ 1599.12 What procedures apply to the processing, packaging and labeling of commodities in the foreign country?

(a) Cooperating Sponsors may arrange for the processing of commodities provided under the Program Agreement, or for packaging or repackaging prior to distribution. When a third party provides such processing, packaging or repackaging, the Cooperating Sponsor shall enter into a written agreement requiring that the provider of such services maintain adequate records to account for all commodities delivered and submit periodic reports to the Cooperating Sponsor. The Cooperating Sponsor shall submit a copy of the executed agreement to the Agricultural Counselor or Attache.

(b) If, prior to distribution, the Cooperating Sponsor arranges for packaging or repackaging commodities, the packaging shall be plainly labeled in the language of the country in which the commodities are to be distributed with the name of the commodity and, except where the commodities are to be sold or bartered after processing, packaging or repackaging, to indicate that the commodity is furnished by the people of the United States of America and not to be sold or exchanged. If the commodities are not packaged, the Cooperating Sponsor shall, to the extent practicable, display banners, posters or other media containing the information prescribed in this paragraph.

(c) FAS will reimburse Cooperating Sponsors that are nonprofit private voluntary organizations or cooperatives for expenses incurred for repackaging if the packages of commodities are discharged from the vessel in damaged condition, and are repackaged to ensure that the commodities arrive at the distribution point in wholesome condition. No prior approval is required for such expenses equaling $500 or less. If such expense is estimated to exceed $500, the authority to repackage and incur such expense must be approved by the Agricultural Counselor or Attache in advance of repackaging.

§ 1599.13 How does the Cooperating Sponsor dispose of commodities unfit for authorized use?

(a) *Prior to delivery to Cooperating Sponsor at discharge port or point of entry.* If the commodity is damaged

prior to delivery to a governmental Cooperating Sponsor at discharge port or point of entry overseas, the Agricultural Counselor or Attache will immediately arrange for inspection by a public health official or other competent authority. If the commodity is damaged prior to delivery to a nongovernmental Cooperating Sponsor at the discharge port or point of entry, the nongovernmental Cooperating Sponsor shall arrange for such inspection. If inspection discloses the commodity to be unfit for the use authorized in the Program Agreement, the Agricultural Counselor or Attache or the nongovernmental Cooperating Sponsor shall dispose of the commodities in accordance with the priority set forth in paragraph (b) of this section. Expenses incidental to the handling and disposition of the damaged commodity will be paid by FAS from the sale proceeds or from an appropriate FAS account designated by FAS. The net proceeds of sales shall be deposited with the U.S. Disbursing Officer, American Embassy, in an account designated by FAS; however, if the commodities are provided for a sales program, the net sale proceeds, net of expenses incidental to handling and disposition of the damaged commodity, shall be deposited to the special account established for sale proceeds. The Cooperating Sponsor shall consult with FAS regarding the inspection and disposition of commodities and accounting for sale proceeds in the event the Cooperating Sponsor executed a sales agreement under which title passed to the purchaser prior to delivery to the Cooperating Sponsor.

(b) *After delivery to Cooperating Sponsor.* (1) If after arrival in a foreign country and after delivery to a Cooperating Sponsor, it appears that the commodity, or any part thereof, may be unfit for the use authorized in the Program Agreement, the Cooperating Sponsor shall immediately arrange for inspection of the commodity by a public health official or other competent authority approved by the Agricultural Counselor or Attache. If no competent local authority is available, the Agricultural Counselor or Attache may determine whether the commodities are unfit for the use authorized in the Program Agreement and, if so, may direct disposal in accordance with this paragraph. The Cooperating Sponsor shall arrange for the recovery of that portion of the commodities designated during the inspection as suitable for authorized use. If, upon inspection, the commodity (or any part thereof) is determined to be unfit for the authorized use, the Cooperating Sponsor shall notify the Agricultural Counselor or Attache of the circumstances pertaining to the loss or damage. With the concurrence of the Agricultural Counselor or Attache, the commodity determined to be unfit for authorized use shall be disposed of in the following order of priority:

(i) By transfer to an approved USDA sponsored program for use as livestock feed. FAS shall be advised promptly of any such transfer so that shipments from the United States to the livestock feeding program can be reduced by an equivalent amount;

(ii) Sale for the most appropriate use, *i.e.*, animal feed, fertilizer, or industrial use, at the highest obtainable price. When the commodity is sold, all U.S. Government markings shall be obliterated or removed;

(iii) By donation to a governmental or charitable organization for use as animal feed or for other non-food use; or

(iv) If the commodity is unfit for any use or if disposal in accordance with paragraph (b)(1)(i), (ii) or (iii) of this section is not possible, the commodity shall be destroyed under the observation of a representative of the Agricultural Counselor or Attache, if practicable, in such manner as to prevent its use for any purpose.

(2) Actual expenses incurred, including third party costs, in effecting any sale may be deducted from the sale proceeds and, if the commodities were intended for direct distribution, the Cooperating Sponsor shall deposit the net proceeds with the U.S. Disbursing Officer, American Embassy, with instructions to credit the deposit to an account as designated by FAS. If the commodities were intended to be sold, the Cooperating Sponsor shall deposit the gross proceeds into the special interest bearing account and, after approved costs related to the handling and disposition of damaged commodities are paid, shall use the remaining funds for purposes of the approved program. The Cooperating Sponsor shall promptly furnish to the Agricultural Counselor or Attache a written report of all circumstances relating to the loss and damage on any commodity loss in excess of $5,000; quarterly reports shall be made on all other losses. If the commodity was inspected by a public health official or other competent authority, the report and any supplemental report shall include a certification by such public health official or other competent authority as to the condition of the commodity and the exact quantity of the damaged commodity disposed. Such certification shall be obtained as soon as possible after the discharge of the cargo. A report must also be provided to the Chief, Debt Management Division, KCMO/DMD, of action taken to dispose of commodities unfit for authorized use.

§ 1599.14 How is liability established for loss, damage, or improper distribution of commodities?

(a) *Fault of Cooperating Sponsor prior to loading on ocean vessel.* The Cooperating Sponsor shall immediately notify KCCO, Chief, Export Operations Division if the Cooperating Sponsor will not have a vessel for loading at the U.S. port of export in accordance with the agreed shipping schedule. FAS will determine whether the commodity will be: Moved to another available outlet; stored at the port for delivery to the Cooperating Sponsor when a vessel is available for loading; or disposed of as FAS may deem proper. The Cooperating Sponsor shall take such action as directed by FAS and shall reimburse FAS for expenses incurred if FAS determines that the expenses were incurred because of the fault or negligence of the Cooperating Sponsor.

(b) *Fault of others prior to loading on ocean vessel.* The Cooperating Sponsor shall immediately notify the Chief, Debt Management Office, KCMO/DMD, when any damage or loss to the commodity occurs that is attributable to a warehouseman, carrier, or other person between the time title is transferred to a Cooperating Sponsor and the time the commodity is loaded on board vessel at the designated port of export. The Cooperating Sponsor shall promptly assign to CCC any rights to claims which may arise as a result of such loss or damage and shall promptly forward to CCC all documents pertaining thereto. CCC shall have the right to initiate claims, and retain the proceeds of all claims, for such loss or damage.

(c) *Survey and outturn reports related to claims against ocean carriers.* (1) If the Program Agreement provides that CCC will arrange for an independent cargo surveyor to attend the discharge of the cargo, CCC will require the surveyor to provide a copy of the report to the Cooperating Sponsor.

(2)(i) If the Cooperating Sponsor arranges for an independent cargo surveyor, the Cooperating Sponsor shall forward to the Chief, Debt Management Office, KCMO/DMD, any narrative chronology or other commentary it can provide to assist in the adjudication of ocean transportation claims and shall prepare such a narrative in any case where the loss is estimated to be in excess of $5,000.00. The Cooperating Sponsor may, at its option, also engage the independent surveyor to supervise

clearance and delivery of the cargo from customs or port areas to the Cooperating Sponsor or its agent and to issue delivery survey reports thereon.

(ii) In the event of cargo loss and damage, the Cooperating Sponsor shall provide to the Chief, Debt Management Office, KCMO/DMD, the names and addresses of individuals who were present at the time of discharge and during survey and who can verify the quantity lost or damaged. For bulk grain shipments, in those cases where the Cooperating Sponsor is responsible for survey and outturn reports, the Cooperating Sponsor shall obtain the services of an independent surveyor to:

(A) Observe the discharge of the cargo;

(B) Report on discharging methods including scale type, calibrations and any other factor which may affect the accuracy of scale weights, and, if scales are not used, state the reason therefore and describe the actual method used to determine weights;

(C) Estimate the quantity of cargo, if any, lost during discharge through carrier negligence;

(D) Advise on the quality of sweepings;

(E) Obtain copies of port or vessel records, if possible, showing quantity discharged;

(F) Provide immediate notification to the Cooperating Sponsor if additional services are necessary to protect cargo interests or if the surveyor has reason to believe that the correct quantity was not discharged; and

(G) In the case of shipments arriving in container vans, list the container van numbers and seal numbers shown on the container vans, and indicate whether the seals were intact at the time the container vans were opened, and whether the container vans were in any way damaged. To the extent possible, the independent surveyor should observe discharge of container vans from the vessel to ascertain whether any damage to the container van occurred and arrange for surveying as container vans are opened.

(iii) Cooperating Sponsors shall send copies to KCMO/DMD, Chief, Debt Management Office of all reports and documents pertaining to the discharge of commodities.

(iv) FAS will reimburse the Cooperating Sponsor for costs incurred upon receipt of the survey report and the surveyor's invoice or other documents that establish the survey cost. FAS will not reimburse a Cooperating Sponsor for the costs of a delivery survey unless the surveyor also prepares a discharge survey, or for any other survey not taken contemporaneously with the discharge of the vessel, unless FAS determines that such action was justified in the circumstances.

(3) Survey contracts shall be let on a competitive bid basis unless FAS determines that the use of competitive bids would not be practicable. FAS may preclude the use of certain surveyors because of conflicts of interest or lack of demonstrated capability to properly carry out surveying responsibilities.

(4) If practicable, all surveys shall be conducted jointly by the surveyor, the consignee, and the ocean carrier, and the survey report shall be signed by all parties.

(d) Ocean carrier loss and damage. (1) Notwithstanding transfer of title, CCC shall have the right to file, pursue, and retain the proceeds of collection from claims arising from ocean transportation cargo loss and damage arising out of shipments of commodities provided to governmental Cooperating Sponsors; however, when the Cooperating Sponsor pays the ocean freight or a portion thereof, it shall be entitled to pro rata reimbursement received from any claims related to ocean freight charged. FAS will pay general average contributions for all valid general average incidents which may arise from the movement of commodity to the destination ports. CCC shall receive and retain all allowances in general average.

(2) Nongovernmental Cooperating Sponsors shall: File notice with the ocean carrier immediately upon discovery of any cargo loss or damage, promptly initiate claims against the ocean carriers for such loss and damage, take all necessary action to obtain restitution for losses, and provide CCC copies of all such claims. Notwithstanding the preceding sentence, the nongovernmental Cooperating Sponsor need not file a claim when the cargo loss is less than $100, or in any case when the loss is between $100 and $300 and the nongovernmental Cooperating Sponsor determines that the cost of filing and collecting the claim will exceed the amount of the claim. The nongovernmental Cooperating Sponsor shall transmit to KCMO/DMD, Chief, Debt Management Office information and documentation on such lost or damaged shipments when no claim is to be filed. In the event of a declaration of General Average:

(i) The Cooperating sponsor shall assign all claim rights to CCC and shall provide CCC all documentation relating to the claim, if applicable;

(ii) CCC shall be responsible for settling general average and marine salvage claims;

(iii) FAS has sole authority to authorize any dispositions of commodities which have not commenced ocean transit or of which the ocean transit is interrupted;

(iv) FAS will receive and retain any monetary proceeds resulting from such disposition;

(v) CCC will initiate, prosecute, and retain all proceeds of cargo loss and damage against ocean carriers and any allowance in general average; and

(vi) FAS will pay any general average or marine salvage claims determined to be due.

(3) Amounts collected by nongovernmental Cooperating Sponsors on claims against ocean carriers which are less than $200 may be retained by the nongovernmental Cooperating Sponsor. On claims involving loss or damage of $200 or more, nongovernmental Cooperating Sponsors may retain from collections received by them, either $200 plus 10 percent of the difference between $200 and the total amount collected on the claim, up to a maximum of $500; or the actual administrative expenses incurred in collection of the claim, provided retention of such administrative expenses is approved by CCC. Allowable collection costs shall not include attorneys fees, fees of collection agencies, and similar costs. In no event will FAS pay collection costs in excess of the amount collected on the claim.

(4) A nongovernmental Cooperating Sponsor also may retain from claim recoveries remaining after allowable deductions for administrative expenses of collection, the amount of any special charges, such as handling and packing costs, which the nongovernmental Cooperating Sponsor has incurred on the lost or damaged commodity and which are included in the claims and paid by the liable party.

(5) A nongovernmental Cooperating Sponsor may redetermine claims on the basis of additional documentation or information not considered when the claims were originally filed when such documentation or information clearly changes the ocean carrier's liability. Approval of such changes by FAS is not required regardless of amount. However, copies of redetermined claims and supporting documentation or information shall be furnished to FAS.

(6) A nongovernmental Cooperating Sponsor may negotiate compromise settlements of claims of any amount, provided that proposed compromise settlements of claims having a value of $5,000 or more shall require prior approval in writing by FAS. When a claim is compromised, a nongovernmental Cooperating Sponsor

may retain from the amount collected, the amounts authorized in paragraph (d)(3) of this section, and in addition, an amount representing such percentage of the special charges described in paragraph (d)(4) of this section as compromised amount is to the full amount of the claim. When a claim is less than $600, a nongovernmental Cooperating Sponsor may terminate collection activity when it is determined that pursuit of such claims will not be economically sound. Approval for such termination by FAS is not required; however, the nongovernmental Cooperating Sponsor shall notify KCMO/DMD, Chief, Debt Management Division when collection activity on a claim is terminated.

(7) All amounts collected in excess of the amounts authorized in this section to be retained shall be remitted to CCC. For the purpose of determining the amount to be retained by a nongovernmental Cooperating Sponsor from the proceeds of claims filed against ocean carriers, the word ''claim'' shall refer to the loss and damage to commodities which are shipped on the same voyage of the same vessel to the same port destination, irrespective of the kinds of commodities shipped or the number of different bills of lading issued by the carrier.

(8) If a nongovernmental Cooperating Sponsor is unable to effect collection of a claim or negotiate an acceptable compromise settlement within the applicable period of limitation or any extension thereof granted in writing by the party alleged responsible for the damage, the nongovernmental Cooperating Sponsor shall assign its rights to the claim to CCC in sufficient time to permit the filing of legal action prior to the expiration of the period of limitation or any extension thereof. Generally, a nongovernmental Cooperating Sponsor should assign claim rights to CCC no later than 60 days prior to the expiration of the period of limitation or any extension thereof. In all cases, a nongovernmental Cooperating Sponsor shall keep CCC informed of the progress of its collection efforts and shall promptly assign their claim rights to CCC upon request. Subsequently, if CCC collects on or settles the claim, CCC shall, except as indicated in this paragraph, pay to a nongovernmental Cooperating Sponsor the amount to which it would have been entitled had it collected on the claim. The additional 10 percent on amounts collected in excess of $200 will be payable, however, only if CCC determines that reasonable efforts were made to collect the claim prior to the assignment, or if payment is determined to be commensurate with the extra efforts exerted in further documenting the claim. If documentation requirements have not been fulfilled and the lack of such documentation has not been justified to the satisfaction of CCC, CCC will deny payment of all allowances to the nongovernmental Cooperating Sponsor.

(9) When a nongovernmental Cooperating Sponsor permits a claim to become time-barred, or fails to take timely actions to insure the right of CCC to assert such claims, and CCC determines that the nongovernmental Cooperating Sponsor failed to properly exercise its responsibilities under the Agreement, the nongovernmental Cooperating Sponsor shall be liable to the United States for the cost and freight value of the commodities lost to the program.

(e) *Fault of Cooperating Sponsor in country of distribution.* If a commodity, sale proceeds or program income is used for a purpose not permitted by the Program Agreement, or if a Cooperating Sponsor causes loss or damage to a commodity, sale proceeds, or program income through any act or omission or failure to provide proper storage, care and handling, FAS may require the Cooperating Sponsor to pay to the United States the value of the commodities, sale proceeds or program income lost, damaged or misused, or undertake other remedies FAS deems appropriate. FAS will consider normal commercial practices in the country of distribution in determining whether there was a proper exercise of the Cooperating Sponsor's responsibility. Payment by the Cooperating Sponsor shall be made in accordance with paragraph (g) of this section.

(f) *Fault of others in country of distribution and in intermediate country.* (1) In addition to survey or outturn reports to determine ocean carrier loss and damage, the Cooperating Sponsor shall, in the case of landlocked countries, arrange for an independent survey at the point of entry into the recipient country and make a report as set forth in paragraph (c)(l) of this section. FAS will reimburse the Cooperating Sponsor for the costs of survey as set forth in paragraph (c)(2)(iv) of this section.

(2) Where any damage to or loss of the commodity or any loss of sale proceeds or program income is attributable to a warehouseman, carrier or other person, the Cooperating Sponsor shall make every reasonable effort to pursue collection of claims for such loss or damage. The Cooperating Sponsor shall furnish a copy of the claim and related documents to the Agricultural Counselor or Attache. Cooperating Sponsors who fail to file or pursue such claims shall be liable to FAS for the value of the commodities or sale proceeds or program income lost, damaged, or misused: Provided, however, that the Cooperating Sponsor may elect not to file a claim if the loss is less than $500. The Cooperating Sponsor may retain $150 of any amount collected on an individual claim. In addition, Cooperating Sponsors may, with the written approval of the Agricultural Counselor or Attache, retain amounts to cover special costs of collection such as legal fees, or pay such collection costs with sale proceeds or program income. Any proposed settlement for less than the full amount of the claim requires prior approval by the Agricultural Counselor or Attache. When the Cooperating Sponsor has exhausted all reasonable attempts to collect a claim, it shall request the Agricultural Counselor or Attache to provide further instructions.

(3) The Cooperating Sponsor shall pursue any claim by initial billings and at least three subsequent demands at not more than 30 day intervals. If these efforts fail to elicit a satisfactory response, the cooperating sponsor shall pursue legal action in the judicial system of country unless otherwise agreed by the Agricultural Counselor or Attache. The Cooperating Sponsors must inform the Agricultural Counselor or Attache in writing of the reasons for not pursuing legal action; and the Agricultural Counselor or Attache may require the Cooperating Sponsor to obtain the opinion of competent legal counsel to support its decision prior to granting approval. If the Agricultural Counselor or Attache approves a Cooperating Sponsor's decision not to take further action on the claim, the Cooperating Sponsor shall assign the claim to CCC and shall forward all documentation relating to the claim to CCC.

(4) As an alternative to legal action in the judicial system of the country with regard to claims against a public entity of the government of the cooperating country, the Cooperating Sponsor and the cooperating country may agree in writing to settle disputed claims by an appropriate administrative procedure or arbitration.

(g) *Determination of value.* The Cooperating Sponsor shall determine the value of commodities misused, lost or damaged on the basis of the domestic market price at the time and place the misuse, loss or damage occurred. When it is not feasible to determine such market price, the value shall be the f.o.b. or f.a.s. commercial export price of the

commodity at the time and place of export, plus ocean freight charges and other costs incurred by the U.S. Government in making delivery to the Cooperating Sponsor. When the value is determined on a cost basis, the Cooperating Sponsor may add to the value any provable costs it has incurred prior to delivery by the ocean carrier. In preparing the claim statement, these costs shall be clearly segregated from costs incurred by the Government of the United States. With respect to claims other than ocean carrier loss or damage claims, the Cooperating Sponsor may request the Agricultural Counselor or Attache to approve a commercially reasonable alternative basis to value the claim.

(h) *Reporting losses to the Agricultural Counselor or Attache or FAS designated representative.* (1) The Cooperating Sponsor shall promptly notify the Agricultural Counselor or Attache or FAS designated representative, in writing, of the circumstances pertaining to any loss, damage, or misuse of commodities valued at $500 or more occurring within the country of distribution or intermediate country. The report shall be made as soon as the Cooperating Sponsor has adequately investigated the circumstances, but in no event more than ninety days from the date the loss became known to the Cooperating Sponsor. The report shall identify the party in possession of the commodities and the party responsible for the loss, damage or misuse; the kind and quantities of commodities; the size and type of containers; the time and place of misuse, loss, or damage; the current location of the commodity; the Program Agreement number, the procurement contract numbers, or if unknown, other identifying numbers printed on the commodity containers; the action taken by the Cooperating Sponsor with respect to recovery or disposal; and the estimated value of the commodity. The report shall explain why any of the above-required information can not be provided. The Cooperating Sponsor shall also report the details regarding any loss or misuse of sale proceeds or program income.

(2) The Cooperating Sponsor shall report quarterly to the Agricultural Counselor or Attache any loss, damage to or misuse of commodities resulting in loss of less than $500. The Cooperating Sponsor shall inform the Agricultural Counselor or Attache or FAS designated representative if it has reason to believe there is a pattern or trend in the loss, damage, or misuse of such commodities and submit a report as described in paragraph (h)(1) of this section, together with any other relevant information the Cooperating Sponsor has available to it. The Agricultural Counselor or Attache may require additional information about any commodities lost, damaged or misused.

(i) *Handling claims proceeds.* Claims against ocean carriers shall be collected in U.S. dollars (or in the currency in which freight is paid) and shall be remitted (less amounts authorized to be retained) by Cooperating Sponsors to CCC. Claims against Cooperating Sponsors shall be paid to CCC in U.S. dollars. With respect to commodities lost, damaged or misused, amounts paid by Cooperating Sponsors and third parties in the country of distribution shall be deposited with the U.S. Disbursing Officer, American Embassy, preferably in U.S. dollars with instructions to credit the deposit to an account as determined by FAS, or in local currency at the highest rate of exchange legally obtainable on the date of deposit with instructions to credit the deposit to an FAS account as determined by FAS. With respect to sale proceeds and program income, amounts recovered may be deposited in the same account as the sale proceeds and may be used for purposes of the program.

§ 1599.15 Are there special record keeping and reporting requirements?

(a) *Records and reports—general requirements.* The Cooperating Sponsor shall maintain records for a period of three (3) years from the final date specified in the program agreement. FAS may, at reasonable times, inspect the Cooperating Sponsor's records pertaining to the receipt and use of the commodities and proceeds realized from the sale of the commodities, and have access to the Cooperating Sponsor's commodity storage and distribution sites and to locations of activities supported with proceeds realized from the sale of the commodities.

(b) *Evidence of export.* The Cooperating Sponsor's freight forwarder shall, within thirty (30) days after export, submit evidence of export of the agricultural commodities to the Chief, Export Operations Division, KCCO. If export is by sea or air, the Cooperating Sponsor's freight forwarder shall submit five copies of the carrier's on board bill of lading or consignee's receipt authenticated by a representative of the U.S. Customs Service. The evidence of export must show the kind and quantity of agricultural commodities exported, the date of export, and the destination country.

(c) *Reports.* (1) The Cooperating Sponsor shall submit a semiannual logistics report to the Agricultural Counselor or Attache and to the Director, PPDED, FAS/USDA, Washington, DC 20250–1034, covering the receipt of commodities. Cooperating sponsors must submit reports on Form CCC–620 and submit the first report by May 16 for agreements signed during the period, October 1 through March 31, or by November 16 for agreements signed during the period, April 1 through September 30. The first report must cover the time period from the date of signing and subsequent reports must be provided at six months intervals covering the period from the due date of the last report until all commodities have been distributed or sold and such distribution or sale reported to FAS. The report must contain the following data:

(i) Receipts of agricultural commodities including the name of each vessel, discharge port(s) or point(s) of entry, the date discharge was completed, the condition of the commodities on arrival, any significant loss or damage in transit; advice of any claim for, or recovery of, or reduction of freight charges due to loss or damage in transit on vessels;

(ii) Estimated commodity inventory at the end of the reporting period;

(iii) Quantity of commodity on order during the reporting period;

(iv) Status of claims for commodity losses both resolved and unresolved during the reporting period;

(v) Quantity of commodity damaged or declared unfit during the reporting period; and

(vi) Quantity and type of the commodity that has been directly distributed by the Cooperating Sponsor, distribution date, region of distribution, and estimated number of individuals benefitting from the distribution.

(2) Program Agreements will require Cooperating Sponsors to report periodically, against collected, established baseline indicators, on the number of meals served, enrollment levels, total attendance numbers, including female attendance levels, learning developments, nutrition and health progress of mothers and children, and progress towards sustaining the feeding program.

(3) If the Program Agreement authorizes the sale or barter of commodities by the Cooperating Sponsor, the Cooperating Sponsor shall also submit a semiannual monetization report to the Agricultural Counselor or Attache and to the Director, PPDED, FAS/USDA, Washington, DC 20250–1034, covering the deposits into and disbursements from the special account for the purposes specified in the

Program Agreement. Cooperating Sponsors must submit reports on Form CCC–621 and submit the first report by May 16 for agreements signed during the period, October 1 through March 31, or by November 16 for agreements signed during the period, April 1 through September 30. The first report must cover the time period from the date of signing and subsequent reports must be provided at six months intervals covering the period from the due date of the last report until all funds generated from commodity sales have been distributed and such distribution reported to FAS. The report must contain the following information and include both local currency amounts and U.S. dollar equivalents:

(i) Quantity and type of commodities sold;

(ii) Proceeds generated from the sale;

(iii) Proceeds deposited to the special account including the date of deposit;

(iv) Interest earned on the special account;

(v) Disbursements from the special account, including date, amount and purpose of the disbursement; and

(vi) Any balance carried forward in the special account from the previous reporting period.

(4) The Cooperating Sponsor shall furnish FAS such additional information and reports relating to this agreement as FAS may reasonably request.

§ 1599.16 What are the Cooperating Sponsor's audit requirements?

Non-governmental Cooperating Sponsors are subject to the audit requirements of OMB Circular A–133 as implemented in USDA by 7 CFR part 3052, ''Audits of States, Local Governments, and Non-Profit Organizations.'' The Cooperating Sponsor is also responsible for auditing the activities of recipient agencies that receive more than $25,000 of provided commodities or sale proceeds. This responsibility may be satisfied by relying upon independent audits of the recipient agency or upon a review conducted by the Cooperating Sponsor.

§ 1599.17 When may FAS suspend a program?

All or any part of the assistance provided under a Program Agreement, including commodities in transit, may be suspended by FAS if:

(a) The Cooperating Sponsor fails to comply with the provisions of the Program Agreement or this part;

(b) FAS determines that the continuation of such assistance is no longer necessary or desirable; or

(c) FAS determines that storage facilities are inadequate to prevent spoilage or waste, or that distribution of commodities will result in substantial disincentive to, or interference with, domestic production or marketing in the recipient country.

§ 1599.18 Are there sample documents and guidelines available for developing proposals and reports?

FAS has developed guidelines to assist the Cooperating Sponsors with effective reporting on program logistics and commodity sales. Cooperating Sponsors may obtain these guidelines from the Director, PPDED.

§ 1599.19 Has the Office of Management and Budget reviewed the paperwork and record keeping requirements contained in this part?

The paperwork and record keeping requirements imposed by this part have been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et. seq.*). OMB has assigned control number 0051–0039 for this information collection.

Signed June 16, 2003, in Washington, DC.

A. Ellen Terpstra,

Administrator, Foreign Agricultural Service.

[FR Doc. 03–15530 Filed 6–19–03; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 71, 82, and 94

[Docket No. 00–107–2]

RIN 0579–AB31

Salmonella Enteritidis Phage-Type 4; Remove Import Restrictions and Salmonella Enteritidis Serotype Enteritidis; Remove Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations to remove import restrictions on eggs (other than hatching eggs) of poultry, game birds, and other birds from regions where *Salmonella Enteritidis* phage-type 4 exists. Previously, *Salmonella Enteritidis* phage-type 4 had not been isolated in the United States; therefore, those import restrictions were necessary to help prevent *Salmonella Enteritidis* phage-type 4 from being introduced into this country. However, *Salmonella Enteritidis* phage-type 4 is now known to be present in the United States. This action eliminates restrictions on the importation of eggs from regions where *Salmonella Enteritidis* phage-type 4 exists. We are also removing our regulations regarding poultry disease caused by *Salmonella Enteritidis* serotype *enteritidis*. These regulations are no longer enforced, and it is necessary to remove them to make our regulations consistent with our enforcement.

EFFECTIVE DATE: June 20, 2003.

FOR FURTHER INFORMATION CONTACT: Dr. Michael David, Director, Sanitary International Standards Team, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737–1231; (301) 734–3577.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation of specified animals and animal products into the United States in order to prevent the introduction of various animal diseases including *Salmonella Enteritidis* phage-type 4. *S. enteritidis* phage-type 4 is one of several kinds of *Salmonella* bacteria, and it has been isolated and identified as the cause of numerous outbreaks of salmonellosis in poultry in many parts of the world. Additionally, it has become one of the most prevalent serotypes causing salmonellosis in humans. The regulations in subpart C of 9 CFR part 82 contain, in part, restrictions on trade on the interstate movement of eggs from flocks affected with *S. enteritidis* serotype *enteritidis*. *S. enteritidis* phage-type 4 is one of several strains of *S. enteritidis* serotype *enteritidis.*

On December 16, 2002, we published in the **Federal Register** (67 FR 77004–77007, Docket No. 00–107–1) a proposal to amend the regulations to remove import restrictions on eggs (other than hatching eggs) of poultry, game birds, and other birds from regions where *S. enteritidis* phage-type 4 exists. We also proposed to remove our regulations regarding poultry disease caused by *S. enteritidis* serotype *enteritidis*.

We solicited comments concerning our proposal for 60 days ending February 14, 2003. We did not receive any comments. Therefore, for the reasons given in the proposed rule, we are adopting the proposed rule as a final rule without change.

Effective Date

This is a substantive rule that relieves restriction and, pursuant to the provisions of 5 U.S.C. 533, may be made

effective less than 30 days after the publication in the **Federal Register**. This rule removes import restriction on eggs (other than hatching eggs) of poultry, game birds, and other birds from regions where *S. enteritidis* phage-type 4 exists. It also removes regulations regarding poultry diseases caused by *S. enteritidis* serotype *enteritidis*. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be effective upon publication in the **Federal Register**.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

We are amending the regulations to remove import restrictions on eggs (other than hatching eggs) of poultry, game birds, and other birds from regions where *S. enteritidis* phage-type 4 exists. Previously, *S. enteritidis* phage-type 4 had not been isolated in the United States; therefore, those import restrictions were necessary to help prevent *S. enteritidis* phage-type 4 from being introduced into this country. However, *S. enteritidis* phage-type 4 is now known to be present in the United States. This action will eliminate restrictions on the importation of eggs from regions where *S. enteritidis* phage-type 4 exists. We are also removing our regulations regarding poultry disease caused by *S. enteritidis* serotype *enteritidis*. These regulations are no longer enforced, and it is necessary to remove them to make our regulations consistent with our enforcement.

The following analysis, which also serves as our cost-benefit analysis, considers the potential economic effects of this rule on domestic egg producers.

S. enteritidis phage-type 4 is considered to exist in all parts of the world except Canada. Under the current regulations, the importation of eggs (other than hatching eggs) from or through regions affected with *S. enteritidis* phage-type 4 is restricted, but not prohibited. However, in 1999, the last year for which relevant census information is available, the United States imported only 5.8 million dozen eggs (other than hatching eggs), which is equivalent to less than 0.1 percent of U.S. production that year. Eighty percent of these shell egg imports were from China. Imported eggs from Canada, the only region not subject to import restrictions because of its freedom from *S. enteritidis* phage-type 4, accounted for less than 1 percent of all U.S. shell egg imports in 1999.

The United States does not export a significant amount of its egg supply. In 1999, the United States exported 117 million dozen eggs (other than hatching eggs), which is equivalent to only 2 percent of the U.S. nonhatching egg production for that year. As these figures indicate, virtually all eggs produced in the United States are consumed domestically.

After China, the United States is the world's second largest egg producer. In China and other top egg-producing countries, including Japan, India, Russia, Mexico, and France, virtually all eggs produced are consumed domestically. Combined, these 6 countries exported 122 million dozen eggs in 1999, less than 1 percent of their combined production that year. While the Netherlands exported the most eggs (226 million dozen), that region is not among the top 7 egg-producing nations. Mexico reported no egg exports between 1996 and 1999.

We expect that this rule will have little or no effect on U.S. producers, large or small, for the following reasons:

- Current restrictions on eggs (other than hatching eggs) from regions where Exotic Newcastle Disease (END) exists are quite similar to the restrictions regarding *S. enteritidis* phage-type 4 that we are removing.
- END is considered to exist in five of the top six foreign egg-producing regions. Therefore, with the exception of France, where END is not considered to exist, import restrictions on eggs will still be in place for the regions most likely to export eggs to the United States.
- Transporting eggs to the United States from foreign markets is expensive.
- Egg production in the United States is highly mechanized, which offsets potential cost advantages that foreign producers may have over U.S. producers with regard to labor wage rates.

Based on these considerations, we believe that the removal of the restrictions on the importation of eggs from regions where *S. enteritidis* phage-type 4 exists will not result in any appreciable increase in egg imports or otherwise affect domestic egg producers.

Additionally, we do not expect any impact on domestic egg producers or other poultry producers to result from our removal of the regulations regarding *S. enteritidis* serotype *enteritidis* in subpart C of part 82 and § 71.3, since these regulations are no longer enforced and have not been enforced since fiscal year 1995.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This final rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects

9 CFR Part 71

Animal diseases, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Transportation.

9 CFR Part 82

Animal diseases, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Transportation.

9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

■ Accordingly, we are amending 9 CFR parts 71, 82, and 94 as follows:

PART 71—GENERAL PROVISIONS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

§ 71.3 [Amended]

■ 2. Section § 71.3 is amended as follows:

■ a. In paragraph (a), by removing the words ''poultry disease caused by *Salmonella enteritidis* serotype *enteritidis*,''.

■ b. By removing paragraph (c)(4) and redesignating paragraph (c)(5) as paragraph (c)(4).

PART 82—EXOTIC NEWCASTLE DISEASE (END) AND CHLAMYDIOSIS

■ 3. The authority citation for part 82 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 4. The heading for part 82 is revised to read as above.

Subpart C—[Removed]

■ 5. In part 82, subpart C (§§ 82.30 through 82.38) is removed.

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, CLASSICAL SWINE FEVER, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

■ 6. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 450, 7701–7772, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.4.

§ 94.0 [Amended]

■ 7. Section 94.0 is amended by removing the definitions of *Salmonella enteritidis*, *Salmonella enteritidis, phage-type 4*, and *Salmonellosis*.

■ 8. Section 94.6 is amended as follows:

■ a. By revising the section heading to read as set forth below.

■ b. By removing paragraph (b) and redesignating paragraphs (c), (d), and (e) as paragraphs (b), (c), and (d), respectively.

■ c. In newly redesignated paragraph (b)(2), by removing the comma after the word ''Administrator'' and, at the end of the paragraph, by removing the word ''him'' and adding the words ''the Administrator'' in its place.

■ d. In newly redesignated paragraph (b)(6), in the first sentence, by removing the words ''paragraph (c)'' and adding the words ''paragraphs (b)(1) through (b)(5)'' in their place and by removing the words '', Veterinary Services'', and, in the third sentence, by removing the words ''paragraph (e)'' and adding the words ''paragraph (d)'' in their place.

■ e. In newly redesignated paragraph (c), by revising the paragraph heading, the introductory text, and footnote 6 to read as set forth below.

■ f. In newly redesignated paragraph (c)(1)(ix)(C)(*1*), footnote 7, by removing the words ''Operational Support,'' and adding the words ''National Animal Health Policy Programs,'' in their place.

■ g. In newly redesignated paragraph (c)(1)(ix)(C)(*2*), in the last sentence, by removing the word ''VVND'' and adding the word ''END'' in its place.

■ h. By removing newly redesignated paragraph (c)(1)(x).

■ i. In newly redesignated paragraph (c)(2), in the last sentence, by removing the words ''or *S. enteritidis*, phage-type 4,''.

■ j. In newly redesignated paragraph (c)(3), by removing the words ''or *S. enteritidis*, phage-type 4,'' both times they occur, and by removing the words ''paragraph (e)'' and adding the words ''paragraph (d)'' in their place.

■ k. In newly redesignated paragraph (c)(4), by removing the words ''or *S. enteritidis,* phage-type 4,'' both times they occur, and by removing the words ''paragraph (e)'' and adding the words ''paragraph (d)'' in their place.

§ 94.6 Carcasses, parts or products of carcasses, and eggs (other than hatching eggs) of poultry, game birds, or other birds; importations from regions where exotic Newcastle disease is considered to exist.

* * * * *

(c) *Eggs (other than hatching eggs) from regions where END is considered to exist.* Eggs (other than hatching eggs [6]) from poultry, game birds, or other birds may be imported only in accordance with this section if they: Are laid by poultry, game birds, or other birds that are raised in any region where END is considered to exist (*see* paragraph (a) of this section); are imported from any region where END is considered to exist; or are moved into or through any region where END is considered to exist at any time before importation or during shipment to the United States.

* * * * *

Done in Washington, DC, this 16th day of June, 2003.

Bobby R. Acord,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 03–15623 Filed 6–19–03; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–NE–43–AD; Amendment 39–13199; AD 2003–12–14]

RIN 2120–AA64

Airworthiness Directives; Turbomeca S.A. Arriel 1 Turboshaft Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Turbomeca S.A. Arriel 1 series turboshaft engines. This amendment requires initial and repetitive visual inspections for ingestive erosion, and cleaning if necessary, of M02 and M03 modules. This amendment is prompted by reports from the manufacturer of an unbalance due to accumulation of dust in the M03 module. The actions specified by this AD are intended to prevent an unbalance of the gas generator rotating assembly which may lead to deterioration of the gas generator rear bearing and uncommanded engine shutdown.

DATES: Effective July 25, 2003.

ADDRESSES: Information regarding this action may be examined, by appointment, at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Antonio Cancelliere, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7751; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that is applicable to Turbomeca S.A. Arriel 1 series turboshaft engines was published in the **Federal Register** on February 12, 2003 (68 FR 7084). That action proposed to require initial and repetitive visual inspections for ingestive erosion, and cleaning if necessary, of M02 and M03 modules.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Three comments were made by the manufacturer.

Request To Change the Prompted By Statement

In the first comment, the manufacturer requests that the FAA change the ''prompted by'' statement in the Summary to more accurately describe the module of the engine that is affected by the unbalance due to the accumulation of ingested dust. The manufacturer requests that the ''prompted by'' statement be changed in the AD to remove the words ''* * * ingestive erosion of M02 and M03 modules'' and that they be replaced with ''* * *''an unbalance due to the

[6] The requirements for importing hatching eggs are contained in part 93 of this chapter.

accumulation of dust in the M03 module.''

The FAA agrees and the Summary is changed in this AD.

Request To Remove Model 1E From the Applicability

In the second comment, the manufacturer requests that we remove the model 1E from the Applicability statement because this model is no longer in service nor included on the Direction Generale de L'Aviation Civile (DGAC) Type Certificate. The model 1E was also erroneously included in the manufacturer's service bulletin.

The FAA does not agree. The model 1E is still included in the FAA Type Certificate Data Sheet for Arriel 1 engines; therefore, for consistency with the existing documentation, the FAA maintains the model 1E in the Applicability statement.

Request To Change Regulatory Paragraph (a)(2)

In the third comment, the manufacturer requests that we change paragraph (a)(2) ''Modification TU 175 Not Incorporated''. The manufacturer asks that the FAA change ''area D as defined in the engine maintenance manual * * *'' to ''area III as defined in the engine maintenance manual, even if it has not reached 1,000 operating hours, * * *''.

The FAA agrees and paragraph (a)(2) of this AD is changed.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Regulatory Analysis

This final rule does not have federalism implications, as defined in Executive Order 13132, because it would not have a substantial direct 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. Accordingly, the FAA has not consulted with state authorities prior to publication of this final rule.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

2003–12–14 Turbomeca S.A.: Amendment 39–13199. Docket No. 2002–NE–43–AD.

Applicability: This airworthiness directive (AD) is applicable to Turbomeca S.A. Arriel 1 A, 1 A1, 1 A2, 1 B, 1 C, 1 C1, 1 C2, 1 D, 1 D1, 1 E, 1 E2, 1 K, 1 K1, 1 S, and 1 S1 turboshaft engines. These engines are installed on, but not limited to, Eurocopter AS 350, AS 350B1, AS 350B2, AS 365C, AS 365C2, AS 365N, AS 365N1, AS 365N2, BK 117C1, BK 117C2, Augusta A109 K2, and Sikorsky S76 C helicopters.

Note 1: This AD applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Compliance with this AD is required as indicated, unless already done.

To prevent an unbalance of the gas generator rotating assembly which may lead to deterioration of the gas generator rear bearing and also to uncommanded engine shutdown, do the following:

Initial Inspections and Cleaning

(a) For engines that have been operated in a dusty or erosive atmospheric environment containing substances such as laterite, sand, volcanic ash, and chemical particles, and engines for which the operating environment cannot be determined, do the following:

(1) Perform an initial visual inspection for erosion of the axial compressor, within 50 operating hours after the effective date of this AD. Information on inspecting can be found in Turbomeca S.A. Mandatory Service Bulletin (MSB) No. 292 72 0230, dated October 16, 1998.

Modification TU 175 Not Incorporated

(2) For engines that do not have Modification TU 175 incorporated, if axial compressor erosion is above 1.5 millimeters in area III as defined in the engine maintenance manual, even if it has not reached 1,000 operating hours, and if the module M03 has operated more than 200 hours with this M02 module, clean the M03 module within the next 50 operating hours. Information on cleaning can be found in Turbomeca S.A. MSB No. 292 72 0230, dated October 16, 1998.

Modification TU 175 Incorporated

(3) For engines that have Modification TU 175 incorporated, if axial compressor erosion inspection requires the M02 module to be removed, and if the M03 module has operated more than 400 hours with this M02 module, clean the M03 module within the next 50 operating hours. Information on cleaning can be found in Turbomeca S.A. MSB No. 292 72 0230, dated October 16, 1998.

Reconditioning and Checks

(b) Perform reconditioning and checks of the engines. Information on reconditioning and checks can be found in Turbomeca S.A. MSB No. 292 72 0230, dated October 16, 1998.

Repetitive Inspections

(c) Repeat axial compressor erosion inspections within every 200 operating hours-since-last-inspection (HSLI) for engines that do not have Modification TU 175 incorporated, and within every 400 operating HSLI, for engines that have Modification TU 175 incorporated, as specified in paragraph (a) of this AD.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office (ECO). Operators must submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, ECO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

Note 3: A list of authorized repair centers qualified to carry out gas generator rotating assembly maintenance and cleaning may be obtained from Turbomeca S.A. or the ECO.

Special Flight Permits

(e) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be done.

Note 4: The subject of this AD is addressed in Direction Generale de L'Aviation Civile airworthiness directive 1990–064(A), Revision 1, dated March 21, 2000.

Effective Date

(f) This amendment becomes effective on July 25, 2003.

Issued in Burlington, Massachusetts, on June 13, 2003.

Peter A. White,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 03–15448 Filed 6–19–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 61, 63, and 65

[Docket No. FAA–2003–15431; Special Federal Aviation Regulation No. 100]

RIN 2120–AH98

Relief for U.S. Military and Civilian Personnel Who Are Assigned Outside the United States in Support of U.S. Armed Forces Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is replacing an existing Special Federal Aviation Regulation (SFAR) with a new SFAR that allows Flight Standards District Offices (FSDO) to accept expired flight instructor certificates and inspection authorizations for renewals from U.S. military and civilian personnel who are assigned outside the United States in support of U.S. Armed Forces operations. This SFAR also allows FSDOs to accept expired airman written test reports for certain practical tests from U.S. military and civilian personnel who are assigned outside the United States in support of U.S. Armed Forces operations. This action is necessary to avoid penalizing U.S. military and civilian personnel who are unable to meet the regulatory time limits of their flight instructor certificate, inspection authorization, or airman written test report because they are serving outside the United States in support of U.S. Armed Forces operations. The effect of this action is to give U.S. military and civilian personnel who are assigned outside the United States in support of U.S. Armed Forces operations extra time to meet the certain eligibility requirements under the current rules.

DATES: This SFAR is effective June 20, 2003. We must receive comments on or before July 21, 2003. This SFAR expires June 20, 2005.

ADDRESSES: Mail your comments to the Public Docket Office, Department of Transportation, 400 Seventh Street, SW., Room PL–401, Washington, DC 20590–0001. Or, send your comments through the Internet to *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: John Lynch, Certification Branch, AFS–840, General Aviation and Commercial Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3844.

SUPPLEMENTARY INFORMATION:

Comments Are Welcome

Under 14 CFR part 11, the FAA may issue a final rule with request for comments, which is a rule issued in final (with an effective date) that invites public comment on the rule. Although this action is a final rule and was not preceded by a notice of proposed rulemaking, we invite your comments on this SFAR. The most useful comments are those that are specific and related to issues raised by the SFAR, and that explain the reason for any recommended change. We specifically invite comments on the economic, environmental, energy, federalism, international trade, energy, and overall regulatory aspects of the SFAR that might suggest a need to modify it. Factual information that supports your ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action is needed.

To ensure consideration, you must identify the Rules Docket number in your comments, and you must send comments to one of the addresses specified under the **ADDRESSES** section of this preamble. We will consider all communications received on or before the closing date for comments, and we may amend or withdraw this SFAR in light of the comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. We will file in the Rules Docket a report that summarizes each public contact related to the substance of this rule.

You may review the public docket containing comments on this SFAR in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office is on the plaza level of the Nassif Building at the Department of Transportation at the address specified in the **ADDRESSES** section. Also, you may review the public docket on the Internet at *http://dms.dot.gov.*

If you want us to acknowledge receipt of your comments on this SFAR, you must include with your comments a self-addressed, stamped postcard on which you identify the Rules Docket number of this rulemaking. We will date-stamp the postcard and return it to you.

Availability of Rulemaking Documents

You can get an electronic copy of this SFAR using the Internet through FAA's Web page at *http://www.faa.gov/avr/arm/nprm/nprm.htm* or through the Government Printing Office's Web page at *http://www.access.gpo.gov/su_docs/aces/aces140.html.*

You can get a paper copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the docket number of this rulemaking.

Small Entity Inquiries

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) requires the FAA to report inquiries from small entities concerning information on, and advice about, compliance with statutes and regulations within the FAA's jurisdiction, including interpretation and application of the law to specific sets of facts supplied by a small entity. If your organization is a small entity and you have a question, contact your local FAA official. If you do not know how to contact your local FAA official, you may contact the FAA Office of Rulemaking, ARM–27, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (888) 551–1594. Internet users can find additional information on SBREFA in the FAA's Web page at *http://www.faa.gov/avr/arm/sbrefa.html.* You may send inquiries to the following Internet address: *9–AWA–SBREFA@faa.gov.*

Background

As a result of the terrorist attacks of September 11, 2001, many U.S. military and civilian personnel were assigned outside the United States in support of

Operation Enduring Freedom. Because of the expected duration of these assignments, the FAA determined that the flight instructor certificates, inspection authorizations, and airman written test reports held by some U.S. military and civilian personnel may expire before they return to the United States. If so, these individuals would have to reestablish their qualifications. The FAA believes it is unfair to penalize these military and civilian personnel in this manner. For this reason, we adopted a Special Federal Aviation Regulation to provide relief to a narrow range of individuals in a narrow set of circumstances. *See* SFAR 96—Relief for Participants in Operation Enduring Freedom in parts 61, 63, and 65 of title 14 of the Code of Federal Regulations (67 FR 30524, May 6, 2002).

At the time the FAA adopted SFAR 96, we did not foresee the extent of the mobilization of U.S. Armed Forces around the world. SFAR 96 is aimed at providing relief to those who are mobilized in support of the war on terrorism. That war is ongoing. However, U.S. Armed Forces are engaged in activities, including the international effort to disarm Iraq, that have also resulted in overseas assignments for both military and civilian personnel. These personnel are in the same situation as those who are eligible for relief under SFAR 96. They are located away from the facilities and resources that would allow them to keep their credentials current. It would not be fair to extend relief to those who are fighting terrorism under Operation Enduring Freedom, but not to extend it to those who, although similarly situated, are not assigned to Enduring Freedom. Therefore, the FAA is superceding SFAR 96 with a new SFAR that applies to military and civilian personnel assigned overseas in support of any and all U.S. Armed Forces operations. Those who were eligible for relief under SFAR 96 would continue to be eligible for relief under this SFAR.

The purpose of this SFAR is to respond to the needs of U.S. military and civilian personnel who are assigned outside the United States in support of U.S. Armed Forces operations. Most of these U.S. military and civilian personnel are or will be located at military bases that are away from their normal training or work environment. There are no FAA aviation safety inspectors, designated examiners, or FAA facilities readily available in the areas where these U.S. military and civilian personnel are assigned. The FAA determined that we should provide relief to those U.S. military and civilian personnel who are unable to comply with the regulatory time constraints of their flight instructor certificate, inspection authorization, or airman written test report as a result of their assignment outside the United States in support of U.S. Armed Forces operations. Under similar circumstances in the past, the FAA has taken similar action. During Operation Desert Shield/Desert Storm, the FAA issued SFAR No. 63 for this same purpose. *See* 56 FR 27160, June 12, 1991.

As described below, this SFAR is narrowly focused on providing a reasonable amount of regulatory relief to a specific class of individuals while avoiding, to the extent possible and foreseeable, unintended adverse impacts on safety. For example, although the SFAR gives additional time for renewing a flight instructor certificate, the person will still have to meet the proficiency or experience requirements of 14 CFR 61.197 in order to re-qualify.

Who Is Affected by This SFAR?

To be eligible for the relief provided by this SFAR, a person must meet two criteria—one related to the person's assignment and the second related to the expiration of the person's certificate, authorization, or test report.

Assignment. The person must have served in a civilian or military capacity outside the United States in support of U.S. Armed Forces operations some time between September 11, 2001, and June 20, 2005. The term ''United States'' is defined under 14 CFR 1.1 and means ''the States, the District of Columbia, Puerto Rico, and the possessions, including the territorial waters and the airspace of those areas.''

''In support of U.S. Armed Forces operations'' means an assignment that supports operations being conducted by our U.S. Army, Navy, Air Force, Marine Corps, and Coast Guard, including their regular and reserve components. Members serving without component status are also covered. A person seeking relief under this SFAR must be able to show that he or she had an assignment as described above by providing appropriate documentation that is described below.

Expiration. The person's flight instructor certificate, inspection authorization, or airman written test report must have expired some time between September 11, 2001, and 6 calendar months after returning to the United States, or by June 20, 2005, whichever date is earlier.

Renewing a Flight Instructor Certificate

The FAA regulations governing flight instructor certificates provide that they expire 24 calendar months after the month of issuance. The regulations also provide that a flight instructor may renew his or her certificate before it expires, but if it expires, the flight instructor must get a new certificate. If you are interested in the details of how to get or renew a flight instructor certificate, please *see* 14 CFR 61.197 and 61.199.

This SFAR changes the existing regulations for a certain class of individuals by allowing FAA Flight Standards District Offices to accept for a limited amount of time an *expired* flight instructor certificate for the purpose of *renewing* the certificate. Therefore, a person who can show the kind of evidence required by this SFAR (described below) can apply for renewal of a flight instructor certificate under 14 CFR 61.197. A person cannot exercise the privileges of a flight instructor certificate if it has expired, but the person can renew the flight instructor certificate under the limited circumstances described in this SFAR.

Airman Written Test Reports of Parts 61, 63, and 65

Generally, FAA regulations give airmen a limited amount of time to take a practical test after passing a knowledge test. For example, 14 CFR 61.39(a)(1) gives a person 24 calendar months. This SFAR permits an extension of the expiration date of the airman written test reports of parts 61, 63, and 65. The extension can be for up to six calendar months after returning to the United States or June 20, 2005, whichever date is earlier.

Renewing an Inspection Authorization

Under 14 CFR 65.92, an inspection authorization expires on March 31 of each year. Under 14 CFR 65.93, a person can renew an inspection authorization for an additional 12 calendar months by presenting certain evidence to the FAA during the month of March. This SFAR changes the existing regulations for individuals eligible under this SFAR by allowing FAA Flight Standards District Offices to accept for a limited amount of time an *expired* inspection authorization for the purpose of *renewing* the authorization. Therefore, a person who can show the kind of evidence required by this SFAR (described below) can apply for renewal of an inspection authorization under 14 CFR 65.93. If an inspection authorization expires, the person must not exercise the privileges of the authorization until that person renews the authorization. In this case, to meet the renewal requirements the person must attend a refresher course (*see* § 65.93(a)(4)) or submit to an oral test

(*see* § 65.93(a)(5)) within 6 months after returning to the United States from an assignment while outside the United States in support of U.S. Armed Forces operations.

Evidence of an Assignment Outside the United States in Support of U.S. Armed Forces Operations

A person must show one of the following kinds of evidence to establish that the person is eligible for the relief provided by this SFAR:

1. An official U.S. Government notification of personnel action, or equivalent document, showing the person was a U.S. civilian on official duty for the U.S. Government and was assigned outside the United States in support of U.S. Armed Forces operations at some time between September 11, 2001, and June 20, 2005;

2. An official military order that shows the person was assigned to military duty outside the United States in support of U.S. Armed Forces operations at some time between September 11, 2001, and June 20, 2005; or

3. A letter from the person's military commander or civilian supervisor providing the dates during which the person served outside the United States in support of U.S. Armed Forces operations at some time between September 11, 2001, and June 20, 2005.

Justification for Final Rule With Request for Comments

Under the Administrative Procedure Act, 5 U.S.C. 553, agencies generally must publish regulations for public comment and give the public at least 30 days notice before adopting regulations. There is an exception to these requirements if the agency for ''good cause'' finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. When we invoke the good cause'' exception, we have to publish a statement of our finding and the reasons for it.

Under 14 CFR part 11, the FAA is issuing this SFAR as a final rule with request for comment. The FAA has determined that issuing a notice of proposed rulemaking (NPRM) is unnecessary. An NPRM is unnecessary because the agency does not anticipate any substantive comments. When the FAA issued SFAR No. 96 for Operation Enduring Freedom, we received no comments. The FAA will consider any comments that it receives on or before the closing date for comments, and may amend or withdraw this SFAR in light of the comments it receives. The FAA finds good cause to make this SFAR effective immediately upon publication. To make this SFAR effective 30 days after publication in the **Federal Register** would be contrary to the public interest. A delayed effective date could adversely affect the ability of airmen to get renewals in a timely fashion.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA determined that there are no ICAO Standards and Recommended Practices that relate to this SFAR.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(d), the FAA has determined that there are no new requirements for information collection associated with this SFAR.

Economic Evaluation

Proposed changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866, Regulatory Planning and Review, directs that each Federal agency propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (19 U.S.C. 2531–2533) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. And fourth, the Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more, in any one year (adjusted for inflation).

The Department of Transportation Order DOT 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If it is determined that the expected impact is so minimal that the regulation does not warrant a full evaluation, a statement to that effect and the basis for it is included in the preamble. The FAA has determined that the expected economic impact of this SFAR is so minimal that it does not warrant a full regulatory evaluation. This action imposes no costs on operators subject to this rule; however, it does provide some unquantifiable benefits to some who would avoid the costs of having to reestablish expired credentials. Since benefits exceed costs, the FAA has determined that this SFAR is consistent with the objectives of Executive Order 12866.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation.'' To achieve that principle, the Act requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The Act covers a wide range of small entities, including small businesses, not-for-profit organizations and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis as described in the Act.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

This action imposes no costs on any small entities subject to this rule. Consequently, the FAA certifies that the rule will not have a significant economic impact on a substantial number of small entities. We request comments from the public on this issue.

International Trade Impact Analysis

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not

considered unnecessary obstacles. The statute also requires consideration of international standards and where appropriate, that they be the basis for U.S. standards. In accordance with the above statute, the FAA has assessed the potential effect of this final rule to be minimal and therefore has determined that this rule will not result in an impact on international trade by companies doing business in or with the United States.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (UMRA), enacted as Pub. L. 104–4 on March 22, 1995, is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments. Title II of UMRA requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in a $100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.''

This SFAR does not contain such a mandate. Therefore, the requirements of title II of UMRA do not apply.

Executive Order 13132, Federalism

The FAA analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. We determined that this action will not have a substantial direct effect on the States, or the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, we determined that this final rule does not have federalism implications.

Environmental Analysis

FAA Order 1050.1D defines FAA actions that may be categorically excluded from preparation of a National Environmental Policy Act (NEPA) environmental impact statement. In accordance with FAA Order 1050.1D, appendix 4, paragraph 4(j) this rulemaking action qualifies for a categorical exclusion.

Energy Impact

We have assessed the energy impact of this SFAR in accord with the Energy Policy and Conservation Act (EPCA), Pub. L. 94–163, as amended (42 U.S.C. 6362), and FAA Order 1053.1. The FAA has determined that this SFAR is not a major regulatory action under the provisions of the EPCA.

List of Subjects

14 CFR Part 61

Aircraft, Aircraft pilots, Airmen, Airplanes, Air safety, Air transportation, Aviation safety, Balloons, Helicopters, Rotorcraft, Students.

14 CFR Part 63

Air safety, Air transportation, Airman, Aviation safety, Safety, Transportation.

14 CFR Part 65

Airman, Aviation safety, Air transportation, Aircraft.

The Rule

■ In consideration of the foregoing, the Federal Aviation Administration amends parts 61, 63, and 65 of title 14 Code of Federal Regulations as follows:

PART 61—CERTIFICATION: PILOTS, FLIGHT INSTRUCTORS, AND GROUND INSTRUCTORS

■ 1. The authority citation for part 61 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44703, 44707, 44709–44711, 45102–45103, 45301–45302.

■ 2. Remove SFAR 96.

■ 3. Add Special Federal Aviation Regulation (SFAR) No. 100 to read as follows:

SFAR No. 100—Relief for U.S. Military and Civilian Personnel Who Are Assigned Outside the United States in Support of U.S. Armed Forces Operations

1. *Applicability.* Flight Standards District Offices are authorized to accept from an eligible person, as described in paragraph 2 of this SFAR, the following:

(a) An expired flight instructor certificate to show eligibility for renewal of a flight instructor certificate under § 61.197, or an expired written test report to show eligibility under part 61 to take a practical test;

(b) An expired written test report to show eligibility under §§ 63.33 and 63.57 to take a practical test; and

(c) An expired written test report to show eligibility to take a practical test required under part 65 or an expired inspection authorization to show eligibility for renewal under § 65.93.

2. *Eligibility.* A person is eligible for the relief described in paragraph 1 of this SFAR if:

(a) The person served in a U.S. military or civilian capacity outside the United States in support of the U.S. Armed Forces' operation during some period of time from September 11, 2001, to June 20, 2005;

(b) The person's flight instructor certificate, airman written test report, or inspection authorization expired some time between September 11, 2001, and 6 calendar months after returning to the United States, or June 20, 2005, whichever is earlier; and

(c) The person complies with § 61.197 or § 65.93 of this chapter, as appropriate, or completes the appropriate practical test within 6 calendar months after returning to the United States, or June 20, 2005, whichever is earlier.

3. *Required documents.* The person must send the Airman Certificate and/or Rating Application (FAA Form 8710–1) to the appropriate Flight Standards District Office. The person must include with the application one of the following documents, which must show the date of assignment outside the United States and the date of return to the United States:

(a) An official U.S. Government notification of personnel action, or equivalent document, showing the person was a civilian on official duty for the U.S. Government outside the United States and was assigned to a U.S. Armed Forces' operation some time between September 11, 2001, and June 20, 2005;

(b) Military orders showing the person was assigned to duty outside the United States and was assigned to a U.S. Armed Forces' operation some time between September 11, 2001, and June 20, 2005; or

(c) A letter from the person's military commander or civilian supervisor providing the dates during which the person served outside the United States and was assigned to a U.S. Armed Forces' operation some time between September 11, 2001, and June 20, 2005.

4. *Expiration date.* This Special Federal Aviation Regulation No. 100 expires June 20, 2005, unless sooner superseded or rescinded.

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

■ 4. The authority citation for part 63 continues to read as follows:

Authority: 49 U.S.C. app. 1354(a), 1355, 1421, 1422, and 1427; 49 U.S.C. 106(g).

■ 5. Remove SFAR 96.

■ 6. Add Special Federal Aviation Regulation (SFAR) No. 100 by reference as follows:

Special Federal Aviation Regulations

* * * * *

SFAR No. 100—Relief for U.S. Military and Civilian Personnel Who Are Assigned Outside the United States in Support of U.S. Armed Forces Operations

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

■ 7. The authority citation for part 65 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44703, 44707, 44709–44711, 45102–45103, 45301–45302.

■ 8. Remove SFAR 96.

■ 9. Add Special Federal Aviation Regulation (SFAR) No. 100 by reference as follows:

Special Federal Aviation Regulations

* * * * *

SFAR No. 100—Relief for U.S. Military and Civilian Personnel Who Are Assigned Outside the United States in Support of U.S. Armed Forces Operations

Issued in Washington, DC, on June 16, 2003.

Marion C. Blakey,

Administrator.

[FR Doc. 03–15643 Filed 6–19–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2003–14937; Airspace Docket No. 03–ACE–40]

Modification of Class D Airspace; and Modification of Class E Airspace; Sioux City, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of the direct final rule which revises Class D and Class E airspace at Sioux City, IA.

EFFECTIVE DATE: 0901 UTC, September 4, 2003.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2525.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on May 9, 2003 (68 FR 24866). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on September 4, 2003. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO, on June 10, 2003.

David W. Hope,

Acting Manager, Air Traffic Division, Central Region

[FR Doc. 03–15683 Filed 6–19–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2003–14931; Airspace Docket No. 03–ACE–34]

Modification of Class D Airspace; and Modification of Class E Airspace; Kansas City Downtown Airport, MO

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of the direct final rule which revises Class D and Class E airspace at Kansas City Downtown Airport, MO.

EFFECTIVE DATE: 0901 UTC, September 4, 2003.

FOR FURTHER INFORMATION CONTACT: Brenda Mumper, Air Traffic Division, Airspace Branch, ACE–520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2524.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on May 19, 2003 (68 FR 26963). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on September 4, 2003. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO, on June 10, 2003.

David W. Hope,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 03–15680 Filed 6–19–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2003–14935; Airspace Docket No. 03–ACE–38]

Modification of Class E Airspace; Monticello, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of the direct final rule which revises Class E airspace at Monticello, IA.

EFFECTIVE DATE: 0901 UTC, September 4, 2003.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2525.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on May 9, 2003 (68 FR 24869). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on September 4, 2003. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO, on June 10, 2003.

David W. Hope,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 03–15687 Filed 6–19–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2003–14938; Airspace Docket No. 03–ACE–41]

Modification of Class E Airspace; Ottumwa, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of the direct final rule which revises Class E airspace at Ottumwa, IA.

EFFECTIVE DATE: 0901 UTC, September 4, 2003.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2525.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on May 9, 2003 (68 FR 24872). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on September 4, 2003. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on June 10, 2003.

David W. Hope,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 03–15686 Filed 6–19–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2003–14934; Airspace Docket No. 03–ACE–37]

Modification of Class E Airspace; Milford, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of the direct final rule which revises Class E airspace at Milford, IA.

EFFECTIVE DATE: 0901 UTC, September 4, 2003.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2525.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on May 5, 2003 (68 FR 23582). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on September 4, 2003. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO, on June 10, 2003.

David W. Hope,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 03–15685 Filed 6–19–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2003–14936; Airspace Docket No. 03–ACE–39]

Modification of Class E Airspace; Muscatine, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of the direct final rule which revises Class E airspace at Muscatine, IA.

EFFECTIVE DATE: 0901 UTC, September 4, 2003.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2525.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on May 9, 2003 (68 FR 24871). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on September 4, 2003. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO, on June 10, 2003.

David W. Hope,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 03–15684 Filed 6–19–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2003–14933; Airspace Docket No. 03–ACE–36]

Modification of Class E Airspace; Pratt, KS

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of the direct final rule which revises Class E airspace at Pratt, KS.

EFFECTIVE DATE: 0901 UTC, September 4, 2003.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2525.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on May 5, 2003 (68 FR 23579). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on September 4, 2003. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO, on June 10, 2003.

David W. Hope,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 03–15681 Filed 6–19–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2003–14656; Airspace Docket No. 03–ACE–25]

Establishment of Class E Airspace; Brookfield, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes a Class E airspace area at Brookfield, MO. The FAA has developed Standard Instrument Approach Procedures (SIAPs) to serve the North Central Missouri Regional Airport, Brookfield, MO. Controlled airspace is needed to accommodate the SIAPs.

The effect of this proposal is to provide controlled Class E airspace for aircraft executing the SIAPs and to segregate aircraft using instrument approach procedures in instrument conditions from aircraft operating in visual conditions.

EFFECTIVE DATE: 0901 UTC, September 4, 2003.

FOR FURTHER INFORMATION CONTACT: Brenda Mumper, Air Traffic Division, Airspace Branch, ACE–520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2524.

SUPPLEMENTARY INFORMATION:

History

On Monday, May 5, 2003, the FAA proposed to amend Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by establishing a Class E airspace area at Brookfield, MO (68 FR 23622). The FAA has developed an Area Navigation (RNAV) Global Positioning System (GPS) Runway (RWY) 18, ORIGINAL SIAP and an RNAV (GPS) RWY 36, ORIGINAL SIAP to serve North Central Missouri Regional Airport, Brookfield, MO. Controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAPs. The proposal was to establish a Class E airspace area extending upward from 700 feet above the surface at Brookfield, MO. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9K, dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR Part 71 establishes a Class E airspace area extending upward from 700 feet above the surface at Brookfield, MO. This action provides controlled airspace to accommodate aircraft executing newly developed SIAPs serving North Central Missouri Regional Airport, Brookfield, MO. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this 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 so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a 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).

Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 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 7400.9K, Airspace Designations and Reporting Points, dated August

30, 2002, and effective September 16, 2002, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth

* * * * *

ACE MO E5 Brookfield, MO

Brookfield, North Central Missouri Regional Airport, MO.
(Lat. 39°46′12″ N., long. 93°00′46″ W.).

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of North Central Missouri Regional Airport.

Issued in Kansas City, MO, on June 10, 2003.

David W. Hope,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 03–15678 Filed 6–19–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No.FAA–2003–14932–Airspace Docket No. 03–ACE–35]

Modification of Class E Airspace; Hays, KS

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of the direct final rule which revises Class E airspace at Hays, KS.

EFFECTIVE DATE: 0901 UTC, September 4, 2003.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2525.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on May 5, 2003 (68 FR 23581). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on September 4, 2003. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on: June 10, 2003.

David W. Hope,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 03–15679 Filed 6–19–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2003–15257; Airspace Docket No. 03–ACE–50]

Modification of Class E Airspace; Cambridge, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rules; request for comments.

SUMMARY: Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAPs) have been developed to serve Cambridge Municipal Airport, Cambridge, NE. The Nondirectional Radio Beacon (NDB) Runway (RWY) 32 SIAP serving Cambridge Municipal Airport has been amended. This action modifies Class E airspace at Cambridge, NE to the appropriate dimensions for protecting aircraft executing the approaches. The Cambridge Municipal Airport airport reference point has been redefined and is incorporated into the legal description of Cambridge, NE Class E airspace.

DATES: This direct final rule is effective on 0901 UTC, October 30, 2003. Comments for inclusion in the Rules Docket must be received on or before July 31, 2003.

ADDRESSES: Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2003–15257/ Airspace Docket No. 03–ACE–50, at the beginning of your comments. You may also submit comments on the Internet at *http://dms.dot.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

FOR FURTHER INFORMATION CONTACT: Brenda Mumper, Air Traffic Division, Airspace Branch, ACE–520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2524.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR 71 modifies the Class E airspace at Cambridge, NE. An RNAV (GPS) RWY 14, ORIGINAL SIAP and an RNAV (GPS) RWY 32, ORIGINAL SIAP have been developed to serve Cambridge Municipal Airport, Cambridge, NE. NDB RWY 32, AMENDMENT 4 SIAP, serving Cambridge Municipal Airport, has been developed. The Cambridge, NE controlled airspace must be tailored to contain aircraft executing the approach procedures. This action modifies Class E airspace extending upward from 700 feet above ground level (AGL) at Cambridge, NE. An examination of controlled airspace for Cambridge, NE revealed discrepancies in the Cambridge Municipal Airport, NE airport reference point used in the legal description for the Cambridge, NE Class E airspace area. The examination also revealed a misapplication of Magnetic Variation data in the legal description of bearings from the Harry Strunk NDB. Class E controlled airspace at Cambridge, NE is defined, in part, by the Cambridge Municipal Airport airport reference point and by bearings from the Harry Strunk NDB. This action corrects discrepancies between the previous and revised airport reference points and the miscalculated NDB bearings by modifying the Cambridge, NE Class E airspace area. It incorporates the revised Cambridge Municipal Airport airport reference point and the correct NDB bearings into the Class E airspace legal description and brings the airspace area into compliance with FAA Order 7400.2E, Procedures for Handling Airspace Matters. The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9K, dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Interested parties are invited to participate in this rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2003–15257/Airspace Docket No. 03–ACE–50.'' The postcard will be date/time stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have a substantial direct 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. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, 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)

Adoption of the Amendment

■ Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 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 7400.9K, dated August 30, 2002, and effective September 16, 2002, is amended as follows:

Paragraph 6005 Class E airspace extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE NE E5 Cambridge, NE

Cambridge Municipal Airport, NE
(Lat. 40°18′24″ N., long. 100°09′44″ W.)
Harry Strunk NDB
(Lat. 40°18′25″ N., long. 100°09′28″ W.)

That airspace extending upward upward from 700 feet above the surface within a 6.4-mile radius of Cambridge Municipal Airport and within 1.9 miles each side of the 166° bearing from the Harry Strunk NDB extending from the 6.4-mile radius to 7.3 miles of southeast of the airport and within 2.6 miles each side of the 328° bearing from the Harry Strunk NDB extending from the 6.4-mile radius to 7.4 miles northwest of the airport.

* * * * *

Dated: June 9, 2003.

Donald F. Hensley,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 03–15682 Filed 6–19–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

14 CFR Part 71

[Docket No. FAA–2002–14044; Airspace Docket No. 02–AGL–22]

Establishment of Class E Airspace; Cavalier, ND; Correction

AGENCY: Federal Aviation administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects several errors contained in a final rule that was published in the **Federal Register** on Monday, April 21, 2003 (68 FR 19342). The final rule established Class E airspace at Cavalier, ND.

EFFECTIVE DATE: 0901 UTC, July 10, 2003.

FOR FURTHER INFORMATION CONTACT: Denis C. Burke, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018, telephone: (847) 294–7477.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 03–9728 published on Monday, April 21, 2003 (68 FR 19342), established Class E Airspace at Cavalier, ND. Cavalier was misspelled throughout the docket. This action corrects these errors.

Accordingly, pursuant to the authority delegated to me, the errors for the Class E Airspace, Cavalier, ND, as published in the **Federal Register** Monday, April 21, 2003, (68 FR 19342), (FR Doc. 03–9728), are corrected as follows:

1. On page 19342, Columns 2 and 3; in the title, under the summary, in the History, and in The rule, correct: ''Cavelier'' to read ''Cavalier''.

2. On page 19343, Column 1; in the legal description, correct: ''Cavelier'' to read ''Cavalier''.

§ 71.1 [Corrected]

* * * * *

Dated: Issued in Des Plaines, Illinois on June 25, 2003.

Nancy B. Shelton,

Manager, Air Traffic Division, Great Lakes Region.

[FR Doc. 03–15675 Filed 6–19–03; 8:45 am]

BILLING CODE 4910–13–M

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

[Regulations No. 4]

RIN 0960–AF93

Extension of the Expiration Date for Several Body System Listings

AGENCY: Social Security Administration (SSA).

ACTION: Final rule.

SUMMARY: We adjudicate claims at the third step of our sequential evaluation process for evaluating disability using the Listing of Impairments (the Listings) under the Social Security and Supplemental Security Income (SSI) programs. This final rule extends until July 1, 2005, the date on which several body system listings will no longer be effective.

We have made no revisions to the medical criteria in these listings; they remain the same as they now appear in the Code of Federal Regulations. This extension will ensure that we continue to have medical evaluation criteria in the listings to adjudicate claims for disability based on impairments in these body systems at step three of our sequential evaluation process.

EFFECTIVE DATE: This final rule is effective June 20, 2003.

FOR FURTHER INFORMATION CONTACT: Nancy Torkas, Social Insurance Specialist, Office of Disability Programs, 4413 Annex Building, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 965–1744 or TTY (410) 966–5609. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit out Internet Web site, Social Security Online *http://www.socialsecurity.gov.*

Electronic Version: The electronic file of this document is available on the date of publication in the **Federal Register** on the Internet site for the Government Printing Office at *http://www.access.gpo.gov/su_docs/aces/aces140.html.* It is also available on the Internet site for SSA (*i.e.*, Social Security Online) at *http://www.socialsecurity.gov/regulations.*

SUPPLEMENTARY INFORMATION: We use the Listings in appendix 1 to subpart P of part 404 at the third step of the sequential evaluation process to evaluate claims filed by adults and children for benefits based on disability under the Social Security and SSI programs. The Listings are divided into parts A and B. We use the criteria in part A to evaluate the impairments of adults. We first use the criteria in part B to evaluate impairments of children. If the criteria in part B do not apply, then we will apply the medical criteria in part A.

In this final rule, we are extending until July 1, 2005, the date on which several body system listings will no longer be effective, in order to allow sufficient time for us to revise them. These body systems are:

Growth Impairment (100.00)
Special Senses and Speech (2.00 and 102.00)
Respiratory System (3.00 and 103.00)
Cardiovascular System (4.00 and 104.00)
Digestive System (5.00 and 105.00)
Genito-Urinary System (6.00 and 106.00)
Hemic and Lymphatic System (7.00 and 107.00)
Skin (8.00)
Endocrine System (9.00 and 109.00)
Multiple Body Systems (110.00)
Neurological (11.00 and 111.00)
Mental Disorders (12.00 and 112.00)
Neoplastic Diseases, Malignant (13.00 and 113.00)
Immune System (14.00 and 114.00)

As a result of medical advances in disability evaluation and treatment, and program experience, we periodically review and update the Listings. We are extending the current expiration date for these Listings because we will not complete revised listings criteria for these body systems by the current expiration date. We are currently in the process of revising these body system listings. Since we last extended the expiration date of the listings, we have published several notices of proposed rulemaking (or advance notices of proposed rulemaking) proposing to revise the criteria of the listings in several body systems. We intend to publish proposed and final rules for the listings in each body system as expeditiously as possible, however, it will not be possible to do so by July 2, 2003, the current expiration date.

In final rules published on June 28, 2001 (66 FR 34361), we extended to July 2, 2003 the date on which the listings for the following body systems would no longer be effective: Growth Impairment; Musculoskeletal System; Special Senses and Speech; Cardiovascular System; Digestive System; Genito-Urinary System; Hemic and Lymphatic System; Skin; Endocrine System; Multiple Body Systems (110.00); Neurological; Mental Disorders; Neoplastic Diseases, Malignant; and Immune System. On June 28, 2002, we published final rules extending until July 2, 2003 the date on which the respiratory body system listings will no longer be effective (67 FR 43537). Until we publish revised language for each body system listings, the current listings remain valid for our program purposes.

On November 19, 2001, we published revised listings for the musculoskeletal body system (1.00 and 101.00) (66 FR 58010). The listings for the musculoskeletal body system will no longer be effective on February 19, 2009, unless they are extended or revised and promulgated again (66 FR at 58037). The expiration date for the musculoskeletal body system listings is not affected by this final rule. In addition, on June 19, 2000, we published final rules establishing a separate listing (Listing 10.06) for evaluating non-mosaic Down Syndrome in adults, and created a multiple body system listing section in the Part A listings. (65 FR 31800). The Part A multiple body system listings will no longer be effective on June 19, 2008 (65 FR at 31802). The expiration date for the listing in this body system also is not affected by this final rule.

Regulatory Procedures

Justification for Final Rule

Pursuant to section 702(a)(5) of the Social Security Act, 42 U.S.C. 902(a)(5), we follow the Administrative Procedure Act (APA) rulemaking procedures specified in 5 U.S.C. 553 in the development of regulations. The APA provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary, or contrary to the public interest. We have determined that, under 5 U.S.C. 553(b)(B), good cause exists for dispensing with the notice and public comment procedures for this rule. Good cause exists because this final rule only extends the date on which these body system listings will no longer be effective. It makes no substantive changes to those listings. The current regulations expressly provide that listings may be extended, as well as revised and promulgated again. Therefore, we have determined that opportunity for prior comment is unnecessary, and we are issuing this regulation as a final rule.

In addition, we find good cause for dispensing with the 30-day delay in the effective date of a substantive rule provided by 5 U.S.C. 553(d). As explained above, we are not making any substantive changes in these body system listings. However, without an extension of the expiration dates for these listings, we will lack regulatory criteria for assessing impairments in

these body systems at the third step of our sequential evaluation process after the current expiration date of these listings. In order to ensure that we continue to have regulatory criteria for assessing impairments under these listings, we find that it is in the public interest to make this final rule effective on the date of publication.

Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that this final rule does not meet the criteria for a significant regulatory action under Executive Order (E.O.) 12866, as amended by E.O. 13258. We have also determined that this final rule meets the plain language requirement of E.O. 12866, as amended by E.O. 13258.

Regulatory Flexibility Act

We certify that this final rule will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis, as provided in the Regulatory Flexibility Act, as amended, is not required.

Paperwork Reduction Act

This final rule imposes no reporting/recordkeeping requirements necessitating clearance by OMB.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security-Disability Insurance; 96.002, Social Security-Retirement Insurance; 96.004, Social Security-Survivors Insurance; 96.006, Supplemental Security Income)

List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Blind, Disability benefits, Old-Age, Survivors and Disability Insurance, Reporting and recordkeeping requirements, Social Security.

Dated: June 4, 2003.

Jo Anne B. Barnhart,

Commissioner of Social Security.

■ For the reasons set forth in the preamble, part 404, subpart P, chapter III of title 20 of the Code of Federal Regulations is amended as set forth below.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

Subpart P—[Amended]

■ 1. The authority citation for subpart P of part 404 continues to read as follows:

Authority: Secs. 202, 205(a), (b), and (d)-(h), 216(i), 221(a) and (i), 222(c), 223,225, and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 405(a), (b), and (d)-(h), 416(i), 421(a) and (i), 422(c), 423, 425, and 902(a)(5)); sec. 211(b), Pub. L. 104–193, 110 Stat. 2105, 2189.

■ 2. Appendix 1 to subpart P of part 404 is amended by revising items 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of the introductory text before part A to read as follows:

Appendix 1 to Subpart P of Part 404—Listing of Impairments

1. Growth Impairment (100.00): July 1, 2005

* * * * *

3. Special Senses and Speech (2.00 and 102.00): July 1, 2005
4. Respiratory System (3.00 and 103.00): July 1, 2005
5. Cardiovascular System (4.00 and 104.00): July 1, 2005
6. Digestive System (5.00 and 105.00): July 1, 2005
7. Genito-Urinary System (6.00 and 106.00): July 1, 2005
8. Hemic and Lymphatic System (7.00 and 107.00): July 1, 2005
9. Skin (8.00): July 1, 2005
10. Endocrine System (9.00 and 109.00): July 1, 2005
11. Multiple Body Systems (10.00): June 19, 2008 and (110.00): July 1, 2005
12. Neurological (11.00 and 111.00): July 1, 2005
13. Mental Disorders (12.00 and 112.00): July 1, 2005
14. Neoplastic Diseases, Malignant (13.00 and 113.00): July 1, 2005
15. Immune System (14.00 and 114.00): July 1, 2005

* * * * *

[FR Doc. 03–15599 Filed 6–19–03; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 522 and 524

Dosage Form New Animal Drugs; Change of Sponsor; Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for four approved new animal drug applications (NADAs) from Anthony Products, Co. to Cross Vetpharm Group, Ltd.

DATES: This rule is effective June 20, 2003.

FOR FURTHER INFORMATION CONTACT: David R. Newkirk, Center for Veterinary Medicine (HFV–100), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–6967, e-mail: *dnewkirk@cvm.fda.gov.*

SUPPLEMENTARY INFORMATION: Anthony Products, Co., 5600 Peck Rd., Arcadia, CA 91006, has informed FDA that it has transferred ownership of, and all rights and interest in, the following four approved NADAs to Cross Vetpharm Group, Ltd., Broomhill Rd., Tallaght, Dublin 24, Ireland.

NADA Number	Trade Name	21 CFR Section
049–187	PHEN–BUTA (phenylbutazone) Vet Tablets; Phenylbutazone Tablets (Dogs)	520.1720a
122–447	FURA–SEPTIN (nitrofurazone) Soluble Dressing	524.1580b
130–136	Oxytocin Injection	522.1680
140–582	BIOCYL 50; BIOCYL 100 (oxytetracycline)	522.1662a

Accordingly, the agency is amending the regulations in §§ 522.1662a, 522.1680, and 524.1580b (21 CFR 522.1662a, 522.1680, and 524.1580b) to reflect the transfer of ownership. No amendment of 21 CFR 520.1720a is necessary as each sponsor owns additional phenylbutazone products.

In addition, § 522.1662a is being revised to reflect current format. This action is being taken to improve consistency between sections of the regulations.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because

it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Parts 522 and 524

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 522 and 524 are amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 522.1662a [Amended]

■ 2. Section 522.1662a *Oxytetracycline hydrochloride injection* is amended in paragraph (k)(2) by removing ''000864'' and by adding in its place ''061623''.

■ 3. Section 522.1680 is amended in paragraph (b) by removing ''000864'' and by numerically adding ''061623''; in paragraph (c) by removing the footnote; in paragraphs (c)(1)(i) and (c)(1)(ii) in the table headings by removing ''ml'' and by adding in its place ''mL''; and by revising paragraphs (a) and (c)(3) to read as follows:

§ 522.1680 Oxytocin injection.

(a) *Specifications.* Each milliliter (mL) of solution contains 20 USP units oxytocin.

* * * * *

(c) * * *

(3) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

PART 524–OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

■ 4. The authority citation for 21 CFR part 524 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 524.1580b [Amended]

■ 5. Section 524.1580b *Nitrofurazone ointment* is amended in paragraph (b) by removing ''000864,''.

Dated: June 3, 2003.

Steven D. Vaughn,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 03–15618 Filed 6–19–03; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 56 and 57

RIN 1219–AA98 (Phase 6)

Seat Belts for Off-Road Work Machines and Wheeled Agricultural Tractors at Metal and Nonmetal Mines

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: MSHA issued a direct final rule to update its requirements for operator restraint systems (seat belts) for off-road work machines and wheeled agricultural tractors at metal and nonmetal mines. Two interested parties submitted comments raising issues outside the scope of the rulemaking. MSHA has determined that the comments submitted are not ''significant adverse comments'' and do not support withdrawal of the direct final rule. This document confirms the effective date for MSHA's direct final rule.

EFFECTIVE DATE: June 20, 2003.

The incorporation by reference of certain publications in this rule is approved by the Director of the Federal Register as of June 20, 2003.

FOR FURTHER INFORMATION CONTACT: Marvin W. Nichols, Director; Office of Standards, Regulations, and Variances, MSHA; Phone: 202–693–9442; FAX: 202–693–9441; E-mail: *nichols-marvin@msha.gov*.

SUPPLEMENTARY INFORMATION:

I. Summary of Direct Final Rule

On April 21, 2003, MSHA issued a direct final rule (68 FR 19344) to update the Agency's requirements for operator restraint systems (seat belts) for off-road work machines and wheeled agricultural tractors at metal and nonmetal mines. The final rule requires seat belts for off-road work machines to meet the requirements of the Society of Automotive Engineers' (SAE) consensus standard SAE J386, *Operator Restraint System for Off-Road Work Machines* (1985, 1993, or 1997), as applicable. It also requires seat belts for wheeled agricultural tractors to meet the requirements of SAE J1194, *Roll-Over Protective Structures (ROPS) for Wheeled Agricultural Tractors* (1983, 1989, 1994, or 1999), as applicable. The direct final rule makes compliance easier and reduces burden for mine operators by allowing them to use the operator restraint systems provided by manufacturers on new equipment, when they comply with more recent revisions of the incorporated SAE standards. These more recent revisions reflect advances in seat belt design and materials. The direct final rule does not reduce protection for miners.

MSHA determined that this rulemaking was suitable for a direct final rule because we did not expect that updating the metal and nonmetal seat belt standards, to include the revised SAE consensus standards, would elicit any significant adverse comments. The preamble to the direct final rule explained that—

> A significant adverse comment is one that explains (1) why the direct final rule is inappropriate, including challenges to the rule's underlying premise or approach, or (2) why the direct final rule will be ineffective or unacceptable without a change.

II. Discussion of Comments on Seat Belt Requirements

MSHA received two comments on its direct final rule. Both comments suggest other seat belt standards for MSHA's consideration. MSHA fully considered both comments and determined that they were not ''significant adverse comments.'' These comments can be viewed on MSHA's Web site at *http://www.msha.gov/regs/comments*.

One comment suggests that the direct final rule incorporate SAE J2292, *Combination Pelvic/Upper Torso (Type 2) Operator Restraint Systems for Off-Road Work Machines*. SAE J2292 is an Information Report, not a consensus standard. It provides guidance on three and four-point pelvic and upper torso operator restraint systems. MSHA does not require combination pelvic/upper torso operator restraint systems. SAE J2292 testing and performance criteria for the pelvic restraint portion of the operator restraint system, however, relies on SAE J386, the industry consensus standard incorporated into the direct final rule. MSHA determined that the comment is not a significant adverse comment because SAE J2292 relies on the same testing and performance criteria used in SAE J386 and requires seat belt assemblies to be labeled to indicate compliance with J386/J2292. This comment does not challenge the underlying premise of the direct final rule and there is no indication in the comment that the direct final rule would be ineffective or unacceptable without the change.

A second comment suggests that MSHA standards incorporate the Department of Transportation (DOT), National Highway Traffic Safety Administration's (NHTSA) performance specifications for seat belts. MSHA

determined that this was not a significant adverse comment because MSHA's standard, 30 CFR 56/57.14131, addresses seat belts for off-road trucks and NHTSA's standard, 49 CFR 571.209, applies to over-the-road ''passenger cars, multipurpose passenger vehicles, trucks, and buses'' (49 CFR 571.209 S2). The comment is beyond the scope of this rulemaking, does not explain why the direct final rule is inappropriate, does not challenge the rule's underlying premise, and does not explain why the direct final rule would be ineffective or unacceptable without a change.

Dated: June 17, 2003.

John R. Caylor,

Deputy Assistant Secretary of Labor for Mine Safety and Health.

[FR Doc. 03–15695 Filed 6–19–03; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 71 and 75

RIN 1219–AA98 (Phase 9)

Standards for Sanitary Toilets in Coal Mines

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Withdrawal of direct final rule.

SUMMARY: As a result of significant adverse comments, MSHA is withdrawing the direct final rule (68 FR 19347) on Standards for Sanitary Toilets in Coal Mines that was published on April 21, 2003. In that document, MSHA stated that if significant adverse comments were received, MSHA would withdraw the direct final rule, address the comments received on that rule, and publish a final rule based on the companion proposed rule also published on April 21. Accordingly, all public comments that have been received in this rulemaking are accepted under the proposed rule (68 FR 19477) and will be addressed in the final rule. MSHA will not institute a second comment period. Comments filed during this rulemaking can be viewed at MSHA's Internet site at *http://www.msha.gov/currentcomments.htm.*

DATES: As of June 20, 2003, this direct final rule (68 FR 19347), published on April 21, 2003, is withdrawn.

FOR FURTHER INFORMATION CONTACT: Marvin W. Nichols, Jr., Director; Office of Standards, Regulations, and Variances, MSHA; phone: (202) 693–9440; facsimile: (202) 693–9441; e-mail: *Nichols-Marvin@msha.gov.*

Dated: June 17, 2003.

John R. Caylor,

Deputy Assistant Secretary of Labor for Mine Safety and Health.

[FR Doc. 03–15694 Filed 6–19–03; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 78

RIN 0790–AG93

Voluntary State Tax Withholding From Retired Pay

AGENCY: Department of Defense, Office of the Under Secretary of Defense (Comptroller).

ACTION: Final rule; amendment.

SUMMARY: This rule amends 32 CFR part 78, Voluntary State Tax Withholding From Retired Pay, to comply with the Treasury Financial Manual, Volume 1, Section 5060f.

EFFECTIVE DATE: This rule is effective June 20, 2003.

FOR FURTHER INFORMATION CONTACT: Office of the Under Secretary of Defense (Comptroller), 703–604–6350.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

It has been determined that this rule is not a significant regulatory action. The rule does not:

(1) Have an annual effect to the economy of $100 million or more or adversely affect in a material way the economy; a section of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Unfunded Mandates Reform Act (Sec. 202, Pub. L. 104–4)

It has been certified that this rule does not contain a Federal mandate that may result in the expenditure by State, local and tribal governments, in aggregate, or by the private sector, of $100 million or more in any one year.

Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. 601)

It has been certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. The amendments are required to update tax withholding procedures to comply with the Treasury Financial Manual, Volume 1, Section 506f and to update the Uniformed Services retired pay addresses.

Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35)

It has been certified that this rule does not impose reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995.

Federalism (Executive Order 13132)

It has been certified that this rule does not have federalism implications, as set forth in Executive Order 13132. This rule does not have substantial direct effects on:

(1) The States;

(2) The relationship between the National Government and the States; or

(3) The distribution of power and responsibilities among the various levels of government.

List of Subjects in 32 CFR Part 78

Income Taxes, Intergovernmental relations, Military personnel, Pensions.

■ Accordingly, 32 CFR part 78 is amended as follows:

PART 78—VOLUNTARY STATE TAX WITHHOLDING FROM RETIRED PAY

■ 1. The authority citation for 32 CFR part 78 continues to read as follows:

Authority: 10 U.S.C. 1045.

■ 2. Section 78.5(a) is revised to read as follows:

§ 78.5 Procedures.

(a) The Uniformed Services shall comply with the payment requirements of the state, city, or county tax laws. Therefore, the payment requirements (biweekly, monthly, or quarterly) of the state, city, or county tax laws currently in effect will be observed by the Uniformed Services. However, payment will not be made more frequently than required by the state, city, or county, or more frequently than the payroll is paid by the Uniformed Services. Payment procedures shall conform, to the extent practicable, to the usual fiscal practices of the Uniformed Services.

* * * * *

■ 3. Section 78.5(g) is amended by removing paragraphs (g)(1) through (g)(7)

and adding new paragraphs (g)(1) through (g)(4) to read as follows:

§ 78.5 Procedures.

* * * * *

(g) * * *

(1) Defense Finance and Accounting Service, Attn: DFAS/PRR/CL, 1240 East Ninth Street, Cleveland, OH 44199–2055.

(2) Coast Guard: Commanding Officer (RPB), U.S. Coast Guard Human Resources Service and Information Center, 444 S. E. Quincy Street, Topeka, KS 66683–3591.

(3) U.S. Public Health Service Compensation Branch, 5600 Fishers Lane, Room 4–50, Rockville, MD 20857.

(4) National Oceanic and Atmospheric Administration, Commanding Officer (RPB), U.S. Coast Guard Human Resources Service and Information Center, 444 S. E. Quincy Street, Topeka, KS 66683–3591.

* * * * *

■ 4. Section 78.5(i) is amended by removing the third sentence and adding ''The letter shall be addressed to the Director, Defense Finance and Accounting Service, 1931 Jefferson Davis Highway, Arlington, VA 22240.'' in its place.

■ 5. Section 78.5(j) is revised to read as follows:

§ 78.5 Procedures.

* * * * *

(j) Within 120 days of the receipt of a letter from a State, the Director, Defense Finance and Accounting Service, or designee, will notify the State, in writing, that DoD has either entered into the Standard Agreement or that an agreement cannot be entered into with the State and the reasons for that determination.

* * * * *

■ 6. Section 78.7, Article IV—Reporting, is revised to read as follows:

§ 78.7 Standard Agreement.

* * * * *

Article IV—Reporting

Copies of Internal Revenue Service Form 1099R, ''Distribution From Pensions, Annuities, Retirement, or Profit Sharing Plan, IRAs, Insurance Contracts, etc.'' may be used for reporting withheld taxes to the State. The media for reporting (paper copy, magnetic tape, electronic file transfer, etc.) will comply with the state reporting standards that apply to employers in general.

* * * * *

Dated: June 6, 2003.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03–15573 Filed 6–19–03; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 152

RIN 0790–AG99

Review of the Manual for Courts-Martial

AGENCY: Department of Defense.

ACTION: Interim rule with request for comments.

SUMMARY: The Department of Defense promulgates procedures implementing Executive Order 12473, dated July 13, 1984, calling upon the Secretary of Defense to cause an annual review of the Manual for Courts-Martial (MCM) and to recommend to the President any appropriate amendments. Through the annual review process, the Secretary of Defense assists the president in fulfilling his rule-making responsibilities under Article 36 of the Uniform Code of Military Justice (UCMJ; Chapter 47 of title 10, United States Code). Under the direction of the General Counsel of the Department of Defense, a Joint-Service Committee on Military Justice (JSC) is established with responsibility to conduct the annual review and propose MCM amendments. The JSC also proposes amendments to the UCMJ, as necessary.

This rule updates part 152 to title 32, Code of Federal Regulations, ''Review of the Manual for Courts-Martial,'' to reflect practice and procedures for conducting annual reviews, and to change the annual review cycle from concluding with an annual report due to the General Counsel by December 31, instead on May 1. The change in the annual review cycle is due to legislative requirements on affecting JSC responsibilities. This Interim rule is provided to afford a 60-day opportunity for public comment prior to issuing a final rule. This rule is intended only to improve the internal management of the Federal Government. It is not intended to create any right or benefit, substantive or procedural, enforceable at law by any party against the United States, its agencies, its officers, or any person.

DATES: Effective May 3, 2003. Comments on this rule must be postmarked no later than August 19, 2003.

ADDRESSES: Comments on this rule should be sent to Mr. Robert E. Reed, Associate Deputy General Counsel (Military Justice and Personnel Policy), ODGC(P&HP), 1600 Defense Pentagon, Room 3E999, Washington, DC 20302–1600.

FOR FURTHER INFORMATION CONTACT: Robert E. Reed, (703) 695–1055.

SUPPLEMENTARY INFORMATION: On November 18, 2002, the Department of Defense published a Notice of Availability (67 FR 69512) inviting public comments on DoD Directive 5500.17, ''Role and Responsibilities of the Joint Service Committee (JSC) on Military Justice.''

Executive Order 12866, ''Regulatory Planning and Review''

It has been determined that 32 CFR part 152 is not a significant regulatory action. This rule does not: (1) Have an annual effect to the economy of $100 million or more or adversely affect in a material way the economy; a section of the economy; productivity; competition; jobs, the environment; public health or safety; or State, local, or tribal governments or communities; (2) Create serious inconsistency or otherwise interfere with an action taken or planned by another Agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligation or recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. 601 et seq.)

It has been determined that this part is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. This part presents no economic impact and solely involves the rules and procedures governing the internal Department of Defense annual review of the Manual for Courts-Martial and the procedures affecting military justice actions.

Public Law 96–511, ''Paperwork Reduction Act of 1995'' (44 U.S.C. 3501 et seq.)

It has been determined that this part does not impose any reporting or recordkeeping requirements under the Paperwork Reduction act of 1995.

Section 202, Public Law 104–4, ''Unfunded Mandates Reform Act''

It has been determined that this part does not involve a Federal Mandate that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more and that such rulemaking will not significantly or uniquely affect small governments.

Executive Order 13132, ''Federalism''

It has been determined that this part does not have federalism implications. This part does not have substantial direct effects 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.

List of Subjects in 32 CFR Part 152

Military law.

■ Accordingly, 32 CFR part 152 is revised to read as follows:

PART 152—REVIEW OF THE MANUAL FOR COURTS-MARTIAL

Sec.
152.1 Purpose.
152.2 Applicability.
152.3 Policy.
152.4 Responsibilities.
152.5 Implementation.
Appendix A to Part 152—Guidance to the Joint Service Committee (JSC)

Authority: E.O. 12473; 10 U.S.C. 47.

§ 152.1 Purpose.

This part:

(a) Implements the requirement established by the President in Executive Order 12473 that the Manual for Courts-Martial (MCM), United States, 1984, and subsequent editions, be reviewed annually.

(b) Formalizes the Joint Service Committee (JSC) and defines the roles, responsibilities, and procedures of the JSC in reviewing and proposing changes to the MCM and proposing legislation to amend the Uniform Code of Military Justice (UCMJ) (10 U.S.C., Chapter 47).

(c) Provides for the designation of a Secretary of a Military Department to serve as the Executive Agent for the JSC.

§ 152.2 Applicability.

This part applies to the Office of the Secretary of Defense, the Military Departments (including the Coast Guard by agreement with the Department of Homeland Security when it is not operating as a Service of the Department of the Navy), the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter collectively referred to as ''the DoD Components'').

§ 152.3. Policy.

To assist the President in fulfilling his responsibilities under the UCMJ, and to satisfy the requirements of Executive Order 12473, the Department of Defense shall review the Manual for Courts-Martial annually, and, as appropriate, propose legislation amending the UCMJ to ensure that the MCM and the UCMJ fulfill their fundamental purpose as a comprehensive body of military criminal law and procedure. The role of the JSC furthers these responsibilities. Under the direction of the General Counsel of the Department of Defense, the JSC is responsible for reviewing the MCM and proposing amendments to it and, as necessary, to the UCMJ.

§ 152.4. Responsibilities.

(a) The General Counsel to the Department of Defense shall:

(1) Administer this part, to include coordination on and approval of legislative proposals to amend the UCMJ, approval of the annual review of the MEM, and coordination of any proposed changes to the MCM under OMB Circular A–19.[1]

(2) Designate the Secretary of a Military Department to serve as the joint Service provider for the JSC. The joint Service provider shall act on behalf of the JSC for maintaining the JSC's files and historical records, and for publication of the updated editions of the MCM to be distributed throughout the Department of Defense, as appropriate.

(3) Invite the Secretary of Homeland Security to appoint representatives to the JSC.

(4) Invite the Chief Judge of the United States Court of Appeals for the Armed Forces to provide a staff member to serve as an advisor to the JSC.

(5) Invite the Chairman of the Joint Chiefs of Staff to provide a staff member from the Chairman's Office of Legal Counsel to serve as an advisor to the JSC.

(6) Ensure that the Associate Deputy General Counsel (Military Justice and Personnel Policy), Office of the General Counsel, Department of Defense, shall serve as the General Counsel's representative to the JSC in a non-voting capacity. In addition, the United States Court of Appeals for the Armed Forces (USCAAF) and the Legal Counsel to the Chairman of the Joint Chiefs of Staff shall be invited to provide a staff member to serve as an advisor to the JSC in a non-voting capacity.

(b) The Secretaries of the Military Departments shall ensure that the Judge Advocates General of the Military Departments and the Staff Judge Advocate to the Commandant of the Marine Corps appoint representatives to the JSC.

(c) The JSC shall further the DoD policy established in section 3 of this part and perform additional studies or other duties related to the administration of military justice, as the General Counsel of the Department of Defense may direct. (See DoD Directive 5105.18, ''DoD Committee Management Program''.[2]) The membership of the JSC shall consist of one representative of each of the following, who shall comprise the JSC Voting Group:

(1) The Judge Advocate General of the Army.

(2) The Judge Advocate General of the Navy.

(3) The Judge Advocate General of the Air Force.

(4) The Staff Judge Advocate to the Commandant of the Marine Corps; and

(5) By agreement with the Department of Homeland Security, the Chief Counsel, United States Coast Guard.

(d) The JSC Working Group (WG) shall assist the JSC Voting Group in fulfilling its responsibilities under this part. The WG consists of non-voting representatives from each of the Services and may include the representatives from the USCAAF, and the Office of the Legal Counsel to the Chairman of the Joint Chiefs of Staff.

(e) The JSC chairmanship rotates biennially among the Services in the following order: The Army, the Air Force, the Marine Corps, the Navy, and the Coast Guard. Due to its size and manning constraints, a Coast Guard's request not to be considered for JSC chairmanship shall be honored. The Military Service of the JSC Chairman shall provide an Executive Secretary for the JSC.

§ 152.5. Implementation.

The foregoing policies and procedures providing guidelines for implementation of this part, as well as those contained in the appendix, are intended exclusively for the guidance of military personnel and civilian employees of the Department of Defense, and the United States Coast Guard by agreement of the Department of Homeland Security. These guidelines are intended to improve the internal

[1] Available at *http://www.whitehouse.gov/omb/circulars/index.html.*

[2] Available at *http://www.dtic.mil/whs/directives.*

management of the Federal Government and are not intended to create any right, privilege, or benefit, substantive of procedural, to any person or enforceable at law by any party against the United States, its agencies, its officers, or any person.

Appendix A to Part 152—Guidance to the Joint Service Committee (JSCA)

(a) *Review the Manual for Courts-Martial.* (1) The Joint Service Committee (JSC) shall conduct an annual review of the Manual for Courts-Martial (MCM), in light of judicial and legislative developments in military and civilian practice, to ensure:

(i) The MCM implements the Uniform Code of Military Justice (UCMJ) and reflects current military practice and judicial precedent.

(ii) The rules and procedures of the MCM are uniform insofar as practicable.

(iii) The MCM applies, to the extent practicable, the principles of law and the rules of evidence generally recognized in the trial of criminal cases in United States district courts, but which are not contrary to or inconsistent with the UCMJ.

(iv) The MCM is workable throughout the worldwide jurisdiction of the UCMJ; and,

(v) The MCM is workable across the spectrum of circumstances in which courts-martial are conducted, including combat conditions.

(2) During this review, any JSC voting member may propose for the Voting Group's consideration an amendment to the MCM. Proposed amendments to the MCM shall ordinarily be referred to the JSC Working Group (WG) for study. The WG assists the JSC in staffing various proposals, conducting studies of proposals and other military justice related topics at the JSC's direction, and making reports to the JSC. Any proposed amendment to the MCM, if approved by a majority of the JSC voting members, becomes a part of the annual review.

(3) The JSC shall prepare a draft of the annual review of the MCM and forward it to the General Counsel of the Department of Defense, on or about December 31st. The General Counsel of the Department of Defense may submit the draft of the annual review to the Code Committee established by Article 146 of the UCMJ, with an invitation to submit comments.

(4) The draft of the annual review shall set forth any specific recommendations for changes to the MCM, including, if not adequately addressed in the accompanying discussion or analysis, a concise statement of the basis and purpose of any proposed change. If no changes are recommended, the draft review shall so state. If the JSC recommends changes to the MCM, the draft review shall so state. If the JSC recommends changes to the MCM, the public notice procedures of paragraph (d)(3) of this appendix are applicable.

(b) *Changes to the Manual for Courts-Martial.* (1) By January 1st of each year, the JSC voting members shall ensure that a solicitation for proposed changes to the MCM is sent to appropriate agencies within their respective Services that includes, but is not limited to, the judiciary, the trial counsel and defense counsel organizations, and the judge advocate general schools.

(2) The **Federal Register** announcement of each year's annual review of proposed changes to the MCM shall also invite members of the public to submit any new proposals for JSC consideration during subsequent JSC annual reviews.

(3) When the JSC receives proposed changes to the MCM either by solicitation or **Federal Register** notice, the JSC shall determine whether the proposal should be considered under paragraph (a)(2) of this appendix by determining if one or more of the JSC voting member(s) intends to sponsor the proposed change. The JSC shall determine when such sponsored proposals should be considered under the annual review process, taking into account any other proposals under consideration and any other reviews or studies directed by the General Counsel of the Department of Defense.

(4) Changes to the MCM shall be proposed as part of the annual review conducted under paragraph (a) of this appendix. When earlier implementation is required, the JSC may send proposed changes to the General Counsel of the Department of Defense, for coordination under DoD Directive 5500.1.[3]

(c) *Proposals to Amend the Uniform Code of Military Justice.* The JSC may determine that the efficient administration of military justice within the Armed Services requires amendments to the UCMJ, or that a desired amendment to the MCM makes necessary an amendment to the UCMJ. In such cases, the JSC shall forward to the General Counsel of the Department of Defense, a legislative proposal to change the UCMJ. The General Counsel of the Department of Defense may direct that the JSC forward any such legislative proposal to the Code Committee for its consideration under Article 146, UCMJ.

(d) *Public Notice and Meeting.* (1) Proposals to amend the UCMJ are not governed by the procedures set out in this paragraph. (See DoD Directive 5105. 18. This paragraph applies only to the JSC recommendations to amend the MCM.)

(2) It is DoD policy to encourage public participation in the JSC's review of the MCM. Notice that the Department of Defense, through the JSC, intends to propose changes to the MCM normally shall be published in the **Federal Register** before submission of such changes to the President. This notice is not required when the Secretary of Defense in his sole and unreviewable discretion proposes that the President issue the change without such notice on the basis that public notice procedures, as set forth in this part, are unnecessary or contrary to the sound administration of military justice, or a MCM change corresponding to legislation is expeditiously required to keep the MCM current and consistent with changes in applicable law.

(3) The Office of General Counsel of the Department of Defense shall facilitate publishing the **Federal Register** notice required under this paragraph.

(4) The notice under this paragraph shall consist of the publication of the full text of the proposed changes, including discussion and analysis, unless the General Counsel of the Department of Defense determines that such publication in full would unduly burden the Federal Register, the time and place where a copy of the proposed change may be examined, and the procedure for obtaining access to or a copy of the proposed change.

(5) A period of not fewer than 60 days after publication of notice normally shall be allowed for public comment, but a shorter period may be authorized when the General Counsel of the Department of Defense determines that a 60-day period is unnecessary or is contrary to the sound administration of military justice. The **Federal Register** notice shall normally indicate that public comments shall be submitted to the Executive Secretary of the JSC.

(6) The JSC shall provide notice in the **Federal Register** and hold a public meeting during the public comments period, where interested persons shall be given a reasonable opportunity to submit views on any of the proposed changes contained in the annual review. Public proposals and comments to the JSC should include a reference to the specific provision to be changed, a rational for the proposed change, and specific and detailed proposed language to replace the current language. Incomplete submissions might be insufficient to receive the consideration desired. The JSC shall seek to consider all views presented at the public meeting as well as any written comments submitted during the 60-day period when determining the final form of any proposed amendments to the MCM.

(E) *Internal Rules and Record-Keeping.* (1) In furthering DoD policy, studying issues, or performing other duties relating to the administration of military justice, the JSC may establish internal rules governing its operation.

(2) The JSC shall create a file system and maintain appropriate JSC records.

Dated: June 6, 2003.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03–15574 Filed 6–19–03; 8:45 am]

BILLING CODE 5001–08–M

[3] Available at *http://www.dtic.mil/whs/directives.*

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WI116–01–7346a; FRL–7515–5]

Approval and Promulgation of Implementation Plans; Wisconsin; Revised Motor Vehicle Emissions Inventories and Motor Vehicle Emissions Budgets Using MOBILE6

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a revision to the Wisconsin State Implementation

Plan (SIP) for the attainment and maintenance of the 1-hour national ambient air quality standard (NAAQS) for ozone. Specifically, EPA is approving Wisconsin's revised 2007 motor vehicle emission inventories and 2007 Motor Vehicle Emissions Budgets (MVEB) recalculated using MOBILE6 for the Milwaukee severe ozone area and the Sheboygan ozone maintenance area. EPA is also approving a new 2012 projected MVEB for the Sheboygan ozone maintenance area

DATES: This rule is effective on August 19, 2003, unless EPA receives relevant adverse written comments by July 21, 2003. If adverse comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: You should send written comments to: Carlton Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

You may inspect copies of the State submittal and EPA's analysis of it at: Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone Michael Leslie at (312) 353–6680 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Michael Leslie, Environmental Engineer, Regulation Development Section (AR–18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–6680, *leslie.michael@epa.gov.*

SUPPLEMENTARY INFORMATION: This section is organized as follows:

I. Background

In November of 1999, EPA issued two memoranda [1] to articulate its policy regarding states that incorporated MOBILE5-based interim Tier 2 standard [2] benefits into their SIPs and MVEBs. Although these memoranda primarily targeted certain serious and severe ozone nonattainment areas, EPA has implemented this policy in all other areas that have made use of federal Tier 2 benefits in air quality plans from EPA's April 2000 MOBILE5 guidance, ''MOBILE5 Information Sheet #8: Tier 2 Benefits Using MOBILE5.'' All states whose attainment demonstrations or maintenance plans include interim MOBILE5-based estimates of the Tier 2 standards were required to make a commitment to revise and resubmit their MVEBs within either one or two years of the final release of MOBILE6 in order to gain SIP approval.

On December 22, 2000, Wisconsin submitted a revision to the One-Hour Ozone Attainment Demonstration SIP for the Milwaukee severe ozone area and the Sheboygan ozone maintenance area. This SIP revision included, among other things, revised MVEBs using interim MOBILE5-based estimates of the Tier 2 standards and an enforceable commitment to revise the attainment demonstration using the MOBILE6 model, including MVEBs, within one year of the release of the model. Additional information on EPA's final approval of Wisconsin's December 22, 2000, submittal is in the November 13, 2001, **Federal Register** (66 FR 56931).

EPA officially released the MOBILE6 motor vehicle emissions factor model on January 29, 2002 (67 FR 4254). Thus, the effective date of that **Federal Register** notice constituted the start of the one year time period in which Wisconsin was required to revise its One-Hour Ozone Attainment Demonstration SIP using the MOBILE6 model. Wisconsin was required to submit this SIP revision to EPA by January 29, 2003.

II. What Is MOBILE6?

MOBILE is an EPA emissions factor model for estimating pollution from on-road motor vehicles in states outside of California. MOBILE calculates emissions of volatile organic compounds (VOCs), nitrogen oxides (NO_X) and carbon monoxide (CO) from passenger cars, motorcycles, buses, and light-duty and heavy-duty trucks. The model accounts for the emission impacts of factors such as changes in vehicle emission standards, changes in vehicle populations and activity, and variation in local conditions such as temperature, humidity, fuel quality, and air quality programs.

MOBILE is used to calculate current and future inventories of motor vehicle emissions at the national and local level. These inventories are used to make decisions about air pollution policies and programs at the local, state and national level. Inventories based on MOBILE are also used to meet the federal Clean Air Act's SIP and transportation conformity requirements.

MOBILE6 is the first major update of the MOBILE model since 1993. The MOBILE model was first developed in 1978. It has been updated many times to reflect changes in the vehicle fleet and fuels, to incorporate EPA's growing understanding of vehicle emissions, and to cover new emissions regulations and modeling needs. Although some minor updates were made in 1996 with the release of MOBILE5b, MOBILE6 is the first major revision to MOBILE since MOBILE5a was released in 1993.

III. What Is the Purpose and Content of Wisconsin's Submittal?

To address its enforceable commitment made in the December 22, 2000, Attainment Demonstration SIP revision, the State submitted a proposed SIP revision on January 31, 2003, which revises the 2007 motor vehicle emissions inventories and the 2007 MVEBs using the MOBILE6 model. The January 31, 2003, submittal demonstrates that the new levels of motor vehicle emissions calculated using MOBILE6 continue to support achievement of the projected attainment of the one-hour ozone NAAQS for the Milwaukee area and maintenance of the ozone NAAQS for Sheboygan area.

IV. What Are the Revised MOBILE6 Inventories?

Table 1 below summarizes the revised motor vehicle emissions inventories in tons per summer day (tpd). The State developed these revised inventories using the latest planning assumptions, including updated vehicle registration data from 1999 through 2001, vehicle miles traveled (VMT), speeds, fleet mix, and SIP control measures. EPA is proposing to approve these revised 2007 motor vehicle emissions inventories.

[1] Memoranda, ''Guidance on Motor Vehicle Emissions Budgets in 1-Hour Ozone Attainment Demonstrations,'' issued November 3, 1999, and ''1-Hour Ozone Attainment Demonstrations and Tier 2/Sulfur Rulemaking,'' issued November 8, 1999. Copies of these memoranda are on EPA's Web site at *http://www.epa.gov/otaq/transp/traqconf.htm.*

[2] The final rule on Tier 2 Motor Vehicle Emissions Standards and Gasoline Sulfur Control Requirements (''Tier 2 standards'') for passenger cars, light trucks, and larger passenger vehicles was published on February 10, 2000 (65 FR 6698).

TABLE 1.—MILWAUKEE'S REVISED MOTOR VEHICLE EMISSIONS INVENTORIES

Area	2007	
	VOC (tpd)	NO_X (tpd)
Milwaukee Severe Area:		
MOBILE6 Emissions	30.34	69.32
Safety Margin	1.86	2.08
Inventory Value	32.20	71.40
Sheboygan Maintenance Area:		
MOBILE6 Emissions	2.86	5.62
Safety Margin	0.43	0.78
Inventory Value	3.24	6.40

V. Are the Revised MOBILE6 Inventories Consistent With Wisconsin's One-Hour Attainment Demonstration?

Wisconsin's attainment demonstration used photochemical grid modeling in the absolute sense. Absolute modeling refers to uses the output from a model to compare directly against a standard. For one-hour ozone, this means that the daily peak one-hour concentration predicted in every grid cell by the model would be compared to a ozone standard concentration of 124 parts per billion (ppb). This is best represented by the deterministic approach described in the 1996 Guidance on Use of Modeled Results to Demonstrate Attainment of the Ozone NAAQS, EPA, June 1996. That guidance also describes a statistical approach which allows a specific number of exceedances of the standard. However, final attainment is still determined in an absolute sense by comparing a predicted concentration with the one-hour standard value of 124 ppb. EPA has articulated its policy regarding the use of MOBILE6 in SIP development in its ''Policy Guidance on the Use of MOBILE6 for SIP Development and Transportation Conformity'' [3] and ''Clarification of Policy Guidance for MOBILE6 in Mid-course Review Areas.'' [4] This policy requires that new MOBILE6 MVEBs in areas that demonstrated attainment with absolute modeling meet two conditions. First, the new MOBILE6 based mobile source inventories are compared to the MOBILE5 based inventories for the attainment year. If the MOBILE6 mobile emissions are less than or equal to the MOBILE5 emissions, then the SIP continues to demonstrate attainment. Second, EPA's policy guidance requires the State to consider whether growth and control strategy assumptions for non-motor vehicle sources (*i.e.*, point, area, and non-road mobile sources) are still accurate at the time the State developed submittal.

Consistent with this policy guidance, Wisconsin's updated MOBILE6 inventories were equal to the MOBILE5 attainment demonstration inventories for the Milwaukee and Sheboygan areas. It should be noted that Wisconsin used the latest planning assumptions in developing of the updated inventories. Wisconsin reviewed the growth and control strategy assumptions for non-motor vehicle sources, and concluded that these assumptions continue to be valid and support the one-hour Ozone Attainment Demonstration.

In summary, Wisconsin's January 31, 2003, submittal satisfies the conditions outlined in EPA's MOBILE6 Policy guidance, and demonstrates that the new levels of motor vehicle emissions calculated using MOBILE6 continue to support achievement of the projected attainment of the one-Hour Ozone NAAQS by the attainment date of 2007.

VI. Are Wisconsin's Motor Vehicle Emissions Budgets Approvable?

Table 2 below summarizes Wisconsin's revised 2007 MVEBs contained in the January 31, 2003, submittal. The State developed MVEBs using the latest planning assumptions, including updated vehicle registration data, VMT, speeds, fleet mix, and SIP control measures. The Wisconsin submittal met all applicable requirements and EPA is proposing to approve all of these budgets.

TABLE 2.—2007 MOTOR VEHICLE EMISSIONS BUDGETS

Area	2007	
	VOC (tpd)	NO_X (tpd)
Milwaukee Severe Area	32.20	71.40
Sheboygan Maintenance Area	3.24	6.40

Table 3 below summarizes the Sheboygan maintenance area's 2007 and new 2012 emissions inventory contained in the January 31, 2003, submittal:

TABLE 3.—SHEBOYGAN MAINTENANCE AREA'S EMISSIONS INVENTORY

Source	2007		2012	
	VOC (tpd)	NO_X (tpd)	VOC (tpd)	NO_X (tpd)
Point	3.4	25.0	3.7	26.9
Area	7.2	2.2	7.4	2.2
Non-Road	2.7	6.0	2.5	6.0
Mobile	3.2	6.4	2.0	4.0
Total	16.5	39.5	15.6	39.1

[3] Memorandum, ''Policy Guidance on the Use of MOBILE6 for SIP development and Transportation Conformity,'' issued January 18, 2002. A copy of this memorandum can be found on EPA's Web site at *http://www.epa.gov/otaq/transp/traqconf.htm.*

[4] Memorandum, ''Clarification of Policy Guidance for MOBILE6 SIPs in Mid-course Review Areas,'' issued February 12, 2003. A copy of this memorandum can be found on EPA's Web site at *http://www.epa.gov/otaq/transp/traqconf.htm.*

The above demonstrates the 2012 emissions will still maintain the total emissions for the area at or below the maintenance level. For this reason, EPA is approving the new projected MVEB for 2012.

Table 4 below summarizes Wisconsin's new 2012 MVEB contained in the January 31, 2003, submittal:

TABLE 4.—SHEBOYGAN 2012 MOTOR VEHICLE EMISSIONS BUDGET

Area	2012	
	VOC (tpd)	NO_X (tpd)
Sheboygan Maintenance Area	1.99	3.97

VII. EPA Action

EPA is approving the Wisconsin SIP revision submitted on January 31, 2003. This submittal revises Wisconsin's 2007 motor vehicle emission inventories and 2007 MVEBs using MOBILE6 for the Milwaukee severe ozone area and the Sheboygan ozone maintenance area. EPA is also approving a new 2012 projected MVEB for the Sheboygan ozone maintenance area.

EPA is publishing this action without prior proposal, because EPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision should adverse written comments be filed. This action will be effective without further notice unless EPA receives relevant adverse written comments by July 21, 2003. Should the Agency receive such comment, we will publish a final rule informing the public that this action will not take effect. Any parties interested in commenting on this action should do so at this time. If we do not receive comments, this action will be effective on August 19, 2003.

VIII. Statutory and Executive Order Reviews

Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget.

Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001).

Regulatory Flexibility Act

This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Unfunded Mandates Reform Act

Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

Executive Order 13132: Federalism

This action also does not have Federalism implications because it does not have substantial direct effects 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

Executive Order 13045: Protection of Children from Environmental Health and Safety Risks

This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

National Technology Transfer Advancement Act

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

Paperwork Reduction Act

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Congressional Review Act

The Congressional Review Act, 5 U.S.C. section 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. section 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 19, 2003. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Ozone, Volatile

organic compound, Oxides of nitrogen, Transportation conformity.

Dated: June 9, 2003.

Bharat Mathur,

Acting Regional Administrator, Region 5.

■ Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–*et seq.*

Subpart YY—Wisconsin

■ 2. Section 52.2585 is amended by adding paragraph (s) to read as follows:

§ 52.2585 Control strategy: Ozone.

* * * * *

(s) Approval—On January 31, 2003, Wisconsin submitted a revision to the ozone attainment plan for the Milwaukee severe ozone area and maintenance plan for Sheboygan County. These plans revised 2007 motor vehicle emission inventories and 2007 Motor Vehicle Emissions Budgets (MVEB) recalculated using the emissions factor model MOBILE6. The plan also included a new 2012 projected MVEB for the Sheboygan County. The following table outlines the MVEB for transportation conformity purposes for the Milwaukee severe ozone area and the Sheboygan ozone maintenance area:

2007 AND 2012 MOTOR VEHICLE EMISSIONS BUDGETS

Area	2007		2012	
	VOC (tpd)	NO_X (tpd)	VOC (tpd)	NO_X (tpd)
Milwaukee Severe Area	32.20	71.40	na	na
Sheboygan Maintenance	3.24	6.40	1.99	3.97

na means not applicable

* * * * *

[FR Doc. 03–15520 Filed 6–19–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[R1–7218d; A–1–FRL–7513–2]

Approval and Promulgation of Air Quality Implementation Plans; Connecticut, Massachusetts and Rhode Island; Nitrogen Oxides Budget and Allowance Trading Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving and promulgating State Implementation Plan (SIP) revisions submitted by the States of Connecticut, Massachusetts and Rhode Island. These SIP revisions make minor technical corrections to the nitrogen oxides (NO_X) budget and trading programs in these states. Specifically, the SIP revision for each of the States adjusts the baseline and emissions budgets for highway mobile and non-electric generating unit (non-EGU) point sources such that they are consistent with those in EPA's March 2, 2000 (65 FR 11222) final rulemaking notice entitled ''Technical Amendment to the Finding of Significant Contribution and Rulemaking for Certain States for Purposes of Reducing Regional Transport of Ozone.'' The technical revisions do not affect the regulatory programs in these states. However, the changes are needed to fully approve the programs as meeting Phase I and II of the EPA's October 27, 1998 (63 FR 57356) regulation ''Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone,'' otherwise known as the ''NO_X SIP Call.'' The intended effect of this action is to approve the SIP revisions for the Connecticut, Massachusetts and Rhode Island NO_X budget trading programs as meeting Phase I and II of the EPA's NO_X SIP Call. This action is being taken in accordance with section 110 of the Clean Air Act (CAA).

DATES: This direct final rule will be effective August 19, 2003, unless EPA receives adverse comments by July 21, 2003. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to David Conroy, Unit Manager, Air Quality Planning, Office of Ecosystem Protection (mail code CAQ). Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA—New England, One Congress Street, 11th floor, Boston, MA. Copies of the documents specific to the SIP approval for Connecticut are available at the Bureau of Air Management, Department of Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT 06106–1630. Copies of the documents specific to the SIP approval for Massachusetts are available at the Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108. Copies of the documents specific to the SIP approval for Rhode Island are available at the Office of Air Resources, Department of Environmental Management, 235 Promenade Street, Providence, RI 02908–5767.

FOR FURTHER INFORMATION CONTACT: Dan Brown at (617) 918–1532 or via E-mail at *brown.dan@epa.gov.*

SUPPLEMENTARY INFORMATION: This document is organized according to the following Table of Contents.

I. What Action Is EPA Taking Today?

We are taking final action to fully approve revisions to the Connecticut, Massachusetts and Rhode Island SIP's as meeting Phase I and Phase II of the EPA's NO_X SIP Call. Specifically, we are approving revisions to the SIP narratives for each of the state's NO_X SIP Call programs. The narrative material was originally submitted by Connecticut, Massachusetts and Rhode Island as a SIP revision on September 30, 1999, November 19, 1999 and October 1, 1999,

respectively. While we approved the original SIP revisions on December 27, 2000 (65 FR 81743), we identified technical corrections the states needed to make to the NO_X budgets for non-electric generating units and highway mobile sources. Today's action approves those technical corrections into the SIP for each state.

The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This action will be effective August 19, 2003 without further notice unless the EPA receives adverse comments by July 21, 2003.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on August 19, 2003 and no further action will be taken on the proposed rule.

II. Why Is EPA Taking This Action?

On December 27, 2000 (65 FR 81743) we published a Final Rulemaking Notice (FRN) for the States of Connecticut, Massachusetts and Rhode Island, approving each state's SIP revision for a Nitrogen Oxides Budget and Allowance Trading Program. Each state submitted its SIP revision in response to EPA's October 27, 1998 (63 FR 57356) regulation ''Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone,'' otherwise known as the ''NO_X SIP Call.'' While we approved the SIP revisions as SIP strengthening measures meeting the air quality objectives of the NO_X SIP Call, we noted that we could not fully approve the SIP revisions as meeting the NO_X SIP Call because of an inconsistency with the non-electric generating unit (non-EGU) and highway mobile source NO_X budgets for these three states.

Connecticut, Massachusetts and Rhode Island submitted their NO_X SIP Call revisions in September 1999, November 1999, and October 1999, respectively. The three states adopted the baseline NO_X emissions and NO_X budgets established by EPA in its technical amendments to the NO_X SIP Call budgets published on May 14, 1999 (64 FR 26298). Baseline NO_X emissions and NO_X budget were included for the following categories; electric generating units (EGU), non-EGUs, area sources, non-road mobile sources and highway mobile sources. The state NO_X budgets for each category, except the EGU category, were adopted directly from the EPA's May 14, 1999 **Federal Register** notice. The EGU NO_X budgets were adopted from the Memorandum of Understanding (MOU) between Massachusetts, Connecticut, Rhode Island and EPA. The MOU redistributed the EGU portions of the state NO_X budgets to better reflect each state's existing EGU NO_X budget under the Ozone Transport Commission's NO_X control program. See the September 15, 1999 (64 FR 50036) notice of proposed rulemaking for more information on the MOU. The resulting NO_X budgets for each state were submitted as part of the supporting NO_X SIP Call narrative material. See table 1 for NO_X budgets submitted by the states in 1999.

TABLE 1.—STATE NO_X BUDGETS FOR CT, MA AND RI APPROVED BY EPA ON DECEMBER 27, 2000

State NO_X budgets	EGU point sources	Non-EGU point sources	Area sources	Non-road mobile sources	Highway mobile sources	Total
CT	4,564	4,970	4,821	10,736	19,902	44,993
MA	23,490*		11,048	20,166	28,641	83,345
RI	985	2,031	448	2,455	3,879	9,798

*Massachusetts combines the EGU and Non-EGU sectors.

Subsequent to the states submission of the NO_X SIP Call revisions, the EPA issued additional technical amendments to the NO_X SIP call on March 2, 2000 (65 FR 11222) further revising the baseline NO_X emissions and NO_X budgets for each state's non-EGU and highway mobile source categories (the EGU, area and non-road mobile source NO_X budgets remained unchanged). As a result, the state NO_X budgets that were submitted in 1999 were not consistent with the EPA's March 2, 2000 revised baseline NO_X emissions and NO_X budgets for non-EGU and highway mobile sources. Therefore, we requested that Connecticut, Massachusetts and Rhode Island submit a SIP revision amending the SIP narrative to adopt the EPA's March 2, 2000 non-EGU and highway mobile source NO_X budgets.

Connecticut, Massachusetts and Rhode Island submitted SIP revisions to revise their NO_X SIP Call emissions budgets for the non-EGU and highway mobile source categories on August 1, 2002, August 10, 2002 and September 20, 2001, respectively. The budget revisions affect only the SIP narrative material and we have determined that the revised NO_X budgets are consistent with the EPA's March 2, 2000 (65 FR 11222) technical revision to the NO_X SIP Call budgets. In revising the non-EGU and highway mobile source NO_X budgets, the states have responded to the only issues raised in our December 27, 2000 (65 FR 81743) notice and, therefore, we are approving the SIP revisions as meeting the NO_X SIP Call.

III. What Is Phase 2 of the NO_X SIP Call and How Does It Relate to Today's Action?

On March 3, 2000, the D.C. Circuit Court issued a ruling that supported most portions of EPA's NO_X SIP Call Rule. However, the court remanded three issues for the Agency to re-examine before moving ahead. In response, EPA separated the NO_X SIP Call Rule into two phases. Under Phase I of the rule, EPA moved ahead with those aspects of the rule supported by the Court for 19 States and the District of Columbia. The EPA requires these areas to submit SIPs showing how they will reduce air emissions of NO_X from industrial facilities except for stationary internal combustion engines and a small subclass of facilities that generate electricity, known as cogenerators. EPA required states subject to the rule to

submit their implementation plans to comply with Phase I of the strategy by October 30, 2000.

On February 22, 2002 (67 FR 8396), EPA published a proposed rulemaking in response to the March 3, 2000 D.C. Circuit ruling. This proposed rulemaking addresses Phase II of the NO_X SIP Call, responding to the issues the court remanded back to the EPA. Two of the four remanded issues affect the NO_X budgets for Connecticut, Massachusetts and Rhode Island: The rulings that the EPA failed to provide adequate notice of the change in the definition of EGU as applied to cogeneration units; and that EPA failed to provide adequate notice of the change in control level assumed for large stationary internal combustion engines.

The Phase II notice includes proposed Phase II NO_X budgets based on two different levels of control for internal combustion engines, 82 and 91 percent. The revised NO_X budgets submitted by Connecticut, Massachusetts and Rhode Island are more stringent than they would be using the 91 percent control level for internal combustion engines. Furthermore, the revised NO_X budgets collectively meet both the Phase I and proposed Phase II budgets of EPA's NO_X SIP Call. It should be noted that the Phase II budgets included in the February 22, 2002 notice for Connecticut, Massachusetts and Rhode Island are not adjusted to account for the reallocation of the EGU budgets according to the MOU (see discussion in section IV below).

In today's action, EPA is approving the SIP revisions from Connecticut, Massachusetts and Rhode Island as fully meeting the NO_X SIP Call requirements including both the Phase I and Phase II statewide NO_X emissions budgets. The EPA recognizes that its Phase II rulemaking has not been completed but fully expects that the final statewide budgets promulgated in that rulemaking will be no more stringent than the NO_X budgets submitted by the three states. However, once EPA finalizes the Phase II rule, should the Connecticut, Massachusetts or Rhode Island 2007 NO_X emissions budgets being approved today exceed the EPA's final Phase II budgets, EPA will take appropriate action.

IV. What Did the States Submit?

On August 1, 2002, Connecticut submitted a SIP revision to revise the state's NO_X SIP Call emissions budget for the non-EGU and highway mobile source categories (See Table 2). The revision was submitted, as requested by EPA, to make Connecticut's non-EGU and highway mobile emissions budgets consistent with EPA's March 2, 2000 technical revision to the NO_X SIP Call budgets. The budget revisions affect only the SIP narrative material ''Connecticut SIP Revision to Implement the NO_X SIP Call,'' dated September 30, 1999, and originally submitted to EPA for approval on September 30, 1999. The revisions to the narrative material do not affect the regulatory program, which was also approved by EPA on December 27, 2000 (65 FR 81743) along with the SIP narrative material.

On August 10, 2002, Massachusetts submitted a SIP revision to revise the State's NO_X SIP Call emissions budget for the non-EGU and highway mobile source categories (See Table 2). The revision was submitted, as requested by EPA, to make Massachusetts' non-EGU and highway mobile emissions budgets consistent with EPA's March 2, 2000 technical revision to the NO_X SIP Call budgets. The budget revisions affect only the SIP narrative material ''Background Document and Technical Support for Public Hearings on the Proposed Revisions to State Implementation Plan for Ozone,'' dated July 1999, and originally submitted to EPA for approval on November 19, 1999. The revisions to the narrative material do not effect the regulatory program, which was also approved by EPA on December 27, 2000 (65 FR 81743) along with the SIP narrative material.

On September 20, 2001, Rhode Island submitted a SIP revision to revise the State's NO_X SIP Call emissions budget for the non-EGU and highway mobile source categories (See Table 2). The revision was submitted, as requested by EPA, to make Rhode Island's non-EGU and highway mobile emissions budgets consistent with EPA's March 2, 2000 technical revision to the NO_X SIP Call budgets. The budget revisions affect only the SIP narrative material ''NO_X State Implementation Plan (SIP) Call Narrative,'' dated September 22, 1999, and originally submitted to EPA for approval on October 1, 1999. The revisions to the narrative material do not effect the regulatory program, which was also approved by EPA on December 27, 2000 (65 FR 81743) along with the SIP narrative material.

TABLE 2.—STATE NO_X BUDGETS FOR CT, MA AND RI WITH REVISED NO_X BUDGETS FOR THE NON-EGU AND HIGHWAY MOBILE SOURCE CATEGORIES

State NO_X budgets	EGU point sources	Non-EGU point sources	Area sources	Non-road mobile sources	Highway mobile sources	Total
CT	4,564	5,216	4,821	10,736	19,424	44,761
MA	23,492*		11,048	20,166	28,190	82,896
RI	985	1,635	448	2,455	3,843	9,366

*Massachusetts combines the EGU and Non-EGU sectors and the revised budget reflects the EPA's March 2, 2000 revision to the Non-EGU budget increasing it from 10,296 to 10,298.

V. Why Are We Approving the NO_X SIP Call Submittals From Connecticut, Massachusetts and Rhode Island Together?

As discussed in our December 27, 2000 approval notice, Connecticut, Massachusetts, Rhode Island, and EPA signed a memorandum of understanding agreeing to redistribute the EGU portions of the three states' NO_X budgets amongst themselves. Therefore, it is necessary to consider the adopted 2007 NO_X emission budgets and adopted NO_X reducing measures in the three states together to approve any individual state SIP submittal as meeting the NO_X SIP Call.

Under the MOU, the combined 2007 controlled emission levels did not change for the three states, only the individual state EGU allocations were redistributed to provide additional flexibility and consistency with existing programs among these three states. EPA supports this concept because such a redistribution is no different than the effects of trading. For a detailed discussion of why EPA supports the concept that states can collectively redistribute their NO_X SIP Call budgets, see the proposed notice dated, September 15, 1999 (64 FR 49989).

As indicated in Table 3, the budget revisions submitted by the states collectively achieve at least the same

NO_X reduction as the EPA's Phase I and Proposed Phase II budgets. Therefore, EPA finds that the NO_X SIP Call submittals from the three states collectively meet both Phase I and II of the NO_X SIP Call as published to date.

TABLE 3.—STATE TOTAL NO_X BUDGETS FOR CT, MA AND RI REFLECTING THE REVISIONS TO MEET BOTH PHASE I AND II OF THE EPA'S NO_X SIP CALL

	NO_X emission budget (tons)			
	SIP budgets approved 12/27/2000	Revised SIP budgets	EPA's phase I NO_X SIP call budget	EPS's proposed phase II NO_X call budget
CT	44,993	44,761	42,891	42,850
MA	83,345	82,896	85,871	84,838
RI	9,798	9,366	9,570	9,378
Total	138,136	137,023	138,332	137,066

VI. What Are the Applicable Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*)

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 19, 2003. Interested parties should comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone.

Dated: June 2, 2003.

Robert W. Varney,

Regional Administrator, EPA New England.

■ Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart H—Connecticut

■ 2. Section 52.370 is amended by adding paragraph (c)(86)(ii)(C) and (D) to read as follows:

§ 52.370 Identification of plan.

* * * * *

(c) * * *

(86) * * *

(ii) * * *

(C) Letter from Connecticut Department of Environmental Protection dated August 1, 2002.

(D) The SIP narrative ''Connecticut State Implementation Plan Revision to Revise the State's NO_X Emissions Budget,'' dated July 22, 2002.

Subpart W—Massachusetts

■ 3. Section 52.1120 is amended by adding paragraph (c)(124)(ii)(E) and (F) to read as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(124) * * *

(ii) * * *

(E) Letter from the Commonwealth of Massachusetts, Executive Office of Environmental Affairs, Department of Environmental Protection dated April 10, 2002.

(F) The SIP narrative ''Technical Support Document for Public Hearings on Revisions to the State Implementation Plan for Ozone for Massachusetts, Amendments to Statewide Projected Inventory for Nitrogen Oxides,'' dated March 2002.

Subpart OO—Rhode Island

■ 4. Section 52.2070 is amended by adding new entries to the end of the table in paragraph (e) to read as follows:

§ 52.2070 Identification of plan.

* * * * *

(e) * * *

RHODE ISLAND NON REGULATORY

Name of non regulatory SIP provision	Applicable geographic or non-attainment area	State submittal date/effective date	EPA approved date	Explanation
*	*	*	*	*
September 20, 2001 letter from Rhode Island Department of Environmental Management.	Statewide	Submitted September 20, 2001.	June 20, 2003 ..... [Insert FR citation from published date]	Submitting the ''NO_X State Implementation Plan (SIP) Call Narrative,'' revised September 2001.
NO_X State Implementation Plan (SIP) Call Narrative, revised September 2001.	Statewide	Submitted September 20, 2001.	June 20, 2003 ..... [Insert FR citation from published date	

[FR Doc. 03–15126 Filed 6–19–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–7516–4]

Virginia: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Virginia applied to EPA for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has made a determination that all these revisions to the Virginia hazardous waste program, with the exception of the Hazardous Waste Lamps Rule, 64 FR 36466, (July 6, 1999), satisfy all requirements necessary for final authorization. Thus, with the exception of the Hazardous Waste Lamps Rule, EPA is authorizing the State's revisions to its hazardous waste program, subject to the limitations on its authority retained by EPA in accordance with RCRA, including the Hazardous and Solid Waste Amendments of 1984.

EFFECTIVE DATE: Final authorization for the revisions to Virginia's hazardous waste management program, with the exception of the Hazardous Waste Lamps Rule, shall be effective on June 20, 2003.

FOR FURTHER INFORMATION CONTACT: Joanne Cassidy, Mailcode 3WC21, RCRA State Programs Branch, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103–2029, Phone number: (215) 814–3381.

SUPPLEMENTARY INFORMATION:

A. Why Are Revisions to State Programs Necessary?

States which have received final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must revise their programs accordingly and apply to EPA to authorize the revisions. Revisions to State programs may be necessary when Federal or State statutory or regulatory authority is changed. For example, most commonly, States must revise their programs when EPA promulgates changes to its regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

Virginia received final authorization on December 4, 1984, effective December 18, 1984 (49 FR 47391), to implement a hazardous waste management program in lieu of the Federal Program. EPA subsequently granted authorization for revisions to Virginia's program on June 14, 1993, effective August 13, 1993 (58 FR 32855); and July 31, 2000, effective September 29, 2000 (65 FR 46607).

On September 24, 2002, Virginia submitted to EPA a complete program revision application, in accordance with 40 CFR 271.21, seeking authorization of additional changes to its program. On March 13, 2003, EPA published an immediate final rule (68 FR 11981–11986) granting Virginia final authorization for these revisions to its federally-authorized hazardous waste program, along with a companion proposed rule announcing EPA's proposal to grant such final authorization (68 FR 12015). EPA announced in both notices that the immediate final rule and the proposed rule were subject to a thirty-day public comment period. The public comment period ended on April 14, 2003. Further, EPA stated in both notices that if it received adverse comments on its intent to authorize Virginia's program revisions that it would (1) withdraw the immediate final rule; (2) proceed with the proposed rule as the basis for the receipt and evaluation of such comments, and (3) subsequently publish a final determination responding to such comments and announce its final

decision as to whether or not to authorize Virginia's program revisions. EPA received adverse written comments during the public comment period and on May 2, 2003, published a document withdrawing the immediate final rule (68 FR 23407–23408). Since all of the comments received related only to the Hazardous Waste Lamps Rule, EPA is authorizing the remaining provisions. Today's action grants final authorization for all program revisions described in EPA's proposed rule, with the exception of the provisions of the Hazardous Waste Lamps Rule. EPA will respond to comments on the Hazardous Waste Lamps Rule in a separate action and publish EPA's final decision as to whether or not to authorize the Hazardous Waste Lamps Rule for Virginia. Further background on EPA's immediate final rule and its tentative determination to grant authorization to Virginia for its program revisions appears in the aforementioned **Federal Register** documents.

B. What Were the Comments and Responses to EPA's Proposal?

The Agency received comments from twelve (12) sources. All comments received specifically related to the Hazardous Waste Lamps Rule. Of these comments, four (4) favored the authorization of these provisions and eight (8) were adverse. One of the eight adverse comments was postmarked one day after the deadline. EPA will address all public comments regarding authorization of the Hazardous Waste Lamps Rule for Virginia in a later final rule.

C. What Decisions Have We Made in This Rule?

The Agency has determined that approval of Virginia's RCRA program revisions, with the exception of the Hazardous Waste Lamps Rule, should occur. EPA has made a final determination that Virginia's application to revise its authorized program, with the exception of the Hazardous Waste Lamps Rule, meets all of the statutory and regulatory requirements established by RCRA. Therefore, we grant Virginia final authorization to operate its hazardous waste program with the changes described in its application for program revisions, with the exception of the Hazardous Waste Lamps Rule. Virginia has responsibility for permitting Treatment, Storage, and Disposal Facilities (TSDFs) within its borders and for carrying out the aspects of the RCRA program described in its application for program revisions, with the exception of the Hazardous Waste Lamps Rule, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, EPA will implement any such HSWA requirements and prohibitions in Virginia, including issuing HSWA permits, until the State is granted authorization to do so.

For further background on the scope and effect of today's action to approve Virginia's RCRA program revisions, please refer to the preambles of EPA's March 13, 2003 proposed and immediate final rules to grant authorization to Virginia for its program revisions, at 68 FR 12015 and 68 FR 11981–11986, respectively.

D. Statutory and Executive Order Reviews

Statutory and Executive Order Reviews

This rule only authorizes hazardous waste requirements pursuant to RCRA 3006 and imposes no requirements other than those imposed by State law (see Supplementary Information, Section A. Why are Revisions to State Programs Necessary?). Therefore, this rule complies with applicable executive orders and statutory provisions as follows.

1. *Executive Order 12866: Regulatory Planning Review*—The Office of Management and Budget has exempted this rule from its review under Executive Order (EO) 12866.

2. *Paperwork Reduction Act*—This rule does not impose an information collection burden under the Paperwork Reduction Act.

3. *Regulatory Flexibility Act*—After considering the economic impacts of today's rule on small entities under the Regulatory Flexibility Act, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

4. *Unfunded Mandates Reform Act*—Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act.

5. *Executive Order 13132: Federalism*—EO 13132 does not apply to this rule because it will not have federalism implications (*i.e.*, substantial direct effects 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).

6. *Executive Order 13175: Consultation and Coordination with Indian Tribal Governments*—EO 13175 does not apply to this rule because it will not have tribal implications (*i.e.*, substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes).

7. *Executive Order 13045: Protection of Children from Environmental Health and Safety Risks*—This rule is not subject to EO 13045 because it is not economically significant and it is not based on health or safety risks.

8. *Executive Order 13211: Actions that Significantly Affect Energy Supply, Distribution, or Use*—This rule is not subject to EO 13211 because it is not a significant regulatory action as defined in EO 12866.

9. *National Technology Transfer Advancement Act*—EPA approves State programs as long as they meet criteria required by RCRA, so it would be inconsistent with applicable law for EPA, in its review of a State program, to require the use of any particular voluntary consensus standard in place of another standard that meets the requirements of RCRA. Thus, section 12(d) of the National Technology Transfer and Advance Act does not apply to this rule.

10. *Congressional Review Act*—EPA will submit a report containing this rule and other information required by the Congressional Review Act (5 U.S.C. 801 *et seq.*) to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This action will be effective on June 20, 2003.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: June 12, 2003.

James W. Newsom,

Acting Regional Administrator, EPA Region III.

[FR Doc. 03–15661 Filed 6–19–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[OPPT–2003–0029; FRL–7314–2]

RIN 2070–AC01

Polychlorinated Biphenyls; Use of Porous Surfaces; Amendment in Response to Court Decision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is revising the language of the regulations affecting the use of polychlorinated biphenyls (PCBs) in the Code of Federal Regulations (CFR) to conform to a court decision vacating an amendment to these regulations. EPA's 1998 amendments to the PCB disposal regulations added a use authorization for porous materials contaminated by spills of liquid PCBs. Due to an editing error, the regulation referred to a unit of measurement inapplicable to the concentration of PCBs in liquids. In 1999, EPA issued a final rule correcting a number of errors in the 1998 action, including the porous surfaces use authorization. On January 30, 2001, the United States Court of Appeals for the District of Columbia Circuit (the Court) vacated the portion of the 1999 amendment which pertained to the porous materials use authorization. This document revises the CFR to conform to the court decision, and requires no notice and public comment.

DATES: This final rule is effective on June 20, 2003.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Barbara Cunningham, Director, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov*.

For technical information contact: Sara McGurk, National Program Chemicals Division (7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 566–0480; e-mail address: *mcgurk.sara@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you manufacture, process, distribute in commerce, use, or dispose of PCBs or materials containing PCBs. Potentially affected entities may include, but are not limited to:

- Oil and Gas Extraction (NAICS 21111), e.g., Facilities with surfaces contaminated by PCBs
- Electric Power Generation, Transmission and Distribution (NAICS 2211), e.g., Facilities with surfaces contaminated by PCBs
- Construction (NAICS 23), e.g., Facilities with surfaces contaminated by PCBs
- Food Manufacturing (NAICS 311), e.g., Facilities with surfaces contaminated by PCBs
- Paper Manufacturing (NAICS 322), e.g., Facilities with surfaces contaminated by PCBs
- Petroleum and Coal Products Manufacturing (NAICS 324), e.g., Facilities with surfaces contaminated by PCBs
- Chemical Manufacturing (NAICS 325), e.g., Facilities with surfaces contaminated by PCBs
- Primary Metal Manufacturing (NAICS 331), e.g., Facilities with surfaces contaminated by PCBs
- Rail Transportation (NAICS 48211), e.g., Facilities with surfaces contaminated by PCBs
- Lessors of Real Estate (NAICS 5311), e.g., Facilities with surfaces contaminated by PCBs
- Waste Treatment and Disposal (NAICS 5622), e.g., Facilities with surfaces contaminated by PCBs
- Public Administration (NAICS 92), e.g., Facilities with surfaces contaminated by PCBs

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in 40 CFR part 761. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket*. EPA has established an official public docket for this action under docket identification (ID) number OPPT–2003–0029. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the EPA Docket Center, Rm. B102–Reading Room, EPA West, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566–1744 and the telephone number for the OPPT Docket, which is located in EPA Docket Center, is (202) 566–0280.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*. A frequently updated electronic version of 40 CFR part 761 is available at *http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr761_00.html*, a beta site currently under development.

To access information about PCBs, go directly to the PCB Home Page for the Office of Pollution Prevention and Toxics at *http://www.epa.gov/pcb*.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

II. Background

A. What Action is the Agency Taking?

EPA is amending the regulation at 40 CFR 761.30(p) that governs the continued use of porous surfaces contaminated by spills of liquid PCBs to reflect a decision from the Court in

Utility Solid Waste Activities Group v. *EPA*, 236 F3d 749 (D.C. Cir. 2001).

B. What is the Agency's Authority for Taking this Action?

The authority for issuing 40 CFR 761.30(p) was section 6(e)(2) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2605(e)(2). This amendment is issued pursuant to a decision of the Court.

Section 6(e) of TSCA, 15 U.S.C. 2605(e), specifically regulates PCBs. It bans the manufacture, processing, distribution in commerce, or use of PCBs in other than a ''totally enclosed manner,'' unless the activity is specifically authorized by EPA through rulemaking. In order to authorize any of these activities, EPA must make an affirmative finding that the activity does not pose an unreasonable risk of injury to health or the environment. Comprehensive regulations addressing the manufacture, processing, distribution in commerce, use, and disposal of PCBs were promulgated by EPA in 1979 and codified at 40 CFR part 761.

C. What is the History of this Action?

On December 6, 1994, EPA proposed extensive revisions to the PCB regulations. Some of the commenters on this proposal asked EPA to consider including an authorization for the use of porous surfaces that had been contaminated by old PCB spills. EPA considered the information submitted by the commenters and decided to include such a use authorization in the final amendments to the PCB regulations published in the **Federal Register** issue of June 29, 1998 (63 FR 35384) (FRL–5726–1) EPA determined that the continued use of porous surfaces cleaned, sealed, and marked in accordance with the requirements of 40 CFR 761.30(p) does not pose an unreasonable risk of harm to human health and the environment.

EPA had intended to apply the cleaning, sealing, and marking requirements in this new provision of the regulations to use of all porous surfaces that had been contaminated by spills of liquids containing PCBs at levels greater than or equal to 50 parts per million (ppm), regardless of the residual contamination level on the surface of the material. This is the standard EPA historically has used to trigger the regulation of PCB disposal. Unfortunately, due to an editing error, the 1998 version of 40 CFR 761.30(p) referred to a unit of measurement inapplicable to the concentration of PCBs in liquids. Instead of the 50 ppm standard for this use authorization, the 1998 final rule referred to ''>10 µg/100 cm^2.'' Shortly after the 1998 final rule was published, EPA discovered this and several other errors. EPA posted a list of the errors and appropriate corrections on its Internet site and, on June 24, 1999, in the **Federal Register** (64 FR 33755) (FRL–6072–4), promulgated these corrections in a final rule without prior notice and comment.

The Utility Solid Waste Activities Group and others challenged the 1999 amendment to 40 CFR 761.30(p), arguing that EPA had failed to follow requisite procedures by issuing the amendment without notice and comment.

D. What is the Basis for this Action?

On January 30, 2001, the Court vacated the correction to 40 CFR 761.30(p). *Utility Solid Waste Activities Group* v. *EPA*, 236 F3d 749 (D.C. Cir., 2001) The Court determined that EPA was required to promulgate the correction through full notice and comment rulemaking procedures consistent with section 553 of the Administrative Procedures Act (APA) (5 U.S.C. 553).

Accordingly, EPA is issuing this document to revise the language of 40 CFR 761.30(p) to conform to the Court's decision. The regulation at 40 CFR 761.30(p) will now read as published in 1998. However, EPA continues to believe that the 1999 amendment of 40 CFR 761.30(p) is the appropriate approach for the continued use of porous surfaces contaminated by spills of liquid PCBs. The Agency intends to issue a proposal in the near future to amend 40 CFR 761.30(p).

III. Statutory and Executive Order Reviews

This action amends 40 CFR part 761 to conform to a decision by the Court. Under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This action does not involve special consideration of environmental justice-related issues as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994). Because this action is not subject to notice and comment requirements under the APA or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This action also is not subject to Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997), because EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Executive order has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it does not establish any environmental standards intended to mitigate health or safety risks. This action does not involve technical standards and therefore is not subject to section 12(d) of the National Technology Transfer and Advancement Act of 1995, 15 U.S.C. 272 note. This final rule does not have federalism implications and, therefore, Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999), does not apply. This action does not involve or impose any requirements that affect Indian Tribes, so the requirements of Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 62749, November 6, 2000), are not applicable. This final rule is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866. Finally, this action is not subject to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, because it does not impose any monitoring, reporting, or recordkeeping requirements. EPA's compliance with the statutes and Executive orders for the underlying Disposal Amendments rule is discussed in the June 29, 1998, **Federal Register** (63 FR 35384).

IV. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United

States prior to publication of the rule in the **Federal Register**. This rule conforms 40 CFR part 761 to a decision by the Court and is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 761

Environmental protection, Hazardous substances, Labeling, Polychlorinated biphenyls (PCBs), Reporting and recordkeeping requirements.

Dated: June 13, 2003.

Stephen L. Johnson,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 761—[AMENDED]

■ 1. The authority citation for part 761 continues to read as follows:

Authority: 15 U.S.C. 2605, 2607, 2611, 2614, and 2616.

■ 2. Amend § 761.30(p)(1) by revising the introductory text to read as follows:

§ 761.30 Authorizations.

* * * * *

(p) * * *

(1) Any person may use porous surfaces contaminated by spills of liquid PCBs at concentrations >10 μg/100 cm^2 for the remainder of the useful life of the surfaces and subsurface material if the following conditions are met:

* * * * *

[FR Doc. 03–15668 Filed 6–19–03; 8:45 am]

BILLING CODE 6560–50–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 46

Waiver of the Applicability of Certain Provisions of Department of Health and Human Services Regulations for Protection of Human Research Subjects for Department of Health and Human Services Conducted or Supported Epidemiologic Research Involving Prisoners as Subjects

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science, Office for Human Research Protections.

ACTION: Final action on waiver.

SUMMARY: In a document published in the **Federal Register** on October 7, 2002 (67 FR 62432), the Secretary of Health and Human Services sought public comment on a proposed waiver of the applicability of certain requirements of the Department of Health and Human Services (DHHS or Department) regulations for the protection of human subjects, 45 CFR part 46, to allow DHHS to conduct or support certain important and necessary epidemiologic research on prisoners that presents no more than minimal risk and no more than inconvenience to the prisoner-subjects. Pursuant to his authority under 45 CFR 46.101(i), the Secretary proposed the waiver of §§ 46.305(a)(l) and 46.306(a)(2) of the DHHS regulations for the protection of human subjects, which sections set forth specific requirements for any research involving prisoners that is conducted or supported by DHHS. After consideration of the public comments received, the Secretary is granting this waiver.

DATES: The waiver is effective June 20, 2003.

FOR FURTHER INFORMATION CONTACT: Irene Stith-Coleman, Ph.D., Office for Human Research Protections (OHRP), The Tower Building, 1101 Wootton Parkway, Suite 200, Rockville, MD 20852; telephone 301–496–7005; e-mail *istithco(osophs.dhhs.gov.*

SUPPLEMENTARY INFORMATION:

Regulatory Background

The Department of Health and Human Services (DHHS) regulates research involving human subjects conducted or supported by DHHS through regulations codified at 45 CFR part 46. Subpart C of 45 CFR part 46, entitled ''Additional DHHS Protections Pertaining to Biomedical and Behavioral Research Involving Prisoners as Subjects,'' provides additional regulatory protections to prisoners who are research subjects.

Subpart C sets forth specific requirements for any research involving prisoners as subjects that is conducted or supported by DHHS. Subpart C lists four categories of research involving prisoners as subjects that may be conducted or supported by DHHS. Sections 45 CER 46.305(a)(l) and 46 306(a)(2) require that the institutional review board (TRB) reviewing the research and the Secretary, respectively, determine that the research involving prisoners represent one of these four categories. The first three categories, §§ 46.306(a)(2)(i), (ii), and (iii), require that the research target either (i) the possible causes, effects, or processes of incarceration and of criminal behavior; (ii) the prison as an institution or prison life; or (iii) conditions particularly affecting prisoners as a class. The fourth category, § 46.306(a)(2)(iv), permits research on practices which have the intent and reasonable probability of improving the health or well-being of the prisoner-subject.

DHHS Conducted or Supported Epidemiologic Research

DHHS conducts or supports certain epidemiologic studies in which the purposes are as follows: (1) To describe the prevalence or incidence of a disease by identifying all cases, and (2) To study potential risk factor associations for a disease. For most such studies, the institutional review board (IRB) reviewing the study determines that the research at issue involves no more than minimal risk and no more than inconvenience to the subjects. The human participants in this type of public health research may include prisoners in the study population. State health agencies are most commonly the conduits for this type of research. Because certain epidemiologic studies conducted or supported by DHHS focus on a particular condition or disease that might affect prisoners as it would any other members of the general population, such studies do not meet any of the four categories of permissible research under subpart C, 45 CFR part 46.

Proposed Waiver

Pursuant to 45 CFR 46.101(i), the Secretary of DHHS has the authority to waive the applicability of some or all of the provisions of the DHHS regulations for the protection of human subjects to specific research activities or classes of research activities otherwise covered by the regulations. In a document published in the **Federal Register** on October 7, 2002 (67 FR 62432), the Secretary of DHHS sought public comment on a proposed waiver of the applicability of certain requirements of subpart C, 45 CFR part 46, to allow DHHS to conduct or support certain important and necessary epidemiologic research on prisoners that presents no more than minimal risk and no more than inconvenience to the prisoner-subjects. The Secretary of DHHS specifically proposed waiving the applicability of 45 CFR 46.305(a)(l) and 46.306(a)(2) for certain research conducted or supported by DHHS that involves epidemiologic studies that meet the following criteria:

(1) In which the sole purposes are

(i) To describe the prevalence or incidence of a disease by identifying all cases, or

(ii) To study potential risk factor associations for a disease, and

(2) Where the institution responsible for the conduct of the research certifies to the Office for Human Research Protections, DHHS, acting on behalf of

the Secretary, that the IRB approved the research and fulfilled its duties under 45 CFR 46.305(a)(2)–(7) and determined and documented that

(i) The research presents no more than minimal risk and no more than inconvenience to the prisoner-subjects, and

(ii) Prisoners are not a particular focus of the research.

The specific type of epidemiological research conducted or supported by DHHS and subject to the proposed waiver involves no more than minimal risk and no more than inconvenience to the human subject participants. The proposed waiver would allow DHHS to conduct or support a type of minimal risk research that does not now fall within the categories set out in 45 CFR 46.306(a)(2).

The range of studies to which the proposed waiver would apply includes epidemiological research related to chronic diseases, injuries, and environmental health. This type of research uses epidemiologic methods (such as interviews and collection of biologic specimens) that generally entail no more than minimal risk to the subjects.

An example of an epidemiological study that could be permitted under the proposed waiver is one in which all persons with HIV, but with none of the known risk factors for HIV, are asked to participate in a study involving an interview, review of medical records, and collection of a blood specimen. The purpose of the study is to determine other 5 potential risk factors for HIV. All states with mandatory HIV reporting laws report these cases to the Centers for Disease Control and Prevention (CDC), DHHS. Each person who meets the study definition would be asked to participate, and prisoners could well be members of the potential study group. In order for the study to be approved under this waiver, the IRB would need to ensure that, among other things, there are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of the data.

Periodic Review

The Secretary also proposed that a periodic review of the ways in which DHHS implements the proposed waiver would be conducted by OHRP to determine the adequacy of the waiver in meeting its intended need or if adjustments to the waiver might be necessary and appropriate.

Discussion of Comments

During the public comment period that ended on November 6, 2002, DHHS received 14 comments on the proposed waiver from interested parties; 12 of which were supportive of the proposed waiver, one of which objected to the proposed waiver, and one of which commented on research on prisoners in general. The comments are summarized as follows:

Scope of the Research Covered by the Waiver

DHHS proposed that the waiver of applicability of 45 CFR 46.305(a)(1) and 46.306(a)(2) would apply only to certain types of research. Four commenters suggested that this waiver be expanded to other types of research. Of these, one suggested that the waiver extend to other research that poses a minimal risk and inconvenience to prisoners, such as an interview for purposes of obtaining a prisoner's oral history; one urged DHHS to consider regulatory change to 45 CFR 46.306(a)(2) to allow the type of epidemiologic research covered under the proposed waiver to be an approvable category of research under Subpart C; one suggested that the proposed waiver apply to studies in which the risk of participation is not increased by being a prisoner, or where the study involves minimal risk to the subject over the risk already taken (*e.g.,* as part of an ongoing epidemiologic or follow-up study); and one requested that the waiver be extended to minimal risk research focused on a particular disease or condition that could affect prisoners as it would anyone else in the population.

The Department finds that it is appropriate to apply the proposed waiver of applicability of 45 CFR 46.305(a)(1) and 46.306(a)(2) solely to public health research that focuses on a particular condition or disease in order to (1) describe its prevalence or incidence by identifying all cases, including prisoner cases, or (2) study potential risk factor associations, where the human subjects may include prisoners in the study population but not exclusively as a target group. The Department therefore declines to expand the scope of the waiver as proposed.

One commenter stated that the proposed waiver should not be approved because Subpart C already permits, under certain conditions, the types of epidemiological studies under consideration. The commenter asserts that if the objective of an epidemiological study is to describe the prevalence of certain diseases or conditions among prisoners—either alone or as compared to non-prisoners—then the research should be permitted under 45 CFR 46.306(a)(2)(B).

The Department notes that, because the proposed waiver applies to studies in which an IRB has found that prisoners are not a particular focus of the study, the research, in fact, would not be approvable under any of the current four categories of 45 CFR 46.306(a)(2):

(i) The causes, effects, or processes of incarceration and of criminal behavior; (ii) the prison as an institution or prison life; (iii) conditions particularly affecting prisoners as a class; or (iv) research on practices which have the intent and reasonable probability of improving the health or well-being of the prisoner-subject.

Certification

Two commenters questioned the certification requirement of the proposed waiver. One commenter stated that the separate certification called for in the proposed waiver is an unnecessary extra step and should be eliminated; and one commenter stated that it is unclear what additional protections will be afforded to subjects by the process of certification and how, other than in timing, will this certification be different than the current requirement.

The Department notes that the proposed waiver would not require certification separate from the certification which institutions now must make to the Secretary (through OHRP) affirming that the IRB approved the research and fulfilled its duties under 45 CFR 46.305(a)(2)–(7). However, the proposed waiver would require that such certification include the IRB's determination and documentation that the research presents no more than minimal risk and no more than inconvenience to the prisoner-subject, and that prisoners are not a particular focus of the research.

Prisoner Representative

One commenter expressed the desire to be able to invoke the proposed waiver without the IRB needing a prisoner representative to participate in the review of the research. The Department finds that the requirements of the DHHS regulations at 45 CFR 46.304(b) must be satisfied for research that would be covered by the proposed waiver. The Department notes that if a particular research project is reviewed by more than one IRB, only one IRB needs to satisfy these requirements.

Periodic Review by OHRP

One commenter states that the proposed waiver should not be approved because it does not provide sufficient assurances about how the adequacy of the waiver or adjustments to the waiver will be periodically

reviewed. The Department believes that the proposed waiver includes adequate assurances that OHRP will conduct periodic reviews to determine the adequacy of the waiver in meeting its intended need or if adjustments to the waiver are necessary and appropriate. The Department notes that OHRP will receive and review all certifications of research covered by the proposed waiver.

Other

One commenter suggested that the DHHS regulations should permit prisoners to complete a study in which they were enrolled before being incarcerated. The Department finds that this comment is not relevant to the proposed waiver. The Department may consider this issue at a future time.

One commenter recommended that DHHS adopt a new rule or standard for informed consent when a prisoner is participating as a research subject and the consent occurred in the prison milieu. The Department finds that this comment is not directly relevant to the proposed waiver. The Department notes that because prisoner-subjects are afforded all of the protections of the informed consent requirements listed in § 46.116 of 45 CFR part 46, subpart A, the current standards for obtaining informed consent from prisoner-subjects are adequate.

One commenter found the example given of when the proposed waiver could be used to be incongruent with the requirement that the waiver only may apply to minimal risk research. The commenter asserted that a study of HIV is not minimal risk regarding a loss of confidentiality. The Department believes that the example given could entail no more than minimal risk for research involving prisoners as defined under 45 CFR 46.303(d): the probability and magnitude of physical or psychological harm that is normally encountered in the daily lives, or in the routine medical, dental, or psychological examination of healthy persons.

One commenter stated that a prisoner should not be required to be a ''guinea pig'' and that a prisoner should be enrolled in research only if the prisoner agrees to participate in writing. The Department notes that the commenter's objections are not specific to the proposed waiver. The Department further notes that under §§ 46.116 and 46.117 of subpart A of the DHHS regulations for the protection of human subjects, no investigator may involve a human being as a subject in research covered by the regulations unless the investigator has obtained and documented the informed consent of the subject in accordance with, and to the extent required by, the DHHS regulations.

One commenter states that the proposed waiver should not be approved because it represents a retreat from one of the most important values underlying Subpart C: the fair distribution of the burdens and benefits of research. The Department believes that the waiver as proposed supports the fair distribution of burdens and benefits of research permitting subjects, including some who are prisoners, to participate in certain DHHS-supported or conducted research in which the purposes are (1) to describe the prevalence or incidence of disease by identifying all cases; and (2) to study potential risk factors associations for a disease. Such studies would not be permitted without the waiver.

Summary

After considering the comments, DHHS is adopting the waiver as proposed. The waiver is effective June 20, 2003. All initial and ongoing projects reviewed by IRBs under DHHS-approved assurances after the effective date may be reviewed in accordance with this waiver.

Dated: April 28, 2003.

Richard H. Carmona,

Surgeon General and Acting Assistant Secretary for Health.

Approved: June 13, 2003.

Tommy Thompson,

Secretary, Department of Health and Human Services

[FR Doc. 03–15580 Filed 6–19–03; 8:45 am]

BILLING CODE 4150–36–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0 and 54

[CC Docket No. 02–6; FCC 03–101]

Schools and Libraries Universal Service Support Mechanism

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission takes major steps to simplify and streamline the operation of our universal service mechanism for schools and libraries, while improving our oversight over the support mechanism. The Commission adopts a number of rules to streamline program operation, and promote the Commission's goal of reducing the likelihood of fraud, waste, and abuse.

DATES: Effective July 21, 2003, except for §§ 54.500(k), 54.503, 54.507(g)(1)(i) and (g)(1)(ii), 54.514(a), and 54.517(b) which will become effective July 1, 2004. In addition, § 54.515(b) contains information collection requirements that have not been approved by the Office of Management Budget (OMB). The Commission will publish a document in the **Federal Register** announcing the effective date of that section.

FOR FURTHER INFORMATION CONTACT: Jonathan Secrest and Katherine Tofigh, Attorneys, Telecommunications Access Policy Division, Wireline Competition Bureau, (202) 418–7400.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Report and Order in CC Docket No. 02–6, FCC 03–101 released on April 30, 2003. This Second Report and Order was also released with a companion Further Notice of Proposed Rulemaking FNPRM. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 Twelfth Street, SW., Washington, DC 20554.

I. Introduction

1. In this Order, we take major steps to simplify and streamline the operation of our universal service mechanism for schools and libraries, while improving our oversight over the support mechanism. In section 254 of the 1996 Act, Congress directed the Commission to establish explicit universal service support mechanisms to ensure the delivery of affordable telecommunications service to all Americans, including low-income consumers, rural health care providers, and eligible schools and libraries. Pursuant to section 254, eligible schools, libraries, and consortia that include eligible schools and libraries, may receive discounts for eligible telecommunications services, Internet access, and internal connections. The Commission has issued several orders interpreting rules governing the operation of the schools and libraries universal service support mechanism.

2. Since the inception of the schools and libraries support mechanism in 1997, schools and libraries have received over $9.6 billion in funding commitments. This funding has provided millions of school children and library patrons access to modern telecommunications and information services. The Commission previously sought comment in a Notice of Proposed Rulemaking (*Schools and Libraries*

NPRM), 67 FR 7327, February 19, 2002, on ways to streamline the operation of the schools and libraries support mechanism, in order to ensure that the benefits of this universal service support mechanism for schools and libraries are distributed in a manner that is fair and equitable and improve our oversight over this program to ensure that the goals of section 254 are met without waste, fraud, and abuse.

3. In response to the *Schools and Libraries NPRM,* the Commission received a tremendous outpouring of ideas and suggestions relating to the operation of the schools and libraries mechanism. In this Second Report and Order (Order), we adopt a number of rules to streamline program operation and promote the Commission's goal of reducing the likelihood of fraud, waste, and abuse. First, we modify certain rules regarding eligible services. In particular, we clarify the statutory term ''educational purposes.'' We clarify that our rules prohibit the funding of discounts for duplicative services. We also clarify our rules to ensure that wireless services are eligible to the same extent wireline services are eligible. We modify our rules to make voice mail eligible for discounts. Second, we direct the Universal Service Administrative Company (USAC or Administrator) to develop a pilot program testing an online list of internal connections equipment that is automatically eligible for discounts, provided the uses are eligible and all other funding requirements are satisfied. Third, we codify the ''30 percent'' policy, which is a processing benchmark currently used by the Administrator when reviewing requests that include both ineligible and eligible services.

4. With regard to post commitment program administration, we adopt a rule requiring service providers to give applicants the choice each funding year whether to pay the discounted price or pay the full price and then receive reimbursement through the Billed Entity Applicant Reimbursement (BEAR) process, and adopt a rule expressly requiring service providers to remit BEAR payments to the applicant within 20 days after receipt of such payments from the Administrator.

5. With regard to appeals, we permanently extend the time limit for filing an initial appeal with the Schools and Libraries Division (SLD) and the Commission from 30 to 60 days and conclude that all appeals should be treated as filed on the date that they are postmarked. We also conclude that all successful appeals should be funded to the extent that they would have been funded had the discounts been awarded through the normal funding process. We also make a minor procedural change to our rules relating to filing appeals in this docket.

6. As part of our ongoing efforts to limit waste, fraud, and abuse, we adopt rules to prevent bad actors from receiving benefits associated with the schools and libraries mechanism. In particular, we conclude that anyone convicted of a criminal violation or found civilly liable for actions relating to this program shall be debarred from participation for three years, absent extraordinary circumstances. Also, we decline at this time to adopt further measures to reduce unused funds, in light of our prior actions to streamline the program and increase the efficiency of fund use. We make conforming rule changes in accord with the No Child Left Behind Act of 2002, and we remove certain obsolete sections of our rules.

II. Second Report and Order

A. Eligible Services

7. *Educational Purpose.* We find it appropriate to clarify the scope of the requirement that services be used for an educational purpose. Accordingly, we amend § 54.500 of our rules to clarify the meaning of educational purposes. Pursuant to this requirement, the Administrator has denied requests for services to be used by support staff not involved in instructional activities. We reiterate our recognition that the technology needs of participants in the schools and libraries program are complex and unique to each participant. We find that, in the case of schools, activities that are integral, immediate, and proximate to the education of students, or in the case of libraries, integral, immediate, and proximate to the provision of library services to library patrons, qualify as educational purposes under this program. To guide applicants in preparing their applications and to streamline the Administrator's review of applications, we further establish a presumption that activities that occur in a library or classroom or on library or school property are integral, immediate, and proximate to the education of students or the provision of library services to library patrons.

8. This clarification, however, is not intended to allow the general public to use services and facilities obtained through this support mechanism for non-educational purposes. In the *Alaska Order,* the Commission granted the State of Alaska a limited waiver of § 54.504(b)(2)(ii) of the Commission's rules, allowing members of rural remote communities in Alaska that lack local or toll-free dial-up access to the Internet to use excess service obtained through the support mechanism, when the services are not in use by the schools and libraries. The clarification we adopt today does not affect the terms of Alaska's waiver or allow schools or libraries outside the scope of that waiver to provide services to the general public in that manner.

9. Under this standard, reasonable requests for any supported service—over any technology platform—to be used by any school or library staff while in a library, classroom, or on school or library property, shall be eligible for discounts. Moreover, we conclude that in certain limited instances, the use of telecommunications services offsite would also be integral, immediate, and proximate to the education of students or the provision of library services to library patrons, and thus, would be considered to be an educational purpose. By adopting this standard, we provide to schools and libraries and the state and local authorities that govern them a more definitive interpretation of educational purposes, in order to assist them in pursuing their programmatic objectives.

10. We find that our clarification is consistent with statutory mandates that the purpose for which support is provided be for educational purposes in a place of instruction. Moreover, this clarification benefits applicants because it simplifies the application process by making the approval of discounted services more predictable, without sacrificing flexibility, thus furthering our streamlining goals. Because of the difficulties inherent in implementing changes in eligibility in the middle of a funding cycle, services will be available under this clarification beginning with the start of the next funding year (Funding Year 2004), on July 1, 2004.

11. We believe that this interpretation of educational purpose should not result in an increase in waste, fraud, or abuse. First, as the presumption set forth demonstrates, discounts will only be awarded to support activities that have a defined nexus to education, or, in the case of libraries, to the delivery of library services to library patrons. Thus, for instance, using a school's or a library's discounted telecommunications services to support a private enterprise or a political campaign will continue to be a violation of the Act and our rules. In addition, because our rules require schools and libraries to pay a percentage of the cost of services, schools and libraries are unlikely to request services that are not economical. This is particularly true in an environment where many

institutions face shrinking budgets. We therefore conclude this clarification of educational purpose should increase program efficiency without leading to waste, fraud, or abuse.

12. *Funding of Duplicative Services.* In the *Universal Service Order,* 62 FR 32862, June 17, 1997, the Commission indicated that an applicant's request for discounts should be based on the reasonable needs and resources of the applicant, and bids for services should be evaluated based on cost-effectiveness. Pursuant to this requirement, the Administrator has denied discounts for duplicative services. Duplicative services are services that deliver the same functionality to the same population in the same location during the same period of time. We emphasize that requests for discounts for duplicative services will be rejected on the basis that such applications cannot demonstrate, as required by our rules, that that they are reasonable or cost effective.

13. We find that the use of discounts to fund duplicative services contravenes the requirement that discounts be awarded to meet the ''reasonable needs and resources'' of applicants. We find that requests for discounts for duplicative services are unreasonable because they impact the fair distribution of discounts to schools and libraries. The schools and libraries mechanism of the universal service fund is capped at $2.25 billion dollars. Under our rules, when total demand exceeds the cap, discounts for Priority Two services (internal connections) are awarded after all Priority One requests are satisfied, beginning with the most economically disadvantaged schools and libraries as determined by the schools and libraries discount matrix. Total demand for discounts from the schools and libraries program has exceeded the funding cap in the past two funding years and we expect this trend to continue. Thus, funding duplicative services would operate to award discounts to applicants higher on the matrix twice for the same services, while some others, because of their lower rank on the matrix, could not receive discounts for the same service because the Priority Two funds available under the cap had had been exhausted.

14. In addition, we find that it is inconsistent with the Commission's rules to deliver services that provide the same functionality for the same population in the same location during the same period of time. We believe that requests for duplicative services are not consistent with the Commission's rules regarding competitive bidding, which require applicants to evaluate whether bids are cost effective. In the *Universal Service Order,* the Commission stated that price is the primary of several factors to be considered. Thus, applicants must evaluate these factors to determine whether an offering is cost effective. We find that it is not cost effective for applicants to seek discounts to fund the delivery of duplicative services. Therefore, we conclude that this rule can be violated by the delivery of services that provide the same functionality for the same population in the same location during the same period of time. We recognize that determining whether particular services are functionally equivalent may depend on the particular circumstances presented. In addition, we amend § 54.511(a) of our rules to make clear that applicants must consider whether the service is cost effective.

15. *Eligibility of Wireless Services.* Under section 254(h)(1)(B), eligible schools, libraries, and consortia that include eligible schools and libraries, are eligible for discounts on telecommunications services. Accordingly, basic telephone service, which includes mobile and fixed wireless service, is eligible for discounts pursuant to the schools and libraries universal service support mechanism. The cost of telephones or associated maintenance of equipment is not eligible for discount. In the *Schools and Libraries NPRM,* we sought comment on whether we needed to modify any rules and policies regarding the eligibility of wireless services. We also sought comment on whether broadening the eligibility of wireless services under the schools and libraries universal service support mechanism, consistent with the statute, would improve the application review process.

16. We reiterate that wireline and wireless telecommunications services are equally eligible under our current rules. If wireless service is used at the school or library for educational purposes, that service is eligible for support to the same extent as requests for wireline-based telecommunications services. We emphasize that, under existing rules, requests for wireline and wireless services must be reviewed under the same standard. It would be inappropriate, for instance, to presume that wireline services are used for educational purposes while presuming that wireless services are not used for similar purposes. What is relevant, for purposes of determining compliance with the statutory standard, is whether the service in question is integral, immediate, and proximate to the provision of education or library services, regardless of the technology platform. As we stated, we presume that activities that occur in a library or classroom or on library or school property, are integral, immediate, and proximate to education of students, or, in the case of libraries, to the provision of library services to library providers, and therefore qualify as educational purposes.

17. We believe that this restatement of technology neutrality, in tandem with our clarification of educational purposes set forth, will serve to reduce confusion and uncertainty regarding the eligibility of wireless services and thus further our streamlining efforts by making the application process more predictable for applicants.

18. *Eligibility of Voice Mail.* In the *Universal Service Order,* the Commission decided that certain information services—namely Internet access—would be funded. The Commission also determined, without further discussion, that voice mail would not ''at [that] time'' be eligible, based, in part, on the recommendation of the Federal-State Joint Board on Universal Service that such information services not be eligible. Specifically, the Joint Board had recommended that, ''by establishing a discount mechanism for telecommunications and Internet access, we conclude that the intent of Congress will be met and it is not necessary to support the full panoply of information services at this time.'' We now think it appropriate to revisit this issue, in light of our experience over the last five years.

19. The prevalence of and need for voice mail as a way of communicating with school and library staff for educational purposes causes us to reexamine the eligibility of voice mail. Virtually all commenters supported making voice mail an eligible service, including the state members of the Federal-State Joint Board on Universal Service. After reviewing the record on this issue, we conclude that voice mail should be eligible for discounts as a Priority One service under the universal service support mechanism in the same way that Internet access, *i.e.*, e-mail, is currently eligible. Voice mail services are used in conjunction with telecommunications services. We agree with commenters that voice mail is functionally equivalent to e-mail. Therefore, we believe that it is administratively and operationally appropriate for such requests to be processed within the same priority as telecommunications services and Internet access. After five years of experience with the schools and libraries universal service support

mechanism, we find that making voice mail now eligible for discount is consistent with Congress's intent ''to enhance * * * access to advanced telecommunications and information services'' for schools and libraries. Indeed, voice mail is an integral part of communications, especially in schools. We conclude that voice mail enhances access to information services for schools and libraries by allowing meaningful communication among parents, teachers, and school and library administrators.

20. Moreover, making voice mail eligible will reduce administrative costs, because neither applicants nor USAC will need to go through the exercise of breaking out the cost of voice mail from a bundled price for telecommunications service. We believe this modification will further our goals of improving program operation, without increasing opportunities for waste, fraud, and abuse. Accordingly, we deem voice mail to be eligible for discounts under the schools and libraries universal service support mechanism and amend §§ 54.503, 54.507, and 54.517 of our rules. We instruct USAC to process funding requests for voice mail services starting in Funding Year 2004 consistent with this *Order*.

21. *Computerized Eligible Service List.* We conclude that it would be beneficial to develop a process that would simplify applicants' selection of eligible services. The Commission currently directs the Administrator to determine whether particular services fall within the eligibility criteria established under the 1996 Act and the Commission's rules and policies. The Administrator evaluates, in consultation with the Commission on an ongoing basis, particular services and products offered by service providers, and determines their eligibility. In order to provide applicants with general guidance, the Administrator makes available on its website a list of categories of service that are conditionally eligible or ineligible, although it does not identify specific eligible brands or items. Applicants or service providers may appeal the Administrator's decision that a given service is ineligible for discounts only after a requested discount for that service is denied.

22. In the *Schools and Libraries NPRM,* we specifically sought comment on whether to establish an online computerized list of actual products and services, whereby applicants could select a specific product or service as part of their FCC Form 471 application. We suggested that under such a proposal, the number of instances in which applicants seek funding for ineligible services might decrease. We also suggested that such a process would considerably simplify the application review process. We sought comment on the desirability and feasibility of this approach. Specifically, we sought comment on how often such a list should be updated; how to ensure that such a list would not inadvertently limit access to products and services newly introduced to the marketplace; and how to obtain input on an ongoing basis regarding what specific products and services should be eligible.

23. After reviewing the record, we conclude that there is merit to creating an online computerized list system for internal connections. We decline, however, to mandate a similar computerized list system at this time for telecommunications services and Internet access.

24. In general, we agree with commenters that such a list would aid applicants to more clearly understand which items have already been approved by USAC as eligible. Use of such a list should facilitate expedited processing of many funding requests, decrease rejection of requests for ineligibility, and decrease the chances that any ineligible request would be accidentally awarded discounts. The use of this list by applicants, therefore, should reduce the burden on applicants in completing their applications. In addition, use of such a list would streamline review by the Administrator, allowing it to focus on more complex matters arising in the application process. Finally, by helping to avoid support of ineligible services, an online computerized list would further the Commission's goal of preventing fraud and abuse.

25. At the same time, we are persuaded by the Administrator's concerns and those of certain commenters that such a list should be developed with care. For example, the list should be careful not to favor certain vendors over others. Thus, we conclude that the development of such a list should proceed in stages. The Administrator should first test the use of such a list on a limited portion of the eligible services and products list. Therefore, we direct USAC, in conjunction with the Wireline Competition Bureau (Bureau), to develop and test as a pilot program an online list for internal connections equipment. We believe that such a pilot program would assist in further developing a record regarding how such a list could, in practice, provide clearer guidance about the potential eligibility of telecommunications and Internet access services than the current website posting.

26. We direct the Administrator to design a pilot program in consultation with the Bureau that is in keeping with the following principles: (1) the pilot system should continue to allow flexibility of choice of products by applicants; (2) this list should operate as a safe harbor, rather than a complete list of all eligible items; (3) all equipment and services listed will be automatically eligible for discounts provided the use is eligible and other funding requirements are satisfied; (4) there should be a procedure to have new products added to the list; (5) applicants and service providers may use the existing appeals procedures to appeal decisions by the Administrator rejecting the addition of specific items on the list; (6) applicants may also seek support for internal connections equipment that is not on this list; (7) such requests will be evaluated consistent with the Administrator's existing practice of ensuring that the equipment and proposed use are consistent with educational purposes.

27. We expect that the Administrator will be able to implement the pilot program no later than Funding Year 2005. The Administrator will timely report to the Commission about the effectiveness of the program during and after successful implementation. USAC's report should include information that details the effect of the list on the administrative review process, including the cost, and the number of applicants making use of such a list. We will evaluate this data and take it into consideration when evaluating whether and how to proceed to make this list accessible from the online FCC Form 471, and whether and how to incorporate telecommunications and Internet access services into such a list. In addition, in the accompanying FNPRM we seek further comment on the feasibility of an online eligible services brand name list for telecommunications services and Internet access.

B. Codification of 30 Percent Policy

28. *Discussion* We conclude that the 30 percent policy should be codified in the Commission's rules. We find that the procedure improves program operation and is important in reducing the administrative costs of the program because it enables SLD to efficiently process requests for support for services that are eligible for discounts but that also include some ineligible components. We further find that the 30 percent policy provides an appropriate incentive to applicants to seek discounts for only eligible products and services.

We find that the 30 percent policy provides an adequate safe harbor for applicants that inadvertently request ineligible products or services, and appropriately balances applicant accountability with effective administrative review. The 30 percent policy allows the Administrator to process efficiently requests for funding that contain only a small amount of ineligible services without expending significant fund resources working with applicants to determine what part of the discounts requested is associated with eligible services. It also provides an incentive to applicants to eliminate ineligible services from their requests before submitting their applications, further reducing the Administrator's administrative costs. Accordingly, we add § 54.504(c)(1) to our rules as provided.

29. We decline to adopt one suggestion that would require SLD to inform an applicant that its application is about to be rejected under the 30 percent procedure and allow that applicant to provide evidence to refute SLD's determination. Applicants bear the burden of ensuring that the items requested are eligible for support under the program rules. Implementation of such a proposal would result in greater administrative costs and burden, thereby defeating the primary purpose of this policy. Moreover, the applicant still has an opportunity to refute SLD's determination by availing itself of the appeals process.

C. Choice and Timing of Payment Method

30. *Discussion* We first conclude that we should adopt a rule requiring service providers to give applicants the choice each funding year either to pay the discounted price or to pay the full price and then receive reimbursement through the BEAR process. In addition, we find that the period for remittance of the BEAR payment should be 20 days. Accordingly, we amend § 54.514 of our rules as set forth.

31. Some commenters argued that the choice of payment method should ultimately be made by the service provider, asserting that a mandate requiring all providers to adopt billing systems capable of handling both payment methods would impose significant financial and administrative burdens, particularly on small providers. However, the vast majority of commenters that responded to the *Schools and Libraries NPRM* supported the Commission's proposal. Numerous commenters noted instances of services providers requiring applicants to use the BEAR method.

32. We find that providing applicants with the right to choose payment method is consistent with section 254. Although section 254(h)(1)(B) requires that telecommunications carriers providing discounted service be permitted to choose the method by which they receive reimbursement for the discounts that they provide to schools and libraries, *i.e.,* between receiving either a reimbursement for the discount or an off-set against their obligations to contribute to the universal service fund, the statute does not require that they be permitted to choose the method by which they provide those discounts to the school or library in the first place.

33. In addition, we find that providing applicants with the right to choose which payment method to use will help to ensure that all schools and libraries have affordable access to telecommunications and Internet access services. The Commission previously noted in the *Universal Service Order* that ''requiring schools and libraries to pay in full could create serious cash flow problems for many schools and libraries and would disproportionately affect the most disadvantaged schools and libraries.'' The comments in the present record have confirmed that many applicants cannot afford to make the upfront payments that the BEAR method requires. In light of the record before us, we conclude that the potential harm to schools and libraries from being required to make full payment upfront, if they are not prepared to, justifies giving applicants the choice of payment method.

34. As with any agreement, one way that applicants could memorialize the particular payment method chosen would be to place the agreement in the service agreement, or, where there is no written service contract, in a separate agreement. Although applicants are not required to take such action, it has been suggested that doing so would decrease the number of customer complaints and strengthen the Administrator's ability to take action for compliance failures.

35. Once an applicant has made and memorialized its choice for a funding year, the applicant may not unilaterally shift from one form of payment to the other within that funding year. Commenters argued that, in cases where the service begins before the Administrator makes its funding decision, applicants should be able to make discounted payments and then shift to BEAR payments after the funding decision is issued. We find that the administrative costs of such a procedure exceed the limited benefits to the applicant. Furthermore, service providers are under no obligation to provide discounts or reimbursements until a funding decision is approved, and we therefore find that it would be inappropriate to require providers to offer discounted service before any funding decision is made to authorize such discounts.

36. In response to service providers that argue that such a change will result in significant administrative costs to them, we reiterate that it is consistent with section 254 to provide applicants with the right to choose their payment method. Nevertheless, we anticipate that applicants and service providers will be able to work together in order to determine which payment method is most suitable. For example, a small carrier may enter into an agreement with a school district to provide telecommunications services. Under this contract, the payments could change from month to month based on usage. If the costs of instituting a new billing system to account for the changing levels of discounted service are significant, and the service provider is going to pass on the costs of such a system to the school district, the parties may find it more appropriate to negotiate a set discounted amount to be billed each month, with a true-up bill at the end of the contract. In recognition, however, of potential changes to billing systems that some providers may need to undertake in order to allow any applicant to elect the BEAR process, this rule change concerning election of payment type will be effective for the start of Funding Year 2004.

37. We also conclude that we should adopt a rule expressly requiring service providers to remit BEAR payments to the applicant within 20 days after receipt of such payments from the Administrator. BEAR payments are reimbursements for services that have already been provided to and paid for by a school or library. The structure of the schools and libraries support mechanism necessitates that reimbursement must flow to the applicant through the services provider. BEAR payments are not the property of the service provider, which has been paid in full. The Administrator has received many complaints about service providers failing to remit the BEAR payments in a timely fashion or, in some cases, at all. According to the Administrator, formalizing the remittance requirement in a rule would strengthen its ability to ensure compliance. The majority of commenters found that 20 days is an appropriate period for remittance. We therefore adopt a rule requiring a provider who receives a BEAR check

from the Administrator to remit payment to the applicant within 20 days of receipt. Because providers are already required to remit BEAR payments within a limited timeframe, and thus should not need to implement major billing system changes, this rule change, like other rule changes unless otherwise noted, will be effective upon publication in the **Federal Register**.

D. Appeals Procedure

38. *Deadline Extension* In the first four funding years of the school and libraries universal service support mechanism, twenty-two percent of all appeals to the Commission were dismissed as being untimely filed. In addition, the Administrator states that eighteen percent of all appeals filed with the Administrator for Funding Year 2001 were dismissed as being outside of the 30-day period. In light of this information, we sought comment on how to modify the current appeals procedures.

39. We agree with commenters that it is appropriate to increase the time limit for filing initial appeals with the Administrator and with the Commission to 60 days. Unlike many parties that typically practice before the Commission, many applicants in this program have no experience with regulatory filing processes. Thus the 30-day time period is often not adequate to allow potential petitioners to gather the documents and synthesize the arguments needed to file pleadings in order to challenge funding decisions. Commenters suggest that extending the filing period meets the goals of improving program operations and ensuring equitable distribution of benefits. Commenters suggest that given schools' and libraries' unique resource limitations, the extension of time for filing appeals will also provide applicants an opportunity to review the relevant decision and determine whether there are valid bases for appeal. We conclude that the time limit for filing an initial appeal with the Administrator and with the Commission should be extended to 60 days. We therefore amend § 54.720(a) through (d) of our rules.

40. *Postmark.* We also agree with commenters that we should treat appeals to the Administrator or the Commission has having been received on the date that they are postmarked rather than the date they are filed. Commenters note that this change would be consistent with other program filing deadlines. For example, such a change would make the appeal procedure consistent with the Administrator's practice of treating FCC Form 471 applications as having been filed as of the postmark date. In cases where a postmark is unclear or illegible, the Commission will require the applicant to submit a sworn affidavit stating the date that the appeal was mailed. Given this possibility, we continue to encourage parties to file appeals electronically, in order to ensure timely submission. In addition, we agree with commenters that using the postmarked date furthers the goals of improving program operation and ensuring a fair and equitable distribution of the benefits of the program. Thus, we find that it is consistent with public interest that we treat appeals to the Administrator or the Commission as having been filed on the date they are postmarked. We therefore add a new § 54.720(e) to our rules.

41. *Docket Number Change.* We adopt a minor procedural amendment conforming our rules to reflect the change in docket numbers for filing appeals. Specifically, we change the wording of § 54.721, which describes the filing requirements for requests for reviews for the entire Universal Service program, to replace the last line of paragraph (a) as follows: instead of stating ''and shall reference FCC Docket Nos. 97–21 and 96–45,'' the line shall read ''and shall reference the applicable docket numbers.'' The docket number for schools and libraries appeals is CC Docket No. 02–6, and the docket number for Rural Health Care support mechanism appeals is WC Docket No. 02–60. Petitioners should reference these docket numbers when filing pleadings with the FCC.

E. Funding of Successful Appeals

42. *Discussion* Based on the record, we conclude that all successful appeals should be awarded discounts to the extent they would have been had the discounts been awarded through the normal funding process. We further conclude that the Administrator should not wait to grant post-appeal funding until all appeals have been decided, but should instead fund applications if and when they are granted. We further find it appropriate to adopt a rule that authorizes using funds budgeted for future funding years, if the Administrator-set appeals reserve is inadequate to award discounts to all successful appeals. We recognize that utilizing such funds will reduce the total amount of funding available in subsequent funding years. However, we believe that this result is necessary in order to assure that no applicants are prejudiced because they were awarded discounts through the appeal process rather than through the initial application process.

43. The few commenters that addressed the use of funding from future years were mixed in their assessment. In particular, we disagree with commenters such as the Council of Chief State School Officers, who state that using funding budgeted for future years would penalize applicants in the next funding year. We conclude that the inequity of failing to award discounts for a timely appeal far outweighs the impact granting such appeals would have in reducing the overall available funding in future funding years. Indeed, any modest reduction in the total amount of funds budgeted for future funding years is equally distributed among all successful applicants. In contrast, the alternative imposes any shortfall on an individual applicant, who, after successfully appealing, has done nothing to merit the denial of funding. In balancing these outcomes, we conclude the more equitable solution is to spread the impact by using funds budgeted for future funding years, should the appeal reserve be exhausted. Consequently, we adopt a rule that authorizes USAC to use funds budgeted from subsequent funding years to fund discounts for successful appeals in the unlikely case that the appeals reserve is exhausted.

F. Suspension and Debarment

44. *Discussion.* We agree with the majority of commenters that we should adopt rules to prevent bad actors from receiving the benefits associated with the schools and libraries support mechanism. By prohibiting bad actors from involvement with the schools and libraries support mechanism, we will deter waste, fraud, and abuse, thus helping to ensure that support is used for schools' and libraries' access to advanced telecommunications and information services consistent with section 254. It is not our intention to use this debarment to punish. Rather, debarring applicants, service providers, consultants, or others that have defrauded the government or engaged in similar acts through activities associated with or related to the schools and libraries support mechanism is necessary to protect the integrity of the program. We conclude that these debarment procedures are prudent and consistent with our goal of ensuring that the universal service support mechanisms operate without waste, fraud, or abuse.

45. We conclude that persons convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and

libraries support mechanism shall be debarred from activities associated with or related to the schools and libraries support mechanism for a specified period, absent extraordinary circumstances. The debarment rules we adopt are informed by the nonprocurement debarment regulations for federal agencies, which do not apply to independent agencies such as the Commission. Specifically, we find that persons convicted of, or held civilly liable for, the attempt or commission of criminal fraud, theft, embezzlement, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice, or other fraud or criminal offense arising out of activities associated with or related to the schools and libraries universal service support mechanism shall be debarred from involvement with the schools and libraries support mechanism for a period of three years. Where circumstances warrant, a longer period of debarment may be imposed if the extension is necessary to protect the public interest. In the case of multiple convictions or judgments, the Commission shall determine based on the facts before it whether debarments shall run concurrently or consecutively.

46. A person subject to debarment, or a person that has contracted or intends to contract with a person subject to debarment to provide or receive services in connection with the schools and libraries support mechanism, may file arguments in writing and supported by documentation in opposition to the proposed debarment action or supporting a reduction in the period or scope of debarment. The Commission shall consider any such request, and may, upon the filing of arguments against the proposed suspension or debarment by an interested party or on its own motion, grant such a request for extraordinary circumstances. For example, reversal of the conviction or civil judgment upon which the debarment was based shall constitute extraordinary circumstances.

47. In light of the serious nature of a conviction or civil judgment relating to participation in the support mechanism, upon becoming aware of a person's criminal conviction or civil judgment under the specified circumstances, the Commission shall suspend the person from activities associated with or related to the schools and libraries support mechanism. Suspension is an immediate but temporary measure pending a final determination of debarment. Suspension will help to ensure that a person that has been convicted or held civilly liable for behavior with respect to the schools and libraries support mechanism cannot continue to benefit from the mechanism pending resolution of the debarment process. The Commission shall send notice to the person's last known address by certified mail, return receipt requested, and shall publish notice in the **Federal Register**. Suspension is effective immediately upon the earlier of the person's receipt of such notice or publication in the **Federal Register**.

48. The notice of suspension shall include notice of debarment proceedings. Such notice shall (1) give the reasons for the proposed debarment in terms sufficient to put the person on notice of the conduct or transaction(s) upon which it is based and the cause relied upon, namely, the entry of a criminal conviction or civil judgment; (2) explain the applicable debarment procedures; (3) describe the potential effect of debarment. A person subject to debarment or a person that has contracted or intends to contract with a person subject to debarment to provide or receive services in connection with the schools and libraries support mechanism, that elects to file arguments in opposition to the suspension and proposed debarment, must do so with any relevant documentation within 30 days after receiving notice or publication in the **Federal Register**, whichever is earlier. Any suspended person or person who has contracted or intends to contract with a suspended person also may request, in writing and supported by documentation, reversal of the suspension action or a reduction in the period or scope of suspension. The Commission shall consider such a request, but such action will not ordinarily be granted. Within 90 days of receipt of any such request, the Commission, in the absence of extraordinary circumstances, shall provide the person prompt notice of the decision to debar, and shall publish the decision in the **Federal Register**. Debarment shall be effective upon the earlier of receipt of notification or publication in the **Federal Register**.

49. Consistent with the federal agency regulations, we define ''person'' as ''[a]ny individual, corporation, partnership, association, unit of government or legal entity, however organized.'' Under this definition, persons may include applicants, service providers, consultants, or others engaged in activities associated with or related to the support mechanism.

50. Consistent with the federal agency regulations, suspension or debarment of a corporation, partnership, association, unit of government or legal entity, however organized, defined as a ''person'' under these regulations, constitutes suspension or debarment of all its divisions and other organizational elements from all activities associated with or related to the schools and libraries support mechanism for the debarment period, unless the suspension or debarment decision is limited by its terms to one or more specifically identified individuals, divisions, or other organizational elements or to specific types of transactions.

51. Consistent with the federal agency regulations, we define ''conviction'' as ''a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, including a plea of nolo contendere'' and ''civil liability'' or ''civilly liable'' as ''the disposition of a civil action by any court of competent jurisdiction, whether entered by verdict, decision, settlement with admission of liability, stipulation, or otherwise creating a civil liability for the wrongful acts complained of, or a final determination of liability under the Program Fraud Civil Remedies Act of 1988 (31 U.S.C. 3801–12).'' We further conclude that, for purposes of these rules, ''activities associated with or related to the schools and libraries support mechanism'' include the receipt of funds or discounted services through the schools and libraries support mechanism, or consulting with, assisting, or advising applicants or service providers regarding the schools and libraries support mechanism.

52. A conviction or civil judgment in the specified circumstances therefore automatically results in suspension and the initiation of debarment proceedings, providing a clear and stringent response on the part of the Commission and serving to deter waste, fraud, and abuse in the program. Although the governmentwide rules provide that agencies ''may'' debar or suspend persons convicted or held civilly liable, we conclude that a rule requiring the Commission to suspend and debar such persons absent extraordinary circumstances will better serve the Commission's goal of limiting waste, fraud, and abuse. In light of our statutory obligation to preserve and advance universal service, we believe it appropriate to set a very high threshold for parties seeking to persuade us that debarment is not warranted in circumstances where a court of competent jurisdiction has concluded that person has committed some form of fraud related to the schools and libraries program. We conclude that under our rules the Commission shall debar

persons convicted or held civilly liable after immediate suspension, absent extraordinary circumstances. These automatic actions in the clear circumstances where legal proceedings have concluded with due process are an appropriate and prudent means of maintaining the integrity of the schools and libraries support mechanism.

53. We recognize that where a service provider is debarred, an applicant relying on that service provider for discounted services may need to change service providers for that funding year in order to continue to receive the benefits of the support mechanism. Under existing USAC procedures, after an application has been approved and before the last day for invoicing, an applicant may change its service provider. Consistent with these procedures, therefore, applicants whose service providers have been debarred after an application has been approved may change service providers for that funding year.

54. The Enforcement Bureau shall undertake suspension and debarment proceedings under this section. The Wireline Competition Bureau shall make any necessary changes to FCC forms, including a notification that a person convicted of or held civilly liable for the conduct specified shall be suspended and debarred absent extraordinary circumstances. We also direct the Wireline Competition Bureau to oversee the implementation and coordination of debarment procedures and policies with the Administrator, including, but not limited to, the publication and maintenance of a list on the Administrator's web site of persons suspended or debarred from the program. We direct the Wireline Competition Bureau to ensure that the Administrator implements procedures to ensure that any person who has been suspended or debarred not benefit from the schools and libraries support mechanism for the specified period of time.

55. These rules constitute an important step in continuing to ensure program integrity. We are committed to considering other deliberate and appropriate measures in order to provide for compliance with statutory requirements and our rules, thereby ensuring that the benefits of this universal service support mechanism are available to the largest number of schools and libraries on an equitable basis. In the companion FNPRM, we seek further comment on whether to debar persons in other circumstances and related issues.

G. Utilization of Unused Funds

56. *Discussion.* We decline, at this time, to adopt additional measures to reduce unused funds. The *First Order,* 67 FR 41862, June 20, 2002, adopted a framework for the treatment of unused funds from the schools and libraries universal service support mechanism. In that Order, we determined that it was in the public interest to take immediate action to stabilize the contribution factor, and that beginning no later than the second quarter of 2003, any unused funds from the schools and libraries support mechanism shall, consistent with the public interest, be carried forward for disbursement in subsequent funding years of the schools and libraries support mechanism.

57. As noted, the Administrator has taken certain measures that will also address the issue of unused funds from the schools and libraries program. We find that these changes will help improve the disbursement of program funds. In addition, we continue to explore procedural and programmatic changes to the schools and libraries support mechanism that may help reduce the amount of funds that are not disbursed. We find that such actions will help us to most effectively implement the goals of section 254 of the Act.

58. Commenters noted that during the application process, applicants have difficulty predicting needs, usage, and non-contracted rates. Therefore, applicants may apply for more funding than is actually needed. Commenters also cited certain factors beyond the program's control that contribute to unclaimed funds. Indeed, the Administrator and the Commission are aware of these issues. In an effort to reduce the amount of unused funds, starting with Funding Year 2001, the Administrator is issuing funding commitments slightly in excess of the $2.25 billion funding cap. The Administrator reports that as of October 28, 2002, it had committed approximately $2.257 billion for Funding Year 2001. Specifically, the Administrator is basing overcommitments on past levels of unused funds, allowing a margin for error.

59. Commenters also state that some committed funds go unused because of late funding commitment decisions. We agree with commenters that receiving funding commitment decisions earlier in the process would help reduce the amount of unused funds. The Administrator has continued to improve its processing. An increasing percentage of applicants now receive funding decisions earlier in the funding cycle. In addition, the Administrator has created a new website where the public, applicants and providers, can view funding commitment data the day after it is released, rather than having to wait for the delivery of funding letters. We believe that each of these changes will help prevent the likelihood of waste by improving the disbursement of program funds.

60. In addition, several commenters noted that there is no incentive for applicants to turn committed funds back to USAC when an applicant realizes that it will not use the full committed amount. Some commenters also stated that the Form 500, which applicants may use to notify the Administrator that committed funds are no longer required, is an ineffective tool for commitment cancellation. The form is still a relatively new addition to the program. At this time, we do not believe that it is appropriate or necessary to change the Form 500. As with all aspects of the program, should the Administrator have recommendations about how to improve the Form 500 or related processes, the Administrator will bring these issues to our attention. We trust that as applicants become more familiar with the form and are better able to judge their funding supply through data newly provided on the Administrator's website, applicants will inform the Administrator when they will not fully use committed funds.

H. Conforming Rule Changes

61. *Discussion.* We adopt minor changes to our rules to conform our definitions of eligible schools to the current definitions of and citations for ''elementary school'' and ''secondary school'' following the passage of the No Child Left Behind Act. First, we amend the definition of elementary school at § 54.500(b) by adding, after ''residential school,'' the phrase ''including a public elementary charter school,'' and the definition of secondary school at § 54.500(j) by adding, after ''residential school,'' the phrase ''including a public secondary charter school.''

62. In so doing, we are not expanding the scope of either definition because public elementary and secondary charter schools were already eligible under the original definitions. Under these definitions, the Commission looked to applicable State law to determine which entities qualified as public elementary and secondary schools. Thus, where applicable State laws provided for public elementary and secondary charter schools, such schools were eligible for discounts under the old definition. The regulatory

change merely makes this eligibility explicit.

63. Second, we amend § 54.501(b)(1) of our rules, to reflect the new citations for the elementary school and secondary school definitions following the passage of the No Child Left Behind Act. Specifically, we replace the citations to 20 U.S.C. 8801(14) and 8801(25) with citations to 20 U.S.C. 7801(18) and 7801(38), respectively. Because the new provisions are substantively the same as the original definitions, we conclude that all of these rule changes are minor and technical, and we therefore find good cause to conclude that notice and comment procedures of the Administrative Procedure Act (APA) are unnecessary.

I. Removal of Obsolete Rules

64. The Biennial Regulatory Review 2000 Staff Report (Staff Report) recommended that §§ 54.701(b) through (e) of our rules, which mandate the merger of the Schools and Libraries Corporation and the Rural Health Care Corporation into the Universal Service Administrative Company, be removed. Given that the merger has been completed, the Staff Report concluded that these transitional provisions were no longer applicable. We now adopt the recommendations of the Staff Report and remove §§ 54.701(b) through (e), and renumber current provisions §§ 54.701(f) through (h) as §§ 54.701(b) through (d). Again, because the rule sections in question are now obsolete, we conclude that these rule changes are minor and technical, and we therefore find good cause to conclude that notice and comment under the APA is not necessary.

III. Procedural Issues

A. Paperwork Reduction Act Analysis

65. The action contained herein has been analyzed with respect to the Paperwork Reduction Act of 1995 (PRA) and found to impose new or modified reporting and/or recordkeeping requirements or burdens on the public. Implementation of these new or modified reporting and/or recordkeeping requirements will be subject to approval by the Office of Management and Budget (OMB) as prescribed by the PRA. Section 54.514(b) contains information collection requirements that have not been approved by the Office of Management Budget (OMB). The Commission will publish a document in the **Federal Register** announcing the effective date of that section. Sections 54.500(k), 54.503, 54.507(g)(i–ii), 54.517(b), and 54.514(a) will go into effect July 1, 2004, following OMB approval.

B. Final Regulatory Flexibility Analysis

66. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Schools and Libraries NPRM.* The Commission sought written public comment on the proposals in the *Schools and Libraries NPRM,* including comment on the IRFA. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

1. Need for, and Objectives of, the Second Report and Order

67. In this Order, the Commission adopted a number of rules to streamline program operation, and promote the Commission's goal of reducing the likelihood of fraud, waste, and abuse. We clarify the statutory term ''educational purpose,'' the prohibition of funding of discounts for duplicative services, and that wireless services are eligible to the same extent wireline services are eligible. We conclude that voice mail should be eligible for discounts under the schools and libraries universal service support mechanism. We direct USAC to develop a pilot program testing an online list of internal connections equipment that is eligible for discounts. We codify an existing policy that a request must include less than ''30 percent'' of ineligible services. We adopt a rule requiring service providers to give applicants the choice each funding year whether to pay the discounted price or pay the full price and then receive reimbursement, and a rule requiring service providers to remit any reimbursement payments to the applicant within a set time period. We extend the time limit for filing an initial appeal to 60 days, and agreed to accept appeals as filed when postmarked. We also conclude that all successful appeals should be funded to the extent that they would have been funded had the discounts been awarded through the normal funding process. We adopt rules debarring persons convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries program, absent extraordinary circumstances. We also make several minor and technical rule changes to conform rules with the No Child Left Behind Act of 2002, clarify the docket for appeals filing, and remove certain obsolete sections.

2. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

68. There were no comments filed that specifically addressed the rules and policies presented in the IRFA. Nevertheless, the agency has considered the potential impact of the rules proposed in the IRFA on small entities.

3. Description and Estimate of the Number of Small Entities to Which Rules Will Apply

69. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

70. A small organization is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of 1992, there were approximately 275,801 small organizations. The term ''small governmental jurisdiction'' is defined as ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' As of 1997, there were approximately 87,453 government jurisdictions in the United States. This number includes 39,044 counties, municipal governments, and townships, of which 27,546 have populations of fewer than 50,000 and 11,498 counties, municipal governments, and townships have populations of 50,000 or more. Thus, we estimate that the number of small government jurisdictions must be 75,955 or fewer. Small entities potentially affected by the proposals herein include eligible schools and libraries and the eligible service providers offering them discounted services, including telecommunications service providers, Internet Service Providers (ISPs) and vendors of internal connections.

a. Schools and Libraries

71. Under the schools and libraries universal service support mechanism, which provides support for elementary

and secondary schools and libraries, an elementary school is generally ''a non-profit institutional day or residential school that provides elementary education, as determined under state law.'' A secondary school is generally defined as ''a non-profit institutional day or residential school that provides secondary education, as determined under state law,'' and not offering education beyond grade 12. For-profit schools and libraries, and schools and libraries with endowments in excess of $50,000,000, are not eligible to receive discounts under the program, nor are libraries whose budgets are not completely separate from any schools. Certain other statutory definitions apply as well. The SBA has defined as small entities elementary and secondary schools and libraries having $6 million or less in annual receipts. In Funding Year 2 (July 1, 1999 to June 20, 2000) approximately 83,700 schools and 9,000 libraries received funding under the schools and libraries universal service mechanism. Although we are unable to estimate with precision the number of these entities that would qualify as small entities under SBA's size standard, we estimate that fewer than 83,700 schools and 9,000 libraries might be affected annually by our action, under current operation of the program.

b. Telecommunications Service Providers

72. We have included small incumbent local exchange carriers in this RFA analysis. A ''small business'' under the RFA is one that, *inter alia,* meets the pertinent small business size standard (*e.g.*, a telephone communications business having 1,500 or fewer employees), and ''is not dominant in its field of operation.'' The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent local exchange carriers are not dominant in their field of operation because any such dominance is not ''national'' in scope. We have therefore included small incumbent carriers in this RFA analysis, although we emphasize that this RFA action has no effect on the Commission's analyses and determinations in other, non-RFA contexts.

73. *Local Exchange Carriers and Competitive Access Providers.* Neither the Commission nor the SBA has developed a size standard specifically for small providers of local exchange services. The closest applicable size standard under the SBA rules is for wired telecommunications carriers. This provides that a wired telecommunications carrier is a small entity if it employs no more than 1,500 employees. According to the most recent Commission data there are 1,619 local services providers with 1,500 or fewer employees. Because it seems certain that some of these carriers are not independently owned and operated, we are unable at this time to estimate with greater precision the number of these carriers that would qualify as small business concerns under SBA's size standard. Of the 1,619 local service providers, 1,024 are incumbent local exchange carriers, 411 are Competitive Access Providers (CAPs) and Competitive Local Exchange Carriers (CLECs), 131 are resellers and 53 are other local exchange carriers. Consequently, we estimate that no more than 1,619 providers of local exchange service are small entities that may be affected.

74. *Interexchange Carriers.* Neither the Commission nor the SBA has developed a size standard of small entities specifically applicable to providers of interexchange services (IXCs). The closest applicable size standard under the SBA rules is for wired telecommunications carriers. This provides that a wired telecommunications carrier is a small entity if it employs no more than 1,500 employees. According to the most recent Commission data regarding the number of these carriers nationwide of which we are aware, there are 181 IXCs with 1,500 or fewer employees. Because it seems certain that some of these carriers are not independently owned and operated, we are unable at this time to estimate with greater precision the number of these carriers that would qualify as small business concerns under SBA's size standard. Therefore, we estimate that the majority of those 181 IXCs may be affected by our action.

75. *Cellular and Other Wireless Telecommunications.* The SBA has developed a small business size standard for Cellular and Other Wireless Telecommunications, which consists of all such firms having 1,500 or fewer employees. According to data for 1997, a total of 977 such firms operated for the entire year. Of those, 965 firms employed 999 or fewer persons for the year, and 12 firms employed 1,000 or more. Therefore, nearly all such firms were small businesses. In addition, we note that there are 1807 cellular licenses; however, a cellular licensee may own several licenses. According to Commission data, 858 carriers reported that they were engaged in the provision of either cellular service, Personal Communications Service (PCS), or Specialized Mobile Radio telephony services, which are placed together in the data. We have estimated that 291 of these are small under the SBA small business size standard.

76. *Paging.* In the *Paging Second Report and Order,* we adopted a small size standard for ''small businesses'' for purposes of determining eligibility for special provisions for the auctions held in 2000. For those purposes, a small business was defined as an entity that, together with its affiliates and controlling principals, has average gross revenues not exceeding $15 million for the preceding three years. The SBA approved this definition. There were 440 licenses sold, and 57 companies claiming small business status won licenses. In addition, at present there are approximately 24,000 Private Paging site-specific licenses and 74,000 Common Carrier Paging licenses. The SBA has developed a small business size standard for Paging, which consists of all such firms having 1500 or fewer employees. According to Commission data, 608 carriers reported that they were engaged in the provision of either paging or ''other mobile'' services. Of these, we estimate that 589 are small, under the SBA-approved small business size standard. We estimate that the majority of private and common carrier paging providers would qualify as small entities under the SBA definition.

c. Internet Service Providers

77. SBA has developed a small business size standard for Online Information Services. According to SBA regulations, a small business under this category is one having annual receipts of $21 million or less. According to Census data, there are a total of 2,829 firms with annual receipts of $9,999,999 or less, and an additional 111 firms with annual receipts of $10,000,000 or more. Thus, the number of Online Information Services firms that are small under the SBA's $21 million size standard is between 2,829 and 2,940. Further, some of these Internet Service Providers (ISPs) might not be independently owned and operated. Consequently, we estimate that the great majority of ISPs are small.

d. Vendors of Internal Connections

78. The Commission has not developed a definition of small entities applicable to the manufacturers of internal network connections. The most applicable definitions of a small entity are the size standards under the SBA rules applicable to manufacturers of ''Radio and Television Broadcasting and Communications Equipment'' (RTB) and ''Other Communications Equipment.'' According to the SBA's regulations, manufacturers of RTB or other communications equipment must have

750 or fewer employees in order to qualify as a small business. The most recent available Census Bureau data indicates that there are 1,187 establishments with fewer than 1,000 employees in the United States that manufacture radio and television broadcasting and communications equipment, and 271 companies with less than 1,000 employees that manufacture other communications equipment. Some of these manufacturers might not be independently owned and operated. Consequently, we estimate that the majority of the 1,458 internal connections manufacturers are small.

4. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

79. There are no additional reporting or recordkeeping requirements relating directly to the decisions in this Order. The decision to have the Universal Service Administrative Company notify applicants of suspension and debarment proceedings, and maintain a list of persons debarred from the program does not add any reporting, recordkeeping, or compliance requirements to small entities.

80. Regarding other compliance burdens, the Order clarifies a compliance requirement that would affect all participating entities, by requiring service providers to allow applicants to choose whether they should be provided with discounted bills or whether they should pay the service provider for the undiscounted price and later be reimbursed. In addition, the Order establishes a time limit for service providers to reimburse the applicant. This potentially could require small service providers to implement accounting systems to allow them to provide such discounts and remit such payments within the required time frame. In the *Schools and Libraries NPRM,* we specifically invited commenters to discuss the impact of such changes on small businesses and schools and libraries that might also be small entities. We find that this would have a positive economic impact on the schools and libraries, including small ones, that cannot afford upfront payments. We are not persuaded that any burden regarding this billing clarification is significant and conclude that it will not be a burden upon small providers that wish to participate in the program to provide applicants with such a choice. Regarding the remittance deadline, we find this will not be a burden to small providers and that it will positively impact schools and libraries, including small ones, waiting for reimbursement.

5. Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

81. The RFA requires an agency to describe any significant alternatives that it has considered in developing its approach, which may include the following four alternatives (among others: ''(1) establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.''

82. Although there were no comments specifically regarding the IRFA, there were concerns from commenters about how an online eligible services list might impact businesses providing services, and might help small schools and libraries. Consistent with our desire to assist small entities, we have directed USAC to develop a pilot program testing an online list of internal connections equipment that is eligible for discounts and report back to the Commission about its impact.

83. The Order also allows for the funding of discounts for voice mail, a proposal that garnered overwhelming support of commenters. We find that adoption of this proposal would reduce the administrative burden on schools and libraries participating in the program because they would no longer have to segregate out the voice mail portion of their phone bills when they apply for funding. The inclusion of voice mail would have a positive effect on entities that receive discounts for telecommunications in that this commonly used service would now be included in discounts.

84. In addition, we codify an existing policy of less than ''30 percent'' of a request to include ineligible services. This maintains the status quo.

85. We also extend the time limit for filing an initial appeal with the Schools and Libraries Division and the Commission to 60 days and accept appeals as filed when postmarked based on comments that this would benefit all entities involved in the program. Also, all entities will benefit by the steps we have taken to ensure that all successful appeals will be funded to the extent that they would have been funded had the discounts been awarded through the normal funding process.

86. Additionally, we direct the Enforcement Bureau to undertake suspension and debarment proceedings for persons convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism. We have given a suspended or debarred person, or a person that has contracted or intends to contract with a suspended or debarred person to provide or receive services in connection with the schools and libraries support mechanism the opportunity to request that the Commission reverse or reduce the period or scope of suspension or debarment.

87. *Report to Congress:* The Commission will send a copy of the Order, including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A). In addition, the Commission will send a copy of the Order, including the FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the Order and FRFA (or summaries thereof) will also be published in the **Federal Register**.

IV. Ordering Clauses

88. Pursuant to the authority contained in sections 1, 4(i), 4(j), 201–205, 214, 254, and 403 of the Communications Act of 1934, as amended, this Second Report and Order is adopted.

89. Part 54 of the Commission's rules, 47 CFR part 54, is amended as set forth, effective July 21, 2003, except for §§ 54.500(k), 54.503, 54.507(g)(1)(i) and (g)(1)(ii), 54.514(a), and 54.517(b) will become effective July 1, 2004. In addition, § 54.515(b) contains information collection requirements that have not been approved by the Office of Management Budget (OMB). The Commission will publish a document in the **Federal Register** announcing the effective date of that section.

90. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this Second Report and Order, including the Final Regulatory Flexibility Analysis and Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects

47 CFR Part 0

Classified information, Organization and functions (government agencies),

Privacy, Reporting and recordkeeping requirements.

47 CFR Part 54

Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Final Rules

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 0 and 54 as follows:

PART 0—COMMISSION ORGANIZATION

■ 1. The authority citation for part 0 continues to read as follows:

Authority: 47 U.S.C. 155, 225, unless otherwise noted.

■ 2. In § 0.111 redesignate paragraphs (a)(14) through (a)(22) as paragraphs (a)(15) through (a)(23) and add new paragraph (a)(14) to read as follows:

§ 0.111 Functions of the Bureau.

(a) * * *

(14) Resolve universal service suspension and debarment proceedings pursuant to § 54.521 of this chapter.

* * * * *

PART 54—UNIVERSAL SERVICE

■ 3. The authority citation for part 54 continues to read as follows:

Authority: 47 U.S.C. 1, 4(i), 201, 205, 214 and 254 unless otherwise noted.

■ 4. Amend § 54.500 by redesignating paragraphs (b) through (l) as paragraphs (c) through (m), add new paragraph (b) and revise newly redesignated paragraphs (c) and (k) to read as follows:

§ 54.500 Terms and definitions.

* * * * *

(b) *Educational purposes.* For purposes of this subpart, activities that are integral, immediate, and proximate to the education of students, or in the case of libraries, integral, immediate and proximate to the provision of library services to library patrons, qualify as ''educational purposes.'' Activities that occur on library or school property are presumed to be integral, immediate, and proximate to the education of students or the provision of library services to library patrons.

(c) *Elementary school.* An ''elementary school'' is a non-profit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under state law.

* * * * *

(k) *Secondary school.* A ''secondary school'' is a non-profit institutional day or residential school that provides secondary education, including a public secondary charter school, as determined under state law. A secondary school does not offer education beyond grade 12.

* * * * *

■ 5. Amend § 54.501 by revising paragraph (b) to read as follows:

§ 54.501 Eligibility for services provided by telecommunications carriers.

* * * * *

(b) *Schools.* (1) Only schools meeting the statutory definitions of ''elementary school,'' as defined in 20 U.S.C. 7801(18), or ''secondary school,'' as defined in 20 U.S.C. 7801(38), and not excluded under paragraphs (b)(2) or (b)(3) of this section shall be eligible for discounts on telecommunications and other supported services under this subpart.

* * * * *

■ 6. Revise § 54.503 to read as follows:

§ 54.503 Other supported special services.

For the purposes of this subpart, other supported special services provided by telecommunications carriers include voice mail, Internet access, and installation and maintenance of internal connections in addition to all reasonable charges that are incurred by taking such services, such as state and federal taxes. Charges for termination liability, penalty surcharges, and other charges not included in the cost of taking such services shall not be covered by the universal service support mechanisms.

■ 7. Amend § 54.504 by redesignating paragraph (d) as (e) and adding a new paragraph (d) to read as follows:

§ 54.504 Requests for services.

* * * * *

(d) *Mixed eligibility requests.* If 30 percent or more of a request for discounts made in an FCC Form 471 is for ineligible services, the request shall be denied in its entirety.

* * * * *

■ 8. Amend § 54.507 by revising the first sentence of paragraphs (g)(1)(i) and (g)(1)(ii) to read as follows:

§ 54.507 Cap.

* * * * *

(g) * * *

(1) * * *

(i) Schools and Libraries Corporation shall first calculate the demand for telecommunications services, voice mail, and Internet access for all discount categories, as determined by the schools and libraries discount matrix in § 54.505(c). * * *

(ii) Schools and Libraries Corporation shall then calculate the amount of available funding remaining after providing support for all telecommunications services, voice mail, and Internet access for all discount categories. * * *

* * * * *

■ 9. Amend § 54.511 by revising paragraph (a) to read as follows:

§ 54.511 Ordering services.

(a) *Selecting a provider of eligible services.* In selecting a provider of eligible services, schools, libraries, library consortia, and consortia including any of those entities shall carefully consider all bids submitted and must select the most cost-effective service offering. In determining which service offering is the most cost-effective, entities may consider relevant factors other than the pre-discount prices submitted by providers but price should be the primary factor considered.

* * * * *

■ 10. Add § 54.514 to read as follows:

§ 54.514 Payment for discounted service.

(a) *Choice of payment method.* Service providers providing discounted services under this subpart in any funding year shall, prior to the submission the Form 471, permit the billed entity to choose the method of payment for the discounted services from those methods approved by the Administrator, including by making a full, undiscounted payment and receiving subsequent reimbursement of the discount amount from the service provider.

(b) *Deadline for remittance of reimbursement checks.* Service providers that receive discount reimbursement checks from the Administrator after having received full payment from the billed entity must remit the discount amount to the billed entity no later than 20 business days after receiving the reimbursement check.

■ 11. Amend § 54.517 by revising paragraph (b) to read as follows:

§ 54.517 Services provided by non-telecommunications carriers.

* * * * *

(b) *Supported services.* Non-telecommunications carriers shall be eligible for universal service support under this subpart for providing voice mail, Internet access, and installation

and maintenance of internal connections.

* * * * *

■ 12. Add § 54.521 to read as follows:

§ 54.521 Prohibition on participation: suspension and debarment.

(a) *Definitions*—(1) *Activities associated with or related to the schools and libraries support mechanism.* Such matters include the receipt of funds or discounted services through the schools and libraries support mechanism, or consulting with, assisting, or advising applicants or service providers regarding the schools and libraries support mechanism described in this section (§ 54.500 *et seq.*).

(2) *Civil liability.* The disposition of a civil action by any court of competent jurisdiction, whether entered by verdict, decision, settlement with admission of liability, stipulation, or otherwise creating a civil liability for the wrongful acts complained of, or a final determination of liability under the Program Fraud Civil Remedies Act of 1988 (31 U.S.C. 3801–12).

(3) *Consultant.* A person that for consideration advises or consults a person regarding the schools and libraries support mechanism, but who is not employed by the person receiving the advice or consultation.

(4) *Conviction.* A judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered by verdict or a plea, including a plea of *nolo contendere.*

(5) *Debarment.* Any action taken by the Commission in accordance with these regulations to exclude a person from activities associated with or relating to the schools and libraries support mechanism. A person so excluded is ''debarred.''

(6) *Person.* Any individual, group of individuals, corporation, partnership, association, unit of government or legal entity, however organized.

(7) *Suspension.* An action taken by the Commission in accordance with these regulations that immediately excludes a person from activities associated with or relating to the schools and libraries support mechanism for a temporary period, pending completion of the debarment proceedings. A person so excluded is ''suspended.''

(b) *Suspension and debarment in general.* The Commission shall suspend and debar a person for any of the causes in paragraph (c) of this section using procedures established in this section, absent extraordinary circumstances.

(c) *Causes for suspension and debarment.* Causes for suspension and debarment are conviction of or civil judgment for attempt or commission of criminal fraud, theft, embezzlement, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice and other fraud or criminal offense arising out of activities associated with or related to the schools and libraries support mechanism.

(d) *Effect of suspension and debarment.* Unless otherwise ordered, any persons suspended or debarred shall be excluded from activities associated with or related to the schools and libraries support mechanism. Suspension and debarment of a person other than an individual constitutes suspension and debarment of all divisions and/or other organizational elements from participation in the program for the suspension and debarment period, unless the notice of suspension and proposed debarment is limited by its terms to one or more specifically identified individuals, divisions, or other organizational elements or to specific types of transactions.

(e) *Procedures for suspension and debarment.* The suspension and debarment process shall proceed as follows:

(1) Upon evidence that there exists cause for suspension and debarment, the Commission shall provide prompt notice of suspension and proposed debarment to the person. Suspension shall be effective upon the earlier of receipt of notification or publication in the **Federal Register**.

(2) The notice shall: (i) Give the reasons for the proposed debarment in terms sufficient to put the person on notice of the conduct or transaction(s) upon which it is based and the cause relied upon, namely, the entry of a criminal conviction or civil judgment arising out of activities associated with or related to the schools and libraries support mechanism;

(ii) Explain the applicable debarment procedures;

(iii) Describe the effect of debarment.

(3) A person subject to proposed debarment, or who has an existing contract with the person subject to proposed debarment or intends to contract with such a person to provide or receive services in matters arising out of activities associated with or related to the schools and libraries support mechanism, may contest debarment or the scope of the proposed debarment. A person contesting debarment or the scope of proposed debarment must file arguments and any relevant documentation within thirty (30) calendar days of receipt of notice or publication in the **Federal Register**, whichever is earlier.

(4) A person subject to proposed debarment, or who has an existing contract with the person subject to proposed debarment or intends to contract with such a person to provide or receive services in matters arising out of activities associated with or related to the schools and libraries support mechanism, may also contest suspension or the scope of suspension, but such action will not ordinarily be granted. A person contesting suspension or the scope of suspension must file arguments and any relevant documentation within thirty (30) calendar days of receipt of notice or publication in the **Federal Register**, whichever is earlier.

(5) Within ninety (90) days of receipt of any information submitted by the respondent, the Commission, in the absence of extraordinary circumstances, shall provide the respondent prompt notice of the decision to debar. Debarment shall be effective upon the earlier of receipt of notice or publication in the **Federal Register**.

(f) *Reversal or limitation of suspension or debarment.* The Commission may reverse a suspension or debarment, or limit the scope or period of suspension or debarment, upon a finding of extraordinary circumstances, after due consideration following the filing of a petition by an interested party or upon motion by the Commission. Reversal of the conviction or civil judgment upon which the suspension and debarment was based is an example of extraordinary circumstances.

(g) *Time period for debarment.* A debarred person shall be prohibited from involvement with the schools and libraries support mechanism for three (3) years from the date of debarment. The Commission may, if necessary to protect the public interest, set a longer period of debarment or extend the existing period of debarment. If multiple convictions or judgments have been rendered, the Commission shall determine based on the facts before it whether debarments shall run concurrently or consecutively.

§ 54.701 [Amended]

■ 13. Amend § 54.701 by removing paragraphs (b) through (e), and redesignating paragraphs (f) through (h) as paragraphs (b) through (d).

■ 14. Amend § 54.720 by revising paragraphs (a) through (d), redesignating paragraph (e) as (f), and adding a new paragraph (e), to read as follows:

§ 54.720 Filing deadlines.

(a) An affected party requesting review of an Administrator decision by the Commission pursuant to § 54.719(c), shall file such a request within sixty (60) days of the issuance of the decision by a division or Committee of the Board of the Administrator.

(b) An affected party requesting review of a division decision by a Committee of the Board pursuant to § 54.719(a), shall file such request within sixty (60) days of issuance of the decision by the division.

(c) An affected party requesting review by the Board of Directors pursuant to § 54.719(b) regarding a billing, collection, or disbursement matter that falls outside the jurisdiction of the Committees of the Board shall file such request within sixty (60) days of issuance of the Administrator's decision.

(d) The filing of a request for review with a Committee of the Board under § 54.719(a) or with the full Board under § 54.719(b), shall toll the time period for seeking review from the Federal Communications Commission. Where the time for filing an appeal has been tolled, the party that filed the request for review from a Committee of the Board or the full Board shall have sixty (60) days from the date the Committee or the Board issues a decision to file an appeal with the Commission.

(e) In all cases of requests for review filed under § 54.719, the request for review shall be deemed filed on the postmark date. If the postmark date cannot be determined, the applicant must file a sworn affidavit stating the date that the request for review was mailed.

* * * * *

■ 15. Amend § 54.721 by revising the last sentence of paragraph (a) and by removing the effective date note immediately following this section to read as follows:

§ 54.721 General filing requirements.

(a) * * * The request for review shall be captioned ''In the matter of Request for Review by (name of party seeking review) of Decision of Universal Service Administrator'' and shall reference the applicable docket numbers.

* * * * *

[FR Doc. 03–14928 Filed 6–19–03; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

48 CFR Part 208

[DFARS Case 2003–D006]

Defense Federal Acquisition Regulation Supplement; Deletion of Federal Prison Industries Clearance Exception

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to delete obsolete text pertaining to an exception from requirements for purchase of products from Federal Prison Industries, Inc. (FPI). The DFARS text has become obsolete due to a broader exception to FPI clearance requirements published in Item V of Federal Acquisition Circular 2001–14 on May 22, 2003.

EFFECTIVE DATE: June 20, 2003.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Schneider, Defense Acquisition Regulations Council, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0326; facsimile (703) 602–0350. Please cite DFARS Case 2003–D006.

SUPPLEMENTARY INFORMATION:

A. Background

The FPI Board of Directors recently adopted a resolution increasing, to $2,500, the blanket waiver threshold relating to small dollar-value purchases from FPI. An interim rule amending the Federal Acquisition Regulation (FAR) to implement this waiver was published as Item V of Federal Acquisition Circular (FAC) 2001–14 on May 22, 2003 (68 FR 28094). The preamble provides information for parties interested in providing public comment on that rule.

The text at DFARS 208.606(1) implements a previous blanket waiver granted by FPI for DoD purchases totaling $250 or less that require delivery within 10 days. Since the broader waiver implemented at FAR 8.606 by FAC 2001–14 applies to all Federal agencies, the text at DFARS 208.606(1) is no longer necessary and is being deleted.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This rule will not have a significant cost or administrative impact on contractors or offerors, or a significant effect beyond the internal operating procedures of DoD. Therefore, publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2003–D006.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 208

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

■ Therefore, 48 CFR part 208 is amended as follows:

■ 1. The authority citation for 48 CFR part 208 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR chapter 1.

PART 208—REQUIRED SOURCES OF SUPPLIES AND SERVICES

■ 2. Section 208.606 is revised to read as follows:

208.606 Exceptions.

For DoD, FPI clearances also are not required if market research shows that the FPI product is not comparable to products available from the private sector that best meet the Government's needs in terms of price, quality, and time of delivery.

[FR Doc. 03–15653 Filed 6–19–03; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Part 228

[DFARS Case 2002–D030]

Defense Federal Acquisition Regulation Supplement; Payment Bonds on Cost-Reimbursement Contracts

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to permit the use of alternative payment protections for fixed-price construction subcontracts between $25,000 and $100,000 issued under

cost-reimbursement contracts. This change is consistent with the corresponding Federal Acquisition Regulation (FAR) policy applicable to fixed-price construction contracts.

EFFECTIVE DATE: June 20, 2003.

FOR FURTHER INFORMATION CONTACT: Mr. Euclides Barrera, Defense Acquisition Regulations Council, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0296; facsimile (703) 602–0350. Please cite DFARS Case 2002–D030.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule updates DFARS policy on performance and payment bonds for construction contracts. In accordance with the Miller Act (40 U.S.C. 270a–270f), FAR 28.102–1(a) requires performance and payment bonds for construction contracts exceeding $100,000. In accordance with Section 4104(b)(2) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355), FAR 28.102–1(b) permits alternative payment protections for construction contracts between $25,000 and $100,000. DFARS 228.102–1 waives the requirement for performance and payment bonds for cost-reimbursement contracts, but requires the prime contractor to obtain bonds for its fixed-price subcontracts exceeding $25,000. This DFARS rule authorizes the use of alternative payment protections for subcontracts between $25,000 and $100,000, for consistency with the corresponding FAR policy applicable to prime contracts.

In addition, this rule updates text implementing 10 U.S.C. 2701(h) and (i), pertaining to bonds under Defense Environmental Restoration Program contracts. 10 U.S.C. 2701(h) and (i) were to expire on December 31, 1999; however, Section 314 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) removed this expiration date. Therefore, the corresponding DFARS text has been amended to remove the expiration date. Additionally, the text has been relocated from 228.102–1 to a new section at 228.102–70, to identify the subject matter as DoD-unique.

DoD published a proposed rule at 68 FR 7490 on February 14, 2003. DoD received no comments on the proposed rule. Therefore, DoD has adopted the proposed rule as a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will 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, *et seq.*, because the rule still requires payment protections for fixed-price construction subcontracts exceeding $25,000, while providing flexibility for subcontractors to chose the type of protection to be provided for subcontracts between $25,000 and $100,000.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 228

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

■ Therefore, 48 CFR part 228 is amended as follows:

■ 1. The authority citation for 48 CFR part 228 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR chapter 1.

PART 228—BONDS AND INSURANCE

■ 2. Section 228.102–1 is revised to read as follows:

228.102–1 General.

The requirement for performance and payment bonds is waived for cost-reimbursement contracts. However, for cost-type contracts with fixed-price construction subcontracts over $25,000, require the prime contractor to obtain from each of its construction subcontractors performance and payment protections in favor of the prime contractor as follows:

(1) For fixed-price construction subcontracts over $25,000, but not exceeding $100,000, payment protection sufficient to pay labor and material costs, using any of the alternatives listed at FAR 28.102–1(b)(1).

(2) For fixed-price construction subcontracts over $100,000—

(i) A payment bond sufficient to pay labor and material costs; and

(ii) A performance bond in an equal amount if available at no additional cost.

■ 3. Section 228.102–70 is added to read as follows:

228.102–70 Defense Environmental Restoration Program construction contracts.

For Defense Environmental Restoration Program construction contracts entered into pursuant to 10 U.S.C. 2701–

(a) Any rights of action under the performance bond shall only accrue to, and be for the exclusive use of, the obligee named in the bond;

(b) In the event of default, the surety's liability on the performance bond is limited to the cost of completion of the contract work, less the balance of unexpended funds. Under no circumstances shall the liability exceed the penal sum of the bond;

(c) The surety shall not be liable for indemnification or compensation of the obligee for loss or liability arising from personal injury or property damage, even if the injury or damage was caused by a breach of the bonded contract; and

(d) Once it has taken action to meet its obligations under the bond, the surety is entitled to any indemnification and identical standard of liability to which the contractor was entitled under the contract or applicable laws and regulations.

[FR Doc. 03–15654 Filed 6–19–03; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Part 253

[DFARS Case 2003–D002]

Defense Federal Acquisition Regulation Supplement; Reporting Requirements Update

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update contract action reporting requirements for Fiscal Year 2004. The rule makes changes to instructions for completion of the Individual Contracting Action Report.

EFFECTIVE DATE: October 1, 2003.

FOR FURTHER INFORMATION CONTACT: Mr. Euclides Barrera, Defense Acquisition Regulations Council, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0296; facsimile (703) 602–0350. Please cite DFARS Case 2003–D002.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule contains instructions for contracting officers to use in

completing DD Form 350, Individual Contracting Action Report, during Fiscal Year 2004. DoD uses this form to collect statistical data on its contracting actions. The rule includes changes related to reporting of contract modification actions and program or system information.

DD Form 350, and other forms prescribed by the DFARS, are not included in the Code of Federal Regulations. The forms are available electronically via the Internet at *http://web1.whs.osd.mil/icdhome/ddeforms.htm.*

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This rule will not have a significant cost or administrative impact on contractors or offerors, or a significant effect beyond the internal operating procedures of DoD. Therefore, publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2003-D002.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 253

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

■ Therefore, 48 CFR part 253 is amended as follows:

■ 1. The authority citation for 48 CFR part 253 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR chapter 1.

PART 253—FORMS

■ 2. Section 253.204–70 is amended by revising paragraphs (b)(2) and (b)(12)(iii) to read as follows:

253.204–70 DD Form 350, Individual Contracting Action Report.

* * * * *

(b) * * *

(2) LINE B2, MODIFICATION, ORDER, OR OTHER ID NUMBER.

(i) LINE B2A, ORDER OR OTHER ID NUMBER. Enter the supplementary procurement instrument identification number if one was assigned in accordance with 204.7004 or as permitted by 204.7000. It can be up to 13 characters. Orders under DoD contracts have a four-position number (see 204.7004(d)); orders under non-DoD contracts have a 13-position number with an F in the ninth position.

(ii) LINE B2B, MODIFICATION NUMBER. Modifications to contracts and agreements have a six-position modification number (see 204.7004(c)); modifications to orders under DoD contracts have a two-position modification number (see 204.7004(e)); and modifications to orders under non-DoD contracts have a six-position modification number.

* * * * *

(12) * * *

(iii) LINE B12C, MDAP, MAIS, OR OTHER PROGRAM CODE.

(A) Enter the Major Defense Acquisition Program (MDAP) or Major Automated Information System (MAIS) code that applies to the contract. If more than one code applies, enter the one that best identifies the program or system representing the largest dollar value.

(B) If the action is funded by the Missile Defense Agency, enter code CAA.

(C) If the action supports environmental cleanup programs, enter one of the following codes:

(1) ZDE—Defense Environmental and Restoration Program.

(2) ZBC—Base Realignment and Closure Environmental Activities.

(3) ZSE—Environmental Protection Agency Superfund.

(4) ZOP—Other environmental programs.

(D) If A, B, or C does not apply to the action, enter three zeros.

(E) Defense Logistics Agency and Defense Contract Management Agency activities must use the code assigned by the sponsoring military department.

* * * * *

[FR Doc. 03–15655 Filed 6–19–03; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 030225045–3096–02; I.D. 020603A]

RIN 0648–AQ29

Magnuson-Stevens Fishery Conservation and Management Act Provisions;Fisheries of the Northeastern United States; Monkfish Fishery; Framework Adjustment 2; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document corrects a table in the regulatory text of a final rule published April 28, 2003, which implemented Framework Adjustment 2 to the Monkfish Fishery Management Plan (Framework 2). That final rule, which became effective on May 1, 2003, modified the monkfish overfishing definition; established an expedited process for setting annual total allowable catch (TAC) levels; established a method for adjusting monkfish days-at-sea and trip limits to achieve the annual target TACs; and established target TACs and corresponding trip limits for the 2003 fishing year (May 1, 2003 - April 30, 2004). This document corrects an inadvertent error in a table contained in the April 28, 2003, final rule.

DATES: Effective June 20, 2003.

FOR FURTHER INFORMATION CONTACT: Allison Ferreira, Fishery Policy Analyst, (978) 281–9103, fax (978) 281–9135, e-mail *Allison.Ferreira@noaa.gov.*≤

SUPPLEMENTARY INFORMATION:

Need for Correction

The final rule implementing Framework 2 (68 FR 22325; April 28, 2003) contained an inadvertent error in a table in the regulatory text under 50 CFR 648.96(b)(1)(ii) describing the annual biomass index targets upon which the target TAC setting procedures established in Framework 2 are based. The fishing years referenced in columns 2 through 6 of the table, on page 22330 of the April 28, 2003, **Federal Register** document, are incorrect. The fishing year in column 2 of the table should read ''FY 2002'', not ''FY 2003'', and the fishing years in columns 3 through 6 should read ''FY 2003'', ''FY 2004'', ''FY 2005'', and ''FY 2006'', respectively.

These changes only correct reference points and do not modify any regulatory requirements.

■ This document corrects the table on page 22330, under 648.96(b)(1)(ii), to read as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ In § 648.96, paragraph (b)(1)(ii) is corrected to read as follows:

§ 648.96 Monkfish annual adjustment process and framework specifications.

(b)* * *

(1)* * *

(ii) *Control rule method for setting annual target TACs.* The current 3–year running average of the NMFS fall trawl survey index of monkfish biomass shall be compared to the established annual biomass index target, and target annual TACs will be set in accordance with paragraphs(b)(1)(ii)(A) - (F) of this section. The annual biomass index targets established Frammework Adjustment 2 to the FMP are provided in the following table (kg/tow).

	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
NFMA	1.33	1.49	1.66	1.83	2.00	2.16	2.33	2.50
SFMA	0.88	1.02	1.15	1.29	1.43	1.57	1.71	1.85

* * * * *

Dated: June 17, 2003.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 03–15689 Filed 6–19–03; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 68, No. 119
Friday, June 20, 2003

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2003–15120; Airspace Docket No. 03–AGL–07]

Proposed Modification of Class D Airspace; Minot, ND

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to modify Class D airspace at Minot, ND. Instrument Flight Rules (IFR) Category E circling procedures have become necessary at Minot AFB, Minot, ND. Controlled airspace extending upward from the surface of the earth is needed to contain aircraft executing these approach procedures. This action would increase the area of the existing controlled airspace for Minot AFB, Minot, ND.

DATES: Comments must be received on or before August 15, 2003.

ADDRESSES: Send comments on the proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket Number FAA–2003–15120/ Airspace Docket No. 03–AGL–07, at the beginning of your comments. You may also submit comments on the Internet at *http://dms.dot.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Denis C. Burke, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this document must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2003–15120/Airspace Docket No. 03–AGL–07.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

An electronic copy of this document may be downloaded through the Internet at *http://dms.dot.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov* or the Superintendent of Document's Web page at *http://www.access.gpo.gov/nara.*

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, ATA–400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is considering an amendment to 14 CFR part 71 to modify Class D airspace at Minot, ND, for Minot AFB. Controlled airspace extending upward from the surface of the earth is needed to contain aircraft executing instrument approach procedures. The area would be depicted on appropriate aeronautical charts. Class D airspace areas extending upward from the surface of the earth are published in paragraph 5000 of FAA Order 7400.9K dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR 71.1. The Class E designations listed in this document would be published subsequently in the Order.

The FAA determined that this proposes regulation only involves an establishment 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 so minimal. Since this is a routine matter than will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a 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

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 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 the Federal Aviation Administration Order 7400.9K, Airspace Designations and Reporting Points, dated August 30, 2002, and effective September 16, 2002, is amended as follows:

* * * * *

Paragraph 5000 Class D airspace.

AGL ND D Minot, ND [Revised]

Minot, Minot AFB, ND
(Lat. 48°25′56″ N., long. 101°21′29″ W.)

That airspace extending upward from the surface to and including 4,200 feet MSL and within a 5.6-mile radius of Minot AFB. This Class D airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Des Plaines, Illinois on June 5, 2003.

Nancy B. Shelton,

Manager, Air Traffic Division, Great Lakes Region.

[FR Doc. 03–15676 Filed 6–19–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2003–15119; Airspace Docket No. 03–AGL–06]

Proposed Establishment of Class E Airspace; Viroqua, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to establish Class E airspace at Viroqua, WI. Standard Instrument Approach Procedures (SIAPS) have been developed for Viroqua Municipal Airport, Viroqua, WI. Controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing these approaches. This action would establish a radius of controlled airspace for Viroqua Municipal Airport, Viroqua, WI.

DATES: Comments must be received on or before August 15, 2003.

ADDRESSES: Send comments on the proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket Number FAA–2003–15119/ Airspace Docket No. 03–AGL–06, at the beginning of your comments. You may also submit comments on the internet at *http:/dms.dot.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Denis C. Burke, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulator decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this document must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2003–15119/Airspace Docket No. 03–AGL–06.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

An electronic copy of this document may be downloaded through the Internet at *http://dms.dot.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov* or the Superintendent of Document's Web page at *http://www.access.gpo.gov//nara.*

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, ATA–400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is considering an amendment to 14 CFR part 71 to establish Class E airspace at Viroqua, WI, for Viroqua Municipal Airport. Controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing instrument approach procedures. The area would be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9K dated

August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR 71.1. The Class E designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an establishment 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 so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a 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

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 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 the Federal Aviation Administration Order 7400.9K, Airspace Designations and Reporting Points, dated August 30, 2002, and effective September 16, 2002, is amended as follows:

* * * * *

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth

* * * * *

AGL WI E5 Viroqua, WI [New]

Viroqua Municipal Airport, WI
(Lat. 43°34′47″4 N., long. 90°53′53″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Viroqua Municipal Airport.

* * * * *

Issued in Des Plaines, Illinois, on June 5, 2003.

Nancy B. Shelton,

Manager, Air Traffic Division, Great Lakes Region.

[FR Doc. 03–15674 Filed 6–19–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2003–15244; Airspace Docket No. 03–AGL–08]

Proposed Modification of Class E Airspace; New Richmond, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to modify Class E airspace at New Richmond, WI. Standard Instrument Approach Procedures (SIAPS) have been developed for new Richmond Municipal Airport, New Richmond, WI. Controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing these approaches. This action would increase the area of the existing controlled airspace for New Richmond Municipal Airport.

DATES: Comments must be received on or before August 15, 2003.

ADDRESSES: Send comments on the proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket Number FAA–2003–15244/Airspace Docket No. 03–AGL–08, at the beginning of your comments. You may also submit comments on the Internet at *http://dms.dot.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Denis C. Burke, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this document must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2003–15244/Airspace Docket No. 03–AGL–08.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

An electronic copy of this document may be downloaded through the Internet at *http:dms.dot.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov* or the Superintendent of Document's Web page at *http://www.access.gpo.gov/nara.*

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, ATA–400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling

(202) 267–8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is considering an amendment to 14 CFR part 71 to modify Class E airspace at New Richmond, WI, for New Richmond Municipal Airport. Controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft execeuting instrument approach procedures. The area would be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9K dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR 71.1. The Class E designations 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 so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a 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

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposed to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 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 the Federal Aviation Administration Order 7400.9K, Airspace Designations and Reporting Points, dated August 30, 2002, and effective September 16, 2002, is amended as follows:

* * * * *

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL WI E5 New Richmond, WI [Revised]

New Richmond, New Richmond Municipal Airport, WI
(Lat. 45°08′54″ N., long. 92°32′17″ W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the New Richmond Municipal Airport, excluding that portion within the Osceola, WI, Class E airspace area.

* * * * *

Issued in Des Plaines, Illinois, on June 5, 2003.

Nancy B. Shelton,

Manager, Air Traffic Division, Great Lakes Region.

[FR Doc. 03–15677 Filed 6–19–03; 8:45 am]

BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34–48036; File No. S7–13–03]

RIN 3235–AI88

Recordkeeping Requirements for Registered Transfer Agents

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Securities and Exchange Commission is proposing for public comment two amendments to its rule concerning recordkeeping requirements for registered transfer agents. The amendments would add language to make clear that registered transfer agents may use electronic, microfilm, and microfiche media as a substitute for hard copy records, including cancelled stock certificates, for purposes of complying with the Commission's transfer agent recordkeeping rules and that a third party on behalf of a registered transfer agent may place into escrow the required software information.

DATES: Comments should be received on or before July 21, 2003.

ADDRESSES: To help us process and review your comments more efficiently, comments should be sent by hard copy or e-mail, but not by both methods. Comments sent by hard copy should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549–0609. Comments may also be submitted electronically at the following e-mail address: *rule-comments@sec.gov*. All comment letters should refer to File No. S7–13–03. This file number should be included on the subject line if e-mail is used. Comment letters will be available for public inspection and copying in the Commission's Public Reference Room, 450 5th Street, NW., Washington, DC 20549. Electronically submitted comment letters also will be posted on the Commission's web site (*http://www.sec.gov*).[1]

FOR FURTHER INFORMATION CONTACT: Jerry W. Carpenter, Assistant Director, or David Karasik, Special Counsel, at 202–942–4187, Office of Risk Management and Control, Division of Market Regulation, U.S. Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549–1001.

SUPPLEMENTARY INFORMATION: The U.S. Securities and Exchange Commission (''Commission'') is requesting public comment on a proposed amendment to Rule 17Ad–7(f) under the Securities Exchange Act of 1934 (''Act'') (17 CFR 240.17Ad–7(f)).

I. Discussion of Amendments to Rule 17Ad–7(f)

On April 27, 2001, the Commission adopted amendments[2] to its transfer agent record retention rule, Rule 17Ad–7,[3] that (1) allowed registered transfer

[1] We do not edit personal, identifying information such as names or e-mail addresses from electronic submissions. Submit only information you wish to make publicly available.

[2] Securities Exchange Act Release No. 44227 (Apr. 27, 2001), 66 FR 21648 (May 1, 2001) (''Adopting Release'').

[3] 17 CFR 240.17Ad–7(f). All references to Rules 17Ad–6 and 17Ad–7 or to any paragraph of those rules will be to 17 CFR 240.17Ad–6 and 240.17Ad–7, respectively.

agents to use electronic storage media [4] to maintain records that they are required by Rule 17Ad–6 to retain and (2) modified the requirements for using micrographic media [5] as a method of record storage. Specifically, Rule 17Ad–7(f), as amended, requires transfer agents that use electronic or micrographic media to store records to:

- Use electronic or micrographic storage mechanisms that are designed to ensure the accessibility, security, and integrity of the records, detect attempts to alter or remove the records, and provide means to recover altered, damaged, or lost records;
- Create an index of the records that are electronically or micrographically stored and store the index with the underlying records;
- Keep a duplicate of all records and indexes that are stored using electronic or micrographic storage media;
- Be able to promptly download electronically or micrographically stored records to an alternate medium such as paper, microfilm, or microfiche; and
- Keep in escrow an updated copy of the software or other information that is necessary to access and download electronically stored records.

Those amendments to Rule 17Ad–7 did not require transfer agents that wish to continue to maintain their records in hard copy format to maintain their records any differently from the way they stored them prior to the rule change. The amendments apply only to those transfer agents that choose to retain their records electronically or micrographically. The purpose of those amendments was to increase the flexibility and efficiency of transfer agent recordkeeping while maintaining necessary controls over accuracy, integrity, and access to transfer agent records.

Notwithstanding the Commission's intent in adopting the amendments to Rule 17Ad–7, there appears to be some uncertainty whether (1) Rule 17Ad–7 allows transfer agents to rely exclusively on electronic or micrographic records for purposes of the Commission's transfer agent recordkeeping rules and to no longer maintain hard copy records, including cancelled certificates and (2) a third party on behalf of the transfer agent may deposit with an independent escrow agent a copy of all the documentation required under Rule 17Ad–7(f)(5)(ii) for the purpose of complying with Rule 17Ad–7(f)(5)(ii).[6] In order to eliminate this uncertainty, we propose to amend Rule 17Ad–7(f).

II. Proposed Rule Language

We are proposing to amend paragraph (f) of Rule 17Ad–7 to clarify that records, including cancelled securities certificates, stored electronically or micrographically in accordance with the provisions of Rule 17Ad–7 may serve as a substitute for hard copy records required to be maintained pursuant to Rule 17Ad–6. Accordingly, this ''substitution'' provision would allow, but would not mandate, the destruction of hard copy records, including securities certificates, after electronic or micrographic records have been created in conformity with Rule 17Ad–7(f).[7]

In addition, we are proposing to amend paragraph (f)(5)(ii) of Rule 17Ad–7 to clarify that a transfer agent may fulfill its software escrow obligation by having a third party deposit with an independent escrow agent a copy of all the documentation required under Rule 17Ad–7(f)(5)(ii) on behalf of the transfer agent.[8] A transfer agent using a third party vendor to maintain its records would be allowed under the proposed amendment to have the third party vendor place in escrow a copy of the vendor's proprietary source code on behalf of the transfer agent using the vendor's services. This proposed amendment would also allow a third party vendor maintaining the records of more than one transfer agent to place in escrow one copy of the vendor's proprietary source code for all the transfer agents for which it acts.[9]

III. Request for Comments

We request comment from all interested persons on whether the proposed rule amendments accomplish our goals of clarifying that (1) registered transfer agents may use electronic, microfilm, and microfiche media as a substitute for hard copy records for purposes of complying with the Commission's transfer agent recordkeeping rules and (2) a third party may place into escrow the required software information on behalf of a registered transfer agent.

We also invite commenters to provide views and data relating to the costs and benefits associated with the proposed changes discussed above. If possible, commenters should provide empirical data to support their views. Comments should be submitted by July 21, 2003.

IV. Paperwork Reduction Act

The proposed amendments to Rule 17Ad–7(f) do not contain new ''collection of information'' requirements within the meaning of the Paperwork Reduction Act of 1995 ''(PRA'').[10] Accordingly, the PRA is not applicable to the proposed amendments because they do not impose any new collection of information requirements that would require approval of the Office of Management and Budget (''OMB''). OMB initially approved the paperwork burden analysis for Rule 17Ad–7(f) (OMB Control No. 3235–0136) when the Commission proposed amendments for Rule 17Ad–7(f) in 1999.[11]

V. Costs and Benefits of the Proposed Rule Amendments

The Commission is considering the costs and the benefits of the proposed amendment to Rule 17Ad–7(f) as described below. We encourage comments that address any additional costs or benefits that we may have not considered. Commenters should provide analysis and empirical data to support their views on the costs and benefits associated with the proposed amendment.

A. Benefits

The proposed amendments to Rule 17Ad–7(f) should provide specific benefits to U.S. investors, issuers, transfer agents, and other financial

[4] Under Rule 17Ad–7(f)(1)(ii), the term ''electronic storage media'' refers to any digital storage medium or system.

[5] Under Rule 17Ad–7(f)(1)(i), the term ''micrographic media'' refers to microfilm or microfiche or any similar medium.

[6] Under Rule 17Ad–7(f)(5)(ii), transfer agents that choose to use electronic storage media must, among other things, ''place in escrow with an independent third party and keep current a copy of the physical and logical format of the electronic storage or micrographic media, the field format of all different information types written on the electronic storage media and source code and the appropriate documentation and information necessary to access records and indexes. * * *''

[7] The Commission has proposed new Rule 17Ad–19 that would require transfer agents to establish and implement written procedures for the cancellation, storage, transportation, and destruction of securities certificates. Securities Exchange Act Release No. 43401 (Oct. 2, 2000); 65 FR 59766 (Oct. 6, 2000). In addition, while Rule 17Ad–7 would permit the destruction of paper records for purposes of our recordkeeping requirements, a transfer agent may have an obligation to preserve such paper records under other applicable law or rules.

[8] One situation that calls for this clarifying amendment is when a software provider licenses its electronic records storage system software to a transfer agent but does not grant a license for the source code. As a result, the transfer agent does not have access to the source code.

[9] Rule 17Ad–7(f)(5)(ii) requires the third party to file a written undertaking with the Commission stating that it agrees to furnish the Commission with the appropriate documentation and information necessary to access the records and indexes promptly upon request.

[10] 44 U.S.C. 3501 *et seq.*

[11] Securities Exchange Act Release No. 41442 (May 25, 1999), 64 FR 29608 (June 2, 1999). Subsequently, OMB approved the extension of this paperwork collection.

intermediaries. While these benefits are not readily quantifiable in terms of dollar value, we believe that transfer agents that choose to exclusively adopt electronic or micrographic-based records systems in lieu of paper records may realize cost-savings and reduce certain risks associated with paper-based recordkeeping. For example, the use of electronic and storage media should reduce storage burdens (*e.g.*, the need for storage space) that transfer agents currently face in maintaining paper records.

Other benefits include:

- increased efficiency of recordkeeping operations by reducing the need to maintain records in hard copy format;
- reduced likelihood that documents will be lost or misfiled;
- ability to retrieve documents more quickly;
- audit trails can be automated;
- reduction of risk for natural disasters;
- file centralization is automatic (file and records need not be removed from their storage in order to reference them);
- multiple persons can view the same document simultaneously;
- access authorization can be automated;
- space required for document storage is drastically reduced;
- document indexing and cross-referencing can be automatic; and
- documents can be copied, faxed, printed, and e-mailed without the paper originals.

In addition, the proposed software escrow provision would enable transfer agents to more conveniently comply with the current Rule 17Ad–7(f)(5)(ii) requirement that a copy of the electronic storage system the transfer agent utilizes to store its records be placed in escrow with an independent third party.

The Commission requests comments on the potential benefits of electronic recordkeeping including quantitative data on the potential cost savings from eliminating hard copy records.

B. Costs

The amendments to Rule 17Ad–7(f) would not impose costs on any particular person or entity because compliance with this provision would apply only to those transfer agents that choose to store any of their records exclusively in electronic form. Nevertheless, transfer agents that elect to use micrographic media or electronic storage media may incur some costs in destroying or otherwise disposing hard copy records that they elect to dispose or destroy. Any costs related to the use of micrographic or electronic storage media should be at least partly offset by the resulting elimination of the need to maintain and store records in hard copy format. This cost is likely to depend upon the volume of hard copy records needed to be disposed. We expect these costs to be relatively minimal.

We estimate that approximately 60 transfer agents [12] will use a third party to escrow the required source code.[13] Each transfer agent will evaluate the risk and cost effectiveness of its records management solution differently based upon the solution that is best for its business model, such as its business practices and volume, and that assures its ability to comply with Rule 17Ad–7. Moreover, we cannot predict the effect of future market competition and innovation on the technologies that transfer agents might employ for their recordkeeping.

In addition, there will be some cost imposed by the proposed escrow requirement amendment. However, the Commission considered these costs in the Adopting Release and any new costs associated with the escrow amendment (*i.e.*, having a third party escrow the source code on the transfer agent's behalf) would likely be included in the software contract between the parties.

The Commission requests commenters to provide cost data for switching from hard copy records to electronic recordkeeping. In particular, what would be the startup costs and annual maintenance costs?

VI. Consideration of Impact on the Economy

For purposes of the Small Business Regulatory Enforcement Fairness Act of 1996,[14] a rule is ''major'' if it has resulted or is likely to resort in:

- an annual effect on the economy of $100 million or more;
- a major increase in costs or prices for consumers or individual industries; or
- significant adverse effects on competition, investment, or innovation.

We request comment regarding the potential impact of the proposed rule amendments on the economy on an annual basis. We request that commenters provide empirical data and other factual support for their views.

VII. Consideration of Burden on Competition, and Promotion of Efficiency, Competition, and Capital Formation

Section 3(f) of the Act [15] as amended by the National Securities Markets Improvement Act of 1996[16] provides that whenever the Commission is engaged in rulemaking and is required to consider or determine whether an action is necessary or appropriate in the public interest, the Commission shall consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation. In addition, Section 23(a)(2) of the Act [17] requires the Commission, when adopting rules under the Act, to consider the anti-competitive effects of any rules it adopts.

We are considering the proposed amendments to Rule 17Ad–7(f) in light of the standards set forth in Sections 3(f) and 23(a)(2) of the Act. For the reasons stated herein, the proposed amendments (1) should promote efficiency by allowing registered transfer agents to benefit from being allowed to dispose of hard copies, (2) should not adversely affect capital formation because they relate solely to post-issuance activity, and (3) should not impose any burden on competition because they will apply equally to all registered transfer agents.

We do not anticipate that the proposed amendments would have a significant effect on competition or impose any burden on competition that is not necessary or appropriate in furtherance of the Act. Under the proposed amendments, all registered transfer agents would be permitted, though not required, to exclusively use micrographic media and electronic storage media to fulfill all of the Commission's regulatory obligations. In addition, the proposed amendments would apply equally to all registered transfer agents. However, in order to fully evaluate the effects on competition of the proposed amendments, the Commission requests commenters to provide their views and specific empirical data as to any effects on competition that might result from the Commission's proposed amendments to Rule 17Ad–7(f).

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[12] In the adopting release to Rule 17Ad–7(f), we estimated that approximately 500 transfer agents were likely to use electronic or micrographic storage systems. During the year-and-a-half since Rule 17Ad–7(f) has been effective, however, only five transfer agents have taken advantage of the record storage alternatives provided by the rule.

[13] Although this estimate represents less than 10% of the number of currently-registered transfer agents, we expect that many of the largest bank, corporate, and independent transfer agents, which represent over 90% of the entire transfer agent industry volume, will eventually convert their records-management systems to electronic-based solutions.

[14] 5 U.S.C. 801 *et seq.*

[15] 15 U.S.C. 78c.

[16] Pub. L. No. 104–290, 110 Stat. 3416 (1996).

[17] 15 U.S.C. 78w(a)(2).

VIII. Summary of Regulatory Flexibility Analysis

The Commission has prepared an initial regulatory flexibility analysis (''IRFA'') in accordance with 5 U.S.C. 603 regarding the proposed amendments to Rule 17Ad–7(f) to determine whether the proposed rule amendments will have a significant economic impact on a substantial number of small entities.

A. Reasons for Proposed Action

The IRFA states that despite recent amendments to Rule 17Ad–7, there appears to be some uncertainty concerning the scope of the current rule with respect to electronic recordkeeping and the ability of a third party to deposit certain documentation with an independent escrow agent.

B. Objectives and Legal Basis

In order to eliminate this uncertainty, the Commission is proposing to amend Rule 17Ad–7(f). The proposed amendments are designed to make clear that transfer agents may use electronically and micrographically retained records to comply with the Commission's transfer agent recordkeeping requirements. In addition, proposed amendments to paragraph (f)(5)(ii) of Rule 17Ad–7 are designed to clarify that a transfer agent may fulfill its software escrow obligation by having a third party deposit with an independent escrow agent a copy of all the documentation required under Rule 17Ad–7(f)(5)(ii) on behalf of the transfer agent.

Amendments to Rule 17Ad–7 are proposed under the Commission's authority set forth in Sections 17, 17A, and 23 of the Act.

C. Small Entities Subject to the Rule

The IRFA states that, for purposes of Commission rulemaking, Rule 0–10(h) under the Act defines the term ''small business'' or ''small organization'' to include any transfer agent that: (1) Received less than 500 items for transfer and less than 500 items for processing during the preceding six months (or in the time that it has been in business, if shorter); (2) transferred items only of issuers that would be deemed ''small business'' or ''small organizations'' as defined in Rule 0–10 under the Act; (3) maintained master shareholder files that in the aggregate contained less than 1,000 shareholder accounts or was the named transfer agent for less than 1,000 shareholder accounts at all times during the preceding fiscal year (or in the time that it has been in business, if shorter); and (4) is not affiliated with any person (other than a natural person) that is not a small business or small organization under Rule 0–10.[18] The IRFA states that we estimate that 180 registered transfer agents qualify as small entities and would be subject to the proposed amendment to Rule 17Ad–7(f).

D. Reporting, Recordkeeping, and Other Compliance Requirements

The IRFA states that the proposed amendments would not impose any new reporting, recordkeeping, or other compliance costs or requirements on any particular person or entity because compliance with this provision would be purely voluntary. Nevertheless, transfer agents that elect to exclusively use micrographic media or electronic storage media may incur some costs in destroying or otherwise disposing hard copy records. However, the Commission believes that this cost is minimal.

The IRFA notes that the proposed amendment to Rule 17Ad–7(f) would apply only to registered transfer agents that choose to exclusively use electronic or micrographic storage media. The IRFA notes further that some small transfer agents will not be able to afford the costs involved with storing records electronically and therefore will not choose to use electronic or micrographic storage media. The IRFA states that the proposed amendments to Rule 17Ad–7(f) should not have a significant economic impact on a substantial number of small entities.

E. Duplicative, Overlapping, or Conflicting Federal Rules

The Commission believes that there are no rules that duplicate, overlap, or conflict with the proposed amendments.

F. Significant Alternatives

The IRFA states that we believe that it is not feasible to further clarify, consolidate, or simplify the proposed amendments for small entities. The IRFA also states that the Commission believes that the use of performance standards rather than design standards is not applicable to the proposed amendments.

The IRFA states that we believe that creating an exemption from the requirements of the proposed amendments would not reduce the impact of the proposed amendments on small entities. The IRFA notes that Rule 17Ad–4(b) under the Act[19] already exempts small transfer agents from many of the recordkeeping requirements of Rules 17Ad–6 and 17Ad–7. In addition, the IRFA notes that any burden imposed by the proposed amendments would apply only to those transfer agents that choose to use electronic or micrographic storage media. The IRFA states that we believe that there are no rules that duplicate, overlap, or conflict with the proposed alternative versions of the rule.

G. Solicitation of Comments

The IRFA contains information concerning the solicitation of comments with respect to the IRFA. In particular, the IRFA requests comment on whether the proposed amendments to Rule 17Ad–7(f) would have a significant economic impact on a substantial number of small entities and requests that any such comments be accompanied by specific empirical data. A copy of the IRFA may be obtained by contacting David Karasik, U.S. Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–1001.

XI. Statutory Authority

The Commission is proposing amendments to § 240.17Ad–7 of Chapter II of Title 17 of the *Code of Federal Regulations* pursuant to sections 17, 17A(a)(2), 17A(d), and 23(a)[20] of the Act in the manner set forth below.

List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements, Securities, Transfer agents.

Text of Amendment

In accordance with the foregoing, Title 17, Chapter II of the *Code of Federal Regulations* is proposed to be amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. The authority citation for Part 240 continues to read in part as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78*l*, 78m, 78n, 78o, 78p, 78q, 78s, 78u–5, 78w, 78x, 78*ll*, 78mm, 79q, 79t, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4, 80b–11, and 7202 unless otherwise noted.

2. Section 240.17Ad–7 is amended by:

a. Adding introductory text to paragraph (f); and

b. In the first sentence of paragraph (f)(5)(ii), revise the phrase ''Place in escrow'' to read ''Place, or have a third party place on your behalf, in escrow'.

The addition reads as follows:

[18] 17 CFR 240.0–10(h).

[19] 17 CFR 240.17Ad–4(b).

[20] 15 U.S.C. 78q, 78q–1(a)(2), 78q–1(d) and 78w(a)

§ 240.17Ad–7 Record retention.

* * * * *

(f) Subject to the conditions set forth in this section, the records required to be maintained pursuant to § 240.17Ad–6 may be retained using electronic or micrographic media and may be preserved in those formats for the time required by § 240.17Ad–7. Records stored electronically or micrographically in accordance with this paragraph may serve as a substitute for the hard copy records required to be maintained pursuant to § 240.17Ad–6.

* * *

* * * * *

By the Commission.

Dated: June 16, 2003.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 03–15648 Filed 6–19–03; 8:45 am]

BILLING CODE 8010–01–P

DEPARTMENT OF THE TREASURY

Office of the Secretary of the Treasury

Fiscal Service

31 CFR Parts 1 and 323

Privacy Act of 1974; Proposed Implementation

AGENCY: Bureau of the Public Debt, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: With the concurrence of the Department of the Treasury (Department), the Bureau of the Public Debt (Public Debt) issues a proposed rulemaking to amend its regulations to exempt a system of records from certain provisions of the Privacy Act. Lastly, we are amending regulations to clarify when personal privacy interests may be protected upon the death of a securities holder.

DATES: Comments must be received no later than July 21, 2003.

ADDRESSES: Send any comments to the Disclosure Officer, Administrative Resource Center, Bureau of the Public Debt, Department of the Treasury, 200 Third Street, Room 211, Parkersburg, WV 26101–5312. Copies of all written comments will be available for public inspection and copying at the Department of the Treasury Library, Room 1428, Main Treasury Building, Washington, DC 20220. Before visiting the library, you must call 202–622–0990 for an appointment. Also, you can download comments at the following World Wide Web address: ''*http://www.publicdebt.treas.gov*''.

FOR FURTHER INFORMATION CONTACT: For information about Public Debt's anti-money laundering and fraud suppression program, contact the Fraud Inquiry Line at (304) 480–8555. The phone line is administered by the Office of the Chief Counsel, Bureau of the Public Debt. For information about this document, contact the Office of the Chief Counsel, Bureau of the Public Debt, at (304) 480–8692.

SUPPLEMENTARY INFORMATION: Under the Privacy Act of 1974, 5 U.S.C. 552a, as amended, a Federal agency is required, among other things, to: (1) Maintain only information about an individual that is relevant and necessary to accomplish an authorized purpose; (2) Notify an individual whether information about him or her is maintained in a system of records; (3) Provide an individual with access to the records containing information about him or her, including an accounting of disclosures made of that information; (4) Permit an individual to request amendment of records about him or her; and (5) Describe in system notices the sources of information maintained about individuals and the procedures under which notice, access and amendment rights may be exercised. Under certain circumstances, however, the head of a Federal agency may issue rules to exempt a system of records.

Public Debt is publishing separately in the **Federal Register** a notice establishing a new system of records, Treasury/BPD.009—U.S. Treasury Securities Fraud Information System. In that regard, Public Debt proposes to exempt the new system from certain Privacy Act requirements. The head of an agency may promulgate rules to exempt a system of records from certain provisions under 5 U.S.C. 552a(k)(2) if the system of records is ''investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of this section.''

Accordingly, pursuant to the authority contained in section 31 CFR 1.23(c)(2), Public Debt proposes to exempt the system from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

This system will be exempt from 5 U.S.C. 552a(c)(3) (Accounting of certain disclosures available to the individual), (d)(1)–(4) (Access to records), (e)(1) (Maintenance of information to accomplish purposes authorized by statute or executive order only), (e)(4)(G) (Publication of procedures for notification), (e)(4)(H) (Publication of procedures for access and contest), (e)(4)(I) (Publication of sources of records), and (f) (Rules for notification, access and contest) to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(k)(2) as material compiled for law enforcement purposes.

The reasons for exemptions under 5 U.S.C. 552a(k)(2) are as follows:

(1) 5 U.S.C. 552a(c)(3) requires an agency to make accountings of disclosures of a record available to the individual named in the record upon his or her request. The accountings must state the date, nature, and purpose of each disclosure of the record and the name and address of the recipient. Application of this provision would impair the ability of Public Debt and of law enforcement agencies to make effective use of information maintained by Public Debt. Access to such knowledge would impair the ability of Public Debt and law enforcement to carry out their mission, since individuals could:

(a) Take steps to avoid detection;

(b) Inform associates that an investigation is in process;

(c) Learn the nature of the investigation;

(d) Learn whether they are only suspects or identified as law violators;

(e) Begin, continue, or resume illegal conduct upon learning that they are not identified in the system of records; or

(f) Destroy evidence needed to prove the violation.

(2)(a) 5 U.S.C. 552a(d)(1), (e)(4)(H) and (f)(2), (3) and (5) grant individuals access to records pertaining to them. The application of these provisions to the system of records would compromise Public Debt's ability to utilize and provide useful tactical and strategic information to law enforcement agencies.

(b) Permitting access to records contained in the system of records would provide individuals with information concerning the nature of any current investigations and would enable them to avoid detection or apprehension by:

(i) Discovering the facts that would form the basis for their detection or apprehension;

(ii) Enabling them to destroy or alter evidence of illegal conduct that would form the basis for their detection or apprehension;

(iii) Using knowledge that investigators had reason to believe that a violation of law was about to be committed, to delay the commission of the violation or commit it at a location that might not be under surveillance;

(c) Permitting access to either on-going or closed investigative files would also reveal investigative techniques and

procedures, the knowledge of which could enable individuals planning illegal acts to structure their operations so as to avoid detection or apprehension;

(d) Permitting access to investigative files and records could, moreover, disclose the identity of confidential sources and informers and the nature of the information supplied and thereby endanger the physical safety of those sources by exposing them to possible reprisals for having provided the information. Confidential sources and informers might refuse to provide investigators with valuable information unless they believed that their identities would not be revealed through disclosure of their names or the nature of the information they supplied. Loss of access to such sources would seriously impair law enforcement and Public Debt's ability to carry out their mandate.

(e) Furthermore, providing access to records contained in the system of records could reveal the identities of undercover law enforcement officers or other persons who compiled information regarding the individual's illegal activities and thereby endanger the physical safety of those officers, persons, or their families by exposing them to possible reprisals.

(f) By compromising the law enforcement value of the system of records for the reasons outlined in paragraphs (b) through (e) of this section, permitting access in keeping with these provisions would discourage other law enforcement and regulatory agencies, foreign and domestic, from freely sharing information with Public Debt and thus would restrict Public Debt's access to information necessary to accomplish its mission most effectively.

(g) Finally, the dissemination of certain information that Public Debt may maintain in the system of records is restricted by law. Disclosure of the record to the subject pursuant to subsections (c)(3) or (d)(1)–(4) of the Privacy Act would violate the non-notification provision of the Bank Secrecy Act, 31 U.S.C. 5318(g)(2), under which there is a prohibition from notifying a transaction participant that a suspicious transaction report has been made. In addition, the access provisions of subsections (c)(3) and (d) of the Privacy Act would alert individuals that they have been identified as suspects or possible subjects of investigation and thus seriously hinder the law enforcement purposes underlying the suspicious transaction reports.

(3) 5 U.S.C. 552a(d)(2), (3), and (4), (e)(4)(H), and (f)(4) permit an individual to request amendment of a record pertaining to him or her and require the agency either to amend the record, or to note the disputed portion of the record and to provide a copy of the individual's statement of disagreement with the agency's refusal to amend a record to persons or other agencies to whom the record is thereafter disclosed. Since these provisions depend on the individual's having access to his or her records, and since these rules exempt the system of records from the provisions of 5 U.S.C. 552a relating to access to records, for the reasons set out in subparagraphs (b) through (g) of paragraph (2), above, these provisions should not apply to the system of records.

(4)(a) 5 U.S.C. 552a(e)(1) requires an agency to maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or executive order. The term ''maintain'' as defined in 5 U.S.C. 552a(a)(3), includes ''collect'' and ''disseminate.'' The application of this provision to the system of records could impair Public Debt's ability to collect, utilize, and disseminate valuable information to law enforcement.

(b) At the time that Public Debt collects information, it often lacks sufficient time to determine whether the information is relevant and necessary to accomplish a Public Debt purpose.

(c) In many cases, especially in the early stages of investigation, it may be impossible immediately to determine whether information collected is relevant and necessary, and information that initially appears irrelevant and unnecessary often may, upon further evaluation or upon collation with information developed subsequently, prove particularly relevant to a law enforcement program.

(d) Not all violations of law discovered by Public Debt employees fall within the jurisdiction of Public Debt. Public Debt will have to disclose such violations to other law enforcement agencies, including State, local, and foreign agencies that have jurisdiction over the offenses to which the information relates.

(5) 5 U.S.C. 552a(e)(4)(I) requires an agency to publish a general notice listing the categories of sources for information contained in a system of records. The application of this provision to the system of records could compromise Public Debt's ability to provide useful information to law enforcement agencies, since revealing sources for the information could:

(a) Disclose investigative techniques and procedures;

(b) Result in threats or reprisals against informers by the subjects of an investigation; and

(c) Cause informers to refuse to give full information to investigators for fear of having their identities as sources disclosed.

In an unrelated change, we are clarifying the privacy interests afforded to investors upon the death of a securities holder. Public Debt has protected the privacy interests of securities holders by regulation long before the passage of the Privacy Act of 1974. We are amending part 323 to comport with exemption 6 of the Freedom of Information Act which permits us to withhold all information about individuals in ''personnel and medical files and similar files'' when the disclosure of such information ''would constitute a clearly unwarranted invasion of personal privacy.'' Although the right to privacy of a deceased securities holder extinguishes upon death, the exemption protects the deceased person's family-related privacy interests in certain cases.

The Regulatory Flexibility Act (RFA) requires Federal agencies either to certify that a proposed rule would not, if adopted in final form, have a significant impact on a substantial number of small entities or to prepare an initial regulatory flexibility analysis of the proposal and publish the analysis for comment (5 U.S.C. 601 *et seq.*). This regulation will exempt a new system of records from the Privacy Act. Because this regulation affects only internal agency administration, this exemption is not expected to generate any costs. Therefore, Public Debt and the Department certify that the proposed rule, if adopted in final form, will not have a significant economic impact on a substantial number of small entities.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), Public Debt and the Department have determined that this proposed rule would not impose new recordkeeping, application, reporting, or other types of information collection requirements.

The regulation will not have a substantial direct 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. Therefore, it is determined that this regulation does not have federalism implications under Executive Order 13132.

In accordance with Executive Order 12866, it has been determined that this final rule is not a ''significant regulatory

action'' and, therefore, does not require a Regulatory Impact Analysis.

List of Subjects

31 CFR Part 1

Privacy.

31 CFR Part 323

Freedom of Information, Privacy.

Accordingly, for the reasons stated in the preamble, 31 CFR part 1, is amended as follows:

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

Authority: 5 U.S.C. 301 and 31 U.S.C. 321. Subpart A also issued under 5 U.S.C. 552, as amended. Subpart C also issued under 5 U.S.C. 552a.

PART 1—[AMENDED]

Subpart C—Privacy Act

2. In § 1.36 of Subpart C, paragraph (g)(1)(x) is amended by adding the following new table below the heading BUREAU OF THE PUBLIC DEBT:

Number	System name
BPD.009	U.S. Treasury Securities Fraud Information System.

PART 323—[AMENDED]

3. The authority citation for part 323 continues to read as follows:

Authority: 80 Stat. 379; sec. 3., 60 Stat. 238, as amended; 5 U.S.C. 301, 552.

4. Revise § 323.2(b) to read as follows:

§ 323.2 Rules Governing Availability of Information.

* * * * *

(b) *Limitations on the availability of records relating to securities.* Records relating to the purchase, ownership of, and transactions in Treasury securities or other securities handled by the Bureau of the Public Debt for government agencies or wholly or partially Government-owned corporations will ordinarily be disclosed only to the owners of such securities, their executors, administrators or other legal representatives or to their survivors or to investigative and certain other agencies of the Federal and State governments, to trustees in bankruptcy, receivers of insolvents' estates or where proper order has been entered requesting disclosure of information to Federal and State courts. These records are held confidential because they relate to private financial affairs of the owners under this Part. In addition, the information falls within the category of ''personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy'' under the Freedom of Information Act, 5 U.S.C. 552(b)(6). Exemption (b)(6) protects the privacy of living persons and close survivors of a deceased person identified in a record. Privacy interests, in the sense of the right to control, use, or disclose information about oneself, cease at death. However, the exemption protects the deceased person's family-related privacy interests that survive death where disclosure would cause embarrassment, pain, grief, or disrupt the peace of mind, of the surviving family. The Bureau of the Public Debt will determine whether disclosure of the records is in the public interest by balancing the surviving family members' privacy interest against the public's right to know the information.

Dated: June 3, 2003.

W. Earl Wright, Jr.,

Chief Management and Administrative Programs Officer.

[FR Doc. 03–15638 Filed 6–19–03; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 181

[USCG–2003–14272]

RIN 1625–AA53

Country of Origin Codes and Revision of Regulations on Hull Identification Numbers

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to allow U.S. manufacturers of recreational boats to display a 2-character, country of origin code before the 12-character Hull Identification Number (HIN) without separating the 2-character code by means of borders or on a separate label as is currently required by the HIN regulations. The current prohibition adversely affects U.S. manufacturers who seek to export some of their recreational boats. The removal of the current restriction would allow U.S. manufacturers to comply with the International Organization for Standardization (ISO) HIN standard, without changing the information collected by States on undocumented vessels they register.

DATES: Comments and related material must reach the Docket Management Facility on or before September 18, 2003.

ADDRESSES: You may submit comments identified by the Coast Guard docket number USCG–2003–14272 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) *Web site: http://dms.dot.gov*.

(2) *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590–0001.

(3) *Fax:* 202–493–2251.

(4) *Delivery:* Room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(5) *Federal Rulemaking Portal: http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call Mr. Alston Colihan, Office of Boating Safety, Coast Guard, telephone 202–267–0984. If you have questions on viewing or submitting material to the docket, call Ms. Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–5149.

SUPPLEMENTARY INFORMATION:

Public Participation and Access to Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change, to *http://dms.dot.gov* and will include any personal information you have provided. We have an agreement with the Department of Transportation (DOT) to use the Docket Management Facility. Please see the ''Privacy Act'' paragraph below.

Submitting comments. If you submit a comment, please include your name and address, identify the docket number for this rulemaking (USCG–2003–14272), indicate the specific section of this document to which each comment applies, and give the reason for each comment. You may submit your comments and material by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a

stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Viewing comments and documents: To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://dms.dot.gov* at any time and conduct a simple search using the docket number. You may also visit the Docket Management Facility in room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act. Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Department of Transportation's Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit *http://dms.dot.gov*.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one to the Docket Management Facility at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

In 1995, the International Organization for Standardization (ISO) issued a Hull Identification Number standard (ISO 10087:1995(E)) consisting of the same format as the existing Coast Guard 12-character HIN (manufacturer's identification, serial number, month of manufacture, year of manufacture, and model year) preceded by a 2-character country code and a hyphen. Under the ISO HIN standard, a boat made in the U.S. for export to a foreign country would bear a HIN such as: US–ABC12345G303.

Boat manufacturers in the United States that export to Europe started using the ISO HIN standard beginning with the 1996 model year. According to ISO 10087:1995(E), paragraph (4), Composition of HIN, ''A HIN shall consist of 14 consecutive characters plus a hyphen * * *.'' But our regulation for displaying information near the HIN, 33 CFR 181.27, states, ''If additional information is displayed on the boat within two inches of the hull identification number, that information must be separated from the hull identification number by means of borders or must be on a separate label so that it will not be interpreted as part of the hull identification number.'' While the ISO HIN standard includes a paragraph with language that is nearly identical to § 181.27, these ISO requirements do not apply to the country code and hyphen, which precede our 12-character HIN.

The American Boat and Yacht Council (ABYC) develops voluntary consensus safety standards for the design, construction, equipage, maintenance, and repair of small craft. An ABYC Technical Committee studying the ISO HIN standard and our HIN standard concluded that the differing requirements create a problem for U.S. builders exporting to Europe. One large U.S. manufacturer that exports to Europe pointed out that use of a separate tape to create the border required by our HIN standard often results in misalignment and other flaws that may be confused with attempts to alter an HIN. This proposal was discussed at the October 29, 2001 meeting of the National Boating Safety Advisory Council and there were no objections by State Boating Law Administrators in attendance at the meeting. (66 FR 49445, September 27, 2001). The NBSAC unanimously passed a resolution requesting the Coast Guard to immediately pursue rulemaking for an exception to current regulations to allow the USA HIN system to conform to the ISO HIN standard while still allowing the states to not require the ''Country Code'' in their registration process.

Discussion of Proposed Rule

This rule would relieve manufacturers of recreational boats who sell both internationally and domestically of the burden of separating the country of origin code for the United States, ''US-'', from the other 12 characters in a HIN by means of borders or a separate label. Any other information would still have to be separated from characters in the HIN by means of borders or a separate label.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. Allowing manufacturers to separate the Country of Origin Code without the use of borders or a separate label would relieve a burden and thereby reduce the costs of complying with the HIN display requirement.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Small Business Administration (SBA) has set up size standards for each SIC code based on the number of employees or annual receipts. The only type of small entity that this rule would affect would be small businesses. There were 4,420 U.S. manufacturers of recreational boats in 2002, an estimated 80 percent of which qualify as small businesses by the size standards of the SBA. However, we have observed that the businesses we have identified as small do not manufacture as many boats as their larger competitors. In addition, most of the businesses we have identified as small do not export to the European market and therefore would not follow the ISO HIN format.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment to the Docket Management Facility at the address under **ADDRESSES.** In your comment, explain why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effect on

them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Mr. Alston Colihan, Project Manager, Office of Boating Safety, by telephone at (202) 267–0981 or by e-mail at *acolihan@comdt.uscg.mil*.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(a) of the Instruction, from further environmental documentation. The proposed rule to remove the requirement to separate the 2-character country of origin code from the 12-character HIN by means of borders or on a separate label relates to the documentation of vessels and is not expected to have any environmental impact.

A draft ''Environmental Analysis Check List'' and a draft ''Categorical Exclusion Determination'' are available in the docket where indicated under **ADDRESSES.** Comments on this section will be considered before we make the final decision on whether the rule should be categorically excluded from further environmental review.

List of Subjects in 33 CFR Part 181

Labeling, Marine safety, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 181 as follows:

PART 181—MANUFACTURER REQUIREMENTS

1. The authority citation for part 181 is revised to read as follows:

Authority: 46 U.S.C. 4302 and 4310; Pub. L. 103–206, 107 Stat. 2439; Department of Homeland Security Delegation No. 0170.

2. Revise § 181.27 to read as follows:

§ 181.27 Information displayed near hull identification number.

With the exception of the characters ''US-'', which constitute the country of origin code for the United States, if information is displayed on the boat within 2 inches of the hull identification number (HIN), that information must be separated from the HIN by means of borders or must be on a separate label, so that it will not be interpreted as part of the hull identification number.

Dated: June 12, 2003.

David S. Belz,

Rear Admiral, U.S. Coast Guard, Director of Operations.

[FR Doc. 03–15640 Filed 6–19–03; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WI116–01–7346b; FRL–7515–6]

Approval and Promulgation of Implementation Plans; Wisconsin; Revised Motor Vehicle Emissions Inventories and Motor Vehicle Emissions Budgets Using MOBILE6

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing approval of a revision to the Wisconsin State Implementation Plan (SIP) for the attainment and maintenance of the one-hour national ambient air quality standard (NAAQS) for ozone. Specifically, EPA is approving Wisconsin's revised 2007 motor vehicle emission inventories and 2007 Motor Vehicle Emissions Budgets (MVEB) recalculated using MOBILE6 for the Milwaukee severe ozone area and the Sheboygan ozone maintenance area. EPA is also proposing approval of a new

2012 projected MVEB for the Sheboygan ozone maintenance area.

In the ''Rules and Regulations'' section of this **Federal Register**, EPA is approving the State's request as a direct final rule without prior proposal, because EPA views this action as noncontroversial and anticipates no adverse comments. The rationale for approval is set forth in the direct final rule. If EPA receives no written adverse comments, EPA will take no further action on this proposed rule. If EPA receives written adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect. In that event, EPA will address all relevant public comments in a subsequent final rule based on this proposed rule. In either event, EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

DATES: Comments on this action must be received by July 21, 2003.

ADDRESSES: Written comments should be mailed to: Carlton Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

A copy of the plan revision request is available for inspection at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone Michael Leslie at (312) 353–6680 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Michael Leslie, Environmental Engineer, Regulation Development Section, Air Programs Branch (AR–18J), USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–6680.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' are used we mean the EPA.

I. What Action Is EPA Taking Today?

On January 31, 2003, the Wisconsin Department of Natural Resources submitted a revision to the Wisconsin SIP for the attainment and maintenance of the one-hour NAAQS for ozone. Specifically, the submittal included revised 2007 motor vehicle emission inventories and 2007 MVEB recalculated using MOBILE6 for the Milwaukee severe ozone area and the Sheboygan ozone maintenance area. The submittal also included of a new 2012 projected MVEB for the Sheboygan ozone maintenance area. EPA is proposing to approve the SIP revision request.

II. Where Can I Find More Information About This Proposal and Corresponding Direct Final Rule?

For additional information see the direct final rule published in the rules section of this **Federal Register**.

Authority: 42 U.S.C. 4201 *et seq.*

Date: June 9, 2003.

Bharat Mathur,

Acting Regional Administrator, Region 5.

[FR Doc. 03–15519 Filed 6–19–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[R1–7218c; A–1–FRL–7513–1]

Approval and Promulgation of Air Quality Implementation Plans; Connecticut, Massachusetts and Rhode Island; Nitrogen Oxides Budget and Allowance Trading Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve State Implementation Plan (SIP) revisions submitted by Connecticut, Massachusetts and Rhode Island. These SIP revisions make minor technical corrections to the nitrogen oxides (NO_X) budget and trading programs in these states. Each State's SIP revision adjusts the baseline and emissions budgets for highway mobile and non-electric generating point sources such that they are consistent with those in EPA's March 2, 2000 ''Technical Amendment to the Finding of Significant Contribution and Rulemaking for Certain States for Purposes of Reducing Regional Transport of Ozone'' (65 FR 11222). The technical revisions do not affect the regulatory programs in these states, however, the changes are needed to fully approve the programs as meeting the EPA's regulation ''Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone,'' otherwise known as the ''NO_X SIP Call.'' The intended effect of this action is to propose approval of the SIP revisions for the Connecticut, Massachusetts and Rhode Island NO_X budget trading programs as meeting Phase I and II of the EPA's NO_X SIP Call. This action is being taken in accordance with section 110 of the Clean Air Act (CAA).

DATES: Written comments must be received on or before July 21, 2003.

ADDRESSES: Comments may be mailed to David Conroy, Unit Manager, Air Quality Planning, Office of Ecosystem Protection (mail code CAQ). Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA-New England, One Congress Street, 11th floor, Boston, MA. Copies of the documents specific to the SIP approval for Connecticut are available at the Bureau of Air Management, Department of Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT 06106–1630. Copies of the documents specific to the SIP approval for Massachusetts are available at the Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108. Copies of the documents specific to the SIP approval for Rhode Island are available at the Office of Air Resources, Department of Environmental Management, 235 Promenade Street, Providence, RI 02908–5767.

FOR FURTHER INFORMATION CONTACT: Dan Brown at (617) 918–1532 or via e-mail at *brown.dan@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules Section of this **Federal Register**, EPA is approving each State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives 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.

For additional information, see the direct final rule which is located in the Rules Section of this **Federal Register**.

Dated: June 2, 2003.

Robert W. Varney,

Regional Administrator, EPA New England.

[FR Doc. 03–15127 Filed 6–19–03; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[CC Docket No. 02–6; FCC 03–101]

Schools and Libraries Universal Service Support Mechanism

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission seeks comment on additional proposals to further improve the operation of the schools and libraries support mechanism. Specifically, the Commission seeks comment on specific rules and procedures implementing the Commission's policy to carry forward unused funds from the schools and libraries support mechanism in subsequent funding years of the schools and libraries support mechanism adopted in the First Report and Order adopted in this docket.

DATES: Comments are due on or before July 21, 2003. Reply comments are due on or before August 19, 2003.

ADDRESSES: All filings must be sent to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. *See* Supplementary Information for further filing instructions.

FOR FURTHER INFORMATION CONTACT: Jonathan Secrest and Katherine Tofigh, Attorneys, Telecommunications Access Policy, Wireline Competition Bureau, (202) 418–7400.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further Notice of Proposed Rulemaking in CC Docket No. 02–6, FCC 03–101, released on April 30, 2003. This Further Notice of Proposed Rulemaking was also released with a companion Second Report and Order (Second Order). The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 12th Street, SW., Washington, DC 20554.

I. Introduction

1. After consideration of many of the important issues raised in the comments to the *Schools and Libraries NPRM,* 67 FR 7327, February 19, 2002, we find that it is appropriate to seek further comment on several additional matters. Therefore, in the Further Notice of Proposed Rulemaking (FNPRM), we seek comment on additional proposals to further improve the operation of the schools and libraries support mechanism. In particular, we seek comment on specific rules and procedures implementing the Commission's policy to carry forward unused funds from the schools and libraries support mechanism in subsequent funding years of the schools and libraries support mechanism adopted in the First Report and Order (*First Order*), 67 FR 41862, June 20, 2002, adopted in this docket. We seek comment regarding our existing rules governing the filing of an applicant's technology plan, and the viability of an online computerized eligible services list. We also seek comment on additional measures to limit waste, fraud, and abuse.

II. Further Notice of Proposed Rulemaking

A. Background

2. In the *First Order,* we determined that unused funds from the schools and libraries mechanism should be used to stabilize the contribution factor while the Commission considers whether and how to reform its methodology for contributions to the universal service support mechanism. We also determined that beginning no later than the second quarter of 2003, which began April 1, 2003, unused funds shall be carried forward for disbursal in subsequent funding years of the schools and libraries mechanism. Accordingly, in this FNPRM we seek comment on proposed rules regarding the carryover of unused funds from funding year to funding year of the schools and libraries support mechanism.

3. We also seek comment on several other matters relevant to the schools and libraries mechanism. We seek comment regarding our rules pertaining to when applicants file a technology plan. We seek further comment on the establishment of an online computerized eligible services list for telecommunications services and Internet access. Finally, we seek comment on additional measures to limit waste, fraud, and abuse.

B. Proposed Unused Funds Carryover Rules

4. In this FNPRM, we propose specific rules implementing the Commission's decision to carry forward unused funds for use in subsequent funding years of the schools and libraries program. In general, we propose to amend our rules to require USAC to provide quarterly estimates to the Commission regarding the amount of unused funds that will be available to be carried forward. We further propose to amend our rules so that the Commission would carry forward available unused funds from prior years on an annual basis for use in the following full funding year of the schools and libraries program. We seek comment on the proposed rules and our proposed procedures implementing these rules.

5. We propose that on a quarterly basis, USAC, after consultation with the Schools and Libraries Committee, provide the Commission with an estimate of unused funds from the schools and libraries support mechanism for each of the prior funding years. By providing quarterly estimates of unused funds, we would establish a regular reporting cycle for USAC. In addition, quarterly estimates would provide schools and libraries with general notice regarding the amount of unused funds that may be made available for use in the subsequent funding year. We seek comment on this proposal.

6. We propose that USAC's estimate of unused funds for a particular funding year generally total the difference between the amount of funds collected, or made available for that particular funding year, and the amount of funds disbursed or to be disbursed. We expect that USAC's estimates will become more refined as a particular funding year progresses, given its unique skills and experience administering the schools and libraries mechanism. We seek comment on this proposal.

7. In addition, we propose that in the second quarter of each calendar year, the Commission will announce a specific amount of unused funds from prior funding years to be carried forward in accordance with the public interest for use in the next full funding year, in excess of the annual funding cap. For example, unused funds as of second quarter 2004 would be carried forward for use in the Schools and Libraries Funding Year 2004. Carrying forward unused funds in the second quarter of the calendar year would coincide with the time of year the SLD makes funding commitment decisions, which typically occurs in the second

and third quarters of the calendar year. Once added, the funding year would continue to operate normally, with the benefit of any additional unused funds. We believe that this will ensure minimal disruption of the administration of the schools and libraries program.

8. We also propose that after unused funds are identified and carried forward in the second quarter of the calendar year, USAC will begin to re-calculate unused funds, beginning with unused funds as of the third quarter of the calendar year. Such funds would be carried forward to the next full funding year. As a result, we believe that the described rolling methodology will provide certainty regarding when unused funds will be carried forward for use in the schools and libraries program. In addition, the proposed rules would ensure that schools and libraries have reasonable notice from the quarterly estimates of the approximate amount of funds that we expect to become available in the second quarter of the calendar year. In general, schools and libraries submit applications for funding between November and January, preceding the start of the funding year. Under our proposal, applicants would have the benefit of three quarterly estimates of unused funds before the filing window closes, and would be able to structure their applications appropriately. We seek comment regarding this proposal.

9. Further, we propose that USAC begin estimating unused funds from the schools and libraries mechanism in 2003, and that unused funds would be carried forward in accordance with the public interest for use in Funding Year 2004 of the schools and libraries program. In the *First Order,* the Commission determined that it would begin to carry forward unused funds from the schools and libraries program no later than second quarter 2003. We seek comment regarding this proposal.

C. Technology Plan

10. To ensure that purchased services are used in a cost-effective manner, the Commission requires applicants to base their requests for services on an approved technology plan. Section 54.504(b)(vii) states that in its FCC Form 470 the applicant must certify that its technology plan has been approved by its state, the Administrator, or an independent entity approved by the Commission.

11. We propose modifying our existing rules governing the timing of the certification regarding the approval of the applicant's technology plan so that applicants can indicate that their technology plan will be approved by an authorized body by the time that services supported by the universal service mechanism for schools and libraries begin. We believe that the rule change will improve program operation by recognizing that it may be difficult for an applicant to obtain approval of a technology plan well in advance of the commencement of a funding year. We seek comment on the costs and benefits of our proposal.

D. Computerized Eligible Services List

12. In the Order, we have directed the Administrator to develop a pilot for an online computerized list for internal connections. While we gain operational experience through this pilot program, we seek further comment on the feasibility of an online eligible services list with brand name products in the telecommunications services and Internet access categories. We are concerned, as were many commenters, about the difficulties in describing and amassing information regarding brand name products in these categories. We seek comment on whether this list should be a ''safe harbor.'' We seek comment on whether such a list raises any legal issues. We seek comment on what effect such a list would have on our statutory mandate to evaluate requests for discounts on a competitively neutral basis. For example, how would we create a safe harbor telecommunications services provider list? Would such a list vary by location, state, or region? If a geographic area only had one telecommunications carrier, would it foster or impede competition to place that carrier on the list? We further seek comment on these and other issues raised by the establishment of an online eligible services list.

E. Other Measures To Prevent Waste, Fraud, and Abuse

13. In the Order, we have established rules to debar persons convicted or held civilly liable with respect to the schools and libraries support mechanism from participating in the program. We also believe, however, that there may be circumstances not culminating in a criminal conviction or civil judgment that may warrant debarment. We accordingly seek to further develop the record on debarment in situations where evidence of misconduct is less clear-cut. We also seek further comment on other measures to limit waste, fraud, and abuse.

14. *Adoption of Governmentwide Regulations.* A NPRM, 67 FR 3266, January 23, 2002, is pending that proposes, among other things, to allow independent regulatory agencies to elect to participate in governmentwide debarment rules. We seek comment on whether we should adopt the governmentwide nonprocurement debarment regulations, which inform the rules we adopt today. The current governmentwide rules do not apply to independent agencies. However, the proposed governmentwide rules explicitly allow for adoption by independent agencies. We seek comment on whether, if these governmentwide rules are adopted, we should elect to participate in the governmentwide debarment rules for purposes of the schools and libraries universal service support mechanism, or whether, given the unique nature of the program, adoption of the proposed governmentwide rules would be inappropriate or less effective than other rules we adopt.

15. *Debarring willful or repeated violators.* A rule allowing for debarment of willful or repeated violators of our rules could be an important tool for ensuring the integrity of the program, because there may be situations in which persons may not be convicted or held civilly liable, yet their continued program participation may still constitute a threat to the integrity of the program. Moreover, some applicants or service providers may reach settlement with prosecuting authorities in a given case without admission of liability, that otherwise would have resulted in a conviction or civil judgment. Accordingly, we tentatively conclude that the Commission should have the flexibility to debar a person whose willful or repeated violation of Commission rules threatens to undermine program integrity and result in waste, fraud, or abuse. Debarring those who have violated program rules in this manner not only ensures accountability within the program, but allows for additional funding for more deserving persons.

16. The ''willful or repeated'' standard is based upon existing Commission forfeiture authority under section 503(b). Consistent with section 312(f) of the Act, we propose to define ''willful'' as ''the conscious and deliberate commission or omission of any act, irrespective of any intent to violate any provision of this Act or any rule or regulation of the Commission authorized by this Act or by a treaty ratified by the United States.'' We propose to define ''repeated'' as ''the commission or omission of any act more than once or, if such commission or omission is continuous, for more than one day.'' We seek comment on the proposed definitions.

17. Because it is not our intention to debar persons that inadvertently make mistakes, even if repeated, with respect to program rules, we propose debarring only those willful or repeated offenders whose actions threaten to undermine program integrity and result in waste, fraud, or abuse. We believe that this standard adequately balances the need to strictly enforce our rules with our desire not to debar applicants whose mistakes do not undermine program integrity. We seek comment on these tentative conclusions.

18. *Determination of violation resulting in debarment.* We seek comment on how the Commission should determine when a person whose willful or repeated violation of Commission rules (or the Administrator's procedures) threatens to undermine program integrity and result in waste, fraud, or abuse. We also seek comment on whether only the violations of certain rules or procedures should be considered, and if so, which ones. We seek comment on the appropriate period of debarment and whether such period should be fixed or discretionary.

19. We also seek comment on the process whereby the Commission would determine that willful or repeated violations of our rules (or of the Administrator's procedures) have occurred. Ordinarily, SLD determines in the first instance whether an applicant has complied with program requirements in the course of reviewing requests for discounts. If SLD concludes that an application is not consistent with the Commission's rules, it issues a decision, and the applicant may seek Commission review of SLD's decision to deny discounts. We seek comment on how to implement debarment in the absence of a formal SLD decision denying a request for discounts. We propose that if SLD suspects that a person has willfully or repeatedly committed acts that threaten to undermine program integrity and result in waste, fraud, or abuse, either in the course of application review or subsequently, it may refer the matter to the Commission, which would then begin an investigation that may culminate in notice of proposed debarment to the person. We seek comment on this approach.

20. *Notification procedures for debarment.* We also seek comment on what procedures would ensure adequate notice to persons subject to debarment proceedings for willful or repeated violations, while still providing for expeditious Commission determinations in order to adequately protect the program. As informed by the federal agency rules, we propose that the Commission shall give notice of proposed debarment on the ground of willful or repeated violations to the person by: (1) Giving the reasons for the proposed debarment in terms sufficient to put the person on notice of the conduct or transaction(s) upon which it is based and the cause relied upon; (2) explaining the applicable debarment procedures; (3) describing the potential effect of debarment. The person would be afforded an opportunity to respond and submit information and argument within 30 days after the notice is published. The Commission would then make a decision on the basis of all the information in the administrative record, including any submission made by the respondent, and provide notice to the respondent. We seek comment on these procedures.

21. *Other grounds for debarment.* We also seek comment on whether we should adopt a rule debarring persons who, in the course of their participation in the schools and libraries support mechanism, commit any other act indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of the person. We also seek comment on whether to exercise discretion to debar persons who commit any other act indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of the person, even if unrelated to schools and libraries support mechanism, and invite comment on specific examples of conduct that would warrant debarment. We seek comment on how, if the Commission adopts either provision, the Commission should implement debarment.

22. *Imputation for debarment.* We recognize that there may be circumstances in which debarment of one entity—whether under rules we adopt today or under any additional rules we may adopt in the future—may not adequately protect the integrity of the program. For example, there may be circumstances where one person is found liable for certain actions, but other individuals have also engaged in misconduct that threatens the integrity of the program. We seek comment on rules for imputation of conduct from one person to another, based upon the Federal agency rules governing imputation of conduct. Under our proposed rules, the conduct of a person may be imputed to another person when the conduct occurs in connection with the former's performance of duties for or on behalf of the latter, or with the latter's knowledge, approval, or acquiescence. One example of evidence of such knowledge, approval, or acquiescence could be the latter's acceptance of the benefits derived from the conduct. The conduct may be imputed to any officer, director, shareholder, partner, employee, or other individual associated with the person who participated in, knew of, or had reason to know of the person's conduct. In addition, the conduct of one person may be imputed to other persons in a joint venture or similar arrangement if the conduct occurred for or on behalf of the joint venture or similar arrangement, or with the knowledge, approval, or acquiescence of those persons. One example of evidence of such knowledge, approval, or acquiescence could be the latter's acceptance of the benefits derived from the conduct. We seek comment on the administrative process for making a finding that the conduct of one person should be imputed to another. We seek comment on these proposed rules.

23. *Effect of debarment.* We seek comment on what effect, if any, suspension or debarment of a person should have with regard to the person's participation in other activities associated with the Commission. For example, should suspension or debarment of a service provider from the schools and libraries support mechanism preclude participation in providing certain services to the Commission, such as Internet access or telephone service? Similarly, should suspension or debarment from the schools and libraries support mechanism also result in suspension or debarment from other universal service support mechanisms?

24. *Changing service providers post-debarment.* We seek comment on whether our rules should permit applicants whose service provider has been debarred to change their service provider before their application for discounted services has been approved or after the last date for invoices. SLD's current operating procedures permit applicants whose service providers have been debarred to change service providers only after SLD has issued a funding commitment decision letter, and no later than the last date to submit an invoice. The existing procedure allowing SPIN changes within this window balances fairness to applicants and flexibility in the program with goals of program efficiency, including the importance of certainty and finality so that the Administrator can properly allocate limited funds among a large pool of applicants. If applicants were permitted to change service providers after they had applied for discounts but before SLD had made a funding

commitment decision, it may be more difficult for SLD to determine whether program requirements are met if an applicant changed service providers because of potential irregularities. Permitting applicants to change service providers after the last date for invoices to be submitted could introduce a lack of finality into the process, undermining our efforts to streamline program procedures.

25. We seek comment on whether applicants whose service providers have been debarred should be permitted to change service providers before a funding commitment decision has been issued, or after the last date for invoices. We seek comment on how such a rule might reconcile our goals of ensuring both fairness and finality. We seek comment on what procedures SLD might implement in such situations.

26. We further seek comment on whether applicants that are complicit in the bad acts of a debarred service provider, but who are not themselves convicted or held civilly liable, should be permitted to change service providers in the same manner as applicants that were not so complicit. While we do not intend to punish applicants that are merely innocent victims of a particular service provider, we also do not want to create incentives for applicants to undermine the goals of the program through complicity in program violations by a service provider. We therefore seek comment on whether complicit applicants should not be permitted to change service providers (and therefore are effectively debarred for that funding year), and if so, how such a standard of ''complicity'' should be defined. Finally, we seek comment generally on whether any other rules should be adopted relating to debarment that would serve our goals of protecting against waste, fraud, and abuse.

III. Procedural Issues

A. Initial Paperwork Reduction Act of 1995 Analysis

27. This FNPRM contains no proposed or modified information collection. As part of a continuing effort to reduce paperwork burdens, we invite the general public and the Office of Management and Budget (OMB) to take this opportunity to comment on the information collections contained in this FNPRM, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13. Public and agency comments are due at the same time as other comments on this FNPRM; OMB comments are due August 19, 2003. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

B. Initial Regulatory Flexibility Analysis

28. As required by the Regulatory Flexibility Act (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in the Further Notice of Proposed Rulemaking (FNPRM). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the FNPRM. The Commission will send a copy of the IRFA to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the IRFA (or summaries thereof) will be published in the **Federal Register**.

1. Need for, and Objectives of, the Proposed Rules

29. In the *Schools and Libraries NPRM,* 67 FR 7327, February 19, 2002, we sought comment on whether to amend our rules regarding the treatment of unused funds from the schools and libraries universal service mechanism. In the *First Order,* 67 FR 41862, June 20, 2002, revising our rules regarding the treatment of unused funds from the schools and libraries universal service support mechanism, we determined that beginning no later than the second quarter of 2003, any unused funds from the schools and libraries support mechanism shall, consistent with the public interest, be carried forward for disbursement in subsequent funding years of the schools and libraries support mechanism. We also stated our intent to develop specific rules implementing this policy. In the FNPRM, we seek comment on proposed rules and procedures implementing that policy.

30. In addition, in the FNPRM, we seek further comment on the viability of an online eligible services list with brand name products in the telecommunications services and Internet access categories. We also seek comment on whether to modify our existing rules so that applicants no longer need to certify that their technology plan has been approved, but instead can certify that it will be approved by the time that services supported by the universal service mechanism for schools and libraries begin. We seek comment on whether it may be appropriate to debar persons from participation in the schools and libraries program under circumstances that do not culminate in a criminal or civil judgment. Finally, we seek comment on the effect of a debarment on a provider's participation in other universal service programs, and on our rules regarding changing service providers post-debarment.

2. Legal Basis

31. The legal basis for the FNPRM is contained in sections 1 through 4, 201 through 205, 254, 303(r), and 403 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, 47 U.S.C. 151 through 154, 201 through 205, 254, 303(r), and 403, and § 1.411 of the Commission's rules.

3. Description and Estimate of the Number of Small Entities to Which Rules Will Apply

32. We have described in detail in the Final Regulatory Flexibility Analysis in this proceeding the categories of entities that may be directly affected by our proposals. For this Initial Regulatory Flexibility Analysis, we hereby incorporate those entity descriptions by reference.

4. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

33. The specific proposals under consideration in the FNPRM would not, if adopted, result in additional recordkeeping requirements for small businesses. The proposal to have the Universal Service Administrative Company report unused fund data to the Commission does not add any reporting, recordkeeping, or compliance requirements to small entities.

34. In the FNPRM, we ask for further comment on the feasibility of an online eligibility list including brand name products in the telecommunications services and Internet access categories to help applicants in the application process. We conclude in the Second Order that the establishment of a similar program with regard to internal connections is likely to reduce compliance burdens on small applicants because it would help facilitate the application process, as commenters noted. We believe that such a list would help all schools, libraries, local governments applying for these entities, all of which include small entities, and reduce any costs by facilitating the

application process. We invite comment on whether an online eligibility list including brand name products in the telecommunications services and Internet access categories would affect the cost of complying for small businesses.

35. In addition, the proposal to modify our existing requirement that applicants can certify that their technology plan will be approved does not add a requirement for small entities, but rather extends the timing of the requirement to allow more time to meet the requirement of the program. As we noted in the Order, we believe that the rule change will reduce any burden on applicants in obtaining approval of a technology plan well in advance of the commencement of a funding year. We seek comment on the costs and benefits of our proposal.

5. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

36. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance and reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or part thereof, for small entities.

37. As noted, in the *First Order* we revised our rules regarding the treatment of unused funds from the schools and libraries universal service support mechanism. In the FNPRM, we seek comment on how to implement the Commission's policy to carry over unused funds to subsequent years of the schools and libraries mechanism. We propose that in the second quarter of each calendar year, the Commission will announce a specific amount of unused funds from prior funding years to be carried forward in accordance with the public interest for use in the next full funding year, in excess of the annual funding cap. We propose that USAC provide the Commission with quarterly estimates of the amount of unused funds, and that the Commission would carry forward available unused funds from prior years on an annual basis. Consistent with our analysis in the *First Order,* we believe that the rules and procedures that we propose will have a similar impact on both small and large entities, because schools and libraries will benefit equally from the additional funds made available. We invite commenters to discuss the benefits of these proposed rules and procedures and whether these benefits are outweighed by resulting costs to any other small entities.

38. Regarding an online eligible services list including brand name products in the telecommunications services and Internet access categories, we direct the Administrator in the Order to create a pilot program for a similar item, internal connections discounts. In the Second Order, we also direct the Administrator to report back to the Commission about the ramifications of the pilot program for internal connections. We believe this will help us in our assessment of the feasibility of an online eligible services list including brand name products in the telecommunications services and Internet access categories. We request that commenters, in proposing possible alternatives to an online eligible services list including brand name products in the telecommunications services and Internet access categories, discuss the economic impact that changes may have on small entities.

39. In addition, in the FNPRM, we seek comment on the allocation of funds for Priority One services in the event that requests for such services exceed the funding cap. Although the program has not had a funding year in which this has happened, if the requests for Priority One services exceed the funding cap, there currently are no rules that govern the way the Priority One requests would be awarded discounts. The way in which such funding is disbursed may have an impact upon those small entities applying for discounts and any small companies providing such goods and services. We request that commenters, in proposing possible alternatives to our rules, discuss the economic impact that changes may have on small entities.

40. We also consider whether it is appropriate to debar certain persons from participation in the schools and libraries universal service mechanism under certain circumstances that may not culminate in a criminal conviction or civil judgment. We believe that providing the Commission the flexibility to debar persons who, for example, willfully or repeatedly violate Commission's rules, ensures accountability in the program and allows for addition funding for more deserving applicants. This would potentially benefit applicants that abide by the Commission's rules, including small entities. We also seek comment on whether there should be a process whereby the Commission could delay, reverse, or modify suspension or debarment on a case-by-case basis. Such action may provide the Commission with additional flexibility to take into account the various situations that may arise under the debarment program. In addition, we seek comment on whether our rules should permit applicants whose service provider has been debarred to change service providers before their application for discounted services has been approved or after the last date for invoices. We believe that such action would provide greater flexibility to all entities, including small entities, to change service providers under a greater range of circumstances. We request that commenters, in proposing possible alternatives to these rules, discuss the economic impact that changes may have on small entities.

6. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

41. None.

C. Comment Filing Procedures

42. We invite comment on the issues and questions set forth in the Further Notice of Proposed Rulemaking and Initial Regulatory Flexibility Analysis contained herein. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, interested parties may file comments are due on or before July 21, 2003. Reply comments are due on or before August 19, 2003. All filings should refer to CC Docket No. 02–6. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.

43. Comments filed through ECFS can be sent as an electronic file via the Internet to *http://www.fcc.gov/e-file/ecfs.html.* Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket number, which in this instance is CC Docket No. 02–6. Parties may also submit an electronic comment by Internet e-mail. To receive filing instructions for e-mail comments, commenters should send an e-mail to *ecfs@fcc.gov,* and should include the following words in the body of the message: get form <your e-mail address>. A sample form and directions will be sent in reply.

44. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding,

commenters must submit two additional copies for each additional docket or rulemaking number. Parties who choose to file by paper are hereby notified that effective December 18, 2001, the Commission's contractor, Vistronix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at a new location in downtown Washington, DC. The address is 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location will be 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. This facility is the only location where hand-delivered or messenger-delivered paper filings for the Commission's Secretary will be accepted. Accordingly, the Commission will no longer accept these filings at 9300 East Hampton Drive, Capitol Heights, MD 20743. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service (USPS) Express Mail and Priority Mail), must be addressed to 9300 East Hampton Drive, Capitol Heights, MD 20743. This location will be open 8 a.m. to 5:30 p.m. The USPS first-class mail, Express Mail, and Priority Mail should continue to be addressed to the Commission's headquarters at 445 12th Street, SW., Washington, DC 20554. The USPS mail addressed to the Commission's headquarters actually goes to our Capitol Heights facility for screening prior to delivery at the Commission.

If you are sending this type of document or using this delivery method . . .	It should be addressed for delivery to . . .
Hand-delivered or messenger-delivered paper filings for the Commission's Secretary.	236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002 (8 a.m. to 7 p.m.)
Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail).	9300 East Hampton Drive, Capitol Heights, MD 20743 (8 a.m. to 5:30 p.m.)
United States Postal Service first-class mail, Express Mail, and Priority Mail.	445 12th Street, SW., Washington, DC 20554.

45. Parties who choose to file by paper should also submit their comments on diskette to Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, SW., Room 5–B540, Washington, DC 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible format using Microsoft Word or compatible software. The diskette should be accompanied by a cover letter and should be submitted in ''read only'' mode. The diskette should be clearly labeled with the commenter's name, proceeding (including the docket number, in this case, CC Docket No. 02–6), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase ''Disk Copy—Not an Original.'' Each diskette should contain only one party's pleading, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554.

46. Regardless of whether parties choose to file electronically or by paper, parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, Qualex International, Inc., Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 12th Street, SW., Washington, DC 20554. In addition, the full text of this document is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone (202) 863–2893, facsimile (202) 863–2898, or via e-mail *qualexint@aol.com.*

47. Comments and reply comments must include a short and concise summary of the substantive arguments raised in the pleading. Comments and reply comments must also comply with § 1.49 and all other applicable sections of the Commission's rules. We direct all interested parties to include the name of the filing party and the date of the filing on each page of their comments and reply comments. All parties are encouraged to utilize a table of contents, regardless of the length of their submission. We also strongly encourage parties to track the organization set forth in the FNPRM in order to facilitate our internal review process.

D. Further Information

48. Alternative formats (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418–7426 voice, (202) 418–7365 TTY, or *bmillin@fcc.gov.* This FNPRM can also be downloaded in Microsoft Word and ASCII formats at *http://www.fcc.gov/ccb/universal_service/highcost.*

IV. Ordering Clauses

49. Pursuant to the authority contained in sections 1, 4(i), 4(j), 201–205, 214, 254, and 403 of the Communications Act of 1934, as amended, this Further Notice of Proposed Rulemaking is adopted.

50. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this Further Notice of Proposed Rulemaking, including the Final Regulatory Flexibility Analysis and Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subject in 47 CFR Part 54

Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 54 as follows:

PART 54—UNIVERSAL SERVICE

1. The authority citation continues to read as follows:

Authority: 47 U.S.C. 1, 4(i), 201, 205, 214 and 254 unless otherwise noted.

2. Amend § 54.507 by adding paragraphs (a)(1) and (a)(2) to read as follows:

§ 54.507 Cap.

(a) * * *

(1) *Amount of unused funds.* Beginning in the second quarter 2003, the Administrator shall report to the Commission funding that is unused from prior years of the schools and libraries support mechanism on a quarterly basis.

(2) *Application of unused funds.* On an annual basis, in the second quarter of each calendar year, all funds that are collected and that are unused from prior

years shall be available for use in the next full funding year of the schools and libraries mechanism in accordance with the public interest and notwithstanding the annual cap.

* * * * *

[FR Doc. 03–14929 Filed 6–19–03; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

48 CFR Chapter 2

Notice of Public Meeting; Utilities Privatization

AGENCY: Department of Defense.

ACTION: Notice of public meeting.

SUMMARY: The Director, Defense Procurement and Acquisition Policy, and the Deputy Under Secretary of Defense, Installations and Environment, are co-sponsoring a public meeting to discuss potential deviations to Federal Acquisition Regulation (FAR) Part 31 (Contract Cost Principles and Procedures) for contracts awarded under the statutory authority at 10 U.S.C. 2688 (Utility systems; conveyance authority). Under the Department of Defense Utilities Privatization Program, by September 2005, the Department will complete a privatization evaluation of each utility system at every Active Duty, Reserve, and Guard installation, within the United States and overseas, that is not designated for closure under a base closure law. The co-sponsors of the meeting would like to hear the views of interested parties regarding which provisions, if any, of FAR part 31 are significantly problematic for utility contractors and the reasons why.

DATES: The meeting will be held on July 21, 2003, from 9 a.m. to 5 p.m., local time.

ADDRESSES: The meeting will be held in Room C–43, Crystal Mall 3, 1931 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Mr. David Capitano, Office of the Director, Defense Procurement and Acquisition Policy, by telephone at 703–847–7486 or by e-mail at *david.capitano@osd.mil.*

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 03–15656 Filed 6–19–03; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 030604143–3143–01; I.D. 030403C]

RIN 0648–AQ90

Atlantic Highly Migratory Species; Atlantic Swordfish Quotas

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

ACTION: Proposed rule.

SUMMARY: NMFS proposes to amend the regulations governing the North and South Atlantic swordfish fisheries to implement recommendations adopted at the 2002 meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT). Specifically, NMFS proposes increasing the North Atlantic swordfish quota to 3,877 metric tons (mt) whole weight (ww) in 2003 and to 3,907 mt ww in 2004 and 2005. Additionally, NMFS proposes establishing a dead discard allowance of 80 mt ww for 2003; transferring 25 mt ww of North Atlantic swordfish quota to Canada in 2003, 2004, and 2005; and allowing up to 200 mt ww of North Atlantic swordfish to be caught between 5° North latitude and 5o South latitude. Finally, NMFS proposes establishing a South Atlantic swordfish quota of 100 mt ww in 2003, 2004, and 2005 and 120 mt ww in 2006. Public hearings on this proposed rule will be announced in a separate **Federal Register** document.

DATES: Written comments on the proposed rule must be received by 5 p.m. on August 4, 2003.

ADDRESSES: Comments should be sent to, and copies of the Draft Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) may be obtained from Christopher Rogers, Chief, Highly Migratory Species Management Division F/SF1, 1315 East-West Highway, Silver Spring, MD 20910. These documents are also available from the Highly Migratory Species Management Division website at *www.nmfs.noaa.gov/sfa/hmspg.html.* Comments also may be sent via facsimile (fax) to 301–713–1917. Comments will not be accepted if submitted via e-mail or on the Internet.

FOR FURTHER INFORMATION CONTACT: Tyson Kade, by phone: 301–713–2347; by fax: 301–713–1917; or by email: *Tyson.Kade@noaa.gov.*

SUPPLEMENTARY INFORMATION: The U.S. Atlantic swordfish fishery and the tuna fisheries are managed under the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (HMS FMP) and regulations at 50 CFR part 635 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.* and the Atlantic Tunas Convention Act (ATCA), 16 U.S.C. 971 *et seq.* Regulations issued under the authority of ATCA carry out the recommendations of ICCAT.

North Atlantic Swordfish Quota

Prior to the 2002 meeting, ICCAT conducted a stock assessment examining North Atlantic swordfish. The Standing Committee on Research and Statistics (SCRS) concluded that the assessment indicated that the stock could support an increase in the total allowable catch (TAC) of North Atlantic swordfish. According to the stock assessment, the biomass at the start of 2002 was estimated to be 94 percent of the biomass needed to produce maximum sustainable yield (MSY). The SCRS felt that there was a greater that 50–percent chance that a TAC of 14,000 mt ww would allow the stock to rebuild to MSY by the end of 2009. Based on this information, ICCAT set a TAC of 14,000 mt ww for 2003, 2004, and 2005, which is an increase from 10,400 mt ww in 2002. Of the 14,000 mt ww, the United States is allowed to catch 3,877 mt ww (2,915 mt dw) in 2003 and 3,907 mt ww (2,938 mt dw) in 2004 and 2005. The ICCAT recommendation also states that 200 mt ww (150 mt dw) of the U.S. catch limit may be harvested from an area between 5° North latitude and 5o South latitude.

In addition to adjusting the quota, ICCAT recommended that a dead discard allowance be established by deducting 100 mt ww from the 2003 North Atlantic swordfish TAC. The United States is allocated 80 percent or 80 mt ww (60 mt dw) of this allowance in addition to the country specific quota allocation. If the amount of the dead discards exceeds the allowance, the excess must be deducted from the quota the following year. The ICCAT recommendation says that the dead discard allowance will be phased out by 2004.

ICCAT also recommended that the United States transfer 25 mt ww (18.8 mt dw) of North Atlantic swordfish quota to Canada in 2003, 2004, and 2005. The transfer of these fish would not change the relative allocation share that each country has been given. NMFS is proposing to use the 185 mt ww (139.1 mt dw) remaining in the reserve

category following the transfer of quota to Japan in 2002, as described in 67 FR 70023, November 20, 2002, to implement the quota transfer to Canada.

South Atlantic Swordfish Quota

The SCRS conducted a stock assessment of South Atlantic swordfish in 2002. Due to discrepancies between several of the datasets, reliable stock assessment results could not be produced. However, the SCRS noted that the total reported catches have decreased since 1995. ICCAT set a South Atlantic swordfish TAC of 15,631 mt ww in 2003, 15,776 mt ww in 2004, 15,956 mt ww in 2005, and 16,055 mt ww in 2006. Of these amounts, the United States is allocated 100 mt ww (75.2 mt dw) in 2003, 2004, and 2005 and 120 mt ww (90.2 mt dw) in 2006. The ICCAT recommendation allows for the U.S. underharvest from the South Atlantic quota in 2000 to be carried over to 2003 in addition to the 100–mt ww (75.2 mt dw) quota. This proposed rule would adjust the United States annual quota level for South Atlantic swordfish.

Request for Comments

In addition to comments on the provisions of the proposed rule, NMFS is requesting comments (see **ADDRESSES**) on the swordfish quota allocation methodology and the incidental catch limits. Specifically, NMFS would like to receive comments regarding the need for a recreational swordfish category to reflect the increase in effort in the recreational swordfish fishery. Currently, the swordfish fishery is managed via directed, incidental, and reserve categories. Also, NMFS is soliciting comments concerning how the North Atlantic swordfish quota could be allocated among the user groups, how the reserve quota category could be utilized, and if and how the trip limits for incidental permit holders should be modified. These measures are not being proposed at this time. Based on comments received, NMFS will take further action as warranted.

Public Hearings and Special Accommodations

NMFS will hold public hearings to receive comments from fishery participants and other members of the public regarding these proposed amendments. These hearings will be physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Tyson Kade at (301) 713–2347 at least 5 days prior to the hearing date. For individuals unable to attend a hearing, NMFS also solicits written comments on the proposed rule (see **DATES** and **ADDRESSES**).

Classification

This proposed rule is published under the authority of the Magnuson-Stevens Act and ATCA. The Assistant Administrator for Fisheries, NOAA, has preliminarily determined that the regulations contained in this rule are necessary to implement the recommendations of ICCAT and to manage the domestic Atlantic highly migratory species fisheries.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

On September 7, 2000, NMFS reinitiated formal consultation for all HMS commercial fisheries under section 7 of the Endangered Species Act. A Biological Opinion (BiOp) for HMS fisheries, including pelagic longline, bottom longline, and drift gillnet, was issued on June 14, 2001, which found that the continued operation of the HMS pelagic longline fishery jeopardizes the continued existence of loggerhead and leatherback sea turtles, but provided a reasonable and prudent alternative under which fishing activity could continue. On July 9, 2002, NMFS promulgated a final rule (67 FR 45393) that implemented the measures required by the BiOp for the pelagic and bottom longline and shark gillnet fisheries. The measures in the July 2002 final rule were necessary to alleviate the jeopardy situation for HMS fisheries. In examining the potential impact of the proposed regulations, NMFS feels that the only measure that could adversely affect stocks of protected species is the increase in the North Atlantic swordfish quota from 2,951 mt ww to 3,877 mt ww and then to 3,907 mt ww in the upcoming fishing years. The increase in available quota could trigger an increase in fishing effort which could then increase the incidental catch of protected species. Currently, NMFS believes that the likelihood of an increase in the incidental take of protected species by the pelagic longline fleet due to an increase in effort is unlikely. For the past several years, the level of effort in the pelagic longline fishery has been steadily declining and a number of restrictions such as limited access and time and area closures have been placed on the pelagic longline fleet. This declining effort has led to underharvests of the 2,951 mt ww swordfish quota (1,025.4 mt ww in the 2001 fishing year). Because the proposed rule does not relieve any of these restrictions, NMFS believes that the level of effort in the fleet is unlikely to increase despite the change in quota level. Thus, NMFS feels that the current level of incidental takes of protected species will remain at current levels or decrease.

NMFS has determined preliminarily that these regulations would be implemented in a manner consistent to the maximum extent practicable with the enforceable policies of those coastal states in the Atlantic, Gulf of Mexico, and Caribbean that have approved coastal zone management programs. Letters have been sent to the relevant states asking for their concurrence.

NMFS has prepared a regulatory impact review and an initial regulatory flexibility analysis that examine the impacts of the selected alternatives discussed previously in this rulemaking. The purpose of this action is to implement the 2002 ICCAT recommendations regarding North and South Atlantic swordfish consistent with the HMS FMP, the Magnuson-Stevens Act, and other domestic regulations. The commercial swordfish fishery is composed of fishermen who hold a swordfish directed, incidental, or handgear permit and the related industries including processors, bait houses, and equipment suppliers, all of which NMFS considers to be small entities. In October 2002, there were approximately 205 fishermen with a directed swordfish limited access permit, 110 fishermen with an incidental swordfish limited access permit, and 94 fishermen with a handgear limited access permit for swordfish. In recent years, the number of active permit holders who have caught swordfish has decreased from over 200 to approximately 180 and the number of hooks has decreased from over 10 million to under 8 million.

For each of the 2002 ICCAT recommendations, two alternatives were considered: a preferred alternative to implement the ICCAT recommendation and a no action alternative that would not implement the recommendation. Under ATCA, the United States is obligated to implement ICCAT-approved recommendations. The preferred alternative to increase the quota for the North Atlantic swordfish fishery is unlikely to have any impact on the amount of fish that can be harvested by U.S. swordfish fishermen. In recent years, the quota has not been fully harvested. In the 2001 fishing year, there was a 1,025.4–mt ww (771 mt dw) underharvest. If the increase in quota was fully harvested, it would have a value of a little over $5.7 million. However, based on the declining level of effort both in number of vessels and number of hooks fished in the fishery, and based on the fact that U.S.

fishermen have not been harvesting the existing quota in recent years, NMFS believes it is unlikely that a quota increase would significantly affect the economic situation in this fishery.

Similarly, the preferred alternative to transfer the 25 mt ww of swordfish quota to Canada is not expected to have an impact on U.S. fishermen considering the amounts of recent quota underages, the impacts of recent management actions, and the recent levels of effort present in this fishery. The 25 mt ww of swordfish would have a value of about $155,000 if it was caught by U.S. fishermen; however, the quota has no value to fishermen until the swordfish are landed and sold. As previously mentioned, it is unlikely given the current level of effort that the amount to be transferred will be caught now or in the near future by U.S. fishermen. Thus, the current economic impact of transferring 25 mt ww is negligible.

The other preferred alternatives in this proposed rule: implementing a dead discard allowance for 2003, modifying the North Atlantic swordfish harvest area, and setting the South Atlantic swordfish quota should have no significant impacts on U.S. fishermen. The 2003 dead discard allowance could create a small economic benefit, approximately $500,000, by preserving some of the directed category quota by allowing 80 mt ww (60 mt dw) of dead discards to be counted against the North Atlantic TAC instead of the United States quota. Setting the South Atlantic swordfish quota at 100 mt ww (75 mt dw) could have negative economic impacts, approximately $1.76 million, if it limits the effort by U.S. vessels in that fishing area. The modified North Atlantic fishing area could alleviate impacts by allowing up to 200 mt ww (150 mt dw) of South Atlantic swordfish to be applied to the North Atlantic swordfish quota, a potential increase in revenue of approximately $1.24 million. However, U.S. fishermen have been underharvesting the quota in recent years so NMFS believes that these economic impacts are unlikely to occur.

The only other alternatives considered were no action alternatives for each of the aforementioned preferred alternatives; i.e. not implementing the North Atlantic swordfish quota increase, the 25 mt ww quota transfer, the South Atlantic swordfish quota decrease, the harvest area adjustment, and the 80 mt ww 2003 dead discard allowance. The no action alternatives are not preferred because they are not consistent with the purpose of this action. Selecting the no action alternative regarding the North Atlantic swordfish quota would have no immediate economic impact as U.S. fishermen have not been catching the full quota in recent years. By maintaining the U.S. quota at current levels, the United States would stand a good chance of losing the allocation increase in the future which would prevent any increase in economic benefits. Maintaining the South Atlantic swordfish quota at its current level would not have significant impacts as U.S fishermen have not been catching the quota in recent years. However, if effort increased in the near future, there would be the potential for ecological impacts. Not extending the dead discard allowance for 2003 would not be expected to have significant impacts as the U.S. has not been catching the full North Atlantic swordfish quota in recent years. Maintaining the current harvesting area of North Atlantic swordfish could have positive ecological impacts by limiting the total catch but it could have negative economic impacts in conjunction with the preferred alternative that would reduce the South Atlantic swordfish quota. Not transferring 25 mt ww of North Atlantic swordfish quota to Canada is not expected to have a significant impact on U.S. fishermen due to recent underharvests in the fishery.

None of the proposed alternatives in this document would result in additional reporting, record-keeping, compliance or monitoring requirements for the public. Establishing a dead discard allowance for 2003 and allowing up to 200 mt ww (150 mt dw) of South Atlantic swordfish to be applied to the North Atlantic swordfish quota involves additional monitoring on the part of NMFS. NMFS will use logbook submissions (OMB control number 0648–0371) to monitor the amount of quota harvested and notify the participants in the fishery when the quota is almost reached. NMFS does not believe that the proposed alternatives would conflict with or duplicate any relevant regulations, federal or otherwise.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Management, Reporting and recordkeeping requirements, Treaties.

Dated: June 16, 2003.

Rebecca J. Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 635 is proposed to be amended as follows:

PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

1. The authority citation for part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*; 16 U.S.C. 1801 *et seq.*

2. In § 635.27, paragraph (c)(1) is revised to read as follows:

§ 635.27 Quotas.

* * * * *

(c) *Swordfish.* (1) *Categories.* Consistent with ICCAT recommendations, the fishing year's total amount of swordfish that may be caught, retained, possessed, or landed by persons and vessels subject to U.S. jurisdiction is divided into quotas for the North Atlantic swordfish stock and the South Atlantic swordfish stock. The quota for the North Atlantic swordfish stock is further divided into equal semi-annual directed fishery quotas, an annual incidental catch quota for fishermen targeting other species or taking swordfish recreationally, and a reserve category. In addition, a dead discard allowance is established for the North Atlantic swordfish stock.

(i) *North Atlantic swordfish.* (A) A swordfish from the North Atlantic swordfish stock caught prior to the directed fishery closure by a vessel for which a directed fishery permit or a handgear permit for swordfish has been issued is counted against the directed fishery quota. For the fishing year beginning June 1, 2003, the annual directed fishery quota for the North Atlantic swordfish stock is 2,615 mt dw. This annual directed fishery quota is subdivided into two equal semiannual quotas of 1,307.5 mt dw, one for June 1 through November 30, and the other for December 1 through May 31 of the following year. Beginning June 1, 2004, the annual directed fishery quota is 2,638 mt dw, which is subdivided into two equal semiannual quotas of 1,319 mt dw, one for June 1 through November 30, and the other for December 1 through May 31 of the following year.

(B) A swordfish from the North Atlantic swordfish stock landed by a vessel for which an incidental catch permit for swordfish or an HMS angling permit has been issued, or caught after the effective date of a closure of the directed fishery from a vessel for which a directed fishery permit or a handgear permit for swordfish has been issued, is counted against the incidental catch quota. The annual incidental catch quota for the North Atlantic swordfish stock is 300 mt dw.

(C) The dead discard allowance for the North Atlantic swordfish stock is: 60

mt dw for the fishing year beginning June 1, 2003. All swordfish discarded dead from U.S. fishing vessels, regardless of whether such vessels are permitted under this part, shall be counted against the allowance and considered in making adjustments to the following year's quota. In the fishing year beginning June 1, 2004, and all subsequent fishing years, all swordfish discarded dead from U.S. fishing vessels shall be counted against the directed fishery quota.

(D) A portion of the total allowable catch of North Atlantic swordfish shall be held in reserve for inseason adjustments to fishing categories, to compensate for projected or actual overharvest in any category, for fishery independent research, or for other purposes consistent with management objectives.

(E) Up to 150 mt dw of swordfish landed from between 5 degrees North and 5 degrees south latitude may be applied against the North Atlantic swordfish quota. Otherwise, swordfish landed from this area shall be applied against the South Atlantic swordfish quota.

(ii) *South Atlantic swordfish*. From June 1, 2003, to May 31, 2006, the annual directed fishery quota for the South Atlantic swordfish stock is 75 mt dw. Beginning June 1, 2006, the annual directed fishery quota for the South Atlantic swordfish stock is 90 mt dw. The entire quota for the South Atlantic swordfish stock is reserved for vessels with pelagic longline gear onboard and for which a directed fishery permit for swordfish has been issued; retention of swordfish caught incidental to other fishing activities or with other fishing gear is prohibited in the Atlantic Ocean south of 5° N. lat.

* * * * *

[FR Doc. 03–15690 Filed 6–19–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 030409081–3081–01; I.D. 032103B]

RIN 0648–AQ72

Fisheries of the Northeastern United States; Magnuson-Stevens Fishery Conservation and Management Act Provisions; Northeast Multispecies Fishery

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

ACTION: Notification of changes to the Northeast Multispecies proposed emergency rule.

SUMMARY: NMFS announces changes to the Northeast Multispecies proposed emergency rule published on April 24, 2003, which continues the measures implemented on August 1, 2002. Pursuant to the Settlement Agreement Among Certain Parties (Settlement Agreement) ordered to be implemented by the United States District Court for the District of Columbia (Court), NMFS is required to notify the Non-Federal Settling Parties of any changes that may not substantially conform in all material respects to the measures identified in the Settlement Agreement and implemented in the August 1, 2002, interim final rule. On June 17, 2003, NMFS forwarded the required notification to the Non-Federal Settling Parties and the remaining litigation parties.

FOR FURTHER INFORMATION CONTACT: Thomas Warren, Fishery Policy Analyst, (978) 281–9347, fax (978) 281–9135, e-mail *Thomas.Warren@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Background

On August 1, 2002, NMFS published an interim final rule (67 FR 50292), which implemented the Settlement Agreement in *Conservation Law Foundation, et al.* v. *Evans, et al.* Civil No. 00–1134 (D.D.C.). Pursuant to the Court's Remedial Order of May 23, 2002, the measures implemented in the August 1, 2002, interim final rule are expected to remain in place until implementation of Amendment 13 to the Northeast Multispecies Fishery Management Plan (FMP). Because the Court granted an extension of the Amendment 13 implementation date until May 1, 2004, and because the August 1, 2002, interim final rule is set to expire on July 27, 2003, NMFS published a proposed emergency rule on April 24, 2003, (68 FR 20096) in order to continue the measures until implementation of Amendment 13.

Pursuant to the Settlement Agreement, NMFS is notifying the Non-Federal Settling Parties of changes to the proposed emergency rule. Because the changes would modify the August 1, 2002, interim final rule in a manner that may arguably substantially differ from the interim final rule, NMFS believes that notification to the parties is appropriate. To ensure full disclosure of all communications to the public regarding NMFS' consideration of changes to the proposed emergency rule published on April 24, 2003, to continue interim measures implemented on August 1, 2002, NMFS announces that it has sent letters to the counsel of all parties and intervenors in *Conservation Law Foundation, et al.* v. *Evans, et al.* The letters inform the parties that NMFS intends to make the following changes to the proposed emergency rule to be effective July 28, 2003: (1) a reduction in the minimum size limit for haddock from 23 inches (58.4–cm) to 21 inches (52.5–cm) total length for charter/party and private recreational vessels; (2) an increase in the haddock trip limit for open access Handgear vessels from 200 lb (90.7 kg) up to 300 lb (136.1 kg) (i.e. vessels may possess and land up to 300 lb (136.1 kg) of haddock, cod, and yellowtail flounder, combined, although no more than 200 lb (90.7 kg) of which can be cod and yellowtail flounder, combined); and (3) removal of the Gulf of Maine haddock bag limit for charter/party vessels. These changes are made due to the unique circumstances of the haddock fishery, including, the fact that overfishing is not occurring in the haddock fishery, the disproportionate haddock restrictions among different fishing sectors, the potential to reduce discarded haddock bycatch, and the fact that the haddock stock can withstand higher fishing mortality rates.

This notification is not intended to solicit additional public comments, but rather, to provide the public with equivalent disclosure of changes to the proposed emergency rule.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 17, 2003.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 03–15663 Filed 6–17–03; 3:31 pm]

BILLING CODE 3510–22–S

Notices

Federal Register
Vol. 68, No. 119
Friday, June 20, 2003

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request an Extension of a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and Office of Management and Budget regulations at 5 CFR part 1320 (60 FR 44978, August 29, 1995), this notice announces the intention of the National Agricultural Statistics Service (NASS) to seek approval to extend a currently approved information collection, the Agricultural Resources Management Survey and Chemical Use Surveys.

DATES: Comments on this notice must be received by August 25, 2003 to be assured of consideration.

ADDRESSES: Comments may be mailed to Ginny McBride, NASS OMB Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW., Washington, DC 20250 or sent electronically to *gmcbride@nass.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Carol House, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–4333.

SUPPLEMENTARY INFORMATION:

Title: Agricultural Resources Management Survey and Chemical Use Surveys.

OMB Control Number: 0535–0218.

Expiration Date of Approval: December 31, 2003.

Type of Request: Intent to extend a currently approved information collection.

Abstract: One of the primary objectives of the National Agricultural Statistics Service is to provide high quality and timely estimates about the nation's food supply and environment.

Data will be collected regarding chemical uses on field crops, fruit, and vegetable crops; the types and amounts of pesticides used on selected commodities after harvest and before being shipped to the consumer; and production expenses and income sources for farm operations. Information from these data collection efforts is used by government agencies in planning, farm policy analysis, scientific research, and program administration. NASS plans to ask for a 3-year approval.

These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 36 minutes per response.

Respondents: Farms, Packers, Shippers, and Warehouses.

Estimated Number of Respondents: 81,000.

Estimated Total Annual Burden on Respondents: 49,000 hours.

Copies of this information collection and related instructions can be obtained without charge from Ginny McBride, NASS OMB Clearance Officer, at (202) 720–5778.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, June 3, 2003.

Carol House,

Associate Administrator.

[FR Doc. 03–15645 Filed 6–19–03; 8:45 am]

BILLING CODE 3410–20–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Addition

AGENCY: Committee for Purchase from People Who Are Blind or Severely Disabled.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to the Procurement List a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: July 20, 2003.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly, (703) 603–7740.

SUPPLEMENTARY INFORMATION: On July 26, 2002, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (67 FR 48870) of proposed addition to the Procurement List. After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service and impact of the addition on the current or most recent contractors, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service to the Government.

2. The action will result in authorizing small entities to furnish the service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the service proposed for addition to the Procurement List.

(End of Certificaton)

Accordingly, the following service is added to the Procurement List:

Service

Service Type/Location: Administrative Support Services, GSA Greater Chicagoland Service Center, Chicago, Illinois.
NPA: The Chicago Lighthouse for People Who Are Blind or Visually Impaired, Chicago, Illinois.
Contract Activity: GSA Greater Chicagoland Service Center, Chicago, Illinois. This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 03–15629 Filed 6–19–03; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletion

AGENCY: Committee for Purchase from People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to and Deletions from Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete a service previously furnished by such agencies.

DATES: Comments must be received on or before July 20, 2003.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly, (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice for each service will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. If approved, the action will result in authorizing small entities to furnish the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

(End of Certification)

The following services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Services

Service Type/Location: Administrative Services, INS, Secure Electronic Network for the Travelers' Rapid Inspection, (SENTRI) Enrollment Center), Otay Mesa, California.
NPA: Job Options, Inc., San Diego, California.
Contract Activity: Immigration and Naturalization Service, DOJ.

Service Type/Location: Catering Service, Military Entrance Processing Station, Albany, New York.
NPA: Albany County Chapter, NYSARC, Inc., Slingerlands, New York.
Contract Activity: Directorate of Contracting, Fort Knox, Kentucky.

Service Type/Location: Custodial Service; Aguadilla Customhouse, Aguadilla, Puerto Rico, CARIT Building, Guynabo, Puerto Rico, Cruise Ship Piers (1, 4, 6 & Front Pier), Old San Juan, Puerto Rico, Fajardo Customhouse, Fajardo, Puerto Rico, ICAT Airport, Louis Munoz Marin International Airport, Carolina, Puerto Rico, Isla Grande Airport, Isla Grande, Puerto Rico, Mayaguez Customhouse, Mayaguez, Puerto Rico, Mayaguez Warehouse, Mayaguez, Puerto Rico, Miramar Customhouse, San Juan, Puerto Rico, Panamerican Dock, Isla Grande, Puerto Rico, Ponce Customhouse, Ponce, Puerto Rico, San Juan Customhouse, San Juan, Puerto Rico.
NPA: The Corporate Source, Inc., New York, New York.
Contract Activity: U.S. Customs Service, Indianapolis, Indiana.

Service Type/Location: Janitorial & Related Services, New Federal Building, Youngstown, Ohio.
NPA: Youngstown Area Goodwill Industries, Youngstown, Ohio.
Contract Activity: GSA, Public Buildings Service (5P), Chicago, Illinois.

Service Type/Location: Janitorial/Custodial; Fort Shafter (Buildings 344 and 1507), Hawaii, Schofield Barracks (Buildings 690, 692 and 1087), Hawaii.
NPA: Network Enterprises, Inc., Honolulu, Hawaii.
Contract Activity: U.S. Army Support Command, Fort Shafter, Hawaii.

Service Type/Location: Office Supply Store, Department of Housing and Urban Development, St. Louis, Missouri.
NPA: Alphapointe Association for the Blind, Kansas City, Missouri.
Contract Activity: U.S. Department of Housing and Urban Development, St. Louis, Missouri.

Deletion

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. If approved, the action will result in authorizing small entities to furnish the service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the service proposed for deletion from the Procurement List.

(End of Certification)

The following service is proposed for deletion from the Procurement List:

Service

Service Type/Location: Operation of Self Service Supply Store, General Services Administration, Sam Nunn Federal Center, Atlanta, Georgia.
NPA: Raleigh Lions Clinic for the Blind, Inc., Raleigh, North Carolina.
Contract Activity: General Services Administration, Atlanta, Georgia.

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 03–15630 Filed 6–19–03; 8:45 am]

BILLING CODE 6353–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the New York Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a conference call of the New York Advisory Committee to the Commission will convene at 9:10 a.m. and adjourn at 10:40 a.m. on Wednesday, June 25, 2003. The purpose of the conference call is to discuss subcommittee progress on the executive summary draft of the proceedings of the Committee's forum held on May 21, 2003.

This conference call is available to the public through the following call-in number: 1–800–659–1203, access code: 17430273. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls not initiated using the supplied call-in number or over wireless lines and the Commission will not refund any incurred charges. Callers will incur no charge for calls using the call-in number over land-line connections. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and access code.

To ensure that the Commission secures an appropriate number of lines for the public, persons are asked to register by contacting Aonghas St-Hilaire of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116), by 4 p.m. on Tuesday, June 24, 2003.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, June 5, 2003.

Ivy L. Davis,

Chief, Regional Programs Coordination Unit.

[FR Doc. 03–15624 Filed 6–19–03; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061203H]

New England Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Groundfish Advisory Panel and Groundfish Oversight Committee in July, 2003 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meetings will be held between July 8–10, 2003. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held the Holiday Inn, One Newbury Street, Peabody, MA 01960; telephone: (978) 535–4600.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Meeting Dates and Agendas

Tuesday, July 8, 2003, 9:30 a.m.– Groundfish Advisory Panel Meeting

The advisory panel will review the draft Amendment 13, including the Draft Supplemental Environmental Impact Statement (DSEIS). Amendment 13 proposes major changes to groundfish management regulations, and the advisory panel will review the proposed measures and the analyses of impacts in the draft document. They will also consider identifying preferred alternatives. Any recommendations of the panel will be presented to the Groundfish Committee on July 8–9, and to the full Council later that month. After Council approval, the draft Amendment and DSEIS will be taken to public hearings in the fall of 2003, with a final Council decision planned in November, 2003.

Wednesday, July 9, 2003, 9:30 a.m. and Thursday, July 10, 2003, 8:30 a.m.– Groundfish Oversight Committee.

The committee will review the draft of Amendment 13, including the DSEIS. Amendment 13 proposes major changes to groundfish management regulations, and the committee will review the proposed measures and the analyses of impacts in the draft document. They will also consider changes to the Special Access Program measure that will facilitate proposals for rotational management in the scallop fishery by providing a mechanism to access groundfish closed areas. They may develop recommendations for preferred alternatives, for labeling an alternative ''considered but rejected,'' or for clarifying measures or analyses. Any recommendations of the Committee will be presented to the full Council during a meeting scheduled for July 15–17, 2003. After Council approval, the draft Amendment and DSEIS will be taken to public hearings in the fall of 2003, with a final Council decision planned in November, 2003.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: June 12, 2003.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 03–15691 Filed 6–19–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Grant of Interim Extension of the Term of U.S. Patent No. 4,585,597; ANTHÉLIOS® SP Topical Cream (Mexoryl® SX (ecamsule))

AGENCY: United States Patent and Trademark Office.

ACTION: Notice of interim patent term extension.

SUMMARY: The United States Patent and Trademark Office has issued a certificate under 35 U.S.C. 156(d)(5) for a one-year interim extension of the term of U.S. Patent No. 4,585,597.

FOR FURTHER INFORMATION CONTACT: Karin Ferriter by telephone at (703) 306–3159; by mail addressed to Mail Stop Patent Ext., Commissioner for Patents, PO Box 1450, Alexandria, VA 22313–1450; by fax at (703) 872–9411, or by e-mail to *Karin.Ferriter@uspto.gov*.

SUPPLEMENTARY INFORMATION: Section 156 of Title 35, United States Code, generally provides that the term of a patent may be extended for a period of up to five years if the patent claims a product, or a method of making or using a product, that has been subject to certain defined regulatory review, and that the patent may be extended for interim periods of up to a year if the regulatory review is anticipated to extend beyond the expiration date of the patent.

On May 30, 2003, patent owner L'Oreal S.A., timely filed an application under 35 U.S.C. 156(d)(5) for an interim extension of the term of U.S. Patent No. 4,585,597. The patent claims the active ingredient Mexoryl® SX (ecamsule) in the human drug product ANTHÉLIOS® SP Topical Cream (HELIOBLOCK® SX Cream), a method of use of the active ingredient, and a method of manufacturing the active ingredient. The application indicates, and the Food and Drug Administration has confirmed, that a New Drug Application for the human drug product Mexoryl® SX (ecamsule) has been filed and is currently undergoing regulatory review before the Food and Drug Administration for permission to market or use the product commercially.

Review of the application indicates that, except for permission to market or use the product commercially, the subject patent would be eligible for an extension of the patent term under 35 U.S.C. 156. Since it is apparent that the regulatory review period will continue beyond the original expiration date of the patent (June 16, 2003), the term of the patent is extended under 35 U.S.C. 156(d)(5) for a term of one year, *i.e.,* until June 16, 2004.

Dated: June 13, 2003.

James E. Rogan,

Under Secretary of Commerce for Intellectual Property, and Director of the United States Patent and Trademark Office.

[FR Doc. 03–15692 Filed 6–19–03; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare an Environmental Impact Statement for the Arkansas White River Cutoff Study

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (USACE), DOD, Little Rock District will prepare an Environmental Impact Statement (EIS) for the Arkansas White River (Ark-White) Cutoff Study.

The purpose of the EIS will be to present alternatives and assess the impacts associated with implementation of environmentally sustainable solutions for reducing headcutting and scouring in the Ark-White Cutoff area. The two rivers are attempting to join in this area and are strongly influenced by high water in the Mississippi River. The study area includes the Lower Arkansas River below Dam #2, the lower 5–10 miles of the White River in Arkansas, and any adjacent landmasses that are presently being impacted or could be potentially impacted by the alternatives. There are numerous public and private entities that have a variety of interests within the study area. Headcutting and scouring in the study area has resulted in adverse impacts to navigation and the environment. Solutions will focus on decreasing erosion on the white river containment structure, reducing degradation of the landmass separating the White and Arkansas River, and other required features to ensure navigation on the McClellan-Kerr Arkansas River Navigation System (McKARNS) is maintained. Proposed improvements resulting from the study could impact (positively or negatively) navigation, agriculture, silviculture, hydropower, recreation, flood control, fish and wildlife. The EIS will evaluate potential impacts (beneficial and adverse) to the natural, physical, and human environment as a result of implementing any of the proposed project alternatives that may be developed during the EIS process.

FOR FURTHER INFORMATION CONTACT: Questions or comments concerning the proposed action should be addressed to: Ms. Tricia Anslow, Chief, Environmental Section, Planning Branch, PO Box 867, Little Rock, AR 72203–0867, telephone (501) 324–5032, e-mail: *Patricia.M.Anslow@usace.army.mil.*

SUPPLEMENTARY INFORMATION:

1. McKARNS: The McClellan-Kerr Arkansas River Navigation System consists of a series of 18 locks and dams (17 existing and 1 currently under construction) and provides navigation from the Mississippi River to the Port of Catoosa near Tulsa, OK. River flow in the Arkansas River is modified primarily by 11 reservoirs in Oklahoma.

2. Study History: Studies in the area have occurred since the mid-1960's. Structures were placed along the White River and between the White and Arkansas River to regulate hydrologic flow between the two systems in the 1960's, 1970's and late 1980's.

3. Comments/Scoping Meeting: Interested parties are requested to express their views concerning the proposed activity. The public is encouraged to provide written comments in addition to or in lieu of, oral comments at scoping meetings. To be most helpful, scoping comments should clearly describe specific environmental topics or issues, which the commentator believes the document should address. Oral and written comments receive equal consideration.

Scoping meetings will be held with government agencies and the public. Public scoping meetings will be held in the summer of 2003 in Pine Bluff, AR. The location, time, and date will be published at least 14 days prior to the scoping meeting. Comments received as a result of this notice and the news releases will be used to assist the preparers in identifying potential impacts to the quality of the human or natural environment. Affected local, state, or Federal agencies, affected Indian Tribes, and other interested private organizations and parties may participate in the scoping process by forwarding written comments to the above noted address. Interested parties may also request to be included on the mailing list for public distribution of meeting announcements and documents.

4. Alternatives/Issues: The EIS will evaluate the effects of structural and non-structural solutions to regulate hydrologic flow between the two river systems. Anticipated significant issues to be addressed in the EIS include impacts on: (1) Navigation; (2) flooding; (3) recreation; (4) river hydraulics; (5) fish and wildlife resources and habitats; (6) wetlands; (7) timber and forestry management; and (8) other impacts identified by the public, agencies or USACE studies.

5. Availability of the Draft EIS: The Draft EIS is anticipated to be available for public review in the fall of 2004 subject to the receipt of Federal funding.

6. Authority: The River and Harbor Act of 1946 authorized the development of the Arkansas River and its tributaries for the purposes of navigation, flood control, hydropower, water supply, recreation, fish and wildlife. Public Law 91–649 stated that the project would be known as the McClellan-Kerr Arkansas River Navigation System.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 03–15578 Filed 6–19–03; 8:45 am]

BILLING CODE 3710–57–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Supplemental Environmental Impact Statement for the Limited Reevaluation Report 1,750-Acre Bottomland Acquisition, Fourche Bayou Basin, Little Rock, AR

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers, DOD, Little Rock District will prepare an Environmental Impact Statement (EIS) for the Limited Reevaluation Report (LRR) 1,750-Acre Bottomland Acquisition, Fourche Bayou Basin, Little Rock, AR.

The purpose of the EIS will be to present alternatives and assess the impacts associated with purchase development of 1,750 acres of bottomland hardwoods habitat known as Fourche Bottoms as well as development of a nature appreciation facility. Solutions will focus on protecting the Fourche Bottoms from urban development in the surrounding area. Proposed improvements resulting from the study could impact (positively or negatively) recreation, flood control, and fish and wildlife along the Fourche Bottoms in central Arkansas. The EIS will evaluate potential impacts (beneficial and adverse) to the natural, physical, and human environment as a result of implementing any of the proposed project alternatives that may be developed during the EIS process.

FOR FURTHER INFORMATION CONTACT: Questions or comments concerning the proposed action should be addressed to: Ms. Tricia Anslow, Chief, Environmental Section, Planning Branch, P.O. Box 867, Little Rock, AR 72203–0867, telephone (501) 324–5032, e-mail: *Patricia.M.Anslow@usace.army.mil.*

SUPPLEMENTARY INFORMATION:

1. Background: The Fourche Bottoms is a unique and valuable component to the surrounding urban environment. It serves as a natural filtration system, flood retention basin, and wetland habitat home to numerous diverse species.

2. Study History: The congressional authority to initiate this study was written in Section 401(a) of the Water Resources Development Act of 1986. The initial EIS and Record of Decision was completed in 1989.

3. Comment/Scoping Meeting: Interested parties are requested to express their views concerning the proposed activity. The public is encouraged to provide written comments. To be most helpful, scoping comments should clearly describe specific environmental topics or issues, which the commentator believes the document should address. Comments received as a result of this notice and the news releases will be used to assist the preparers in identifying potential impacts to the quality of the human or natural environment. Affected local, state, or Federal agencies, affected Indian Tribes, and other interested private organizations and parties may participate in the scoping process by forwarding written comments to the above noted address. Interested parties may also request to be included on the mailing list for public distribution of meeting announcements and documents.

4. Alternatives: Alternatives will be evaluated against the No-Action alternative. Alternatives may include alternate location of facilities and trails.

5. Availability of the Draft Supplemental EIS: The draft supplemental EIS is anticipated to be available for public review in the summer of 2003.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 03–15577 Filed 6–19–03; 8:45 am]

BILLING CODE 3710–57–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Programmatic Environmental Impact Statement for the Middle Rio Grande Endangered Species Act Collaborative Program

AGENCY: Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (Corps) and other joint-lead agencies—the U.S. Bureau of Reclamation (Reclamation), Department of Interior; and the New Mexico Interstate Stream Commission (Commission), State of New Mexico—intend to prepare a Programmatic Environmental Impact Statement (PEIS) for the establishment of the Middle Rio Grande Endangered Species Act Collaborative Program (Program).

FOR FURTHER INFORMATION CONTACT: Mr. William DeRagon, U.S. Army Corps of Engineers, 4101 Jefferson Plaza, NE., Albuquerque, NM 87109, (505) 342–3358.

SUPPLEMENTARY INFORMATION: Within the Middle Rio Grande Basin in New Mexico the continuing demand on limited water supplies to meet irrigation, municipal, industrial, and ecological purposes has strained environmental resources. The U.S. Fish and Wildlife Service (USFWS) listed the Rio Grande silvery minnow (*Hybognathus amarus*) and the Southwestern Willow Flycatcher (*Empidonax traillii extimus*) as endangered under the Endangered Species Act (ESA) in 1994 and 1995, respectively. In February 2003, the USFWS designated critical habitat for the silvery minnow along the Rio Grande from Cochiti Dam to the headwaters of Elephant Butte Reservoir. Recovery plans for both species have been developed.

In 1999, governmental and non-governmental entities with management responsibility for resources in the Middle Rio Grande Basin, or an interest therein, formed the Middle Rio Grande ESA Workgroup to address ESA issues in a coordinated manner. Beginning in April 2002, representatives of the following entities have signed an Interim Memorandum of Understanding to work towards establishing the Middle Rio Grande ESA Collaborative Program: Reclamation, Corps, Commission, USFWS, U.S. Bureau of Indian Affairs, U.S. Forest Service Rocky Mountain Research Station, New Mexico Office of the Attorney General, New Mexico Lieutenant Governor's Office, New Mexico Department of Game and Fish, New Mexico Environment Department, New Mexico Department of Agriculture, New Mexico State University, University of New Mexico, Middle Rio Grande Conservancy District, City of Albuquerque, Alliance for the Rio Grande Heritage, Rio Grande Restoration, and the National Association of Industrial and Office Properties.

The objective of establishing and implementing the Program is to provide the framework for coordinated actions to enhance habitat, increase populations, and contribute to the recovery of the listed species within the Rio Grande Basin between the Colorado state line and the headwaters (elevation 4,450 feet) of Elephant Butte Reservoir. A principal goal of the Program is to implement creative and flexible options under the ESA so that existing, ongoing, and future water supply and water resource management activities and projects can continue to operate and

receive necessary permits, licenses, funding, and other approvals.

The PEIS will address the establishment and governance of the Program, as well as anticipated activities such as scientific research, population monitoring, habitat restoration, fish passage at diversion structures, silvery minnow rescue and propagation, and water acquisition and management. The PEIS will present alternatives for these activities and evaluate their environmental, economic, and social effects. The environmental evaluation also will assess the potential effects that the proposed alternatives may have on Indian Trust Assets, and minority and low-income populations. the PEIS will address these actions on a programmatic basis; future activities implemented as a result of the Program will require project-specific compliance with the National Environmental Policy Act (NEPA) and other applicable laws and regulations prior to implementation.

Coordination is ongoing with public, private and tribal entities having jurisdiction or an interest in water operations in the Program area. In June 2003, the Corps, Reclamation, and the Commission, as lead agencies and on behalf of the cooperating entities, signed a Memorandum of Agreement to define the scope of the PEIS and to establish their roles and responsibilities relating to completing the PEIS in accordance with NEPA, ESA, and other laws and regulations. The joint lead agencies will seek and encourage public involvement throughout the process.

Public scoping meetings will be held in Albuquerque, Santa Fe, and Socorro, New Mexico, in July 2003. Specific information regarding location and times of these meetings will be published in local newspapers. The draft PEIS will be released for public review and comment in October 2003. Signing of the Records of Decision by the joint-lead agencies is expected in February 2004.

Dana R. Hurst,

Lieutenant Colonel, U.S. Army, District Engineer.

[FR Doc. 03–15576 Filed 6–19–03; 8:45 am]

BILLING CODE 3710–KK–M

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 21, 2003.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Karen Lee, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the Internet address *Karen_F._Lee@omb.eop.gov.*

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, Regulatory Information Management Group, 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.

Dated: June 16, 2003.

Angela C. Arrington,

Leader, Regulatory Information Management Group, Office of the Chief Information Officer.

Institute of Education Sciences

Type of Review: Revision.
Title: Preschool Curriculum Evaluation Research (PCER) Program.
Frequency: Semi-annually.
Affected Public: Individuals or households.
Reporting and Recordkeeping Hour Burden:
Responses: 7,133.
Burden Hours: 3,483.
Abstract: The purpose of the PCER Program is to implement rigorous evaluations of preschool curricula that will provide information to support informed choices of classroom curricula for early childhood programs. This research program supports research that will determine, through randomized experiments, whether one or more curricula produce educationally meaningful effects for children's language skill, pre-reading and pre-math abilities, general knowledge and social competence. The respondents for this research initiative include children, teachers and parents. The data collected from these respondents will provide critical information about preschool curricula to policy makers and early childhood practitioners.

Requests for copies of the submission for OMB review; comment request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 2292. When you access the information collection, click on ''Download Attachments '' to view. Written requests for information should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651 or to the e-mail address *vivan.reese@ed.gov.* Requests may also be electronically mailed to the internet address *OCIO_RIMG@ed.gov* or faxed to 202–708–9346. 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 Kathy Axt at her e-mail address *Kathy.Axt@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.

[FR Doc. 03–15601 Filed 6–19–03; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 21, 2003.

ADDRESSES: Written comments should be addressed to the Office of

Information and Regulatory Affairs, Attention: Karen Lee, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the Internet address *Karen_F._Lee@omb.eop.gov*.

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, Regulatory Information Management Group, 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.

Dated: June 17, 2003.

Angela C. Arrington,

Leader, Regulatory Information Management Group, Office of the Chief Information Officer.

Office of the Under Secretary

Type of Review: New.

Title: National Evaluation of the Voluntary Public School Choice (VPSC) Program.

Frequency: Annually.

Affected Public: Federal Government, State, local or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 966.

Burden Hours: 491.

Abstract: Based on evaluation questions in the authorizing legislation, this evaluation will document implementation of the Voluntary Public School Choice program and establish baseline data on student achievement. The purpose is to provide information that helps determine whether to modify or extend the VPSC concepts; identify promising practices and lessons learned; and provide insights about public school choice.

Requests for copies of the submission for OMB review; comment request may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 2263. When you access the information collection, click on ''Download Attachments '' to view. Written requests for information should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651 or to the e-mail address *vivan.reese@ed.gov*. Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–708–9346. 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.

[FR Doc. 03–15652 Filed 6–19–03; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA No. 84.132A–3]

Centers for Independent Living; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2003

PURPOSE OF PROGRAM: This program provides support for planning, conducting, administering, and evaluating centers for independent living (centers) that comply with the standards and assurances in section 725 of the Rehabilitation Act of 1973, as amended (Act), consistent with the State plan for establishing a statewide network of centers.

ELIGIBLE APPLICANTS: To be eligible to apply, an applicant must—

(a) Be a consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agency;

(b) Have the power and authority to—

(1) Carry out the purpose of part C of title VII of the Act and perform the functions listed in section 725(b) and (c) of the Act and subparts F and G of 34 CFR part 366 within a community located within that State or in a bordering State; and

(2) Receive and administer—

(i) Funds under part 366;

(ii) Funds and contributions from private or public sources that may be used in support of a center; and

(iii) Funds from other public and private programs;

(c) Be able to plan, conduct, administer, and evaluate a center consistent with the standards and assurances in section 725(b) and (c) of the Act and subparts F and G of part 366;

(d) Either—

(1) Not currently be receiving funds under part C of chapter 1 of title VII of the Act; or

(2) Propose the expansion of an existing center through the establishment of a separate and complete center (except that the governing board of the existing center may serve as the governing board of the new center) at a different geographical location;

(e) Propose to serve one or more of the geographic areas that are identified as unserved or underserved by the States and territories listed under ESTIMATED NUMBER OF AWARDS; and

(f) Submit appropriate documentation demonstrating that the establishment of a new center is consistent with the design for establishing a statewide network of centers in the State or territory whose geographic area or areas the applicant proposes to serve.

Applications Available: June 20, 2003.

Deadline for Transmittal of Applications: July 21, 2003.

Deadline for Intergovernmental Review: September 19, 2003.

Estimated Available Funds: $1,871,862.

Estimated Range of Awards: $8,376—$250,000.

Estimated Average Size of Awards: $103,992.

Estimated Number of Awards: 18, distributed in the following manner:

States and territories	Estimated available funds	Estimated number of awards
Alabama	$75,914	1
American Samoa	154,046	1
Florida	151,000	1
Georgia	374,874	3
Illinois	126,822	1
Indiana	42,980	1
Kansas	59,296	1
Mississippi	59,296	1
New Mexico	53,906	1
North Carolina	160,418	1
Pennsylvania	202,152	1
South Dakota	59,296	1
Texas	250,000	1
Utah	17,883	2
Virginia	83,979	1

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86. (b) The regulations for this program in 34 CFR parts 364 and 366.

Selection Criteria: In evaluating an application for a new grant under this competition, we use the selection criteria in 34 CFR 366.27. The selection criteria to be used for this competition will be provided in the application package for this competition.

Application Procedures:

Note: Some of the procedures in these instructions for transmitting applications differ from those in the Education Department General Administrative Regulations (EDGAR) (34 CFR 75.102). Under the Administrative Procedure Act (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed regulations. However, these amendments make procedural changes only and do not establish new substantive policy. Therefore, under 5 U.S.C. 553(b)(A), the Secretary has determined that proposed rulemaking is not required.

Pilot Project for Electronic Submission of Applications

In FY 2003, the U.S. Department of Education is continuing to expand its pilot project for electronic submission of applications to include additional formula grant programs and additional discretionary grant competitions. The Centers for Independent Living program—CFDA 84.132A–3 is one of the programs included in the pilot project. If you are an applicant under the Centers for Independent Living program, you may submit your application to us in either electronic or paper format.

The pilot project involves the use of the Electronic Grant Application System (e-Application) portion of the Grant Administration and Payment System (GAPS). Users of e-Application will be entering data on-line while completing their applications. You may not e-mail a soft copy of a grant application to us. If you participate in this voluntary pilot project by submitting an application electronically, the data you enter on-line will be saved into a database. We request your participation in e-Application. We shall continue to evaluate its success and solicit suggestions for improvement.

If you participate in e-Application, please note the following:

- Your participation is voluntary.
- You will not receive any additional point value because you submit a grant application in electronic format, nor will we penalize you if you submit an application in paper format. When you enter the e-Application system, you will find information about its hours of operation.
- You may submit all documents electronically, including the Application for Federal Education Assistance (ED 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- After you electronically submit your application, you will receive an automatic acknowledgement, which will include a PR/Award number (an identifying number unique to your application).
- Within three working days after submitting your electronic application, fax a signed copy of the Application for Federal Education Assistance (ED 424) to the Application Control Center after following these steps:

(1) Print ED 424 from the e-Application system.

(2) The institution's Authorizing Representative must sign this form.

(3) Place the PR/Award number in the upper right hand corner of the hard copy signature page of the ED 424.

(4) Fax the signed ED 424 to the Application Control Center at (202) 260–1349.

- We may request that you give us original signatures on all other forms at a later date.
- *Closing Date Extension in Case of System Unavailability:* If you elect to participate in the e-Application pilot for the Centers for Independent Living program and you are prevented from submitting your application on the closing date because the e-Application system is unavailable, we will grant you an extension of one business day in order to transmit your application electronically, by mail, or by hand delivery. For us to grant this extension—

(1) You must be a registered user of e-Application, and have initiated an e-Application for this competition; and

(2)(a) The e-Application system must be unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the deadline date; or

(b) The e-Application system must be unavailable for any period of time during the last hour of operation (that is, for any period of time between 3:30 and 4:30 p.m., Washington, DC time) on the deadline date. The Department must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension you must contact either (1) the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** or (2) the e-GRANTS help desk at 1–888–336–8930.

You may access the electronic grant application for the Centers for Independent Living program at: *http://e-grants.ed.gov.*

We have included additional information about the e-Application pilot project (see Parity Guidelines between Paper and Electronic Applications) in the application package.

For applications contact: Education Publications Center (ED Pubs), PO Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. Fax: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734.

You may also contact ED Pubs at its Web site: *http://www.ed.gov/pubs/edpubs.html.* Or you may contact ED Pubs at its e-mail address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.132A–3.

Individuals with disabilities may obtain a copy of the application package in an alternative format (*e.g.,* Braille, large print, audiotape, or computer diskette) by contacting the Grants and Contracts Services Team, U. S. Department of Education, 400 Maryland Avenue, SW., room 3317, Switzer Building, Washington, DC 20202–2550. Telephone: (202) 205–8207. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

FOR FURTHER INFORMATION CONTACT: James Billy, U.S. Department of Education, 400 Maryland Avenue, SW., room 3326, Switzer Building, Washington, DC 20202–2740. Telephone: (202) 205–9362. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain a copy of this notice in an alternative format on request to the program contact person listed in the preceding paragraph.

Electronic Access to This Document

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Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/legislation/FedRegister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register.** Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html.*

Authority: Program 29 U.S.C. 796f–1.

Dated: June 17, 2003.

Robert H. Pasternack,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 03–15617 Filed 6–19–03; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of arbitration panel decision under the Randolph-Sheppard Act.

SUMMARY: The Department gives notice that on April 30, 2002, an arbitration panel rendered a decision in the matter of *Thomas T. Massa* v. *New York State Commission for the Blind and Visually Handicapped (Docket No. R–S/00–6).* This panel was convened by the U.S. Department of Education, under 20 U.S.C. 107d–1(a), after the Department received a complaint filed by the petitioner, Thomas T. Massa.

SUPPLEMENTARY INFORMATION: Under section 6(c) of the Randolph-Sheppard Act (the Act), 20 U.S.C. 107d–2(c), the Secretary publishes in the **Federal Register** a synopsis of each arbitration panel decision affecting the administration of vending facilities on Federal and other property.

Background

This dispute concerns the alleged improper removal of complainant, Mr. Thomas T. Massa, from the Randolph-Sheppard vending facility program by the New York State Commission for the Blind and Visually Handicapped, the State licensing agency (SLA), in violation of the Act (20 U.S.C. 107 *et seq.*) and the implementing regulations in 34 CFR part 395.

A summary of the facts is as follows: Complainant was licensed by the SLA on July 28, 1995. In 1996, he was assigned to operate and manage a vending facility at the U.S. Customs House, 6 World Trade Center in New York City, New York.

On August 3, 1998, complainant alleged that he informed the SLA that he was experiencing a severe financial crisis resulting from theft of lottery tickets and from difficulties with the SLA's accounting and recordkeeping procedures. On August 28, 1998, a State lottery official notified complainant that he had an outstanding balance of $7,558.34 and would be responsible for making weekly payments over a period of 24 months to pay off the balance.

After receiving complainant's notification of his financial status, the SLA conducted a facility review. The SLA determined that there were record keeping lapses but nothing to explain the severity of complainant's financial situation. Subsequently, on September 3, 1998, the SLA informed complainant that effective September 18, 1998, he was being removed as the manager of the U.S. Customs House vending facility and that his vending operator's license was being revoked effective October 9, 1998.

Complainant requested and received a full evidentiary hearing, which was held on December 4, 1998, March 3, 1999, and September 13, 1999. On May 30, 2000, an Administrative Law Judge (ALJ) rendered a decision affirming the SLA's termination of complainant's vending operator's license and removal from his vending facility. The SLA adopted the ALJ's decision as final agency action.

Later, complainant filed for a Federal arbitration hearing alleging that the SLA failed to provide due process to him regarding his removal from the U.S. Customs House vending facility and the revocation of his vending operator's license as provided by the Act and implementing regulations. A hearing on this matter was held on July 26, 2001.

Arbitration Panel Decision

The issue heard by the panel was whether the actions taken by the New York State Commission for the Blind and Visually Handicapped to terminate complainant's vending operator's license and his removal from the U.S. Customs House vending facility were in accordance with the Act, implementing regulations, and State rules and regulations.

After reviewing the record, the arbitration panel concluded that the SLA had made the decision to remove complainant at the initial steps of the State fair hearing process. As a result, the SLA's decision to revoke complainant's vending operator's license occurred prior to the State fair hearing. In addition, the panel determined that complainant had successfully completed vending facility management training 2 years prior to the first signs of problems at his vending facility. Also, the panel found that neither the complainant nor the SLA were able to explain the cause, source, or reason for the alleged violations in complainant's recordkeeping.

Based upon the foregoing, the panel ordered the SLA, within 3 months of the panel's decision, to reinstate Mr. Massa to a vending facility or to another job available through the SLA and previously determined to be suitable by the complainant.

Concerning over $7,500 allegedly owed to the SLA by Mr. Massa from the sale of lottery tickets, the panel ruled that had complainant continued as a vending facility manager prior to the State fair hearing, he might have been able to make weekly installment payments to the SLA. Therefore, the panel ruled that complainant should pay the SLA $4,500, less payments already made by him, when and if he is reinstated to gainful employment.

Finally, the panel ruled that if Mr. Massa elects not to follow the remedy in the panel's decision or chooses to refuse an opportunity of employment offered to him by the SLA, then his complaint should be dismissed. However, in that event, his obligation to reimburse the SLA still remains.

One panel member dissented.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the U.S. Department of Education.

FOR FURTHER INFORMATION CONTACT: You may obtain a copy of the full text of the arbitration panel decision from Suzette E. Haynes, U.S. Department of Education, 400 Maryland Avenue, SW., room 3232, Mary E. Switzer Building, Washington, DC 20202–2738. Telephone: (202) 205–8536. If you use a telecommunications device for the deaf (TDD), you may call the TDD number at (202) 205–8298.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

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Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html.*

Dated: June 17, 2003.

Robert H. Pasternack,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 03–15616 Filed 6–19–03; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Rocky Flats

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Rocky Flats. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register.**

DATES: Thursday, July 10, 2003—6 p.m. to 9:30 p.m.

ADDRESSES: Jefferson County Airport, Terminal Building, Mount Evans Room, 11755 Airport Way, Broomfield, CO.

FOR FURTHER INFORMATION CONTACT: Ken Korkia, Board/Staff Coordinator, Rocky Flats Citizens Advisory Board, 9035 North Wadsworth Parkway, Suite 2250, Westminster, CO, 80021; telephone (303) 420–7855; fax (303) 420–7579.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

1. Presentation and discussion of final modification to the Rocky Flats Cleanup Agreement.

2. Discussion of draft recommendations and comments related to the Building 771/774 demolition strategy and revisions to the Decommissioning Operations Plan.

3. Presentation and discussion of remediation alternatives for the Original and Present Landfills.

4. Other Board business may be conducted as necessary.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Ken Korkia at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provisions will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Public Reading Room located at the Office of the Rocky Flats Citizens Advisory Board, 9035 North Wadsworth Parkway, Suite 2250, Westminister, CO 80021; telephone (303) 420–7855. Hours of operations for the Public Reading Room are 8:30 a.m. to 4:30 p.m., Monday–Friday, except Federal holidays. Minutes will also be made available by writing or calling Deborah French at the address or telephone number listed above. Board meeting minutes are posted on RFCAB's Web site within one month following each meeting at: *http://www.rfcab.org/Minutes.HTML.*

Issued at Washington, DC, on June 17, 2003

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 03–15625 Filed 6–19–03; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, July 30, 2003—1 p.m.–8:30 p.m.

ADDRESSES: Cities of Gold Hotel, Pojoaque, NM.

FOR FURTHER INFORMATION CONTACT: Menice Manzanares, Northern New Mexico Citizens' Advisory Board, 1660 Old Pecos Trail, Suite B, Santa Fe, NM 87505. Phone (505) 995–0393; fax (505) 989–1752 or e-mail: *mmanzanares@doeal.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1 p.m.—Call to Order by Ted Taylor, Deputy Designated Federal Officer (DDFO); Welcome and Introductions by Jim Brannon, Board Chair; Approval of Agenda; Approval of May 28 Meeting Minutes
1:15 p.m.—Public Comment
1:30 p.m.—Board Business
- Recruitment Update
- Report from Chairman Brannon
- Report from DOE, Ted Taylor, DDFO
- Report from Executive Director, Menice S. Manzanares
- New Business

2:30 p.m.—Break
2:45 p.m.—Reports from Committees
Community Outreach Committee, Abad Sandoval
Monitoring and Surveillance Committee, Wayne Wentworth
Environmental Restoration Committee, Dr. Fran Berting
Waste Management Committee, Don Jordan
Budget Committee, Don Jordan
3:45 p.m.—Risk Communication Principles, Ted Taylor
4:45 p.m.—Dinner Break
6 p.m.
Recommendation 2003–X, Community Outreach Committee Public Comment
Recommendation 2003–X, Environmental Restoration Committee Public Comment
Recommendation 2003–X, Monitoring and Surveillance Committee Public Comment
6:30 p.m.—Los Alamos National Laboratory's Public Involvement Plan, Dr. Paul Schumann, RRES
8:15 p.m.—Board Comment and Recap of Meeting
8:30 p.m.—Adjourn

This agenda is subject to change at least one day in advance of the meeting.

Public Participation: The meeting is open to the public. Written statements

may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Menice Manzanares at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments at the beginning of the meeting.

Minutes: Minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 between 9 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available at the Public Reading Room located at the Board's office at 1660 Old Pecos Trail, Suite B, Santa Fe, NM. Hours of operation for the Public Reading Room are 9 a.m.–4 p.m. on Monday through Friday. Minutes will also be made available by writing or calling Menice Manzanares at the Board's office address or telephone number listed above. Minutes and other Board documents are on the Internet at: *http://www.nnmcab.org.*

Issued at Washington, DC on June 17, 2003.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 03–15626 Filed 6–19–03; 8:45 am]

BILLING CODE 6405–01–P

DEPARTMENT OF ENERGY

[FE Docket No. 03–19–NG; 03–20–NG; 96–59–NG; 03–21–NG; 03–23–NG; 03–22–NG; and 03–24–NG]

Office of Fossil Energy; Cinergy Marketing & Trading, L.P., Cascade Natural Gas Corporation, Chevron U.S.A. Inc., Dynegy Power Marketing, Inc., Pan-Alberta Gas (U.S.) Inc., Sithe/Independence Power Partners, L.P., Constellation Power Source, Inc.; Orders Granting and Vacating Authority To Import and Export Natural Gas

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of Orders.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy gives notice that during May 2003, it issued Orders granting and vacating authority to import and export natural gas. These Orders are summarized in the attached appendix and may be found on the FE Web site at *http://www.fe.doe.gov* (select gas regulation), or on the electronic bulletin board at (202) 586–7853. They are also available for inspection and copying in the Office of Natural Gas & Petroleum Import & Export Activities, Docket Room 3E–033, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The Docket Room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on June 10, 2003.

Clifford P. Tomaszewski,

Manager, Natural Gas Regulation, Office of Natural Gas & Petroleum, Import & Export Activities, Office of Fossil Energy.

APPENDIX—ORDERS GRANTING AND VACATING—IMPORT/EXPORT AUTHORIZATIONS

[DOE/FE Authority]

Order No.	Date Issued	Importer/Exporter FE Docket No.	Import volume	Export volume	Comments
1866	5–2–03	Cinergy Marketing & Trading, L.P.; 03–19–NG.	730 Bcf		Import and export up to a combined total of natural gas from and to Canada, beginning on June 1, 2003, and extending through May 31, 2005.
1867	5–13–03	Cascade Natural Gas Corporation; 03–20–NG.	200 Bcf		Import natural gas from Canada, beginning on July 1, 2003, and extending through June 30, 2005.
1194–A	5–15–03	Chevron U.S.A. Inc.; 96–59–NG.			Vacate long-term import authority.
1868	5–16–03	Dynegy Power Marketing, Inc; ;03–21–NG.	600 Bcf	330 Bcf	Import up to a combined total of natural gas from Canada and Mexico, and to export up to a combined total of natural gas to Canada and Mexico, beginning on June 25, 2003, and extending through June 24, 2005.
1869	5–21–03	Pan-Alberta Gas (U.S.) Inc.; 03–23–NG.	730 Bcf		Import natural gas from Canada, beginning on July 4, 2003, and extending through July 3, 2005.
1870	5–27–03	Sithe/Independence Power Partners, L.P.; 03–22–NG.	60 Bcf		Import natural gas from Canada, beginning on July 1, 2003, and extending through June 30, 2005.
1871	5–29–03	Constellation Power Source, Inc.; 03–24–NG.	400 Bcf		Import and export up to a combined total of natural gas from and to Canada, beginning on May 1, 2003, and extending through April 30, 2005.

[FR Doc. 03–15628 Filed 6–19–03; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7515–9]

Agency Information Collection Activities OMB Responses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document announces the Office of Management and Budget's (OMB) responses to Agency clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's

regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

FOR FURTHER INFORMATION CONTACT: Susan Auby (202) 566–1672, or email at *auby.susan@epa.gov* and please refer to the appropriate EPA Information Collection Request (ICR) Number.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency Clearance Requests

OMB Approvals

EPA ICR No. 0916.10; Final Consolidated Emissions Reporting Rule; was approved 05/23/2003; in 40 CFR 51.321, 51.322 and 51.323; OMB Number 2060–0088; expires 05/31/2006. The approval of this ICR activates the point source reporting requirements for $PM_{2.5}$ and NH_3 found in the Consolidated Emissions Reporting Rule § 51.30(e) (67 *FR* 39602, June 10, 2002) and establishes the applicable reporting deadline. As a result of this action, States must commence reporting $PM_{2.5}$ and NH_3 emissions from point sources beginning with the 2002 inventory year with the report due on June 1, 2004.

EPA ICR No. 0794.10; Notification of Substantial Risk of Injury to Health and the Environment under TSCA Section 8(e); was approved 06/04/2003; OMB Number 2070–0046; expires 06/30/2006.

EPA ICR No. 1633.13; Acid Rain Program under Title IV of the CAA Amendments of 1990; was approved 06/05/2003; in 40 CFR parts 72, 73, subparts C–G and parts 74–78; OMB Number 2060–0258; expires 06/30/2006.

EPA ICR No. 1899.02; New Source Performance Standards (NSPS), Emission Guidelines for Hospital/Medical/Infections Waste Incinerators (HMIWI); was approved 05/30/2003, in 40 CFR part 60, subpart Ce; OMB Number 2060–0422; expires 05/31/2006.

EPA ICR No. 1993.01; Evaluations of Innovative Pilot Project Innovations; was approved 05/30/2003; OMB Number 2010–0036; expires 05/31/2006.

EPA ICR No. 2110.01; Laboratory Analytical Capability and Capacity; was approved 05/23/2003; OMB Number 2050–0002; expires 11/30/2003.

EPA ICR No. 1995.02; NESHAP for Coke Oven: Pushing, Quenching, and Battery Stacks (Final Rule); was approved 05/15/2003; in 40 CFR part 63, subpart CCCCC; OMB Number 2060–0521; expires 05/31/2006.

EPA ICR No. 2071.02; NESHAP for Printing, Coating, and Dyeing of Fabrics and Other Textiles Source Category (Final Rule); was approved 05/15/2003; in 40 CFR part 63, subpart (OOOO); OMB Number 2060–0522; expires 05/31/2006.

EPA ICR No. 2022.02; NESHAP for Brick and Structural Clay Manufacturing; was approved 05/15/2003; in 40 CFR part 63, subpart JJJJJ; OMB Number 2060–0508; expires 05/31/2006.

EPA ICR No. 2029.02; NESHAP for Asphalt Processing and Asphalt Roofing Manufacturing (Final Rule); was approved 05/15/2003; in 40 CFR part 63, subpart LLLLL; OMB Number 2060–0520; expires 05/31/2006.

EPA ICR No. 1952.02; NESHAP for Metal Furniture Surface Coating (Final Rule); was approved 05/15/2003; in 40 CFR part 63; subpart RRRR; OMB Number 2060–0518; expires 05/31/2006.

EPA ICR No. 2027.02; NESHAP for Flexible Polyurethane Foam Fabrication (Final Rule); was approved 05/15/2003; in 40 CFR part 63, subpart MMMMM; OMB Number 2060–0516; expires 05/31/2006.

EPA ICR No. 2040.02; NESHAP for Refractory Products Manufacturing (Final Rule); was approved 05/09/2003; in 40 CFR part 63, subpart SSSSS; OMB Number 2060–0515; expires 05/31/2006.

EPA ICR No. 1951.02; NESHAP for Paper and Other Web Coating (Final Rule); was approved 05/09/2003; in 40 CFR part 63, subpart JJJJ; OMB Number 2060–0511; expires 05/31/2006.

EPA ICR No. 1976.02; NESHAP for reinforced Plastic Composites Production (Final Rule); was approved 05/09/2003; in 40 CFR part 63, subpart WWWW; OMB Number 2060–0509; expires 05/31/2006.

EPA ICR No. 1901.02; Emission Guidelines Reporting and Recordkeeping Requirements for Existing Small Municipal Waste Combustion (MWC) Units; was approved 06/04/2003; in 40 CFR part 60, subpart BBBB; OMB Number 2060–0424; expires 06/30/2006.

EPA ICR No. 2073.01; Reporting Requirements for a Small Refiner Applying for a Revised Sulfur Cap Standard; was approved 06/04/2003; in 40 CFR parts 80 and 86; OMB Number 2060–0497; expires 06/30/2006.

Comment Filed

EPA ICR No. 2098.01; NESHAP for Primary Magnesium Refining (Proposed Rule); on 05/15/2003 OMB filed a comment.

EPA ICR No. 1984.01; NESHAP for Plywood and Composite Wood Products Manufacturing Plants (Proposed Rule); on 05/09/2003 OMB filed a comment.

EPA ICR No. 2028.01; NESHAP for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters (Proposed Rule); in 40 CFR part 63, subpart DDDDD; on 05/15/2003 OMB filed a comment.

EPA ICR No. 2034.01; NESHAP for Surface Coating of Wood Building Products (Proposed Rule); on 05/09/2003 OMB filed a comment.

Dated: June 12, 2003.

Doreen Sterling,

Acting Director, Collection Strategies Division.

[FR Doc. 03–15664 Filed 6–19–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6641–2]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167, or *http://epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements

Filed June 9, 2003, through June 13, 2003.

Pursuant to 40 CFR 1506.9.

EIS No. 030274, Final EIS, AFS, ID, Gaylord North Timber Sale Project, harvesting timber, Council Ranger District, Payette National Forest, Adam County, ID, *wait period ends:* July 21, 2003, *contact:* Jeff Canfield (208) 253–0100.

EIS No. 030275, Draft EIS, FHW, IN, U.S. 31 Improvement Project (I–45 to IN–38), between I–465 North Leg and IN–38, NPDES permit and U.S. Army section 10 and 404 permits, Hamilton County, IN, comment period ends: August 4, 2003, contact: Robert Dirks (317) 226–7492.

This document is available on the Internet at: *http://www.us3/indiana.com.*

EIS No. 030276, Draft EIS, BLM, CO, Silverton Outdoor Learning and Recreation Center, authorization for long-term use of 1,300 acres for backcountry-type skiing, summer recreation and educational activities, amendment of the San Juan/San Miguel Resource Management Plan, San Juan County, CO, *comment period ends:* September 18, 2003, *contact:* Richard Speegle (970) 375–3310.

EIS No. 030277, Final EIS, AFS, PA, County Line—Fourmile Project, management direction as outlined in the Allegheny National Forest Land and Resource Management Plan, implementation, Bradford Ranger District, Warren and McKean Counties, PA, wait period ends: July 21, 2003, contact: Jim Apgar (814) 362–4613.

EIS No. 030278, Final EIS, DOE, WA, Plymouth Generating Facility, construction and operation of a 307-megawatt (MW) natural gas-fired combined cycle power generation facility on a 44.5 acre site, conditional use/special use permit issuance, Benton County, WA, wait period ends: July 21, 2003, contact: Dawn R. Boorse (503) 230–5678.

EIS No. 030279, Final EIS, FHW, CA, Riverside County Integrated Project, Winchester to Temecula corridor construction of a new multi-modal transportation facility, route location and right-of-way preservation, Riverside County, CA, *wait period ends:* July 21, 2003, *contact:* Mary Ann Rondinella (916) 498–5040.

EIS No. 030280, Draft EIS, FHW, PA, City of Lebanon Bridge Over Norfolk Southern Project, construction, Norfolk Southern Railroad double-track main line between 12th Street and Lincoln Avenue, Lebanon County, PA, *comment period ends:* August 6, 2003, contact: James A. Cheatham (717) 221–3461. This document is available on the Internet at: *http://www.cityoflebanon.com.*

EIS No. 030281, Draft EIS, NPS, NC, Proposed Land Exchange Between the National Park Service and the Eastern Band of Cherokee Indians, exchange of land known as Ravensford Site for land known as Waterrock Knob Site, Great Smoky Mountains National Park, Cherokee, Graham, Jackson, Macon, Swain Counties, NC, *comment period ends:* August 18, 2003, *contact:* John Yancy (404) 562–3278.

EIS No. 030282, Draft EIS, AFS, MT, Programmatic EIS—Winter Motorized Recreation Amendment 24, proposal to change the Flathead National Land and Resource Management Plan, Flathead National Forest, Flathead, Lake and Lincoln Counties, MT, comment period ends: August 4, 2003, contact: Kimberly Smolt (406) 758–5243.

EIS No. 030283, Draft EIS, AFS, ID, North End Sheep Allotment Management Plan (AMP) Revision, proposal to authorize continued liverstock use, Caribou-Targhee National Forest, Soda Springs Ranger District, Caribou and Bonneville Counties, ID, *comment period ends:* August 4, 2003, *contact:* Derek Hinckley (208) 547–4356.

EIS No. 030284, Final EIS, DOE, WA, Kangley -Echo Lake Transmission Line Project, new 500-kilovolt (kv) transmission line construction, U.S. Army COE section 10 and 404 permits issuance, King County, WA, *wait period ends:* July 21, 2003, *contact:* Gene Lynard (503) 230–3790.

Amended Notices

EIS No. 030259, Draft EIS, FHW, NJ, Penns Neck Area Project, U.S. 1, section 2S and 3J, located in West Windsor and Princeton Townships, Mercer County, and Plainsboro Township, Middlesex County, NJ, *comment period ends:* August 1, 2003, *contact:* Young Kim (609) 637–4233.

Revision of FR notice published on 6/13/2003: correction to title.

Dated: June 17, 2003.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 03–15671 Filed 6–19–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6641–3]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in the **Federal Register** dated April 4, 2003 (68 FR 16511).

Draft EISs

ERP No. D–AFS–B65010–VT Rating EC2, Greendale Project, Establishment of the Desired Condition stated in the Green Mountain National Forest Land and Resource Management Plan, Manchester Ranger District, Town of Western, Windor County, VT.

Summary: EPA expressed environmental concerns with respect to riparian zone management, herbicide use, wetland resource impacts and mitigation. ERP No. D–AFS–J65377–CO Rating EC2, Missionary Ridge Burned Area Timber Salvage Project, Timber Harvesting, San Juan National Forest north of Durango, LaPlata County, CO.

Summary: EPA has environmental concerns about soil erosion, disturbance, compaction; runoff and potential degradation of water quality and habitats in streams and reservoirs; sedimentation of streams and water storage reservoirs; fish and wildlife impacts to sensitive species; and the potential to establish and spread noxious weeds. EPA recommended restricting harvests to less sensitive lands with ground-based logging, no additional road construction and avoiding harvests in the Roadless Area.

ERP No. D–AFS–K61157–CA Rating LO, Interface Recreation Trails Project, Recreation Route System Development, Implementation, Stanislaus National Forest, Calaveras Ranger District, Calaveras County, CA.

Summary: EPA had no objections to the proposed recreational trail management plan.

ERP No. D–AFS–K65247–CA Rating EC2, Giant Sequoia National Monument Management Plan, Implementation, Establishment of Management Directions for Land and Resources, Sequoia National Forest, Fresno, Kern and Tulare Counties, CA.

Summary: EPA expressed environmental concerns that the preferred alternative replaces specific land allocations and standards and guidelines derived from the Sierra Nevada Forest Plan Amendment with less specific management guidelines, adversely impacting old forest habitat and water quality. In addition, the preferred alternative does not include specific road decommissioning targets and an implementation plan that responds to continuing environmental impacts identified in the Roads Analysis.

ERP No. D–FTA–J40159–CO Rating LO, West Corridor Project, Transportation Improvements in the Cities of Denver, Lakewood and Golden, Light Rail Transit (LET), Jefferson County, CO.

Summary: EPA has no significant environmental objections to the proposed project. However, EPA recommends that the Final EIS includes data on the safety of using light rail transit and buses versus automobiles for transportation as well as including the new air quality standards for PM2.5 and ozone.

ERP No. DS–BLM–K67051–NV Rating EC2, Millennium Expansion Project, New Facilities Construction and Existing Gold Mining Operations Expansion, Plan-of-Operations Approval, Winnemucca, Humboldt County, NV.

Summary: EPA expressed environmental concerns based on the potential ecological risks associated with the proposed closure strategies for the heap leach pads.

EPA recommended that the Final Supplemental EIS provide additional information regarding the fate and

transport of contaminants from the spent ore and its drain down solutions, including metals uptake through the food chain, and more detailed information on the proposed closure process; existing water quality; impacts to air quality, including mercury emissions; and mitigation and monitoring measures.

Final EISs

ERP No. F–AFS–F65035–WI, Cayuga Project Area, Various Resource Management Projects, Implementation, Chequamegon-Nicolet National Forest, Great Divide Ranger District, Ashland County, WI.

Summary: EPA has no objections to the FEIS since design features will avoid and reduce potential impacts, and the project is consistent with the Forest Management Plan.

ERP No. F–AFS–J65373–MT, Canyon Lake Dam and Wyant Lake Dam Project, Access to their Facilities with Prescribe Terms and Conditions, Authorization, Canyon Creek Irrigation District (CCID), Bitterroot National Forest, Selway Bitterroot Wilderness, Ravalli County, MT.

Summary: EPA expressed environmental concerns about potential sedimentation and wetlands impacts that may occur during dam breaching and repair work, and noted the need for completed permits and authorizations prior to construction.

ERP No. F–FHW–E40787–AL, Memphis to Atlanta Corridor Study, Alabama State Line to I–65, Funding and U.S. Army COE Section 404 Permit Issuance, Colbert, Franklin, Lauderdale, Lawrence, Limestone and Morgan Counties, AL.

Summary: EPA continues to have environmental concerns regarding the preferred alternative, specially related to protect impacts associated with wetlands and aquatic resources, storm water, noise, relocations, and other natural habitat impacts. EPA recommends that commitments for wetland and aquatic resource mitigation be included in the ROD and mitigation for noise and relocation impacts should be considered further.

ERP No. F–FHW–E40793–00, Appalachian Corridor I–66 Highway Construction, US 23/119 south of Pikeville, KY eastward to the King Coal Highway southeast of Matewan, Funding and U.S. Army COE Section 404 Permit Issuance, Pike County, KY and Mingo County, WV.

Summary: EPA continues to have environmental concerns with the proposed project. Specifically, EPA recommends that avoidance and/or mitigation of wetlands and stream impacts should be monitored and addressed as the project progresses. Furthermore, EPA recommends that impacts to ecosystems from the conversion of woodlands should be monitored and addressed as necessary.

ERP No. F–NPS–E65061–FL, Biscayne National Park General Management Plan Amendment, Evaluation of the Effects of Several Alternatives for a Long-Term Management Plan, Stillsville, Biscayne National Park, Homestead, Miami-Dade County, FL.

Summary: EPA fully supports National Park Service's two leasing alternatives of the Stillsville structures with appropriate waste water and trash management.

ERP No. F–NPS–J61022–MT, Glacier National Park—Going-to-Sun Road Rehabilitation Plan to Protect and Preserve a National Historic Landmark, Waterton-Glacier International Peace Park, The World's First International Peace Park, A World Heritage Site, MT.

Summary: EPA did not identify any potential environmental impacts requiring substantive changes to the proposal and expressed lack of objections.

ERP No. F–SFW–E91013–FL, Proposed Rulemaking for: The Incidental Take of Small Numbers of Florida Manatees (Trichechus manatus latirostris) Resulting from Government Programs Related to Watercraft Access and Watercraft Operation in the State of Florida, FL.

Summary: EPA supports the U.S. Fish and Wildlife Service's Preferred Alternative that proposes legislation allowing unintentional taking of small numbers of Florida manatees in three regional populations.

ERP No. FA–FHW–J40030–UT, US–189, Wildwood to Heber Valley, between the junctions with UT–92 and US–40, Funding, Utah and Wasatch Counties, UT.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. F–FHW–B50013–RI, Sakonnet River Bridge Rehabilitation or Replacement Project, Portsmouth & Tiverton, Newport County, RI.

Summary: EPA has no significant objections to the preferred alternative.

Dated: June 17, 2003.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 03–15672 Filed 6–19–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0199; FRL–7312–4]

Kansas State Plan for Certification of Applicators of Restricted Use Pesticides; Notice of Approval

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In the **Federal Register** of April 15, 2003 (68 FR 0073) (FRL–7299–2), EPA issued a notice of intent to approve an amended Kansas Plan for the certification of applicators of restricted use pesticides. In the notice EPA solicited comments from the public on the proposed action to approve the amended Kansas Plan. The amended Certification Plan Kansas submitted to EPA contained programmatic changes to its current Certification Plan. The proposed amendments establish new requirements for the recertification of pesticide applicators. No comments were received and EPA hereby approves the amended Kansas Plan.

ADDRESSES: The amended Kansas Certification Plan can be reviewed at the locations listed under Unit I.B. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: John Tice, Water, Wetlands, and Pesticides Division, WWPD/PEST, 100 Centennial Mall N., Room 289, Lincoln, NE 68508; telephone number: (402) 437–5080; e-mail address: *Tice.john@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to those involved in agriculture and anyone involved with the distribution and application of pesticides for agricultural purposes. Others involved with pesticides in a non-agricultural setting may also be affected. In addition, it may be of interest to others, such as, those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP–2003–0199 which references the original documents in docket identification (ID) number OPP–2003–0078. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

In addition to the sources listed in this unit, you may obtain copies of the amended Kansas Certification Plan, other related documents, or additional information by contacting:

1. John Tice at the address listed under **FOR FURTHER INFORMATION CONTACT**.

2. Jeanne Fox, Kansas Department of Agriculture, 109 SW 9th St., Third Floor, Topeka, KS 66612; telephone number: (785) 296–2265; e-mail address: *jfox@kda.state.ks.us*.

3. Jeanne Heying, Field and External Affairs Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–3240; e-mail address: *heying.jeanne@epa.gov*.

II. What Action is the Agency Taking?

EPA is approving the amended Kansas Certification Plan. This approval is based upon the EPA review of the Kansas Plan and finding it in compliance with FIFRA and 40 CFR part 171. Further, there were no public comments submitted to the earlier **Federal Register** notice soliciting comments. The amended Kansas Certification Plan is therefore approved.

List of Subjects

Environmental protection, Education, Pests and pesticides.

Dated: June 11, 2003.

James B. Gulliford,

Regional Administrator, Region VII.

[FR Doc. 03–15670 Filed 6–19–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7515–8]

Air Quality Criteria for Particulate Matter (Fourth External Review Draft)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of a draft for public review and comment.

SUMMARY: On or about June 30, 2003, the National Center for Environmental Assessment (NCEA), within EPA's Office of Research and Development, will make available for public review and comment a fourth external review draft of a revised EPA document, *Air Quality Criteria for Particulate Matter.* Under sections 108 and 109 of the Clean Air Act, the purpose of the revised document is to provide an assessment of the latest scientific information on the effects of airborne particulate matter (PM) on the public health and welfare, for use in EPA's current review of the National Ambient Air Quality Standards (NAAQS) for PM.

DATES: Comments on the draft document must be submitted in writing no later than August 31, 2003. Send the written comments to the Project Manager for Particulate Matter, National Center for Environmental Assessment-RTP (B243–01), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711.

ADDRESSES: A copy of the EPA document, *Air Quality Criteria for Particulate Matter (Fourth External Review Draft),* consisting of two volumes, will be available on CD ROM from NCEA–RTP. Contact Ms. Diane Ray by phone (919–541–3637), fax (919–541–1818), or email (*ray.diane@epa.gov*) to request the document. Please provide the document's title, *Air Quality Criteria for Particulate Matter (Fourth External Review Draft),* and the EPA numbers for each of the two volumes (EPA/600/P–99/002aD and EPA/600/P–99/002bD), as well as your name and address, to facilitate processing of your request. Internet users will be able to download a copy from the NCEA Web site at *http://www.epa.gov/ncea.* Hard copies of the draft document can also be made available upon request to Ms. Ray.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Elias, National Center for Environmental Assessment-RTP (B243–01), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone: 919–541–4167; fax: 919–541–1818; e-mail: *elias.robert@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA is in the process of updating, and revising where appropriate, the document *Air Quality Criteria for Particulate Matter* as issued in 1996. Sections 108 and 109 of the Clean Air Act require that EPA carry out a periodic review and revision, where appropriate, of the air quality criteria and the NAAQS for ''criteria'' air pollutants such as PM. Details of EPA's plans for the review of the NAAQS for PM were initially announced in a previous **Federal Register** notice (62 FR 55201, October 23, 1997).

EPA made a First External Review Draft of the updated *Air Quality Criteria for Particulate Matter* available in 1999 for review by members of the public and the Clean Air Scientific Advisory Committee (CASAC) (64 FR 57884, October 27, 1999). Following that public review and a meeting of the CASAC in December 1999 (64 FR 61875, November 15, 1999), EPA revised the document in response to CASAC and public comments, as well as to reflect additional new studies on PM effects that were not available in time for the First External Review Draft.

In April 2001, EPA made a Second External Review Draft of *Air Quality Criteria for Particulate Matter* available for public and CASAC review (66 FR 18929, April 12, 2001). Following that public review and a second CASAC meeting in July 2001 (66 FR 34924, July 2, 2001), EPA again revised the document in response to CASAC and public comments and to reflect more new PM studies that had become available.

EPA then made a Third External Review Draft of *Air Quality Criteria for Particulate Matter* available for public and CASAC review in May 2002 (67 FR 31303, May 9, 2002). Following that public review and a third CASAC meeting in July 2002 (67 FR 41723, June 19, 2002), EPA has again revised the document in response to CASAC and public comments and to take into account peer-reviewed analyses of a number of epidemiological studies conducted to address statistical modeling issues that were identified after release of the Third External Review Draft.

EPA is now making the Fourth External Review Draft available for public comment and CASAC review. The public comment period (60 days) will close a few days after a CASAC public review meeting scheduled for August 25–26, 2003 (location to be announced in future **Federal Register** notice). Members of the public will be able to make brief oral statements during time set aside at that meeting for public comments. After the CASAC meeting and the close of the public comment period, EPA intends to make final revisions to complete the document in December, 2003.

On June 15, 2001, EPA's Office of Air Quality Planning and Standards (OAQPS) made available (66 FR 32621, June 15, 2001) for public review and comment a preliminary draft Staff Paper (SP) that drew on information in the earlier draft Air Quality Criteria document. The preliminary draft SP was also submitted to CASAC for discussion with the Committee at its July 2001 meeting. In January 2002 (67 FR 3897, January 28, 2002), OAQPS also made available for CASAC and public review and comment a draft document, *Proposed Methodology for Particulate Matter Risk Analyses for Selected Urban Areas,* which was reviewed by CASAC at a public teleconference on February 27, 2002.

OAQPS is now preparing a draft health risk assessment document based on the proposed methodology and is revising the draft SP to address CASAC and public comments and to incorporate updated information from the current draft Air Quality Criteria document. As in other NAAQS reviews, the SP will evaluate policy implications of key studies and other scientific information in the criteria document, identify critical elements that EPA staff believes should be considered, and present staff conclusions and recommendations for the Administrator's consideration.

Dates and details of availability of the updated draft SP and of the draft health risk assessment document and plans for future public CASAC review meetings on the SP and the draft health risk assessment document will be published in future **Federal Register** notices.

Dated: June 13, 2003.

Peter W. Preuss,

Director, National Center for Environmental Assessment.

[FR Doc. 03–15665 Filed 6–19–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7515–7]

EPA Handbook for Use of Data From the National Health and Nutrition Examination Surveys (NHANES): A Goldmine of Data for Environmental Health Analyses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of a final report titled, *EPA Handbook for Use of Data from the National Health and Nutrition Examination Surveys (NHANES): A Goldmine of Data for Environmental Health Analyses* (EPA/600/R–02/044), which was prepared by the U.S. Environmental Protection Agency's National Center for Environmental Assessment (NCEA) of the Office of Research and Development (ORD). This Handbook was developed to provide descriptive background information and general guidance on how to access and use data from the National Health and Nutrition Examination Surveys (NHANES). Since 1971 the National Center for Health Statistics (NCHS), which is part of the Centers for Disease Control and Prevention, has been sponsoring the NHANES in order to collect data on the health and nutrition status of the U.S. population. EPA has been one of many collaborating federal agencies that help plan the content of and support funding for this survey. The enormous NHANES human database can be used to develop information suitable for use in risk assessments, and to support regulatory and policy needs of EPA. From this Handbook, the reader should gain a basic understanding of what data are available through NHANES, how to obtain the data, if the data are potentially suitable for supporting the needs of his/her office, key limitations of the data, and what types of analyses are possible.

ADDRESSES: The document is available electronically through the NCEA Web site (*www.epa.gov/ncea*). A limited number of paper copies are available from the EPA's National Service Center for Environmental Publications (NSCEP), P.O. Box 42419, Cincinnati, OH 45242; telephone: 1–800–490–9198 or 513–489–8190; facsimile: 513–489–8695. Please provide your name and mailing address and the title and EPA number of the requested publication.

FOR FURTHER INFORMATION CONTACT: The Technical Information Staff, National Center for Environmental Assessment/Washington Office (8623D), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Telephone: 202–564–3261; fax: 202–565–0050; e-mail: *nceadc.comment@epa.gov.*

Dated: June 12, 2003.

Peter W. Preuss,

Director, National Center for Environmental Assessment.

[FR Doc. 03–15662 Filed 6–19–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7516–2]

Proposed CERCLA Administrative Settlement—Second Group *De Minimis* Settlement—Rocky Flats Industrial Park Site, Jefferson County, CO

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice and request for public comment.

SUMMARY: In accordance with the requirements of section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement under section 122(g)of CERCLA, 42 U.S.C. 9622(g), concerning the Rocky Flats Industrial Park site located in the 17,000 block of Colorado Highway 72, approximately two miles east of the intersection of Colorado Highways 93 and 72, in section 23, T2N, in Jefferson County, Colorado. This settlement, embodied in a CERCLA section 122(g) Administrative Order on Consent—Second Group *De Minimis* Settlement (''AOC''), is designed to resolve each settling parties' liability at the Site for past work, past response costs and specified future work and response costs through covenants under sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607. The proposed AOC requires the settling parties listed in the Supplementary Information section

below to pay an aggregate total of $117,282.54.

Opportunity for Comment: For thirty (30) days following the date of publication of this notice, the Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the EPA Superfund Record Center, 999 18th Street, 5th Floor, in Denver, Colorado.

DATES: Comments must be submitted on or before July 21, 2003.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at the EPA Superfund Record Center, 999 18th Street, 5th Floor, in Denver, Colorado. Comments and requests for a copy of the proposed settlement should be addressed to Carol Pokorny (8ENF–T), Technical Enforcement Program, U.S. Environmental Protection Agency, 999 18th Street, Suite 300, Denver, Colorado 80202–2466, and should reference the Rocky Flats Industrial Park Site, Jefferson County, Colorado and the EPA docket number CERCLA–8–2003–0006.

FOR FURTHER INFORMATION CONTACT: Carol Pokorny, Enforcement Specialist (8ENF–T), Technical Enforcement Program, U.S. Environmental Protection Agency, 999 18th Street, Suite 300, Denver, Colorado 80202–2466, (303) 312–6970.

SUPPLEMENTARY INFORMATION: Proposed AOC for Second Group *De Minimis* Settlement under section 122(g) of CERCLA, 42 U.S.C. 9622(g): In accordance with section 122(i) of CERCLA, 42 U.S.C. 9622(i), notice is hereby given that the terms of the AOC have been agreed to by the following settling parties, for the following amounts:

ROCKY FLATS INDUSTRIAL PARK SITE, SECOND GROUP DE MINIMIS SETTLEMENT, SETTLING RESPONDENTS

Name of settling respondent	Settlement cost share
1. AMF Head, c/o Head Penn Racquet Sports	1,983.89
2. Arthur's Auto Body	649.13
3. Buffalo Distributing, Inc	2,499.19
4. Cache Cleaners—Boulder	2,009.77
5. Camelot Cleaners	631.28
6. Century Chevrolet	6,199.25
7. Chambers Square Cleaners	876.00
8. Cherrelyn Cleaners, Inc. (previous owner)	1,180.00
9. Cherrelyn Cleaners, Inc. (current owner)	1.43
10. Comet One-Hour Cleaners	479.95
11. Continental Cleaners—Highlands Ranch	2,490.42
12. Continental Cleaners—Westminster	1,302.74
13. Denver Instrument Company	3,472.88
14. Dependable Cleaners #23	1,365.41
15. Dependable Cleaners & Shirt Laundry, Inc. #4, #24	561.91
16. Dollar Cleaners	857.07
17. Dugout Cleaners #1	1,858.13
18. E.C. Nissan (E.C. Datsun)	2,726.37
19. Eastmoore Quality Autobody, Inc	1,622.85
20. Ed Bozarth Chevrolet	2,596.54
21. Esquire Valet Cleaners	694.58
22. Gardner Signs Inc	5,017.82
23. Ghents Motors Co	2,271.98
24. Gigantic Cleaners #2—Denver	1,395.64
25. Gigantic Cleaners #7	2,818.88
26. Gung Ho Cleaners	1,160.64
27. Hanneck Cleaners (Main)	608.77
28. Hanneck Cleaners (South)	592.34
29. Heckendorf Paint	701.08
30. Heritage Cleaners	1,246.53
31. High Country Auto Body	4,887.98
32. Hunter Douglas	778.96
33. Import Coachworks, Ltd	5,716.00
34. JM Auto Service, Inc	4,516.00
35. Joffer Auto Body	1,687.75
36. Kiper Automotive, Inc	2,823.75
37. Klean Rite Cleaners	665.55
38. Manufacturing Unlimited, Inc	5,290.46
39. McMahn Cleaners Inc	1,025.64
40. One Hour Cleaners	617.00
41. Payless Cleaners, Inc	841.25
42. Precision Auto Body	1,979.86
43. R.E.B., Inc./Bender's Nu Look Cleaners	623.17
44. Right Price Cleaners	523.76
45. Roger Mauro Dodge—AutoNation, Inc	1,298.28
46. Sargent Industries	7,140.49
47. Spence's Body Tec Corporation	9,477.39
48. Stanford Applied Engineering	1,168.45
49. Stevinson Chevrolet	11,898.67
50. United Rentals	1,882.48

ROCKY FLATS INDUSTRIAL PARK SITE, SECOND GROUP DE MINIMIS SETTLEMENT, SETTLING RESPONDENTS—Continued

Name of settling respondent	Settlement cost share
51. Village Cleaners, Inc	567.18
Total costs to be recovered in this settlement	117,282.54

Dated: June 11, 2003.

Eddie A. Sierra,

Acting Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice.

[FR Doc. 03–15666 Filed 6–19–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7516–3]

Proposed CERCLA Administrative Settlement—Rocky Flats Industrial Park Site, Jefferson County, CO

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice and request for public comment.

SUMMARY: In accordance with the requirements of section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement under section 122(g) of CERCLA, 42 U.S.C. 9622(g), concerning the Rocky Flats Industrial Park site located in the 17,000 block of Colorado Highway 72, approximately two miles east of the intersection of Colorado Highways 93 and 72, in section 23, T2N, in Jefferson County, Colorado. This settlement, embodied in a CERCLA section 122(g) Administrative Order on Consent—*De Minimis* Settlement (''AOC''), is designed to resolve Hatch's Auto Body and Paint, Inc.'s liability at the Site for past work, past response costs and specified future work and response costs through covenants under sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607. The proposed AOC requires Hatch's Auto Body and Paint, Inc. to pay a total of $3,528.20.

Opportunity for Comment: For thirty (30) days following the date of publication of this notice, the Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the EPA Superfund Record Center, 999 18th Street, 5th Floor, in Denver, Colorado.

DATES: Comments must be submitted on or before July 21, 2003.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at the EPA Superfund Record Center, 999 18th Street, 5th Floor, in Denver, Colorado. Comments and requests for a copy of the proposed settlement should be addressed to Carol Pokorny (8ENF–T), Technical Enforcement Program, U.S. Environmental Protection Agency, 999 18th Street, Suite 300, Denver, Colorado 80202–2466, and should reference the Rocky Flats Industrial Park Site, Jefferson County, Colorado and the EPA docket number CERCLA–8–2003–0005.

FOR FURTHER INFORMATION CONTACT: Carol Pokorny, Enforcement Specialist (8ENF–T), Technical Enforcement Program, U.S. Environmental Protection Agency, 999 18th Street, Suite 300, Denver, Colorado 80202–2466, (303) 312–6970.

Dated: June 11, 2003.

Eddie A. Sierra,

Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice.

[FR Doc. 03–15667 Filed 6–19–03; 8:45 am]

BILLING CODE 6560–50–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Information Collection Activities

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice of Information Collection—no change: State and Local Government Information (EEO–4).

SUMMARY: In accordance with section 3506(c)(2)(a) of the Paperwork Reduction Act of 1995, the Equal Employment Opportunity Commission (EEOC) announces that it intends to submit to the Office of Management and Budget (OMB) a request for a one-year extension of the existing collection as described below.

DATES: Written comments on this notice must be submitted on or before August 19, 2003.

ADDRESSES: Comments should be sent to Frances M. Hart, Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, 10th Floor, 1801 L Street, NW., Washington, DC 20507. As a convenience to commentators, the Executive Secretariat will accept comments transmitted by facsimile (''FAX'') machine. The telephone number of the fax receiver is (202) 663–4114. (This is not a toll-free number). Only comments of six or fewer pages will be accepted via FAX transmittal. This limitation is necessary to assure access to the equipment. Receipt of a FAX transmittal will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 663–4070 (voice) or (202) 663–4074 (TDD). (These are not toll-free telephone numbers.) Copies of comments submitted by the public will be available for review at the Commission's library, Room 6502, 1801 L Street, NW., Washington, DC 20507 between the hours of 9:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Joachim Neckere, Director, Program Research and Surveys Division, 1801 L Street, NW., Room 9220, Washington, DC 20507; (202) 663–4958 (voice) or (202) 663–7063 (TDD).

SUPPLEMENTARY INFORMATION: The Commission solicits public comment to enable it to:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the Commission's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including the use

appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection:

Collection Title: State and Local Government Information (EEO–4).

OMB Number: 3046–0008.

Frequency of Report: Biennial.

Type of Respondent: State and local government jurisdictions with 100 or more full-time employees.

Description of Affected Public: State and local governments excluding elementary and secondary public school districts.

Number of Responses: 10,000.

Reporting Hours: 40,000.

Cost to Respondents: $600,000.

Number of Forms: 1.

Federal Cost: $47,000 (annualized).

Abstract: Section 709(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–8(c), requires employers to make and keep records relevant to a determination of whether unlawful employment practices have been or are being committed and to make reports therefrom as required by the EEOC. Accordingly, the EEOC has issued regulations which set forth the reporting requirements for various kinds of employers. State and local governments with 100 or more full-time employees have been required to submit EEO–4 reports since 1973 (biennially in odd-numbered years since 1993). The individual reports are confidential.

EEO–4 data are used by the EEOC to investigate charges of discrimination against state and local governments and to provide information on the employment status of minorities and women. The data are shared with several other Federal government agencies. Pursuant to section 709(d) of Title VII of the Civil Rights Act of 1964, as amended, EEO–4 data are also shared with eighty-six State and Local Fair Employment Practices Agencies (FEPAs). Aggregated data are also used by researchers and the general public.

Burden Statement: The estimated number of respondents included in the EEO–4 survey is 5,000 state and local governments. The estimated number of responses per respondent is approximately two (2) EEO–4 reports and the reporting burden averages between 1 and 5 hours per response, including the time needed to review instructions, search existing data sources, gather and maintain the data, and complete and review the collection of information. The total number of responses is thus 10,000 reports while the total burden is estimated to be 40,000 hours, including record keeping burden. In order to help reduce burden, respondents are encouraged to report data on electronic media such as diskettes.

Dated: June 13, 2003.

For the Commission.

Cari M. Dominguez,

Chair.

[FR Doc. 03–15634 Filed 6–19–03; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC–03–52–B (Auction No. 52); DA 03–1926]

Auction of Direct Broadcast Satellite Service Licenses (Auction No. 52) Is Postponed

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the postponement of Auction No. 52.

DATES: Auction No. 52 which was scheduled to begin on August 6, 2003, is postponed.

FOR FURTHER INFORMATION CONTACT: Brian Carter, Auctions and Industry Analysis Division, at (202) 418–0660, or Lisa Stover, Auctions Operations Branch, at (717) 338–2888.

SUPPLEMENTARY INFORMATION: The auction of licenses to use the Direct Broadcast Satellite (''DBS'') service allocation (Auction No. 52), previously scheduled to begin on August 6, 2003, will be delayed pending Commission resolution of certain issues on which it has sought comment. Specifically, on March 3, 2003, the Commission sought comment on its conclusion that the DBS licenses that will be offered in Auction No. 52 are not subject to the auction prohibition of the ORBIT Act and on whether it should adopt eligibility restrictions for any of these licenses. Following the Commission's resolution of these issues, the Wireless Telecommunications Bureau will release a public notice announcing key dates for Auction No. 52.

Federal Communications Commission.

Margaret Wiener,

Chief, Auctions and Industry Analysis Division, WTB.

[FR Doc. 03–15581 Filed 6–19–03; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 03–1942]

Public Safety National Coordination Committee

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document advises interested persons of the final meeting of the Public Safety National Coordination Committee (''NCC''), which will be held in Washington, DC. The Federal Advisory Committee Act, Public Law 92–463, as amended, requires public notice of all meetings of the NCC.

DATES: July 17, 2003, at 9:30 a.m.–2:30 p.m.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Designated Federal Officer, Michael J. Wilhelm, (202) 418–0680, e-mail *mwilhelm@fcc.gov.* Press Contact, Meribeth McCarrick, Wireless Telecommunications Bureau, 202–418–0600, or e-mail *mmccarri@fcc.gov.*

SUPPLEMENTARY INFORMATION: Following is the complete text of the public notice: This public notice advises interested persons of the 20th and final meeting of the Public Safety National Coordination Committee (''NCC''), which will be held in Washington, DC. The Federal Advisory Committee Act, Public Law 92–463, as amended, requires public notice of all meetings of the NCC.

Date: July 17, 2003.

Meeting Time: General Membership Meeting—9:30 a.m.–2:30 p.m.

Address: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

The NCC Subcommittees will meet from 9 a.m. to 5:30 p.m. the previous day. The NCC General Membership Meeting will commence at 9:30 a.m. and continue until 2:30 p.m. The agenda for the NCC membership meeting is as follows:

1. Introduction and Welcoming Remarks.
2. Administrative Matters.
3. Report from the Interoperability Subcommittee.
4. Report from the Technology Subcommittee.
5. Report from the Implementation Subcommittee.
6. Public Discussion.
7. Action on Subcommittee Recommendations.
8. Other Business.

9. Concluding Ceremony.

The FCC has established the Public Safety National Coordination Committee, pursuant to the provisions of the Federal Advisory Committee Act, to advise the Commission on a variety of issues relating to the use of the 24 MHz of spectrum in the 764–776/794–806 MHz frequency bands (collectively, the 700 MHz band) that has been allocated to public safety services. *See* the Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communications Requirements Through the Year 2010 and Establishment of Rules and Requirements For Priority Access Service, WT Docket No. 96–86, *First Report and Order and Third Notice of Proposed Rulemaking*, FCC 98–191, 14 FCC Rcd 152 (1998), 63 FR 58645 (11–2–98).

The NCC has an open membership. Previous expressions of interest in membership have been received in response to several public notices inviting interested persons to become members and to participate in the NCC's processes. All persons who have previously identified themselves or have been designated as a representative of an organization are deemed members and are invited to attend. All other interested parties are hereby invited to attend and to participate in the NCC processes and its meetings and to become members of the Committee. This policy will ensure balanced participation. Members of the general public may attend the meeting. To attend the 20th meeting of the Public Safety National Coordination Committee, please RSVP to Joy Alford of the Policy and Rules Branch of the Public Safety and Private Wireless Division, Wireless Telecommunications Bureau of the FCC by calling (202) 418–0680, by faxing (202) 418–2643, or by E-mailing at *jalford@fcc.gov.* Please provide your name, the organization you represent, your phone number, fax number and e-mail address. This RSVP is for the purpose of determining the number of people who will attend this 20th meeting. The FCC will attempt to accommodate as many people as possible. However, admittance will be limited to the seating available. Persons requesting accommodations for hearing disabilities should contact Joy Alford immediately at (202) 418–7233 (TTY). Persons requesting accommodations for other physical disabilities should contact Joy Alford immediately at (202) 418–0694 or via e-mail at *jalford@fcc.gov.* The public may submit written comments to the NCC's Designated Federal Officer before the meeting.

Additional information about the NCC and NCC-related matters can be found on the NCC Web site located at: *http://wireless.fcc.gov/publicsafety/ncc.*

Federal Communications Commission.

Jeanne Kowalski,

Deputy Division Chief for Public Safety, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

[FR Doc. 03–15582 Filed 6–19–03; 8:45 am]

BILLING CODE 6712–01–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 July 7, 2003.

A. Federal Reserve Bank of Minneapolis (Richard M. Todd, Vice President and Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. Harris Family Trust, Jay S. Harris and James K. Harris, both of Billings, Montana, and Julie K. Taylor, Laurel, Montana; as trustees, to retain control of Yellowstone Holding Company, Columbus, Montana, and thereby indirectly retain control of Yellowstone Bank, Laurel, Montana.

B. Federal Reserve Bank of Kansas City (James Hunter, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Patricia Jean Verzani, Helena, Montana; to acquire control of First State Bancorp, Inc., Randolph, Nebraska, and thereby indirectly acquire First State Bank, Randolph, Nebraska.

Board of Governors of the Federal Reserve System, June 16, 2003.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 03–15589 Filed 6–19–03; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 15, 2003.

A. Federal Reserve Bank of Minneapolis (Richard M. Todd, Vice President and Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. First Advantage Bancshares, Coon Rapids, Minnesota; to become a bank holding company by acquiring 100 percent of First Advantage Bank, Coon Rapids, Minnesota, a de novo bank.

Board of Governors of the Federal Reserve System, June 16, 2003.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 03–15587 Filed 6–19–03; 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/.

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 July 7, 2003.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Kankakee Bancorp, Inc., Kankakee, Illinois; to engage, through KFS Insurance Agency, Inc., Kankakee, Illinois, in securities brokerage activities pursuant to section 225.28(b)(7)(i) and to engage through KFS Service Corp., Kankakee, Illinois, in real estate appraisal services pursuant to section 225.28(b)(2)(i) of Regulation Y.

Board of Governors of the Federal Reserve System, June 16, 2003.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc.03–15588 Filed 6–19–03; 8:45 am]

BILLING CODE 6210–01–S

GENERAL SERVICES ADMINISTRATION

[FMR Bulletin 2003–B3]

Federal Management Regulation; GSA Personal Property Sales Services and Rates

AGENCY: Federal Supply Service, GSA.

ACTION: Notice of a bulletin.

SUMMARY: The attached bulletin provides the services and rates for the sale of surplus and exchange/sale personal property. The basic services that GSA offers and the rates for those services are shown in Attachment A to the bulletin.

EFFECTIVE DATE: This bulletin is effective June 1, 2003.

FOR FURTHER INFORMATION CONTACT: Lynne Price, General Services Administration, Federal Supply Service (FSS), Washington, DC 20405; e-mail, *lynne.price@gsa.gov,* telephone (703) 308–0643.

Dated: June 16, 2003.

Jon A. Jordan,

Controller, Federal Supply Service.

GSA Personal Property Sales Services and Rates

To: Heads of Federal Agencies

Subject: GSA Personal Property Sales Services and Rates

1. *Purpose.* This bulletin provides the services and rates for the sale of surplus and exchange/sale personal property. The basic services that GSA offers and the rates for those services are shown in Attachment A.

2. *Applicability.* This bulletin applies to sales of surplus and exchange/sale personal property in the United States for executive agencies.

3. *Effective date.* This bulletin is effective June 1, 2003.

4. *Expiration date.* This bulletin is effective until canceled or revised.

5. *Cancellation.* GSA Bulletin FPMR H–77 is cancelled.

6. *Background.* Section 573 of title 40 of the United States Code states that the Administrator of General Services may retain from the proceeds of sales of personal property conducted by the General Services Administration (GSA) amounts necessary to recover, to the extent practicable, costs incurred by GSA (or its agent) in conducting such sales.

7. *Charges.*

a. GSA establishes rates for the services it provides in personal property sales. GSA does not bill its customers for these services. Instead, GSA deducts its service charges from the proceeds of the sale. This method frees customers from establishing separate systems for certification and payment of bills and does not affect agency operating budgets.

b. If sales proceeds are reimbursable to the holding agency under Title 40 or under separate statutory authority, net proceeds (sales proceeds less GSA's basic service rates and supplemental charges) will be distributed to the agency via the on-line payment and accounting contract (IPAC) system.

c. If sales proceeds are nonreimbursable, GSA will retain the expenses of sale. Except as otherwise authorized by law, the net proceeds will be deposited to miscellaneous receipts of the Treasury.

8. *Supplemental services and rates.* GSA may charge for supplemental services and these charges will be deducted from the sales proceeds. (Some examples include: Transportation, storage, maintenance, vehicle preparation, security services, travel expenses, portable restroom facilities, and special media advertising.) Rates for supplemental services will vary according to local market conditions. GSA publishes these rates in GSA regional bulletins available from the servicing regional GSA sales office.

9. *Consultation.* GSA will consult with customers to determine the best method of sale and their requirements for supplemental services.

10. *Property resale.* Property for which the sale contract is terminated for default will be resold at no cost to the holding agency. Property for which the sale contract is terminated for cause, for example, misdescription of the property, will be resold at the holding agency's cost if the cause is attributable to the holding agency.

By delegation of the Commissioner,
Federal Supply Service.

Jon A. Jordan,
Controller.

Personal Property Sales Services and Rates

1. Basic Services

a. *Auction Sales.* The following services are covered under the basic rate:

(1) Property cataloging.
(2) Maintenance of mailing list.
(3) Printing and distribution of announcement to bidders on mailing list.
(4) Normal media advertising (one newspaper or equivalent).
(5) Registration of bidders.
(6) Auctioneer.
(7) On-site Contracting Officer.
(8) Award document preparation.
(9) On-site collection of late payments.
(10) Follow-on collection of payments.
(11) Deposit of proceeds.
(12) Distribution of proceeds.
(13) Financial and property line item accountability.
(14) Contract administration.

b. *Sealed Bid Sales.* The following services are covered under the basic rate:

(1) Property cataloging.
(2) Maintenance of mailing list.
(3) Printing and distribution of invitation for bids to bidders on mailing list.
(4) Bid opening.
(5) Contract awards.
(6) Preparation of award documents.
(7) Financial and property line item accountability.
(8) Contract administration.
(9) Collection and deposit of proceeds.
(10) Distribution of proceeds.

c. *Internet Sales.* The following services are covered under the basic rate:

(1) Providing secure Internet site.
(2) Posting of items.
(3) Posting of photos.
(4) Featured items.
(5) Maintenance of registered bidders.
(6) Bid opening.
(7) Contract awards.
(8) Preparation of award documents.
(9) Financial and property line item accountability.
(10) Contract administration.
(11) Automatic payment.
(12) Collection and deposit of proceeds.
(13) Distribution of proceeds.

Note: Supplemental charges may be incurred for services required which are not listed in the basic services. (Some examples include: transportation, storage, maintenance, vehicle preparation, security services, travel expenses, portable restroom facilities, and special media advertising.) GSA deducts these charges from the sales proceeds.

2. Basic Service Rates

a. *Commodities other than vehicles exchange/sale and other reimbursable sales.* Below is GSA's basic rate structure. If your agency has special programs or circumstances that may warrant modifications, please contact your servicing regional GSA sales office.

Asset Sales Price:

Low range	High range	Rate per item
$0.01	$1,000.00	$250 or award amount if less than $250.
$1,000.01	5,000.00	25 percent of Proceeds.
$5,000.01	25,000.00	20 percent of Proceeds.
$25,000.01	50,000.00	17 percent of Proceeds.
$50,000.01	100,000.00	14 percent of Proceeds.
$100,000.01	150,000.00	11 percent of Proceeds.
$150,000.01	250,000.00	8 percent of Proceeds.
$250,000.01	(1)	6 percent of Proceeds.

1 And higher.

b. *Vehicles sold resulting from seized and forfeited laws.* Rates negotiated.

c. *GSA Vehicle sales—exchange/sale and other reimbursable sales (FSC's 2310 and 2320 only).*

GSA Conducted Sales—$275 per vehicle
Commercial Contract—$200 per vehicle plus cost of contract

[FR Doc. 03–15583 Filed 6–19–03; 8:45 am]

BILLING CODE 6820–89–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Announcement of Availability of Funds for Adolescent Family Life Research Grants

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science, Office of Population Affairs.

ACTION: Notice.

AUTHORITY: Section 2008 of the Public Health Service (PHS) Act.

EXECUTIVE SUMMARY: The Office of Population Affairs (OPA) requests applications for grants for applied research addressing Adolescent Family Life (AFL) program goals related to adolescent sexual relations, pregnancy, and parenthood: Helping adolescents avoid health risk behaviors; ensuring that adolescents have the supports necessary to pursue healthy and productive lives; and strengthening families. Grant awards will be made to investigate one or more of the following seven areas: (1) Parent involvement and communication; (2) youth development/developmental assets; (3) pro-social risk behaviors; (4) adoption; (5) adolescent parents; (6) long term impact of adolescent childbearing on family structure; and (7) influences on adolescent premarital sexual behavior.

DATES: To receive consideration, a package containing a signed typewritten application, including the checklist, and two photocopies of the application must be received at the address below no later than July 22, 2003.

ADDRESSES: The application package described above must be submitted to: Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1040–MSC 7710, Bethesda, MD 29892–7710 (20817 for express/courier service).

SUPPLEMENTARY INFORMATION: Title XX of the Public Health Service Act, in section 2008 (42 U.S.C. 300z–7), authorizes research concerning the societal causes and consequences of adolescent premarital sexual relations, pregnancy and child rearing. The statute also provides authority for research to identify effective services which alleviate, eliminate, or resolve any negative consequences of adolescent premarital sexual relations and adolescent childbearing for the parents, the child, and their families. Regulations pertaining to grants for research projects are set out at 42 CFR part 52.

CFDA: A description of the Title XX Adolescent Family Life Research Grant Program can be found at OMB Catalogue of Federal Domestic Assistance No. 93.111.

I. Funding Opportunity Description

This announcement seeks proposals for grants for applied research addressing AFL program goals related to adolescent premarital sexual relations, pregnancy, and parenthood: Helping adolescents avoid health risk behaviors; ensuring that adolescents have the supports necessary to pursue healthy and productive lives; and strengthening families.

Background

The Adolescent Family Life (AFL) Program was enacted in 1981 as title XX of the Public Health Service Act. The program supports two types of demonstration projects: (1) Prevention demonstration projects to develop, implement, and evaluate programs that provide sexuality education designed to prevent adolescent premarital sexual relations and other health risk behaviors; and (2) care demonstration projects to develop, implement and evaluate interventions (including presenting adoption as an option) with pregnant and parenting adolescents including fathers, their infants, and other family members in an effort to alleviate the negative consequences of adolescent childbearing. The program is also authorized to conduct both basic and applied research on the causes and consequences of adolescent premarital sexual relations, adolescent pregnancy and parenting.

Purposes of the Grant

The purpose of this grant is to expand the research base in a number of areas that are directly applicable to prevention and care program interventions for adolescents. To that end, this announcement invites applications in one or more of the following areas:

1. *Parent Involvement and Communication.* Research has shown the importance of parents' involvement with their children and open communication between parent and child in the prevention of adolescent premarital sexual activity, pregnancy and sexually transmitted infection, as well as other adolescent risk behaviors. Many interventions designed to reduce these risks have thus added specific components for parents. Unfortunately, efforts to enroll and retain parents in these programs have too often been unsuccessful. Careful examination of recruitment strategies, and the interventions themselves, should provide insights on how to more effectively implement these program components. Research questions of interest include, but are not limited to:

- Factors that affect recruitment and retention of parents in prevention programs for adolescents.
- Evaluations of strategies or interventions designed to assist parents in effectively communicating with their children about sexuality issues.
- Mechanisms and/or venues for educating parents on adolescent development, the importance of parental expectations and boundary setting, and sexuality issues.

2. *Youth Development/Developmental Assets.* The Youth Development or Developmental Assets approach, either by itself or in combination with sexuality education, is increasingly used in programs designed to prevent adolescent sexual activity, pregnancy and sexually transmitted infection or other risk behaviors and negative outcomes. Strategies encompass strengthening families, fostering lasting relationships with adult mentors, involving youth in community service, promoting connectedness with school, providing opportunities to engage in sports and cultural activities, building confidence and self-efficacy; all are designed to strengthen supports, either internal or external, for youth as they transition to adulthood. Research questions of interest include, but are not limited to:

- Incorporating youth development concepts into risk avoidance interventions for adolescents.
- Impact of youth development strategies on adolescent premarital sexual relations and other health risk behaviors.
- Impact of youth development strategies (*e.g.*, education, vocational training, employment) on transition to self-sufficiency and other positive outcomes for adolescent parents.

3. *Pro-Social Risk Behaviors.* It is well established that some amount of risk taking in adolescence is normative in that it helps define and develop identity. While risk taking is part of the normal developmental spectrum for adolescents, risk behaviors fall into two broad categories: Those that are associated with negative consequences such as drug, tobacco and alcohol use, sexual activity and violence as opposed to those that are associated with more positive outcomes—pro-social risk behaviors such as athletics, academic endeavors, or community service. Research questions of interest include, but are not limited to:

- The impact on adolescent sexual behavior of programs offering pro-social risk behavior activities.
- Whether adolescents actively reject taking negative health risks when offered appealing pro-social risk behavior activities.
- Whether offering pro-social risk behavior activities can reverse established negative risk behaviors.

4. *Adoption.* Adoption is a positive option for unmarried pregnant adolescents who are unable to care for their infants, yet available data indicate this option is seldom chosen. Prior research suggests that attitudes about adoption—by family members, the father of the infant, the pregnant adolescent herself, or the professional providing counseling—can often have great influence on the young mother's decision-making. Other factors of importance include the costs and benefits of the adoption decision for all involved, as well as the implications of the various types of adoption that are available. Areas of inquiry include, but are not limited to:

- Social, psychological, legal and service dimensions of adoption decision-making.
- Social, economic, and/or psychological effects of adoption on the adolescent mother, the child, and/or the adoptive family.
- Usage and differential outcomes for the adolescent mother, the child, and/or the adoptive family among formal, informal, closed and open adoption arrangements.

5. *Adolescent Parents.* The consequences of adolescent pregnancy and parenthood are well documented. Adolescent parents are less likely to complete their schooling, their employment prospects and income are concomitantly reduced, and they are more likely to be single parents. In addition, their children are more likely to have poor health status, poor educational outcomes, behavior problems, and to become adolescent parents themselves than are children born to older parents. Appropriate and adequate services for these adolescent parents and their children, however, do hold some promise for ameliorating these disadvantages. Research questions of interest include, but are not limited to:

- Preparation for building committed adult relationships and strong marriages.
- Evaluation of strategies or interventions to provide necessary support services (*e.g.*, health, education, social) to adolescent parents and their children.
- Factors influencing continuation of schooling for adolescent parents and/or evaluation of strategies to promote school retention or return for adolescent parents.
- Factors influencing successful parenting by adolescents and/or evaluation of strategies to promote successful parenting by adolescents.

6. *Long Term Impact of Adolescent Childbearing on Family Structure.* The negative impact of adolescent pregnancy and childbearing on schooling, employment, income and health are well documented in the research literature. Another important area of inquiry, not as well studied, is the effect of adolescent parenthood on the structure and function of the young families created by this early, and most often, out-of-wedlock childbearing. Research topics of interest include, but are not limited to:

- The impact of adolescent out-of-wedlock childbearing on the likelihood of marriage and the stability of marriage.
- Types of support systems and their viability, other than marriage, for adolescent parents.
- The level of satisfaction with parenting, over time, experienced by adolescent parents.

7. *Influences on Adolescent Premarital Sexual Behavior.* An important component in developing effective interventions to prevent adolescent premarital sexual activity, pregnancy and sexually transmitted infection is an understanding of the factors that influence adolescent sexual behavior. While research over the past few decades has contributed substantially to this understanding, the complexity and variability of these factors—and the interplay among them—still warrants continued study. For the purposes of this announcement, such factors include, but are not limited to:

- Demographic, economic, social and psychological characteristics of the adolescent.
- Family, peers, media, and other social factors.

• An older sibling who is an adolescent parent.

• Community, neighborhood, school, faith-based organizations and other social institutions.

II. Award Information

The OPA intends to make available approximately $750,000 in Fiscal Year (FY) 2003 to support an estimated 3 to 4 new research grants, up to a maximum of $250,000 each—including both direct and indirect costs. Section 2008(a)(3) of the Public Health Service Act stipulates that a grant for any one year period may not exceed $100,000 for the direct costs of conducting research activities. However, this limitation may be waived if we determine that exceptional circumstances warrant such waiver and that the project will have national impact. (Although section 2008(a)(3) also allows for waiver of this limitation where limited demonstration projects are conducted in order to provide data for research, the OPA does not intend to fund such projects under this announcement.) OPA intends to fund research under this announcement only if it will have national impact. Therefore, applications will be reviewed for research that will have national impact and, in cases where direct costs exceed the $100,000 limit, whether the applicant has established that those costs constitute an exceptional circumstance because they are necessary to carry out the research project.

Grants will be funded in annual increments (budget periods) and may be funded for a project period of up to three years. A match of non-Federal funds will not be required. Funding for all approved budget periods beyond the first year is contingent upon the availability of funds, satisfactory progress on the project, and adequate stewardship of Federal funds.

The OPA, subject to the availability of funds, intends to convert this Request for Applications (RFA) to a Standing Announcement, with one annual application receipt date of January 15, beginning in FY 2004.

III. Eligibility Information

Any public agency or private non-profit or for-profit organization or institution of higher education which may be located in any State, the District of Columbia, or any United States territory, commonwealth, or possession, is eligible to apply for a grant under this announcement. Faith-based organizations are eligible to apply for these Adolescent Family Life research grants.

IV. Application and Submission Information

Applications must be submitted on the research application form PHS 398 (revised 5/01) available in the business or grants and contracts office at most academic and research institutions; this form is also available online at: *http://grants1.nih.gov/grants/oer.htm.*

Applicants are encouraged to read all PHS Form 398 instructions prior to preparing an application in response to this announcement.

As explained in the form PHS 398 instructions, the RFA label, available in the PHS 398 application form, must be stapled to the bottom of the face page of the application and must display the RFA title. In addition, the RFA title must be typed on line 2 of the face page of the application form and the YES box must be marked.

To receive consideration, applications must be received by the Center for Scientific Review, NIH, by the deadline listed in the **DATES** section of this announcement, July 22, 2003. Applications will be considered as meeting the deadline if they are postmarked on or before the deadline date and are received in time for orderly processing. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be accepted as proof of timely mailing. Applications meeting the eligibility criteria, application content criteria and deadline will be notified via the PHS–3038–1, Application Receipt Record. Applications that do not meet the deadline will not be accepted for review, and will be returned. Applications sent via facsimile or by electronic mail will not be accepted for review.

Prospective applicants are asked to submit a letter of intent that includes a descriptive title of the proposed research, the name, address, and telephone number of the Principal Investigator, and the title of this RFA. Although a letter of intent is not required, is not binding, and does not enter into the review of a subsequent application, the information that it contains allows OPA staff to estimate the potential review workload and plan the review.

The letter of intent should be sent to Eugenia Eckard, at the address listed under the ''Agency Contacts'' section below, by June 23, 2003.

Review Under Executive Order 12372

This program is not subject to the review requirements of Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

Program Requirements/Application Content

This notice seeks applications for applied research addressing Adolescent Family Life program goals. Applications should include the following:

(1) A well-organized statement of the problem to be addressed;

(2) A detailed description of the research design;

(3) The conceptual framework within which the design has been developed;

(4) The methodology to be employed;

(5) The evidence upon which the analysis will rely; and

(6) The manner in which the evidence will be analyzed.

Applications should also clearly address how findings from the proposed study will have direct application for programs designed to prevent premarital adolescent sexual activity and promote adolescent and family health and well being.

V. Application Review Information

Eligible applications in response to this announcement will be reviewed, in competition with other submitted applications, by a panel of independent peer reviewers and assessed according to the following criteria:

(1) *Scientific Merit.* Are the conceptual framework, design, methods, and analyses adequately developed and appropriate to the goals of the project? (25 points)

(2) *Significance.* Will a scientific advance result if the project is carried out? Does the project employ novel concepts, approaches, or methods? (25 points)

(3) *Feasibility and Likelihood of Producing Meaningful Results.* Are the plans for organizing and carrying out the project, including the responsibilities of key staff, the time line, and the proposed project period, adequately specified and appropriate? (20 points)

(4) *Competency of Staff.* Are the principal investigator, and other key research staff, appropriately trained and well suited to carry out this project? (10 points)

(5) *Adequacy of Facilities and Resources.* Are the facilities and resources of the applicant institution and other study sites adequate? (10 points)

(6) *Adequacy of Budget.* Is the budget reasonable and adequate in relation to the proposed project? (10 points)

Each of these criteria will be addressed and considered by the reviewers in assigning the overall score. Final grant award decisions will be made by the Deputy Assistant Secretary

for Population Affairs on the basis of priority score, program relevance, and availability of funds.

VI. Award Administration Information

OPA does not release information about individual applications during the review process until final funding decisions have been made. When these decisions have been made, applicants will be notified by letter regarding the outcome of their applications. The official document notifying an applicant that an application has been approved and granted funding is the Notice of Grant Award, which specifies to the grantee the amount of money awarded, the purpose of the grant, and the terms and conditions of the grant award.

VII. Agency Contacts

Direct inquiries regarding programmatic issues to: Eugenia Eckard, Office of Population Affairs, 1101 Wootton Parkway, Suite 700, Rockville, MD 20852; (301) 594–4001; or via Email at *eeckard@osophs.dhhs.gov.*

Direct inquiries regarding fiscal and administrative matters to: Karen Campbell, Office of Grants Management, Office of Public Health and Science, 1101 Wootton Parkway, Suite 550, Rockville, MD 20852; (301) 594–0758; or via Email at *kcampbell@osophs.dhhs.gov.*

Dated: June 16, 2003.

Alma L. Golden,

Deputy Assistant Secretary for Population Affairs.

[FR Doc. 03–15579 Filed 6–19–03; 8:45 am]

BILLING CODE 4150–30–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[Program Announcement 03124]

Program To Build Capacity To Assess and Improve Healthcare Services in Anniston, AL; Notice of Availability of Funds

Application Deadline: July 21, 2003.

A. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized in sections 104(i)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended (42 U.S.C 9604 (i)(14)). The Catalog of Federal Domestic Assistance number is 93.161.

B. Purpose

The Agency for Toxic Substances and Disease Registry (ATSDR) announces the availability of fiscal year (FY) 2003 funds for a cooperative agreement Program to Build Capacity to Assess and Improve Healthcare Services in Anniston, Alabama. This program addresses the ''Healthy People 2010'' focus areas of Educational and Community-Based Programs; Environmental Health; and Maternal, Infant, and Child Health.

The purpose of this program is to: (1) Collect and analyze data to describe the health care services in the Anniston area; (2) to assess the community's access to healthcare services; (3) to develop a plan to increase access to healthcare, if needed; and (4) to inform and educate residents about healthcare services in their community. Special emphasis should be placed on the environmental and occupational medicine services in the area.

Measurable outcomes of the program will be in alignment with one or more of the following performance goals for the ATSDR: Developing and providing reliable, understandable information for people in affected communities and tribes and for stakeholders, and build and enhance effective partnerships.

C. Eligible Applicants

Applications may be submitted by public and private nonprofit and for-profit organizations and by governments and their agencies; that is, universities, colleges, technical schools, research institutions, hospitals, other public and private nonprofit and for-profit organizations, faith-based organizations, community-based organizations, state and local governments or their *bona fide* agents, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, federally recognized Indian tribal governments, Indian tribes, or Indian tribal organizations.

Note: Title 2 of the United States Code section 1611 States that an organization described in section 501(C)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant or loan.

D. Funding

Availability of Funds

Approximately $75,000 is available in FY 2003 to fund one award. It is expected that the award will begin on or about August 1, 2003, and will be made for a 12-month budget period within a project period of up to two years. Funding estimates may change. Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

Use of Funds

Funds may be expended for reasonable program purposes, such as personnel, travel, supplies and services. Funds for contractual services may be requested; however, the primary recipient of ATSDR funds must perform a substantive role in carrying out project activities and not merely serve as a conduit for an award to another party or provide funds to an ineligible party. Equipment may be purchased with these funds, however, the equipment proposed should be appropriate and reasonable for the research activity to be conducted. Equipment may be acquired only when authorized and the application should provide a justification of need to acquire equipment, the description, and the cost of purchase versus lease. To the greatest extent practicable, equipment and products purchased with ATSDR funds should be American made. ATSDR retains the right to request return of all equipment purchased (in operable condition) with grant funds at the completion of the project period.

Recipient Financial Participation

Matching funds are not required for this program.

Funding Priority

Preference will be given to the following: Applicants who are located in the southeastern region of the United States, applicants who have support from the Anniston community as evidenced by letters of support, and proposed projects that maximize available resources.

E. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities listed in 1. Recipient Activities, and ATSDR will be responsible for the activities listed in 2. ATSDR Activities.

1. Recipient Activities

a. Develop and implement a program proposal which examines the current healthcare services in the Anniston area. Special efforts should also be made to closely coordinate this activity with Federal agencies such as Health Resources and Services Administration

(HRSA) and other State, and local agencies who are working to address health care issues in the Anniston area.

b. Work in collaboration with Federal, State, and local agency staff, community members, and local healthcare providers to develop a plan to improve healthcare services and/or access to occupational and environmental healthcare services in the Anniston area if needed.

c. Work in collaboration with Federal, State, and local agency staff, community members, and local healthcare providers to develop a report which (1) describes the current health care services in Anniston; (2) describes the community's access to current services; and (3) provides specific plans and recommendations to improve the healthcare services and the community's access to healthcare services in Anniston, with a special emphasis on environmental and occupational medicine services.

d. Provide evidence of on-going collaborative efforts with community representatives, local elected officials, State and local health departments, etc., to enhance communication and information exchange with the Anniston community.

e. Establish a mechanism to work with community members to gather input on study issues, including outreach, participation, and education.

f. Meet monthly, either telephonically or in person, with ATSDR and other Anniston-area program participants to coordinate planned efforts and review progress.

g. Disseminate project results and other necessary information to community members, and publish in written format for distribution.

2. ATSDR Activities

a. Provide information regarding public health studies and other activities associated with Anniston.

b. Assist with the development of questionnaires or other tools to gather the information necessary for this project.

c. Provide assistance with the dissemination of information resulting from this project, including the publication of a final report.

d. Facilitate monthly meetings between the awardee, community members and other Anniston-area program participants to coordinate planned efforts and review progress.

F. Content

Letter of Intent (LOI)

A LOI is required for this program. The Program Announcement title and number must appear in the LOI. The narrative should be no more than two pages, single-spaced, printed on one side, with one-inch margins, and unreduced 12-point font. Your letter of intent will be used to enable ATSDR to determine the level of interest in this announcement, and should include the following information:

1. Issues/concerns regarding access to healthcare services in Anniston, Alabama.
2. Proposed methods.
3. Time line.
4. Experience of key personnel related to the proposed project.

Applications

The Program Announcement title and number must appear in the application. Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The narrative should be no more than 30 pages, double-spaced, printed on one side, with one-inch margins, and unreduced 12-point font.

The narrative should consist of, at a minimum, a Proposed Project Plan, Program Objectives, Methods, Evaluation, Budget, and Time line. The project plan should address activities to be conducted over the entire two-year project period.

G. Submission and Deadline

Letter of Intent (LOI) Submission

On or before July 7, 2003, submit the LOI to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Application Forms

Submit the signed original and two copies of the PHS 5161 form. Forms are available at the following Internet address: *http://www.cdc.gov/od/pgo/forminfo.htm.*

If you do not have access to the Internet, or if you have difficulty accessing the forms on-line, you may contact the CDC Procurement and Grants Office Technical Information Management Section (PGO–TIM) at: 770–488–2700. Application forms can be mailed to you.

Submission Date, Time, and Address

The application must be received by 4 p.m. eastern time July 21, 2003. Submit the application to: Technical Information Management—PA #03124, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341–4146.

Applications may not be submitted electronically.

CDC Acknowledgement of Application Receipt

A postcard will be mailed by PGO–TIM, notifying you that CDC has received your application.

Deadline

Letters of intent and applications shall be considered as meeting the deadline if they are received before 4 p.m. eastern time on the deadline date. Any applicant who sends their application by the United States Postal Service or commercial delivery services must ensure that the carrier will be able to guarantee delivery of the application by the closing date and time. If an application is received after closing due to (1) carrier error, when the carrier accepted the package with a guarantee for delivery by the closing date and time, or (2) significant weather delays or natural disasters, CDC will upon receipt of proper documentation, consider the application as having been received by the deadline.

Any application that does not meet the above criteria will not be eligible for competition, and will be discarded. The applicant will be notified of their failure to meet the submission requirements.

H. Evaluation Criteria

Application

Applicants are required to provide measures of effectiveness that will demonstrate the accomplishment of the various identified objectives of the cooperative agreement. Measures of effectiveness must relate to the performance goals stated in the purpose section of this announcement. Measures must be objective and quantitative and must measure the intended outcome. These measures of effectiveness must be submitted with the application and will be an element of evaluation.

An independent review group appointed by ATSDR will evaluate each application against the following criteria:

1. Proposed Program (50 percent)

a. The applicant's understanding of the health care delivery system in Anniston, Alabama; ability to develop a plan, conduct, and evaluate a program and/or process to gather information regarding the healthcare system in Anniston; and collaborate effectively with a variety of public health partners including other federal, state, and local agencies who are working to evaluate and address the healthcare system in Anniston.

b. Documented access to or the ability to gain access to information regarding healthcare services in the Anniston area. Special emphasis should be placed on information regarding occupational and environmental medicine services in the area.

c. Clearly stated understanding of the environmental public health problems to be addressed, including any special issues or concerns related to healthcare delivery in the Anniston community.

d. Clear and reasonable program goals and clearly stated project objectives which are realistic, measurable, and related to the program requirements.

e. Specificity and feasibility of proposed time line for implementing project activities.

2. Program Personnel (20 percent)

a. Applicant's experience and understanding (*e.g.* in the areas of local healthcare delivery systems, healthcare systems and services throughout the United States, environmental and occupational medicine services, community networking, etc.).

b. Qualifications and time allocation of the professional staff to be assigned to this project.

c. Extent to which the management staff and their working partners are clearly described.

3. Community Involvement and Dissemination of Results (20 percent)

a. Adequacy of plan establishing partnerships to address community concerns, educate residents, and create lines of communication with key community representatives.

b. Adequacy of methods to disseminate the study results to state and local public health officials, community residents, and to other concerned individuals and organizations.

4. Facilities and Resources (10 percent)

The adequacy of the applicant's facilities, equipment, and other resources available for performance of this project.

5. Budget Justification (Reviewed, Not Scored)

The budget will be evaluated to the extent that it is reasonable, clearly justified, and consistent with the intended use of funds.

I. Other Requirements

Technical Reporting Requirements

Provide CDC/ATSDR with original plus two copies of:

1. Interim progress report, no less than 90 days before the end of the budget period. The progress report will serve as your non-competing continuation application, and must contain the following elements:

a. Current Budget Period Activities Objectives.

b. Current Budget Period Financial Progress.

c. New Budget Period Program Proposed Activity Objectives.

d. Detailed Line-Item Budget and Justification.

e. Additional Requested Information.

2. Financial status report, no more than 90 days after the end of the budget period.

3. Final financial and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Additional Requirements

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I of the program announcement, as posted on the CDC/ATSDR Web site.

AR–7 Executive Order 12372 Review
AR–9 Paperwork Reduction Act Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–18 Cost Recovery—ATSDR
AR–19 Third Party Agreements—ATSDR
AR–22 Research Integrity

J. Where To Obtain Additional Information

This and other CDC announcements, the necessary applications, and associated forms can be found on the CDC Web site, Internet address: *http://www.cdc.gov.*

Click on ''Funding'' then ''Grants and Cooperative Agreements''.

For general questions about this announcement, contact: Technical Information Management, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341–4146. Telephone: 770–488–2700.

For business management and budget assistance, contact: Edna Green, Grants Management Specialist, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Atlanta, GA 30341–4146. Telephone: 770–488–2743. E-mail address: *ecg4@cdc.gov.*

For program technical assistance, contact: Theresa L. NeSmith, Health Education Specialist, Site Activities Branch, Division of Health Education and Promotion, Agency for Toxic Substances and Disease Registry, 1600 Clifton Road, NE., Mail Stop E–42, Atlanta, Georgia 30333. Telephone: 404–498–0515. E-mail address: *Tnesmith@cdc.gov.*

Dated: June 13, 2003.

Edward Schultz,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 03–15593 Filed 6–19–03; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 03122]

Cancer Prevention and Control Activities; Notice of Availability of Funds

Application Deadline: July 21, 2003.

A. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under sections 301(a), 317(k)(2) of the Public Health Service Act, (42 U.S.C. 241(a) and 247b(k)(2)), as amended. The Catalog of Federal Domestic Assistance number is 93.283.

B. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2003 funds for a cooperative agreement program for Cancer Prevention and Control Activities. This program addresses the ''Healthy People 2010'' focus area(s) related to Cancer, Tobacco Use, Physical Activity, and Nutrition.

The purpose of the program is to assist with the following: Developing and disseminating current national, state, and community-based comprehensive information on cancer prevention (including addressing risk factors such as tobacco use, poor nutrition and lack of physical activity), early detection, diagnosis, treatment, and survivorship; developing and disseminating professional education programs; promoting the analysis and development of surveillance and research data, and its translation into public health messages, practice and programs; and, facilitating the exchange of expertise and coordination of programmatic efforts related to cancer prevention and control among a variety of public, private, and not-for-profit agencies at the national, state, tribal, territory and community level.

Measurable outcomes of the program will be in alignment with one or more of the following performance goals for the National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP):

- Reduce cigarette smoking among youth.
- Increase the capacity of state nutrition and physical activity programs to address the prevention of chronic diseases and obesity at the community level.

C. Eligible Applicants

Applications may be submitted by national:

- Public nonprofit organizations
- Private nonprofit organizations
- Faith-based organizations.

National organizations that serve as an umbrella organization for their constituents (regional, state or local chapters or memberships) provide a unique opportunity to address cancer prevention and control using a comprehensive approach.

Note: Title 2 of the United States Code section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant or loan.

D. Funding

Availability of Funds

Approximately $1,248,000 is available in FY 2003 to fund one award that will include all four projects listed below. It is expected that the award will begin on or about September 15, 2003 and will be made for a 12-month budget period within a project period of up to five years. Funding estimates may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

Project 1. Coordinated School Health Programs

Approximately $300,000 is available to support coordinated school health programs for cancer prevention and control for school-aged populations, parents, and relevant health and education personnel.

Project 2. Comprehensive Cancer Control Activities

Approximately $850,000 will be available to plan, implement, and evaluate cancer prevention and control activities for the public, providers and decision-makers with a focus on the following areas: Cancer risk factors, comprehensive cancer control, and breast, cervical, ovarian, prostate, skin, and colorectal cancers.

Project 3. Addressing Women and Tobacco Use

Approximately $38,000 is available to support activities that address the complex issues of tobacco use among women and girls internationally.

Project 4. Evaluation of Cancer Prevention and Control Activities

Approximately $60,000 is available to support activities that identify gaps in evaluation of cancer prevention and control activities and the need for dissemination of best approaches and practices to conduct competent evaluations of cancer prevention and control activities.

Use of Funds

Funds may not be used for the purchase or lease of land or buildings, construction of facilities, renovation of existing space, or the delivery of clinical or therapeutic services.

Recipient Financial Participation

Matching funds are not required for this program.

E. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1. Recipient Activities, and CDC will be responsible for the activities listed under 2. CDC Activities.

1. Recipient Activities

Project 1. Coordinated School Health Programs

a. Support Coordinated School Health Programs, with a special emphasis on four risk factors: tobacco use, excessive consumption of fat and calories, inadequate physical activity, and obesity.

b. Support local, state, and national coalitions to improve Coordinated School Health Programs.

c. Collaborate with CDC funded and other national, non-governmental organizations in support of school health programs.

Project 2. Comprehensive Cancer Control Activities

a. Collaborate with state health departments and national cancer prevention and control organizations on comprehensive cancer control training, planning, implementation, and evaluation activities. Develop leadership models for state health departments and other cancer control partners to utilize. Deliver technical assistance to state health departments and other cancer control partners through training and communication networks.

b. Coordinate and support activities related to colorectal and skin cancer education and awareness for both the public and medical providers. Collaborate with state health departments and other national cancer prevention and control organizations in the replication and evaluation of colorectal cancer training for providers and health care systems that promotes informed decision-making and provides current and balanced information on the benefits and limitations of prevention, screening and treatment for colorectal cancer. Collaborate with state departments of health and departments of education to promote evaluation and dissemination of skin cancer prevention education programs and implementation of school-based sun protection policies through collaboration with Coordinated School Health Programs and state and local comprehensive cancer control partners.

c. Identify opportunities for cancer issues management forums, including priority cancer sites and risk factors; coordinate and support cancer issues management forums among a variety of public, private, and not-for-profit agencies at the national, state, tribal and community level.

Project 3. Addressing Women and Tobacco Use

a. Provide contacts, primarily women, to individuals and organizations working in tobacco control; collect and distribute information regarding global women and tobacco issues; and share strategies to counter tobacco advertising and promotion.

b. Support the development of women-centered tobacco use prevention and cessation programs.

c. Assist in the organization and planning of conferences on tobacco control.

d. Collaborate on the development of publications regarding women and tobacco issues.

e. Promote female leadership in the development of tobacco control organizations internationally.

Project 4. Evaluation of Cancer Prevention and Control Activities

a. Collaborate with CDC and other national, state and local organizations to provide training to public and not-for-profit program staff and researchers on cancer prevention and control (and other related chronic diseases) program evaluation.

b. Identify gaps in evaluation of cancer prevention and control activities;

based on findings, determine methods for dissemination of best approaches and practices to conduct competent evaluations of cancer prevention and control activities.

Performance Measures

Performance will be measured by the extent to which recipients:

- Identify and address needs and strengthen the leadership capacity of school health program personnel to promote, develop, implement, and evaluate coordinated school health programs.
- Identify needs and strengthen the national, state and local coalitions' capacity to support development and implementation of effective coordinated school health programs.
- Collaborate with CDC Division of Adolescent and School Health-funded and other national grantees to strengthen the capacity of school health personnel and state and local coalitions in support of coordinated school health programs.
- Collaborate with state health departments and national cancer prevention and control organizations to strengthen their capacity to plan, implement and evaluate comprehensive cancer control activities.
- Collaborate with state health departments and national cancer prevention and control organizations to support activities related to colorectal and skin cancer education and awareness for both the public and medical providers.
- Identify, coordinate and support cancer issues management forums among a variety of public, private, and not-for profit agencies at the national, state, tribal and community level.
- Promote tobacco use prevention initiatives internationally among women and girls via conferences, forums or other mechanisms of information sharing.
- Collaborates with CDC and other national, state and local organizations to provide to public and not-for-profit program staff and researchers on cancer prevention and control program evaluation.
- Identify gaps in evaluation of cancer prevention and control activities and determine methods for dissemination of best approaches and practices to conduct competent evaluations of cancer prevention and control activities.

2. CDC Activities

a. Collaborate with the recipient in the development and dissemination of cancer prevention and control information and activities at national, state, and community-based levels.

b. Provide, to the recipient, relevant state-of-the-art research findings and public health recommendations related to cancer prevention and control.

c. Provide, to the recipient, periodic updates regarding comprehensive cancer control, including information on best practices related to coordination and integration of cancer prevention (including addressing risk factors such as tobacco use, poor nutrition and lack of physical activity), early detection, diagnosis, treatment, and survivorship activities.

d. Give guidance on cancer issues management topics to be considered and timing of consideration.

e. Collaborate with recipients in the development of publications, manuals, modules, etc. that relate to the purpose of this program announcement.

f. Facilitate the exchange of program information, technical assistance, and the development of partnerships between recipient and other relevant national, state and community-based organizations.

F. Content

Letter of Intent (LOI)

A LOI is required for this program. The Program Announcement title and number must appear in the LOI. The narrative should be no more than two pages, double-spaced, printed on one side, with one-inch margins, and unreduced 12-point font. Your letter of intent will be used to enable CDC to determine the level of interest in the program announcement, and should include the following information: program announcement number, name of applicant (organization), and name and contact information for the principal investigator.

Applications

The Program Announcement title and number must appear in the application. Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The narrative should be no more than 30 pages, double-spaced, printed on one side, with one-inch margins, and unreduced 12-point font. Applicants may also submit appendices (including curriculum vitae, job descriptions, organizational charts, and any other supporting documentation), which should not exceed an additional 20 pages.

A narrative is required that contains each of the following application content areas:

1. Statement of Need

Identify opportunities for enhancement and/or improvement of and existing gaps in the support of cancer prevention and control activities on the national, state and local level. Describe the extent to which the proposed programs will fill existing gaps and provide a brief description of each activity.

2. Work Plan

Submit a narrative and work plan (work plan may be submitted in a table format) for each project that establishes goals, objectives, strategies, measures of effectiveness, responsible staff and time lines. In the narrative, provide a concise description of each project and how it will be implemented over the five-year project period. Work plan objectives must be specific, measurable, attainable, time-phased and realistic. The work plan should address only activities to be conducted during the first year of the project period.

3. Management Plan

Submit a narrative for each project that describes a proposed management structure that addresses the use of qualified and diverse technical, program, administrative staff, organizational relationships (in the appendices provide a copy of the organizational chart indicating the placement of the proposed or existing programs in a department or agency), internal and external communication systems, and a system for sound fiscal management. Describe previous experience with cancer prevention and control activities that would contribute to your ability to support the projects described in this program announcement.

4. Evaluation Plan

For each project, submit a quantitative plan for monitoring progress toward achieving each of the objectives in the work plan.

5. Budget and Justification

Provide separate budgets for each of the four projects described in this program announcement. Submit a detailed budget and narrative justification that is consistent with the purpose of the program and is related to the proposed activities.

G. Submission and Deadline

Letter of Intent (LOI) Submission

On or before July 7, 2003, submit the LOI to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Application Forms

Submit the signed original and two copies of PHS 5161–1 (OMB Number 0920–0428). Forms are available at the following Internet address: *http://www.cdc.gov/od/pgo/forminfo.htm.*

If you do not have access to the Internet, or if you have difficulty accessing the forms on-line, you may contact the CDC Procurement and Grants Office Technical Information Management Section (PGO–TIM) at: 770–488–2700. Application forms can be mailed to you.

Submission Date, Time, and Address

The application must be received by 4 p.m. eastern time July 21, 2003. Submit the application to: Technical Information Management—PA #03122, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Rd, Atlanta, GA 30341–4146.

Applications may not be submitted electronically.

CDC Acknowledgement of Application Receipt

A postcard will be mailed by PGO–TIM, notifying you that CDC has received your application.

Deadline

Letters of intent and applications shall be considered as meeting the deadline if they are received before 4 p.m. eastern time on the deadline date. Any applicant who sends an application by the United States Postal Service or commercial delivery services must ensure that the carrier will be able to guarantee delivery of the application by the closing date and time. If an application is received after closing due to (1) carrier error, when the carrier accepted the package with a guarantee for delivery by the closing date and time, or (2) significant weather delays or natural disasters, CDC will upon receipt of proper documentation, consider the application as having been received by the deadline.

Any application that does not meet the above criteria will not be eligible for competition, and will be discarded. The applicant will be notified of this failure to meet the submission requirements.

H. Evaluation Criteria

Application

Applicants are required to provide measures of effectiveness that will demonstrate the accomplishment of the various identified objectives of the cooperative agreement. Measures of effectiveness must relate to the performance goals as stated in section ''B. Purpose'' of this announcement. Measures must be objective and quantitative and must measure the intended outcome. These measures of effectiveness shall be submitted with the application and shall be an element of evaluation.

An independent review group appointed by CDC will evaluate each application against the following criteria:

1. Work Plan (40 points)

The extent to which the narrative provides a concise description of the overall work to be conducted during the five-year project period. The extent to which the work plan is feasible, appropriate, reasonable and provides a clear description of how the project will be implemented during the first year of the project period.

2. Evaluation Plan (30 points)

The extent to which the evaluation plan will allow the applicant to monitor progress toward meeting project objectives.

3. Management Plan (20 points)

The feasibility and clarity of the proposed management plan. The extent to which the plan addresses the use of qualified and diverse staff, and describes internal and external communications systems and prior experience with conducting activities described in this program announcement.

4. Statement of Need (10 points)

The extent to which the applicant identifies opportunities and existing gaps related to the purpose of the program announcement.

5. Budget and Justification (not scored)

The extent to which the proposed budget is adequately justified, reasonable, and consistent with this program announcement and the applicant's proposed activities.

6. Human Subjects Protections (not scored)

Does the application adequately address the requirements of title 45 CFR part 46 for the protection of human subjects? Not scored; however, an application can be disapproved if the research risks are sufficiently serious and protection against risks is so inadequate as to make the entire application unacceptable.

I. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of:

1. An interim progress report. The interim progress report will be due on the 15th of April each year through 2008. This interim progress report will serve as your non-competing continuation application. A second report is due 90 days after the end of each budget period. These reports must include the following elements:

a. A succinct description of the program accomplishments and progress made in meeting each Current Budget Period Activities Objectives during the previous six months of the budget period.

b. A succinct description of the program accomplishments/narrative and progress made in meeting each Current Budget Period Activities Objectives during the previous six months of the budget period.

c. The reason(s) for not meeting established program objectives and strategies to be implemented to achieve unmet objectives.

d. Current Budget Period Financial Progress.

e. New Budget Period Proposed Activities and Objectives.

f. Detailed Line-Item Budget and Justification.

g. For all proposed contracts, provide the name of contractor, method of selection, period of performance, scope of work, and itemized budget and budget justification. If the information is not available, please indicate ''To Be Determined'' until the information becomes available; it should be submitted to CDC Procurement and Grants Management Office contact identified in this program announcement.

2. Financial status report, no more than 90 days after the end of the budget period. The financial status report should include an attachment that identifies unspent balances for each program component.

3. Final financial and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Additional Requirements

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I of the program announcement as posted on the CDC Web site.

AR–1 Human Subjects Requirement
AR–9 Paperwork Reduction Act Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–20 Conference Support

Executive Order 12372 does not apply to this program.

J. Where To Obtain Additional Information

This and other CDC announcements, the necessary applications, and associated forms can be found on the CDC Web site, Internet address: *http://www.cdc.gov.* Click on ''Funding'' then ''Grants and Cooperative Agreement''.

For general questions about this announcement, contact: Technical Information Management, CDC Procurement and Grants Office, 2920 Brandywine Rd, Atlanta, GA 30341–4146. Telephone: 770–488–2700.

For business management and budget assistance, contact: Nealean Austin, Grants Management Specialist, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Atlanta, GA 30341–4146. Telephone: 770–488–2754. e-mail address: *nea1@cdc.gov.*

For program technical assistance, contact: Leslie Given, MPA, Public Health Advisor, Division of Cancer Prevention and Control, 4770 Buford Highway, NE., Mailstop K–57, Atlanta, GA 30341. Telephone: 770–488–3099. e-mail address: *lgiven@cdc.gov.*

Dated: June 13, 2003.

Edward Schultz,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 03–15591 Filed 6–19–03; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 03034]

Public Health Laboratory Biomonitoring Implementation Program; Notice of Availability of Funds-Amendment

A notice announcing the availability of fiscal year (FY) 2003 funds for cooperative agreements to establish or expand state public health laboratory biomonitoring capacity was published in the **Federal Register** on April 3, 2003, Vol. 68, No. 64, pages 16287–16292. The notice is amended as follows:

On page 16289, Column 1, Section ''F. Content,'' Paragraph ''Applications,'' Line 11, delete the words ''no more than 25 pages'' and replace with ''no more than 40 pages.''

Dated: June 13, 2003.

Edward Schultz,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 03–15592 Filed 6–19–03; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 03108]

National Information Center for Traumatic Brain Injury; Notice of Availability of Funds

Application Deadline: July 30, 2003.

A. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under sections 391, 317, and 301 of the Public Health Service Act, (42 U.S.C. 280b, 241, and 247b). The Catalog of Federal Domestic Assistance number is 93.136.

B. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year 2003 funds for a cooperative agreement program for phasing in the development of a ''one-call'' national information center for traumatic brain injury. This program addresses the ''Healthy People 2010'' focus area of Injury and Violence Prevention.

The purpose of the program is to support the initial phase of development of a national information center that will provide persons with brain injury, their families, and agencies that serve them, with information on state-specific resources and services available to them. The ''one-call'' information center will include a national toll-free telephone number (800 number) with automatic down-links to telephone numbers of state and/or local agencies that can provide information about resources at the local level.

Measurable outcomes of the program will be in alignment with one or more of the following performance goals for the National Center for Injury Prevention and Control (NCIPC): (1) Increase the capacity of injury prevention and control programs to address the prevention of injuries and violence; (2) Monitor and detect fatal and non-fatal injuries; and (3) Conduct a targeted program of research to reduce injury-related death and disability.

C. Eligible Applicants

Applications may be submitted by:

- Public nonprofit organizations
- Private nonprofit organizations
- Universities
- Colleges
- Hospitals
- State and local governments or their bona fide agents (this includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau)
- Faith-Based Organizations
- Community-Based Organizations

Note: Title 2 of the United States Code section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant or loan.

D. Funding

Availability of Funds

Approximately $250,000 of FY 2003 funds is expected to be available to fund one award. It is expected that the award will begin on or about September 15, 2003, and will be made for a 12-month budget period within a project period of up to three years. The funding estimate may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

Recipient Financial Participation

Matching funds are not required for this program.

E. Program Requirements

In conducting the activities to achieve the purpose of this program, the recipient will be responsible for the activities listed in 1. Recipient Activities, and CDC will be responsible for the activities in 2. CDC Activities.

1. Recipient Activities

(a) Prepare a proposed plan for all phases of development of a ''one-call'' national information center.

(b) Conduct the initial phase of development of such an information center, including the following:

(1) Development of a core set of basic resource materials to be made available to people who call the information center.

(2) Development of a telephone interview guide and protocol for providing information, for use by staff who will answer calls to the information center.

(3) Development of a data system for tracking of calls, including how many calls are received and the geographic distribution of the calls received by the information center.

(4) Development of a prototype of the ''one-call'' system to be implemented in two or more states.

(5) Pilot testing of the prototype of the ''one-call'' system in two or more states.

(c) Establish an external advisory committee for the ''one-call'' information center.

2. CDC Activities

(a) Provide technical advice and consultation on all aspects of recipient activities.

(b) Participate as ex-officio members of the ''one-call'' center advisory committee.

(c) Provide technical assistance for the development and maintenance of a ''one call'' national information center, including:

a. Technical assistance for the development of a core set of resource materials for distribution by the call center to those who call for information.

b. Technical assistance for the development of a telephone interview guide for those answering calls for information.

c. Technical assistance for the development of a data system to track the calls. This would include how many calls were received, geographic distribution of calls received, and information system.

d. Technical assistance for the development of the prototype ''one-call'' system for implementation in two or more states.

e. Assist with pilot testing in two or more states; and assist with evaluation and subsequent recommendations for improvement based on the pilot testing of the ''one call'' system.

F. Content

Applications

The Program Announcement title and number must appear in the application. Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in developing your program plan. The narrative should be no more than 32 double-spaced pages, printed on one side, with one-inch margins, and unreduced 12-point font.

The narrative should consist of:

1. *Abstract*

A one page abstract and summary of the proposed effort.

2. *Background and Need*

Application should describe the background and need for a ''one-call'' national information center for traumatic brain injury.

3. *Methods*

Describe activities required to implement the initial phase of development of a ''one-call'' national information center for TBI. Provide (a) goals and objectives for implementation; (b) timeline for implementation of activities that is logically sequenced. Describe the coordination of the center with other organizations that will participate and how this will occur. Include letters of support from all involved individuals and organizations.

4. *Objectives*

Describe long and short-term objectives, which are specific, measurable, attainable, and realistic. Process and outcome objectives should be designed to accomplish all activities of the program during the project period. The program plan should briefly address activities to be conducted over entire three-year project period.

5. *Evaluation*

Describe the evaluation to document program process and effectiveness in delivering information about traumatic brain injury resources and services. Document staff availability, expertise, and capacity to perform this evaluation.

6. *Staff and Resources*

Describe the responsibilities of the program coordinator and each of the other staff members responsible for carrying out the program, including experience, professional education, and time devoted to the program. A curriculum vita should be included for each critical staff member.

7. *Budget*

Include a detailed budget with accompanying narrative justifying all individual budgets that make up the total amount of funds requested. The budget should be consistent with the stated goals and objectives.

8. *Performance Measures*

Describe measures of effectiveness that will demonstrate the accomplishment of the various identified objectives of the cooperative agreement. Measures of effectiveness must relate to the performance goals stated in the purpose section of this announcement. Measures must be objective and quantitative and must measure the intended outcome.

G. Submission and Deadline

Application Forms

Submit the signed original and two copies of PHS 5161–1 (OMB Number 0920–0428). Forms are available at the following Internet address: *http://www.cdc.gov/od/pgo/forminfo.htm.*

If you do not have access to the Internet, or if you have difficulty accessing the forms on-line, you may contact the CDC Procurement and Grants Office Technical Information Management Section (PGO-TIM) at: 770–488–2700. Application forms can be mailed to you.

Submission Date, Time and Address

The application must be received by 4 p.m. Eastern Time. Submit the application to: Technical Information Management—PA #03108, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341–4146.

Applications may not be submitted electronically.

CDC Acknowledgment of Application Receipt

A postcard will be mailed by PGO-TIM, notifying you that CDC has received your application.

Deadline

Applications shall be considered as meeting the deadline if they are received before 4 p.m. Eastern Time on the deadline date. Any applicant who sends their application by the United States Postal Service or commercial delivery services must ensure that the carrier will be able to guarantee delivery of the application by the closing date and time. If an application is received

after closing due to (1) carrier error, when the carrier accepted the package with a guarantee for delivery by the closing date and time, or (2) significant weather delays or natural disasters, CDC will upon receipt of proper documentation, consider the application as having been received by the deadline.

Any application that does not meet the above criteria will not be eligible for competition, and will be discarded. The applicant will be notified of their failure to meet the submission requirements.

H. Evaluation Criteria

Application

Applicants are required to provide measures of effectiveness that will demonstrate the accomplishment of the various identified objectives of the cooperative agreement. Measures of effectiveness must relate to the performance goals stated in the purpose section of this announcement. Measures must be objective and quantitative and must measure the intended outcome. These measures of effectiveness must be submitted with the application and will be an element of evaluation.

An independent review group appointed by CDC will evaluate each application against the following criteria:

1. Background and Need (25 percent)

The extent to which the applicant a) presents a clear understanding of the need for a ''one-call'' national information center for traumatic brain injury; b) demonstrates experience in developing and disseminating a wide range of information about traumatic brain injury at the national, state, and local levels; and c) demonstrates prior experience in implementing an (800) number to provide information about traumatic brain injury that is inclusive of diverse populations.

2. Staff and Resources (25 percent)

The extent to which the applicant can provide adequate facilities, staff and/or collaborators; including a full-time coordinator and resources to accomplish the proposed goal(s)and objectives during the project period. The extent to which the applicant demonstrates staff and/or collaborator availability, expertise, previous experience, and capacity to perform the undertaking successfully, including experience in implementing and managing a national level (800) number providing information about traumatic brain injury resources and services, and to deliver this information to diverse populations. The extent to which the applicant describes demonstrated capacity to ensure the sustainability of the ''one-call'' information center after it is established.

3. Methods (20 percent)

The extent to which the applicant provides a detailed description of all proposed activities and collaboration needed to achieve each objective and the overall program goal(s). The extent to which the applicant provides a reasonable logically sequenced and complete schedule for implementing all activities. The extent to which position descriptions, lines of command, and collaborations are appropriate to accomplishing the program goal(s) and objectives.

4. Objectives (15 percent)

The extent to which the applicant describes long and short-term objectives which are specific, measurable, attainable, and realistic and which are time-framed process and outcome objectives designed to accomplish all activities of the program.

5. Evaluation (10 percent)

The extent to which the proposed evaluation plan is detailed and capable of documenting program process and outcome measures. The extent to which the applicant demonstrates staff and/or collaborator availability, expertise, and capacity to perform the evaluation.

6. Performance Goals (5 percent)

The extent to which the applicant provides measures of effectiveness that will demonstrate the accomplishment of the various identified objectives of the cooperative agreement. Measures of effectiveness must relate to the performance goals stated in the purpose section of this announcement. Measures must be objective and quantitative and must measure the intended outcome.

7. Budget and Justification (not scored)

The extent to which the applicant provides a detailed budget and narrative justification consistent with the stated objectives and planned program activities.

I. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of:

1. Interim progress report, no less than 90 days before the end of the budget period. The progress report will serve as your non-competing continuation application, and must contain the following elements:

a. Current Budget Period Financial Progress.

b. Current Budget Period Financial Progress.

c. New Budget Period Program Proposed Activity Objectives.

d. Detailed Line-Item Budget and Justification.

e. Additional Requested Information.

2. Financial status report, no more than 90 days after the end of the budget period.

3. Final financial and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Additional Requirements

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I of the program announcement, as posted on the CDC Web site.

AR–7 Executive Order 12372 Review
AR–9 Paperwork Reduction Act Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–13 Prohibition on Use of CDC Funds for Certain Gun Control Activities
AR–14 Accounting System Requirements
AR–15 Proof of Non-Profit Status

J. Where to Obtain Additional Information

This and other CDC announcements, the necessary applications, and associated forms can be found on the CDC Web site, Internet address: *http://www.cdc.gov.*

Click on ''Funding'' then ''Grants and Cooperative Agreements.''

For general questions about this announcement, contact: Technical Information Management, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341–4146, Telephone: 770–488–2700.

For business management and budget assistance, contact: Angie Nation, Grants Management Specialist, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Atlanta, GA 30341–4146, Telephone: 770–488–2719, E-mail address: *aen4@cdc.gov.*

For program technical assistance, contact: Stacy Harper, Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, 4770 Buford Highway N.E., Mail stop F41, Atlanta, GA 30341–3724,

Telephone: 770–488–4031, E-mail address: *SLHarper@cdc.gov.*

Dated: June 13, 2003.

Edward Schultz,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 03–15590 Filed 6–19–03; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Implementation of the Head Start National Reporting System on Child Outcomes.

OMB No.: 0970–0249.

Description: The Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF) of the Department of Health and Human Services (HHS) is requesting comments on plans to implement the Head Start National Reporting System on Child Outcomes. This information will be used to enhance Head Start program quality and accountability.

The Head Start National Reporting System (HSNRS) has three major goals. First, the HSNRS will provide teachers and local programs with additional information regarding children's progress by reporting on how children are doing at the beginning and end of the program year in a limited number of areas. Second, the HSNRS will create a new national system of data on child outcomes form every local Head Start agency for use in planning targeted training and technical assistance services to strengthen program effectiveness. Third, the HSNRS will be used by ACF to help in the monitoring of local Head Start agencies in order to strengthen program accountability and improve program quality.

This effort will ensure that every Head Start program will assess in a consistent fashion the progress made by children in acquiring a limited set of early literacy, language, and numeracy skills. All Head Start children who are four years old or older will be administered a direct child assessment twice a year, the data analyzed, and the finding reported to the Head Start Bureau, ACF Regional Offices and local Head Start agencies. The NSNRS assessment is designed to create aggregate data on the progress or groups of children at the center and program levels. It is not designed to report on the school readiness of individual Head Start children.

Respondents: Head Start children and Head Start staff.

Annual Burden Estimates

ESTIMATED ANNUAL RESPONSE BURDEN TO IMPLEMENT THE HEAD START NATIONAL REPORTING SYSTEM ON CHILD OUTCOMES

Respondents and activities	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Head Start Children: Complete Direct Assessments	500,000	2	1/3	333,333
Head Start Staff: Administer Direct Assessments	36,000	14 × 2	1/3	336,000
Head Start Staff: Enter Child Demographic Information	36,000	13.9	1/30	16,666
Head Start Staff: Enter Teacher Background Information	36,000	1	1/60	600
Head Start Staff: Participating in Summer Training	3,000	1	24	72,000
Head Start Staff: Training Local Assessors for the Direct Child Assessment	3,000	1	20	60,000
Head Start Staff: Receiving Training for the Direct Child Assessments	36,000	.....	8	288,000
Head Start Local Training Staff: Fall Implementation Evaluation Form	3,000	2	1/12	500
Head Start Local Program Staff: Focus Groups	600	2	1	1,200
Head Start Local Program Staff: Interview	180	2	1	360
Spring Refresher Training (Home Study): Trainers	3,000	1	8	24,000
Spring Refresher Training (Home Study): Assessors	36,000	1	4	144,000
Totals Annualized	.....	.....	.....	1,276,659

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *rsargis@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following:

Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Desk Officer for ACF, E-mail address: *lauren_wittenberg@omb.eop.gov.*

Dated: June 17, 2003.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 03–15658 Filed 6–19–03; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget, in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). To request a copy of the clearance requests submitted to OMB for review, call the HRSA Reports Clearance Office on (301) 443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: Loan Information System Records for the DHHS and DHUD Hospital Mortgage Insurance, Guarantee, and Direct Loan Programs (OMB No. 0915–0174)—Revision

The Division of Facilities and Loans within the Health Resources and Services Administration monitors outstanding direct and guaranteed loans made under section 621 of Title VI and Section 1601 of Title XVI of the Public Health Service Act, as well as loans insured under the section 242 Hospital Mortgage Insurance Program of the National Housing Act. These programs were designed to aid construction and modernization of health care facilities by increasing the access of facilities to capital through the assumption of the mortgage credit risk by the Federal Government.

Operating statistics and financial information are collected annually from hospitals with mortgages that are insured under these programs. The information is used to monitor the financial stability of the hospitals to protect the Federal investment in these facilities. The form used for the data collection is the Hospital Facility Data Abstract. No changes in the form are proposed.

The estimated response burden is as follows:

Form	Number of respondents	Responses per respondent	Hours per response	Total hour burden
Hospital Facility Data Abstract	125	1	1	125

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Allison Eyte, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503, Fax Number 202–395–4650.

Dated: June 16, 2003.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 03–15619 Filed 6–19–03; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Protein Arginine N-methyltransferase 2 (PRMT–2)

Dr. Elizabeth Nabel (NHLBI)
DHHS Reference No. E–190–2003
Licensing Contact: Marlene Shinn-Astor; 301/435–4426; *shinnm@mail.nih.gov*

The Protein Arginine Methyltansferases (PRMTs) include a family of proteins with related putative methyltransferase domains that modify chromatin and regulate cellular transcription. These PRMTs catalyze the posttranslational methylation of arginine residues in proteins, resulting in the mono- and dimethylation of arginine on the guanidine group.

The NIH announces the characterization of one member of the PRMT family, PRMT–2. It has been found that PRMT–2 proteins can modulate the activity of Nuclear Factor kappa B (NFκB) and STAT3. PRMT–2 inhibits NFκB dependent transcription by causing nuclear accumulation of IκBα, which concomitantly decreases nuclear NFκB DNA binding. PRMT–2 modulates glucose and lipid metabolism, and controls body weight. The regulation of leptin and insulin signaling by PRMT–2 methylation of STAT3 may be a new target for treatment of diabetes and metabolic syndrome diseases such as type2 diabetes mellitus and hyperlipidemia. By screening for drugs that modulate PRMT–2 activity or expression, or cellular factors that are influenced by PRMT–2, one will be able to treat or prevent diseases such as, inflammation, allergies, cancer, obesity, diabetes, hyperlipidemia, adult respiratory distress syndrome (ARDS), asthma, allograft rejection, vasculitis, and vascular restenosis, as well as other conditions that are typically responsive to inhibition of NFκB or that are responsive to methylated STAT3.

Mouse Monoclonal Antibodies Against Human IKKgamma/NEMO Protein

Dr. Kuan-Teh Jeang (NIAID)
DHHS Reference No. E–118–2003—Research Tool
Licensing Contact: Marlene Shinn-Astor; 301/435–4426; *shinnm@mail.nih.gov.*

NF–kB has been found to be important in immune responses, cell proliferation, apoptosis, and in organ development. Several years ago it was discovered that an IKKgamma/NEMO protein was essential as an adaptor molecule to mediate TNF-alpha, IL–1, and oncoprotein induced activation of NF–kB. Mutation in IKKgamma/NEMO also results in two human genetic diseases, Familial incontinentia pigmenti and hypohidrotic/anhidrotic ectodermal dysplasia. The NIH announces mouse monoclonal antibodies to IKKgamma/NEMO that are far superior to other immunological reagents. It is anticipated that the antibodies would have both research and diagnostic capabilities.

Method for Preparing 17α-acetoxy-11β-(4,N,N-dimethylaminophenyl)-19-norpregna-4,9-diene-3,20-dione, Intermediates Thereof, and Methods for the Preparation of Such Intermediates

H.K. Kim, *et al.* (NICHD)
DHHS Reference No. E–113–2002/0–US–01
Licensing Contact: Marlene Shinn-Astor; 301/435–4426; *shinnm@mail.nih.gov.*

The compound 17α-acetoxy-11β-(4-N,N-dimethylamino-phenyl)-19-norpregna-4,9-diene-3,20-dione (CDB–2914) is a well known steroid which possesses antiprogestational and antiglucocorticodal activity. CDB–2914 could be used in contraception and therapeutic applications, including

fibroids and endometriosis. The NIH announces improvements in the process of producing CDB–2914. The new process shortens the overall number of synthetic steps from seven to five and shows an improvement in yield from 13% to 20%.

This research is further described in Rao *et al.,* Steroids, 65 (2000), 395–400.

Dated: June 13, 2003.

Steven M. Ferguson,

Acting Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 03–15547 Filed 6–19–03; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Social-Emotional Context of Adolescent Smoking Patterns—1P01CA98262–01.

Date: July 21, 2003.

Time: 12 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6116 Executive Boulevard, Rockville, MD 20852. (Telephone conference call.)

Contact Person: C. Michael Kerwin, PhD, MPH, Scientific Review Administrator, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8057, MSC 8329, Bethesda, MD 20892–8329. 301–496–7421. *kerwinm@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 12, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–15557 Filed 6–19–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute, Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Innovative Technologies for the Molecular Analysis of Cancer.

Date: July 21–22, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Hilton, 620 Perry Parkway, Gaithersburg, MD 20877.

Contact person: Sherwood Githens, PhD, Scientific Review Administrator, Special Review and Logistics Branch, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8068, Bethesda, MD 20892. (301) 435–1822.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 12, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–15564 Filed 6–19–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Initial Review Group, Subcommitttee D—Clinical Studies.

Date: July 29–31, 2003.

Time: 4 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham City Center, 1143 New Hampshire Ave., NW., Washington, DC.

Contact Person: William D. Merritt, Phd, Scientific Review Administrator, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, Bethesda, MD 20892–8328, (301) 496–9767.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 12, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–15565 Filed 6–19–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Initial Review Group Subcommittee C—Basic & Preclinical.

Date: July 29–31, 2003.

Time: 7:30 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham City Center, 1143 New Hampshire Avenue, NW., Washington, DC 20037.

Contact Person: Michael B. Small, PhD, Scientific Review Administrator, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8127, Bethesda, MD 20892–8328, (301) 402–0996.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 12, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–15566 Filed 6–19–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, ACRIN-Cooperative Trials in Diagnostic Imaging.

Date: July 22–23, 2003.

Time: 7 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Loews Philadelphia Hotel, 1200 Market Street, Howe, Philadelphia, PA 19107.

Contact Person: Timothy C. Meeker, MD, Scientific Review Administrator, Special Referral and Resources Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 8088, Rockville, MD 20852, (301) 594–1279.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393 Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.937, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 12, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–15568 Filed 6–19–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center on Minority Health and Health Disparities; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center on Minority Health and Health Disparities Special Emphasis Panel, ZMD1 (01) Resource Related Research Grants.

Date: July 8–9, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Four Points by Sheraton, 8400 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Tommy L. Broadwater, PhD, Senior Advisor to the Director, National Center on Minority Health, and Health Disparities, 6707 Democracy Plaza, Room 800, Bethesda, MD 20892. (301–402–1366.

Dated: June 12, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–15556 Filed 6–19–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel, Clinical Retina/Genetics/QOL and Infrastructure Applications.

Date: July 18, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 200015.

Contact Person: Jeanette M. Hosseini, PhD, Scientific Review Administrator, Division of Extramural Research, National Eye Institute, Bethesda, MD 20892. (301) 451–2020.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: June 12, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–15549 Filed 6–19–03; 8:45 am]

BILLING CODE 4190–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel Cornea/Lens/Nutrition Clinical Applications.

Date: June 23, 2003.

Time: 8 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Jeanette M. Hosseini, PhD, Scientific Review Administrator, Division of Extramural Research, National Eye Institute, Bethesda, MD 20892, (301) 451–2020.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Eye Institute Special Emphasis Panel RFA–SBIR Technologies for Enhanced Visual Function.

Date: June 27, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Jeanette M. Hosseini, PhD, Scientific Review Administrator, Division of Extramural Research, National Eye Institute, Bethesda, MD 20892, (301) 451–2020.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: June 13, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–15551 Filed 6–19–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel, Small Grants for Pilot Research (R03).

Date: July 24–25, 2003.

Time: July 24, 2003, 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8120 Wisconsin Ave., Bethesda, MD 20814.

Time: July 25, 2003, 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8120 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Samuel Rawlings, PhD, Chief, Scientific Review Branch, Division of Extramural Research, National Eye Institute, Bethesda, MD 20892, (301) 451–2020.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: June 12, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–15571 Filed 6–19–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel Glaucoma-Related Applications.

Date: July 18, 2003.

Time: 9 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Anne E. Schaffner, PhD, Scientific Review Administrator, Division of Extramural Research, National Eye Institute, 6120 Executive Blvd., Suite 350, Bethesda, MD 20892, (301) 451–2020.

Name of Committee: National Eye Institute Special Emphasis Panel Institutional and Individual Training Grant Applications.

Date: July 31, 2003.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Anne E. Schaffner, PhD, Scientific Review Administrator, Division of Extramural Research, National Eye Institute, 6120 Executive Blvd., Suite 350, Bethesda, MD 20892, (301) 451–2020.

Name of Committee: National Eye Institute Special Emphasis Panel Novel Therapeutic and Pathogenetic Studies of Oculomotor Disorders.

Date: August 7, 2003.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Anne E. Schaffner, PhD, Scientific Review Administrator, Division of Extramural Research, National Eye Institute, 6120 Executive Blvd., Suite 350, Bethesda, MD 20892, (301) 451–2020.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: June 12, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–15572 Filed 6–19–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel Sequencing Centers.

Date: August 5, 2003.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Hotel, Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Rudy O. Pozzatti, PhD, Scientific Review Administrator, Office of Scientific Review, National Human Genome Research Institute, National Institutes of Health, Bethesda, MD 20892, (301) 402–0838.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: June 12, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–15567 Filed 6–19–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel ''GMP Synthesis of Bulk Drug Substances''.

Date: June 25, 2003.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: Double Tree Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Eric Zatman, Contract Review Specialist, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, MSC 9547, Bethesda, MD 20892–9547, (301) 435–1438.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS)

Dated: June 12, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–15550 Filed 6–19–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Biodefense and Emerging Infections Research Resources Program.

Date: June 24, 2003.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate contract proposals.

Place: Four Points by Sheraton Bethesda, Ambassador II Room, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Eugene R. Baizman, PhD, Scientific Review Administrator, DHHS/NIAID/DEA/SRP, Room 2209, 6700B Rockledge Drive, Bethesda, MD 20892–7616. (301) 496–2550. *eb237e@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: June 12, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–15554 Filed 6–19–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, Genetic Toxicity in Bacteria and Rodents.

Date: July 15, 2003.

Time: 9 a.m. to 2 p.m.

Agenda: To review and evaluate contract proposals.

Place: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, 122, Research Triangle Park, NC 27709. (Telephone conference call.)

Contact Person: RoseAnne M. McGee, Associate Scientific Review Administrator,

Scientific Review Branch, Office of Program Operations, Division of Extramural Research and Training, Nat. Inst. of Environmental Health Sciences, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709. 919/541–0752.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, Molecular Oncology and Toxicology Support.

Date: July 17, 2003.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate contract proposals.

Place: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, 122, Research Triangle Park, NC 27709. (Telephone conference call.)

Contact Person: RoseAnne M. McGee, Associate Scientific Review Administrator, Scientific Review Branch, Office of Program Operations, Division of Extramural Research and Training, Nat. Inst. of Environmental Health Sciences, P.O. Box 12233, MD 3C–30, Research Triangle Park, NC 27709. 919/541–0752.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: June 12, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–15555 Filed 6–19–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., ass amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel, Services Conflicts Meeting.

Date: July 21, 2003.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Richard E. Weise, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Boulevard, Room 6140, MSC9606, Bethesda, MD 20892–9606, (301) 443–1225, *rweise@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel, ITV Conflicts.

Date: July 31, 2003.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Richard E. Weise, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Boulevard, Room 6140, MSC9606, Bethesda, MD 20892–9606, (301) 443–1225, *rweise@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: June 12, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advsiory Committee Policy.

[FR Doc. 03–15569 Filed 6–19–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552(c)(4) and 552b(c)(6), Title 5 U.S.C. as amended. The grant applications and the discussion could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Small Clinical Grants in Digestive Diseases and Nutrition.

Date: July 17, 2003.

Time: 7:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal City Courtyard By Marriott, 2899 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Michael W. Edwards, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 750, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892, (301) 594–8886, *edwardsm@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Translational Research for the Prevention and Control of Diabetes.

Date: July 22, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott Rockville, 2500 Research Boulevard, Rockville, MD 20850.

Contact Person: Michele L. Barnard, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 753, 6707 Democracy Boulevard, Bethesda, MD 20892–6600, (301) 594–8898, *barnardm@extra.niddk,nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Bench to Bedside Research on Type 1 Diabetes and its Complications.

Date: July 23, 2003.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott Rockville, 2500 Research Boulevard, Rockville, MD 20850.

Contact Person: Michele L. Barnard, Phd, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 753, 6707 Democracy Boulevard, (301) 594–8898, *barnardm@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: June 11, 2003.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–15570 Filed 6–19–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ARG1 GMB (10): Small Business: Nephrology.

Date: June 17, 2003.

Time: 12 p.m. to 1 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007

Contact Person: Shirley Hilden, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4218, MSC 7814, Bethesda, MD 20892. (301) 435–1198.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Nuclear Receptor.

Date: June 25, 2003.

Time: 3 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone conference call.)

Contact Person: Chhanda L. Ganguly, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7802, Bethesda, MD 20892. (301) 435–1739. *gangulyc@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Musculosketal and Dental Sciences Integrated Review Group, Oral Biology and Medicine Subcommittee 2.

Date: July 1–2, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham City Center, 1143 New Hampshire Ave., Washington, DC 20037.

Contact Person: Priscilla B. Chen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4104, MSC 7814, Bethesda, MD 20892. (301) 435–1787.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Penal, Studies of Anterior Eye Disease.

Date: July 1–2, 2003.

Time: 8:30 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal City Marriott, 1999 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Mary Custer, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5102, MSC 7850, Bethesda, MD 20892. (301) 435–1164. *custerm@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Social Sciences, Nursing, Epidemiology and Methods Integrated Review Group, Social Sciences, Nursing, Epidemiology and Methods 2.

Date: July 1–2, 2003.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Yvette Davis, VMD, MPH, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3152, MSC 7770, Bethesda, MD 20892. (301) 435–0906.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Psychopharmacology and Behavior.

Date: July 1, 2003.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone conference call.)

Contact Person: Daniel R. Kenshato, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5176, MSC 7844, Bethesda, MD 20892. 301–435–1255.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Modeling of Microarray Data.

Date: July 1, 2003.

Time: 2 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone conference call.)

Contact Person: Mary Ann Guadagno, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1104, MSC 7770, Bethesda, MD 20892. (301) 451–8011.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Lam Imaging.

Date: July 2, 2003.

Time: 10 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone conference call.)

Contact Person: John Bishop, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892. (301) 435–1250

Name of Committee: Center for Scientific Review Emphasis Panel, ZRG1 SSS X 11B: Small Business: Electromagnetics.

Date: July 2, 2003.

Time: 2 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone conference call.)

Contact Person: Lee Rosen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892. (301) 435–1171. *rosenl@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, A Therapy Target in Prostate Cancer.

Date: July 3, 2003.

Time: 3:30 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone conference call.)

Contact Person: Syed M. Quadri, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6210, MSC 7804, Bethesda, MD 20892. (301) 435–1211.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893 National Institutes of Health, HHS)

Dated: June 12, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–15552 Filed 6–19–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, June 20, 2003, 3 p.m. to June 20, 2003, 4 p.m., Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814, which was published in the **Federal Register** on June 9, 2003, 68 FR 34406–34408.

The meeting times have been changed to 2 p.m. to 3 p.m. The meeting date and location remain the same. The meeting is closed to the public.

Dated: June 12, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–15553 Filed 6–19–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Co-Exclusive License: Glycosylation-Resistant Cyanovirins (CV–N) and Related Conjugates, Compositions, Nucleic Acids, Vectors, Host Cells, Methods of Production and Methods of Using Nonglycosylated Cyanovirins for Use in Vaccines and Therapeutics Based on CV–N for the Prevention and/or Treatment of Influenza Infection

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(I), that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of world-wide co-exclusive licenses to practice the invention embodied in: United States Patent Application 09/815,079 and its foreign equivalents entitled ''Glycosylation-Resistant Cyanovirins and Related Conjugates, Compositions, Nucleic Acids, Vectors, Host Cells, Methods of Production and Methods of Using Nonglycosylated Cyanovirins'', filed March 22, 2001, to OmniViral Therapeutics, LLC, having a place of business in Germantown, MD, and Biosyn, Inc., having a place of business in Huntingdon Valley, PA. The patent rights in this invention have been assigned to the United States of America.

DATES: Only written comments and/or application for a license which are received by the NIH Office of Technology Transfer on or before August 19, 2003 will be considered.

ADDRESSES: Requests for a copy of the patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Susan Ano, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Email: *anos@od.nih.gov*; Telephone: (301) 435–5515; Facsimile: (301) 402–0220.

SUPPLEMENTARY INFORMATION: The prospective co-exclusive licenses will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective co-exclusive licenses may be granted unless, within 60 days from the date of this published Notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The technology has two major aspects. The first is that CV–N and homologous proteins and peptides potently inhibit diverse laboratory and clinical isolates of influenza viruses A and B. Since these strains are the two major types of influenza virus that infect humans, an agent that has antiviral activity against both influenza A and B, like CV–N, would be particularly useful in prevention and/or treatment of influenza infections. The second aspect provides CV–N mutants that are glycosylation-resistant mutants. These mutants code sequences to enable ultra large-scale recombinant production of functional CV–N in non-bacterial (yeast or insect) host cells or in transgenic animals or plants. Therefore, these glycosylation-resistant mutants may allow industry to produce CV–N inexpensively on a large scale, which might make vaccines and therapeutics based on CV–N more accessible to developing countries.

The field of use may be limited to development of vaccines and therapeutics based on CV–N for the treatment and/or prevention of influenza infections from all strains.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: June 12, 2003.

Steven M. Ferguson,

Acting Director, Division of Technology Development and Transfer, Office of Technology Transfer.

[FR Doc. 03–15548 Filed 6–19–03; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Title: National Flood Insurance Program Policy Forms.

Type of Information Collection: Revision of a currently approved collection.

OMB Number: 1660–0006.

Abstract: The National Flood Insurance Act of 1968 requires that FEMA provide flood insurance so that the risks associated with buildings in flood-prone areas are borne by those located in such areas and not by the taxpayers at large. FEMA Forms 81–16, 81–17, 81–18, 81–25, and 81–67, the Request for Policy Processing and Renewal Information Letter (RPPR1 Letter), and the Renewal Premium Notice are used to collect information needed for NFIP policies to be issued and to accommodate the changing insurance needs of policyholders.

Affected Public: Individuals or Households, Business or Other For Profit, Not-For-Profit Institutions,

Farms, and State, Local or Tribal Government.

Number of Respondents: 254,100.

Estimated Time per Respondent: FEMA Form 81–16, Flood Insurance Application, 12 minutes; FEMA Form 81–17, Flood Insurance Cancellation/ Nullification Request Form, 7.5 minutes; FEMA Form 81–18, Flood Insurance General Change Endorsement, 9 minutes; FEMA Form 81–25, V-Zone Risk Factor Rating Form, 6 hours; FEMA Form 81–67, Flood Insurance Preferred Risk Policy Application, 15 minutes.

Estimated Total Annual Burden Hours: 25,125.

Frequency of Response: On occasion.

Comments: Interested persons are invited to submit written comments on the proposed information collection to the Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 within 30 days of the date of this notice.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, Chief, Records Management Branch, 500 C Street, SW., Room 316, Washington, DC 20472, facsimile number (202) 646–3347, or email address *InformationCollections@fema.gov.*

Dated: June 13, 2003.

Edward W. Kernan,

Division Director, Information Resources Management Division, Information Technology Services Directorate.

[FR Doc. 03–15614 Filed 6–19–03; 8:45 am]

BILLING CODE 6718–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Title: The Declaration Process: Request for Damage Assessment, Federal Disaster Assistance, Cost Share Adjustment.

Type of Information Collection: Extension of a currently approved collection.

OMB Number: 1660–0009.

Abstract: When a disaster occurs in a State, the Governor of the State or the Acting Governor in his/her absence, may request a major disaster or emergency declaration. The Governor should submit the request to the President through the appropriate Regional Director to ensure prompt acknowledgement and processing. Regional senior level staff will analyze the information obtained by State damage assessments. The Regional analysis shall include a discussion of State and local resources and capabilities, and other assistance available to meet the disaster related needs. The Under Secretary, Emergency Preparedness and Response, forwards the Governor's request to the President, with a FEMA report and recommendations. In the event the information required by law is not contained in the request, the Governor's request cannot be processed and forwarded to the White House. The Governor may appeal the decision.

Affected Public: Individuals or Households, Not-For-Profit Institutions, State, Local or Tribal Government, Business or Other For-Profit, Farms, and Federal Government.

Number of Respondents: 58.

Estimated Time per Respondent: 76 hours.

Estimated Total Annual Burden Hours: 13,224.

Frequency of Response: Per disaster.

Comments: Interested persons are invited to submit written comments on the proposed information collection to the Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 within 30 days of the date of this notice.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, Chief, Records Management Branch, 500 C Street, SW., Room 316, Washington, DC 20472, facsimile number (202) 646–3347, or email address *InformationCollections@fema.gov.*

Dated: June 11, 2003.

Edward W. Kernan,

Division Director, Information Resources Management Division, Information Technology Services Directorate.

[FR Doc. 03–15615 Filed 6–19–03; 8:45 am]

BILLING CODE 6718–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1472–DR]

Arkansas; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Arkansas (FEMA–1472–DR), dated June 6, 2003, and related determinations.

EFFECTIVE DATE: June 10, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective June 10, 2003.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560, Individual and Household Program—Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–15613 Filed 6–19–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1471–DR]

Kentucky; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–1471-DR), dated June 3, 2003, and related determinations.

EFFECTIVE DATE: June 12, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Kentucky is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 3, 2003:

Madison County for Individual Assistance.

Estill and Perry Counties for Individual Assistance (already designated for Public Assistance.)

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560, Individual and Household Program—Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–15611 Filed 6–19–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1471–DR]

Kentucky; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–1471–DR), dated June 3, 2003, and related determinations.

EFFECTIVE DATE: June 13, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Kentucky is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 3, 2003:

Owsley County for Individual Assistance (already designated for Public Assistance.)

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program-Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–15612 Filed 6–19–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1463–DR]

Missouri; Amendment No. 9 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–1463–DR), dated May 6, 2003, and related determinations.

EFFECTIVE DATES: June 13, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Missouri is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 6, 2003: Marion, Monroe, and Saline Counties for Public Assistance (already designated for Individual Assistance.)

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program—Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–15610 Filed 6–19–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4809–N–25]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, room 7266, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Shirley Kramer, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this notice (*i.e.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Agriculture:* Ms. Marsha Pruitt, Department of Agriculture, Reporters Building, 300 7th Street, SW., Room 310B, Washington, DC 20250; (202) 720–4335; *GSA:* Mr. Brian K. Polly, Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th and F Streets, NW., Washington, DC 20405; (202) 501–0052; *Interior:* Ms. Linda Tribby, Acquisition & Property Management, Department of the Interior, 1849 C Street, NW., MS5512, Washington, DC 20240; (202) 219–0728; *Navy:* Mr. Charles C. Cocks, Director, Department of the Navy, Real Estate Policy Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE., Suite 1000, Washington, DC 20374–5065; (202) 685–9200; (these are not toll-free numbers).

Dated: May 12, 2003.

John D. Garrity,

Director, Office of Special Needs Assistance Programs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 6/20/03

Suitable/Available Properties,

Buildings (by State)

Montana

Bldg. 1031
Red Lodge Ranger Station
Red Lodge Co: MT 59086–
Landholding Agency: Agriculture
Property Number: 15200320001
Status: Excess
Comment: 2753 sq. ft. residence, located on National Forest land, off-site use only.

Suitable/Unavailable Properties

Buildings (by State)

Florida

Federal Building
98 3rd St., SW
Winter Haven Co: Polk FL 33880–
Landholding Agency: GSA
Property Number: 54200320013
Status: Excess
Comment: 7335 sq. ft., existing lease GSA Number: 4–G–FL–1210.

Unsuitable Properties

Buildings (by State)

California

Bldg. IA25
Naval Weapons Station
Seal Beach
Concord Co: CA 94520–5100
Landholding Agency: Navy
Property Number: 77200320064
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 263
Naval Weapons Station
Seal Beach
Concord Co: CA 94520–5100
Landholding Agency: Navy
Property Number: 77200320065
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 3518/3512
Naval Weapons Station
Seal Beach
Concord Co: CA 94520–5100
Landholding Agency: Navy
Property Number: 77200320066
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

New York

Bldgs/Pier/Field
USCG/Ft. Totten
Borough of Queens Co: Flushing NY
Landholding Agency: GSA

Property Number: 54200320015
Status: Surplus
Reason: Contamination
GSA Number: 1–U–NY–882.

Pennsylvania

Bldg. 619
Naval Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200320063
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Washington

Residence No. 44
Lake Cle Elum Rd.
Ronald Co: Kittitas WA 98940–
Landholding Agency: Interior
Property Number: 61200320015
Status: Unutilized
Reason: Extensive deterioration.

Warehouse 104
Lake Cle Elum Rd.
Ronald Co: Kittitas WA 98940–
Landholding Agency: Interior
Property Number: 61200320016
Status: Unutilized
Reason: Extensive deterioration.

Garage No. 105
Lake Cle Elum Rd.
Ronald Co: Kittitas WA 98940–
Landholding Agency: Interior
Property Number: 61200320017
Status: Unutilized
Reason: Extensive deterioration.

Residence
Riverside Road
Yakima Co: WA 98901–
Landholding Agency: Interior
Property Number: 61200320018
Status: Unutilized
Reason: Extensive deterioration.

Detached Garage/Shop
Riverside Road
Yakima Co: WA 98901–
Landholding Agency: Interior
Property Number: 61200320019
Status: Unutilized
Reason: Extensive deterioration.

Detached Garage/Storage
Riverside Road
Yakima Co: WA 98901–
Landholding Agency: Interior
Property Number: 61200320020
Status: Unutilized
Reason: Extensive deterioration.

Storage Bldg.
Riverside Road
Yakima Co: WA 98901–
Landholding Agency: Interior
Property Number: 61200320021
Status: Unutilized
Reason: Extensive deterioration.

Michigan

Land/USCG
1380 Beach Street
Muskegon Co: MI 49441–
Landholding Agency: GSA
Property Number: 54200320014
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

GSA Number: 1–U–MI–0610.

[FR Doc. 03–15300 Filed 6–19–03; 8:45 am]
BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Renewal of Agency Information Collection for Indian Self-Determination and Education Assistance Contracts

AGENCIES: Bureau of Indian Affairs, Department of the Interior, and Indian Health Service, Department of Health and Human Services.

ACTION: Notice of request for comments.

SUMMARY: The Department of the Interior and the Department of Health and Human Services announce a request for comments concerning renewal of 1076–0136, the Information Collection Request used for Indian Self-Determination and Education Assistance actions. The information collection will be used to process contracts, grants or cooperative agreements for award by the Bureau of Indian Affairs and the Indian Health Service as authorized by the Indian Self-Determination and Education Assistance Act, as amended, and as set forth in 25 CFR part 900. The Department of the Interior and the Department of Health and Human Services invite comment on the information collection described below.

DATES: Interested persons are invited to submit comments on or before August 19, 2003.

ADDRESSES: If you wish to comment, you may submit your comments to Lena Mills, Office of Tribal Services, Bureau of Indian Affairs, Department of the Interior, 1951 Constitution Avenue, NW., MS 320–SIB, Washington, DC 20240. You may telefax comments on this information collection to (202) 208–5113. You may also hand deliver written comments or view comments at the same address.

FOR FURTHER INFORMATION CONTACT: Lena Mills, Office of Tribal Services, Bureau of Indian Affairs, (202) 513–7612. You may obtain a copy of this information collection document at no charge by a written request to the same address, by telefaxing a request to the above number, or by calling (202) 513–7612. Please identify the information collection by the number 1076–0136.

SUPPLEMENTARY INFORMATION: The Department of the Interior and the Department of Health and Human Services developed a joint rule, 25 CFR part 900, to implement section 107 of the Indian Self-Determination and Education Assistance Act, as amended, and Title I, Public Law 103–413, the Indian Self-Determination Contract Reform Act of 1994. Section 107(a)(2)(A)(ii) of the Indian Self-Determination Contract Reform Act requires the joint rule to permit contracts and grants to be awarded to Indian tribes without the unnecessary burden or confusion associated with two sets of rules and information collection requirements when there is a single program legislation involved. The Bureau of Indian Affairs and the Indian Health Service expect that the base burden hours for complying with this Information Collection Request, OMB 1076–0136, will be reduced overall by approximately 20 percent during the contract renewal process. The reduction in the number of base burden hours associated with information collection requirements of 25 CFR part 900 results form the following three factors:

(1) More tribes are contracting under 25 CFR 900.8, which permits tribes to contract several programs under a single contract;

(2) The number of self-governance tribes has increased. Self-governance tribes may combine all programs under a single self-governance compact;

(3) The majority of contracts awarded are renewal contracts, which take considerably less time to complete than new contracts and therefore substantially decrease time spent under subpart C.

The information requirements for this joint rule differ from those of other agencies. Both the Bureau of Indian Affairs and the Indian Health Service let contracts for multiple programs, whereas other agencies usually award single grants to tribes. Under the Indian Self-Determination and Education Assistance Act, as amended, and the Indian Self-Determination Contract Reform Act of 1994, tribes are entitled to contract and may renew contracts annually with the Bureau of Indian Affairs and the Indian Health Service, whereas other agencies provide grants on a discretionary or competitive basis.

The proposal and other supporting documentation identified in this information collection are used by the Department of the Interior and the Department of Health and Human Services to determine applicant eligibility, evaluate applicant capabilities, protect the service population, safeguard Federal funds and

other resources, and permit the Federal agencies to administer and evaluate contract programs. Tribal governments or tribal organizations provide the information by submitting Public Law 93–638 contract or grant proposals to the appropriate Federal agency. No third-party notification or public disclosure burden is associated with this collection.

Request for Comments

The Department of the Interior and the Department of Health and Human Services request comments on this information collection particularly concerning:

(1) The necessity of the information collection for the proper performance of the agencies functions;

(2) Whether this information collection duplicates a collection elsewhere by the federal government;

(3) Whether the burden estimate is accurate or could be reduced using technology available to all respondents;

(4) If the quality of the information requested ensures its usefulness to the agencies;

(5) If the instructions are clear and easily understood, leading to the least burden on the respondents.

Burden Statement

Each respondent is required to respond from 1 to 12 times per year, depending upon the number of programs it contracts from the Bureau of Indian Affairs and Indian Health Service. In addition, each subpart concerns information collection for different parts of the contracting process. For example, subpart C relates to initial contract proposal contents. Information collection for subpart C would be unnecessary when contracts are renewed. Subpart F describes minimum standards for the management systems used by Indian tribes or tribal organizations under these contracts. Subpart G addresses the negotiability of all reporting and data requirements in the contract.

Total annual burden: 191,174 hours.

Total number of respondents: 550.

Total number of responses: 5,507.

Dated: June 13, 2003.

Aurene M. Martin,

Acting Assistant Secretary—Indian Affairs, Department of the Interior.

Dated: April 30, 2003.

Duane Jeanotte,

Acting Director of Headquarters Operations, Department of Health and Human Services.

[FR Doc. 03–15608 Filed 6–19–03; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–020–03–1320–EL]

Intent To Prepare a Land Use Analysis/ Environmental Assessment; Alabama

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare a land use analysis/environmental assessment.

SUMMARY: The Bureau of Land Management's Eastern States, Jackson Field Office, is preparing a Land Use Analysis/Environmental Assessment (LUA/EA) to consider leasing Federal coal in response to lease application ALES–51589. This notice is issued pursuant to 40 CFR 1501.7, 43 CFR 1610.2(c) and 43 CFR part 3420. The planning effort will follow the procedures set forth in 43 CFR part 1610. As provided at 43 CFR part 3420, information and data pertaining to the coal deposits or other resources, which potentially may be affected by development of the coal, are requested. The public is invited to participate in this planning process, beginning with the identification of planning issues and criteria.

Coal companies, state and local governments and the general public are encouraged to submit information to assist in determining (1) coal development potential, and (2) development conflicts with other resources.

DATES: Comments will be accepted on or before July 21, 2003.

Public Participation: This notice initiates the National Environmental Policy Act (NEPA) public scoping process. The agencies will work collaboratively with interested parties to identify the management decisions that are best suited to national, regional and local needs and concerns. The public is invited to participate in this planning process, beginning with the identification of issues and planning criteria along with submittal of coal or other resource or land use information.

ADDRESSES: Comments should be sent to Sid Vogelpohl, Bureau of Land Management, 411 Briarwood, Suite 404; Jackson, MS 39206.

FOR FURTHER INFORMATION CONTACT: Sid Vogelpohl, Bureau of Land Management, (601) 977–5402.

SUPPLEMENTARY INFORMATION: The coal lease application, filed by Pittsburg & Midway Coal Mining Company, is located in Fayette County, Alabama. The lease application area is approximately 1.5 miles southeast of Berry, Alabama. The lease application area, totaling 2,887.2 acres, is described as follows:

Township 16 South, Range 10 West, Huntsville Meridian
Section 14: SW¼SW¼,
Section 15: SE¼SW¼, S½SE¼, NE¼SE¼,
Section 21: N½SW¼, SW¼SW¼, E½,
Section 22: All,
Section 23: NW¼, W½SW¼, SW¼SE¼,
Section 26: NW¼NW¼,
Section 27: N½, SE¼,
Section 28: E½NE¼, N½SW¼, SE¼SW¼, SE¼,
Section 31: NE¼SE¼,
Section 33: NE¼, E½NW¼,
Section 34: NW¼.

The applicant proposes to mine the Federal coal in the lease application area by underground methods extending from the existing North River Mine. The surface estate overlying the lease application area is privately owned.

The BLM has the responsibility to address coal lease applications on Federal mineral estate under the Mineral Leasing Act of 1920, as amended. The Office of Surface Mining, in coordination with the State of Alabama, has responsibility to issue Mine Permits under the Surface Mining Control and Reclamation Act.

Current mining at the North River Mine (Mine Permit P–3222) does not include Federal coal. The coal lease applicant has filed for an amendment to the existing Permit to extend the Mine into Federal coal in the lease application area and associated private coal.

An interdisciplinary team will prepare the LUA/EA. Preliminary issues, subject to change as a result of public input, are (1) potential impacts of coal exploration and development on the surface and subsurface resources and (2) consideration of restrictions on lease rights to protect surface resources.

Preliminary planning criteria developed to guide the preparation of the PA, subject to change as a result of public input, are as follows:

1. Land use planning and environmental analysis will be conducted in accordance with laws, regulations, executive orders and manuals. Planning will be conducted for the federal coal mineral estate (leaseable mineral estates, such as, coal; are under the administration of the BLM).

2. A mine plan scenario will be prepared for the Federal coal resource. The surface estate is privately owned.

3. Resource data needed to evaluate the impacts of coal exploration and mining will be collected.

4. The planning team will work cooperatively with (a) federal, state,

county and local governments and agencies, (b) tribal governments, (c) groups and organizations and (d) individuals. Comments relating to the preliminary issues and planning criteria should be submitted in writing to the address provided above.

An individual, business entity, or public body may participate in this process by providing information regarding coal or other resource information to assist in determining conflicts that may result from issuance of the coal lease. For other resource information, participants are asked to identify the particular resource value, to provide the reason that the resource would conflict with coal development and provide a map (minimal scale 1:24,000) showing the location of the resource.

The information available to the interdisciplinary team will be considered in addressing the specific resources and uses identified in the 20 Unsuitability Criteria listed at 43 CFR part 3461. Screening of the federal coal lands in the application area through the Unsuitable Criteria will result in a determination as to which lands are (1) acceptable for further leasing consideration with standard stipulations or (2) acceptable for further leasing consideration with special stipulations or (3) are unacceptable for further consideration for leasing.

Lands acceptable for further leasing consideration after screening through the Unsuitability Criteria will be further screened in regards to other resource values and uses that could be affected by lease issuance.

Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comments. Such requests will be honored to the extent allowed by the law. All submissions from organizations, businesses and individuals identifying themselves as representatives or officials of organizations or businesses will be available for public inspection in their entirety.

Due to the limited scope of this LUA/EA, a public meeting is not scheduled during this scoping stage. However, a public hearing will be conducted, in accordance with 43 CFR part 3420 and 1600, upon the completion of the LUA/EA. This hearing will be announced through the **Federal Register** and a local newspaper, at least 15 days prior to the hearing.

Dated: May 8, 2003.

Bruce E. Dawson,

Field Manager, Jackson Field Office.

[FR Doc. 03–15605 Filed 6–19–03; 8:45 am]

BILLING CODE 4310–GJ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–921–03–1320–EL–P; MTM 92544]

Invitation—Coal Exploration License Application

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of Invitation—Coal Exploration License Application MTM 92544.

SUMMARY: Members of the public are hereby invited to participate with Kiewit Mining Group, Inc., in a program for the exploration of coal deposits owned by the United States of America in the following-described lands located in Prairie County, Montana, encompassing 240.00 acres:

T. 11 N., R. 49 E., P. M. M.
Sec. 21, NE¼SE¼, NW¼NE¼
Sec. 22, SW¼NW¼
Sec. 27, NW¼NW¼, SE¼NW¼
Sec. 28, SW¼NE¼

SUPPLEMENTARY INFORMATION: Any party electing to participate in this exploration program shall notify, *in writing,* both the State Director, Bureau of Land Management, P.O. Box 36800, Billings, Montana 59107–6800; and Kiewit Mining Group, Inc., P.O. Box 3, Decker, Montana 59025. Such written notice must refer to serial number MTM 92544 and be received no later than 30 calendar days after publication of this Notice in the **Federal Register** or 10 calendar days after the last publication of this Notice in *The Terry Tribune,* Terry, Montana, or *The Miles City Star,* Miles City, Montana, newspapers, whichever is later. This Notice will be published once a week for two (2) consecutive weeks in *The Terry Tribune,* Terry, Montana, and *The Miles City Star,* Miles City, Montana.

The proposed exploration program is fully described, and will be conducted pursuant to an exploration plan to be approved by the Bureau of Land Management. The exploration plan, as submitted by Kiewit Mining Group, Inc., is available for public inspection at the Bureau of Land Management, Montana State Office, 5001 Southgate Drive, Billings, Montana, during regular business hours (9 a.m. to 4 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Robert Giovanini, Mining Engineer, or Connie Schaff, Land Law Examiner, Branch of Solid Minerals (MT–921), Bureau of Land Management, Montana State Office, P.O. Box 36800, Billings, Montana 59107–6800, telephone (406) 896–5084 or (406) 896–5060, respectively.

Dated: May 16, 2003.

Randy D. Heuscher,

Chief, Branch of Solid Minerals.

[FR Doc. 03–15607 Filed 6–19–03; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–820–02–5440–DS–C028]

Notice of Availability of Draft Environmental Impact Statement and Draft Amendment to the San Juan/San Miguel Resource Management Plan for a Proposed Ski Area Near Silverton, CO

AGENCY: Bureau of Land Management.

ACTION: Notice of availability of Draft Environmental Impact Statement (EIS) and draft amendment to the San Juan/San Miguel Resource Management Plan (RMP) for a proposed ski area near Silverton, Colorado.

SUMMARY: Pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (FLPMA) and section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), the Bureau of Land Management (BLM) directed the preparation of a Draft EIS, prepared by a third party contractor, to provide agency decision makers with comprehensive environmental impact information related to the proposed ski area. The proponent, Core Mountain Enterprises, LLC, proposes to use approximately 1,300 acres of BLM managed public land, combined with about 400 acres of their private lands, for a downhill ski area located about 5 miles north of Silverton, Colorado. The proposed action will require a plan amendment if it results in a change in the scope of resources uses, or decisions in the San Juan/San Miguel RMP.

DATES: Written comments will be accepted for 90 days following the date the Environmental Protection Agency (EPA) publishes this notice in the **Federal Register**. For future meetings or any other public involvement activities, all parties on the project's mailing list will be notified through written correspondence; in addition, public notices will be placed in the local newspapers 15 days prior to the meetings.

ADDRESSES: Written comments should be sent to the Bureau of Land Management, San Juan Public Lands Center, Columbine Field Office, 15 Burnett Court, Durango, Colorado 81301. Responses to written comments will be published as part of the Final Environmental Impact Statement. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

You may obtain copies of the Draft EIS will from the San Juan Public Lands Center, 15 Burnett Ct. Durango, Colorado. Copies will also be available at the following locations:

Silverton Public Library, 1111 Reese Street, Silverton, Colorado.

Durango Public Library, 1188 2nd Ave., Durango, Colorado.

FOR FURTHER INFORMATION CONTACT: Richard Speegle, Team Leader, Columbine Field Office, at 970–375–3310, or e-mail at *richard_speegle@blm.gov.*

SUPPLEMENTARY INFORMATION: The Draft EIS/Draft Amendment analyzes four alternatives to address the issues of public safety, Canada lynx impacts, impacts on the local winter economy, impacts to neighboring private lands, public access and other related issues. The four alternatives can be summarized as: Proposed action (unguided skiing only), (A) no action, or continuation of current practices, (B) guided skiing only, and (C) the preferred alternative, an integrated guided and unguided operation. The proposed action alternative is the proposal by Core Mountain Enterprises, LLC (Silverton Outdoor Learning and Recreation Center) for a ski area and recreation/learning facility, titled the ''Silverton Outdoor Learning and Recreation Center (SOLRC)'' on public lands north of Silverton, Colorado. The proposal includes lift-accessed skiing, snow boarding, and summer and winter related educational courses; and hiking, mountain biking and lift-accessed scenic chairlift rides during the summer months. Seasonal foot bridges would be installed across Cement Creek for skier access. In addition, two summer use trails (one would be a mountaineering trail, the other a hiking trail) are proposed on public lands. The alternative (B) guided operation only, includes the same proposed area and all of the elements of the proposed action, but would allow for a limited ''guided only'' operation.

It would also allow the optional use of a guided helicopter access, allowing a wider skier distribution and more extensive skier compaction of the area, creating potential skier safety benefits as well as increasing recreational opportunities. The preferred alternative (C) integrated guided and unguided operation, would blend the unguided skiing under the proposed action with the guided only operation of alternative (B), incorporating the skier safety approaches appropriate to both. The preferred alternative (C) would include all elements of both the proposed action and the guided only operation of alternative (B), with the following exceptions:

1. Skier access to the permit area terrain would be staged according to skier safety hazards. Areas where risks were adequately reduced, due to avalanche control efforts and/or naturally evolving snow conditions, would be open to unguided skiing. Areas where hazards existed but could be avoided would be open to guide skiing only, and areas where the hazard was too high to reliably avoid, would be closed.

2. Limited tree thinning, limbing, and cleanup on forested, north-facing slopes within the permit area. The objective would be to increase safe tree-skiing opportunities, primarily for unguided skiers, during periods of high avalanche hazard above timberline. This alternative would incorporate both approaches to skier safety, from resort-style risk reduction as described above under the proposed action to the risk-avoidance approach typical of guided operations (alternative B).

Determination of which areas were open for unguided skiing and for guided skiing—and which areas were closed to skiing of any type—would be made on the basis of snow-stability criteria detailed in the skier-safety operation plan.

Public participation has occurred throughout the EIS process. A notice of intent was filed in the **Federal Register** in September of 2002. Since that time, an open house was conducted in Silverton, Colorado to solicit comments and ideas. Any comments presented throughout the process have been considered.

Dated: April 11, 2003.

Mike Znerold,

Acting Center Manager, San Juan Public Lands Center.

[FR Doc. 03–15792 Filed 6–19–03; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–020–1310–EI]

Notice of Intent To Prepare a Planning Analysis/Environmental Assessment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to Prepare a Planning Analysis/Environmental Assessment (PA/EA).

SUMMARY: The Bureau of Land Management, Eastern States, Jackson Field Office, announces its intent to prepare a PA/EA in cooperation with the U.S. Army Corps of Engineers (COE), Louisville, Kentucky, to consider leasing Federal mineral estate for oil and gas exploration and development. The PA/EA is being prepared in response to an expression of interest (EOI) from the public. The EOI requests leasing without the right of surface occupancy. The lands, managed by the U.S. Army Corps of Engineers, are within the Nolin Lake Project in Edmonson, Grayson, and Hart Counties, Kentucky. This notice is issued pursuant to title 40 Code of Federal Regulations (CFR) 1501.7 and Title 43 CFR 1610.2 (c). The planning effort will follow the procedures set forth in Title 43 CFR part 1600. The public is invited to participate in this planning process, beginning with the identification of planning issues and criteria.

DATES: Comments relating to the identification of planning issues and criteria will be accepted for thirty days from the date of this publication. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comments. Such requests will be honored to the extent allowed by law. All submissions from organizations and businesses, and from the individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

ADDRESSES: Send written comments to Bureau of Land Management (ATTN: Sid Vogelpohl), Jackson Field Office;

411 Briarwood Dr., Suite 404; Jackson, MS 39206. Submit electronic comments to *Sid_Vogelpohl@blm.gov.*

FOR FURTHER INFORMATION CONTACT: Sid Vogelpohl at (601) 977–5402.

SUPPLEMENTARY INFORMATION: The BLM has responsibility to consider EOIs to lease Federal mineral estate for oil and gas exploration and development. Directional wells may be drilled into the Nolin Lake property at depth (4,000 feet) from privately owned property adjoining tracts managed by the COE. No surface equipment or drilling locations would be on COE-managed property. Subject to completion of the PA/EA, the COE has consented to leasing without the right for surface occupancy.

The area being addressed, along with acreage, is identified below.

Legal Description: Acquired Lands within Segments 7 through 17 and Segments 22 through 28 within the Nolin Lake Project. Total acreage is 6,731 acres.

An interdisciplinary team will prepare the PA/EA. Preliminary issues, subject to change as a result of public input, are as follows: (1) Potential impacts of oil and gas exploration and development on the surface resources and uses by the COE; and (2) consideration of restrictions on lease rights to protect surface resources and uses by the COE.

Preliminary planning criteria developed to guide the preparation of this PA are listed below. These criteria may be refined by public input.

1. Land use planning and environmental analysis will be conducted in accordance with laws, regulations, executive orders and manuals. Planning will be conducted for the oil and gas mineral estate (leaseable mineral estates, such as, oil and gas; are under the administration of the BLM).

2. A reasonable foreseeable development scenario will be prepared for the exploration and development of oil and gas resources (if any) under the identified land. The surface estate is managed by the COE.

3. Resource data needed to evaluate the impacts of foreseeable oil and gas exploration and development will be collected.

4. The planning team will work cooperatively with (a) federal, state, county and local governments and agencies, (b) tribal governments, (c) groups and organizations and (d) individuals.

Comments relating to the preliminary issues and planning criteria (listed above) should be submitted in writing to the address provided above. Due to the limited scope of this PA/EA process, public meetings are not scheduled.

Dated: May 8, 2003.

Bruce E. Dawson,

Field Manager, Jackson Field Office.

[FR Doc. 03–15606 Filed 6–19–03; 8:45 am]

BILLING CODE 4310–GJ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–060–03–1610–DO]

Notice of Intent To Revise the Platte River Resource Management Plan and Prepare an Associated Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to revise the Platte River Resource Management Plan (RMP), to be titled and referred to in the future as the Casper RMP, and prepare an associated Environmental Impact Statement (EIS); solicitation of public comments on resource issues and preliminary planning criteria; and call for coal and other resource information for the Casper RMP planning area, Wyoming.

SUMMARY: This document (1) provides notice that the Bureau of Land Management (BLM) intends to prepare a revised RMP with an associated EIS, (2) solicits public comments regarding resource issues and preliminary planning criteria, and, (3) solicits resource information for coal and other resources for the Casper planning area. The planning area, encompassing approximately 1.4 million acres of BLM-administered public land surface and 4.7 million acres of BLM-administered Federal mineral estate, is located in Converse, Goshen, Natrona, and Platte counties, Wyoming. The Platte River RMP (1985) will continue to guide management actions and decisions for the planning area until the Casper RMP is completed and approved.

Preparation of the Casper RMP and associated EIS will fulfill the obligations set forth by the Federal Land Policy and Management Act (FLPMA), the National Environmental Policy Act (NEPA), and Federal regulations.

DATES: This notice initiates the public scoping process. The BLM can best utilize public comments and resource information submissions submitted within 60 days of publication of this notice.

ADDRESSES: Please send written comments and resource information submissions via mail to the BLM, Casper Field Office, 2987 Prospector Drive, Casper, Wyoming 82604; or electronically to *crmp_wymail@blm.gov.* Members of the public may examine documents pertinent to this proposal in the Casper Field Office. To be considered, all comments must include legible full name and address on the envelope, letter, postcard, facsimile, or e-mail. Comments, including names and street addresses of respondents, will be available for public review at the Casper Field Office during regular business hours (7:45 a.m. to 4:30 p.m.), Monday through Friday, except holidays, and may be published as part of the EIS process. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, please state this prominently at the beginning of your written comment. The BLM will honor such requests to the extent allowed by law. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

FOR FURTHER INFORMATION: For further information or to have your name added to the Casper RMP mailing list, contact Linda Slone at the above address or by telephone at (307) 261–7600, or electronically to *rmp_wymail@blm.gov.*

SUPPLEMENTARY INFORMATION: The BLM will work collaboratively with interested parties to identify the management decisions that are best suited to local, regional, and national interests. The public scoping process will help identify planning issues, provide for public comment on the proposed planning criteria, and provide an opportunity to comment on documents published throughout the RMP revision process.

The Cedar Ridge-Badwater Creek area, located along the southern border of the Big Horn Mountains in Natrona County, has been evaluated as a traditional cultural property (TCP). The TCP is a sensitive cultural resource of high significance eligible for inclusion in the National Register of Historic Places. During the Casper RMP planning process, the Cedar Ridge-Badwater Creek area will be evaluated as a Special Management Area (SMA.)

1. Preliminary Issues

Emerging resource issues and changing laws necessitate preparation of the Casper RMP. Preliminary issues and management concerns have been identified by BLM personnel, other

agencies, and in meetings with individuals and user groups. These issues represent the BLM's knowledge to date on the existing issues and concerns with current management. The major issue themes that may be addressed in the planning effort include:

A. Energy and mineral resource exploration and development;

B. Access to and transportation on BLM lands;

C. Recreation and off-highway vehicle (OHV) management;

D. Wildlife habitat and management of crucial habitat and migration corridors;

E. Management and the cumulative effect of land uses and human activities on threatened, endangered, candidate, and sensitive species and their habitats;

F. Vegetation, including impacts of invasive non-native species;

G. Management of cultural and paleontological resources, including national historic trails;

H. Landownership adjustments;

I. Fire management;

J. Livestock grazing;

K. Visual resource management; and

L. Air and water quality.

These preliminary issues are not final and may be added to and refined throughout the public participation process. The BLM is requesting the help of the public in identifying additional issues to be addressed in the planning effort. Decisions in the RMP will adhere to the goals and objectives of the President's National Energy Policy.

2. Categorization of Issues

After gathering public comments on what issues the Casper RMP should address, the BLM will place suggested issues in one of three categories: issues to be resolved in the RMP, issues resolved through policy or administrative action, and issues beyond the scope of the RMP.

Rationale will be provided in the EIS for the Casper RMP for issues to be resolved through policy or administrative action and issues beyond the scope of the EIS. In addition to major issues, a number of management concerns will be addressed in the RMP. The public is encouraged to help identify these concerns throughout the public scoping process.

3. Preliminary Planning Criteria

The BLM identified the following preliminary planning criteria to guide resolution of the issues considered in the planning effort. The BLM may revise these criteria during the planning process or in response to public comment.

A. The revised RMP will recognize valid existing rights.

B. The revised RMP will comply with all applicable laws, regulations, policy, and guidance.

C. Planning decisions will cover BLM-administered public lands, including split-estate lands where the subsurface minerals are severed from the surface right, and the BLM has legal jurisdiction over one or the other.

D. The RMP planning effort will be collaborative and multi-jurisdictional in nature. The BLM will strive to ensure that its management decisions are complimentary to other planning jurisdictions and adjoining properties, within the boundaries described by law and regulation.

E. The environmental analysis will consider a reasonable range of alternatives that focus on the relative values of resources and respond to the issues. Management prescriptions will reflect the principles of multiple use and sustained yield.

F. The BLM will use current scientific information, research, new technologies, and the results of resource assessments, monitoring, and coordination to determine appropriate local and regional management strategies that will enhance or restore impaired ecosystems.

G. The Wyoming Standards for Healthy Rangelands will apply to all activities and uses.

H. The BLM will address socioeconomic conditions and environmental justice.

I. The BLM will provide for public safety and welfare relative to fire, hazardous materials, and abandoned mine lands.

J. Visual Resource Management (VRM) class designations will be analyzed and modified to reflect present conditions and future needs.

K. The BLM will consider present and potential uses of the public lands through the development of reasonably foreseeable future development and activity scenarios based on historical, existing, and projected levels of use.

L. Planning decisions will include the preservation, conservation, and enhancement of cultural, historical, paleontological, and natural components of public land resources, while considering energy development and other surface-disturbing activities.

M. The BLM will coordinate with Native American tribes to identify sites, areas, and objects important to their cultural and religious heritage.

N. Planning decisions will comply with the Endangered Species Act and the BLM interagency agreements with the U.S. Fish & Wildlife Service regarding consultation.

O. Areas potentially suitable for ACECs or other special management designations will be identified, and where appropriate, brought forward for analysis in the EIS.

P. Waterway segments have been classified and determinations of eligibility and suitability made in accordance with Section 5(d) of the Wild and Scenic Rivers Act. Appropriate management prescriptions for maintaining or enhancing the outstanding remarkable values and classifications of waterway segments meeting suitability factors will be part of the RMP revision.

Q. OHV management decisions in the revised RMP will be consistent with the BLM's National OHV Strategy.

R. Decisions in the revised RMP will adhere to the goals and objectives of the National Energy Policy as well as the Energy Policy and Conservation Act.

S. Known areas in the Casper planning area with coal development potential are located in northeastern Converse County. Coal screening determinations were made on these areas during planning efforts for the Buffalo RMP and the Thunder Basin National Grasslands Land and Resource Management Plan. No additional coal screening determinations or coal planning decisions are planned for the Casper RMP, unless public submissions of coal resource information or surface resource issues indicate a need to update these determinations.

4. Call for Coal and Other Resource Information

Parties interested in leasing and development of Federal coal in the planning area should provide coal resource data for their area(s) of interest. Specifically, information is requested on the location, quality, and quantity of Federal coal with development potential, and on surface resource values related to the 20 coal unsuitability criteria described in 43 CFR part 3461. This information will be used for any necessary updating of coal screening determination (43 CFR 3420.1–4) in the area and in the environmental analysis for the Casper RMP.

In addition to coal resource data, the BLM seeks resource information and data for other public land values (*e.g.*, air quality, cultural and historic resources, fire/fuels, fisheries, forestry, lands and realty, non-energy minerals and geology, oil and gas (including coalbed methane), paleontology, rangeland management, recreation, soil, water, and wildlife) in the planning area. The purpose of this request is to assure that the planning effort has

sufficient information and data to consider a reasonable range of resource uses, management options, and alternatives for the public lands.

Proprietary data marked as confidential may be submitted in response to this call for coal and other resource information. Please submit all proprietary information submissions to the Casper Field Manager at the address listed above. The BLM will treat submissions marked as ''Confidential'' in accordance with the laws and regulations governing the confidentiality of such information.

5. Public Participation

The BLM will announce public meetings and comment periods through one or more of the following: local news media, newsletters, and the Casper Field Office Web site, *http://www.wy.blm.gov/cfo/info.htm,* at least 15 days prior to the event. Meetings will tentatively be held in the fall of 2003 in Casper, Douglas, Torrington, and Wheatland, Wyoming. The minutes and list of attendees for each meeting will be available to the public and open for 30 days so that attendees may clarify the views they expressed. The BLM will also provide additional opportunities for public participation throughout the RMP revision process.

Dated: May 2, 2003.

Robert A. Bennett,

State Director.

[FR Doc. 03–15602 Filed 6–19–03; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZA 32424]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Forest Service proposes to withdraw approximately 780 acres of National Forest System land to protect the Goudy Canyon Research Natural Area on the Coronado National Forest. This notice segregates the land for up to 2 years from location and entry under the United States mining laws. The land will remain open to all other uses which may by law be made of National Forest System land.

DATES: Comments and meeting requests should be received on or before September 18, 2003.

ADDRESSES: Comments and meeting requests should be sent to the Forest Supervisor, Coronado National Forest, 300 W. Congress, Tucson, AZ 85701.

FOR FURTHER INFORMATION CONTACT: Beverley Everson, Coronado National Forest, 300 W. Congress, Tucson, AZ 85701, 520–670–4571.

SUPPLEMENTARY INFORMATION: The Forest Service proposes to withdraw the following described National Forest System land from location and entry under the United States mining laws, subject to valid existing rights:

Coronado National Forest, Gila and Salt River Meridian

T. 8 S., R. 23 E.,
Sec. 25, E½SW¼, E½W½SW¼, SW¼SW¼SW¼, SE¼, SE¼NW¼, E½NE¼, and SW¼NE¼.
Sec. 36, NW¼, W½NE¼, N½N½SW¼, and N½NW¼SE¼.
T. 8 S., R. 24 E.,
Sec. 30, W½SW¼NW¼, and NW¼NW¼SW¼.

The area described contains approximately 780 acres in Graham County.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing, by the date specified above, to the Forest Supervisor of the Coronado National Forest.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the Forest Supervisor of the Coronado National Forest, within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** and a newspaper having a general circulation in the vicinity of the land at least 30 days before the scheduled date of the meeting.

The withdrawal application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

For a period of 2 years from June 20, 2003, in accordance with 43 CFR 2310.2(a), the land will be segregated from location and entry under the United States mining laws, unless the withdrawal application is denied or canceled or the withdrawal is approved prior to that date.

Dated: May 13, 2003.

Carol A. Kershaw,

Acting Deputy State Director, Resources Division.

[FR Doc. 03–15603 Filed 6–19–03; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZA 32425]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Forest Service proposes to withdraw approximately 35 acres of National Forest System land to protect the Pole Bridge Research Natural Area on the Coronado National Forest. This notice segregates the land for up to 2 years from location and entry under the United States mining laws. The land will remain open to all other uses which may by law be made of National Forest System land.

DATES: Comments and meeting requests should be received on or before September 18, 2003.

ADDRESSES: Comments and meeting requests should be sent to the Forest Supervisor, Coronado National Forest, 300 W. Congress, Tucson, AZ 85701.

FOR FURTHER INFORMATION CONTACT: Beverley Everson, Coronado National Forest, 300 W. Congress, Tucson, AZ 85701, 520–670–4571.

SUPPLEMENTARY INFORMATION: The Forest Service proposes to withdraw the following described National Forest System land from location and entry under the United States mining laws, subject to valid existing rights:

Coronado National Forest, Gila and Salt River Meridian

T. 18 S., R. 30 E.,
Sec. 24, SW¼NW¼, NW¼NE¼SW ¼, and NE¼NW¼SW¼, excluding those portions within the Chiricahua Wilderness Area.

The area described contains approximately 35 acres in Cochise County.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing, by the date specified above, to the Forest Supervisor of the Coronado National Forest.

Notice is hereby given that an opportunity for a public meeting is

afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the Forest Supervisor of the Coronado National Forest, within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** and a newspaper having a general circulation in the vicinity of the land at least 30 days before the scheduled date of the meeting.

The withdrawal application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

For a period of 2 years from June 20, 2003, in accordance with 43 CFR 2310.2(a), the land will be segregated from location and entry under the United States mining laws, unless the withdrawal application is denied or canceled or the withdrawal is approved prior to that date.

Dated: May 13, 2003.

Carol A. Kershaw,

Acting Deputy State Director, Resources Division.

[FR Doc. 03–15604 Filed 6–19–03; 8:45 am]

BILLING CODE 3410–11–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–494]

In the Matter of Certain Automotive Measuring Devices, Products Containing Same, and Bezels for Such Devices; Notice of Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 16, 2003, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Auto Meter Products, Inc. of Sycamore, Illinois. An amended complaint was filed on June 9, 2003. The complaint, as amended, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain automotive measuring devices, products containing same, and bezels for such devices by reason of infringement of U.S. Registered Trademark Nos. 1,732,643 and 1,497,472 and U.S. Supplemental Register No. 1,903,908 and infringement of the complainant's trade dress. The complaint further alleges that there exists an industry in the United States as required by subsections (a)(1)(A) and (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and a permanent cease and desist order.

ADDRESSES: The complaint and the amended complaint, except for any confidential information contained therein, are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Karin J. Norton, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–205–2606.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's rules of practice and procedure, 19 CFR 210.10 (2002).

Scope of Investigation: Having considered the amended complaint, the U.S. International Trade Commission, on June 16, 2003, ordered that—(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine:

(a) Whether there is a violation of subsection (a)(1)(C) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain automotive measuring devices, products containing same, or bezels for such devices by reason of infringement of U.S. Registered Trademark Nos. 1,732,643 or 1,497,472, or U.S. Supplemental Register No. 1,903,908, and whether an industry in the United States exists as required by subsection (a)(2) of section 337; and

(b) Whether there is a violation of subsection (a)(1)(A) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain automotive measuring devices, products containing same, or bezels for such devices by reason of infringement of the complainant's trade dress in its ''Super Bezel'' or ''Monster Tachometer'' designs, the threat or effect of which is to destroy or substantially injure an industry in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Auto Meter Products, Inc., 413 West Elm Street, Sycamore, IL 60178.

(b) The respondents are the following companies alleged to be in violation of section 337 and upon which the complaint is to be served—

American Products Company, Inc., 22324 Temescal Canyon Rd., Corona, CA 92883.

Auto Gauge (Taiwan) Co., Ltd., No. 8–1, Lane 130, Nan-Kang Road, Sec. 3, Taipei, Taiwan, and 2F, No. 11, Alley 12, Lane 325, Chien-Kang Rd., Taipei, Taiwan.

Blitz North America, Inc., 4879 East La Palma Ave., Suite 201–202, Anaheim, CA 92807.

Equus Products, Inc., 17291-B Mount Herrmann Street, Fountain Valley, CA 92708.

GR Motorsports, Inc., d/b/a Matrix GR Motorsports, Inc., 2267 Saybrook Ave., Commerce, CA 90040.

Hiper Industries, Inc., d/b/a R–1 Racing Sports, Inc., 11752 Markon Drive, Garden Grove, CA 92841.

Jimray Technology, Inc., d/b/a Progauges Co., Ltd., 2F, No. 205 Tiding Ave., Neihu, Taipei, Taiwan.

Leader Way International, Inc., 34, Lane 531, Hua Cheng Road, Hsinchuang City, Taipei Hsien 242, Taiwan.

Longacre Industries, Inc., d/b/a Longacre Racing Products, Inc., Racing Parts Group, Inc., and AccuTech, 14269 NE 200th Street, Woodinville, WA 98072.

Old World Industries, Inc., d/b/a Old World Automotive, Products, SplitFire, and SplitFire International, Inc., 4065 Commercial Ave., Northbrook, IL 60062–1828.

Point Zero Gauge Company, d/b/a QuickCar Racing Products, 231 Pickle Simon Road, Winder, GA 30680–6415.

Tenzo R, d/b/a Autotech Systems and Accessories, 20758 Centre Point Parkway, Santa Clarita, CA 91350.

(c) Karin J. Norton, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Room 401–A, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Sidney Harris is designated as the presiding administrative law judge.

Responses to the amended complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's rules of practice and procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received no later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting a response to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the amended complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: June 16, 2003.

Marilyn R. Abbott,

Secretary.

[FR Doc. 03–15620 Filed 6–19–03; 8:45 am]

BILLING CODE 7020–00–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

June 12, 2003.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Department of Labor. To obtain documentation, contact Darrin King on 202–693–4129 (this is not a toll-free number) or E-Mail: *king.darrin@dol.gov.*

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Bureau of Labor Statistics (BLS), Office of Management and Budget, Room 10235, Washington, DC 20503 (202–395–7316 / this is not a toll-free number), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* Enhance the quality, utility, and clarity of the information to be collected; and

* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: Bureau of Labor Statistics.

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Title: National Longitudinal Survey of Youth 1979.

OMB Number: 1220–0109.

Affected Public: Individuals or households.

Type of Response: Reporting.

Frequency: Biennially.

Number of Respondents: 13,530.

Form	Total respondents	Total responses	Average response time (minutes)	Annual burden hours
NLSY79 Round 21 Pretest	30	30	60	30
NLSY79 Round 21 Main Survey	8,000	8,000	60	8,000
Round 21 Validation Interviews	200	200	6	20
Mother Supplement* (Mothers of children under age 15)	2,000	3,000	21	1,050
Child Supplement (Children under age 15)	2,700	2,700	31	1,395
Child Self-Administered Questionnaire (Children ages 10–14)	1,500	1,500	30	750
Young Adult Survey (Youths ages 15 to 20)	2,800	2,800	45	2,100
TOTALS	.....	18,230	.....	13,345

* **Note:** The number of respondents for the Mother Supplement (2,000) is less than the number of responses (3,000) because mothers are asked to provide separate responses for each of the biological children with whom they reside.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $0.

Description: DOL is seeking OMB approval for the 21st wave of data collection for the National Longitudinal Survey of Youth 1979 (NLSY79). The information obtained in this survey will be used by the Department of Labor, other government agencies, academic researchers, the news media, and the general public to understand the employment experiences and life-cycle transitions of men and women born in the years 1957 to 1964 and living in the United States when the survey began in 1979. The NLSY79 data represent an important means of fulfilling BLS responsibilities under Title 29 U.S.C. 2, ''Collection, collation, and reports of labor statistics.''

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 03–15609 Filed 6–19–03; 8:45 am]

BILLING CODE 4510–28–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,207]

General Electric Co., Industrial Systems, Mebane, North Carolina; Notice of Negative Determination Regarding Application for Reconsideration

By application of April 30, 2003, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on March 26, 2003, and published in the **Federal Register** on April 7, 2003 (68 FR 16834).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) if in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The petition for the workers of General Electric Company, Industrial Systems, Mebane, North Carolina was denied because the ''contributed importantly'' group eligibility requirement of section 222(3) of the Trade Act of 1974, as amended, was not met. The ''contributed importantly'' test is generally demonstrated through a survey of customers of the workers' firm. The survey revealed that none of the respondents increased their purchases of motor control centers, limit amps, switchboards and power panels. The company did not import motor control centers, limit amps, switchboards and power panels in the relevant period, nor did it shift production to a foreign source in the relevant period.

The petitioner asserts that the company official who filled out the data request for the initial investigation provided incorrect answers to the Department of Labor. Specifically, it was alleged that the company was moving ''half a production line'' to another company and that the company is importing products like or directly competitive with those produced at the subject facility.

Two company officials were contacted in regard to these allegations. Further investigation revealed that the company will be shifting a part of its motor control centers in the summer of 2003; however, no shift occurred in the relevant period. In addition, it was confirmed that the company does not import any products that are like or directly competitive with those produced at the subject firm.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 6th day of June, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–15622 Filed 6–19–03; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standards Administration; Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or government agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.

Modification to General Wage Determination Decisions

The number of the decisions listed to the Government Printing Office document entitled ''General Wage

Determinations Issued Under the Davis-Bacon and related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

None

Volume II

None

Volume III

None

Volume IV

None

Volume V

None

Volume VI

None

Volume VII

None

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage determinations Issued Under the Davis-Bacon And Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 government Depository Libraries across the country.

General wage determinations issued under the Davis-Bacon and related Acts are available electronically at no cost on the Government Printing Office site at *www.access.gpo.gov/daisbacon.* They are also available electronically by subscription to the Davis-Bacon Online Service (*http://davisbacon.fedworld.gov*) of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068. This subscription offers value-added features such as electronic delivery of modified wage decisions directly to the user's desktop, the ability to access prior wage decisions issued during the year, extensive Help desk Support, etc.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate Volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed in Washington, DC this 11 day of June, 2003.

Carl Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 03–15240 Filed 6–19–03; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. NRTL1–89]

Intertek Testing Services NA, Inc.; Application for Expansion of Recognition

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

ACTION: Notice.

SUMMARY: This notice announces the application of Intertek Testing Services NA, Inc., for expansion of its recognition as a Nationally Recognized Testing Laboratory under 29 CFR 1910.7, and presents the Agency's preliminary finding. This preliminary finding does not constitute an interim or temporary approval of this application. In an unrelated matter, this notice also announces the voluntary withdrawal of recognition of the Intertek Testing Services NA, Inc., site located in Antioch, California.

DATES: You may submit comments in response to the expansion application portion of this notice, or any request for extension of the time to comment, by (1) regular mail, (2) express or overnight delivery service, (3) hand delivery, (4) messenger service, or (5) FAX transmission (facsimile). Because of security-related problems there may be a significant delay in the receipt of comments by regular mail. Comments (or any request for extension of the time to comment) must be submitted by the following dates:

Regular mail and express delivery service: Your comments must be postmarked by July 7, 2003.

Hand delivery and messenger service: Your comments must be received in the OSHA Docket Office by July 7, 2003. OSHA Docket Office and Department of Labor hours of operation are 8:15 a.m. to 4:45 p.m.

Facsimile and electronic transmission: Your comments must be sent by July 7, 2003.

ADDRESSES: *Regular mail, express delivery, hand-delivery, and messenger service:* You must submit three copies of your comments and attachments to the OSHA Docket Office, Docket NRTL1–89, Room N–2625, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Washington, DC 20210. Please contact the OSHA Docket Office at (202) 693–2350 for information about security procedures concerning the delivery of materials by express delivery, hand delivery and messenger service.

Facsimile: If your comments, including any attachments, are 10 pages or fewer, you may fax them to the OSHA Docket Office at (202) 693–1648. You must include the docket number of this notice, Docket NRTL1–89, in your comments.

Internet access to comments and submissions: OSHA will place comments and submissions in response to this notice on the OSHA Web page *www.osha.gov.* Accordingly, OSHA cautions you about submitting information of a personal nature (*e.g.*, social security number, date of birth). There may be a lag time between when comments and submissions are received and when they are placed on the Web page. Please contact the OSHA Docket Office at (202) 693–2350 for information about materials not available through the OSHA Web page and for assistance in using the Web page to locate docket submissions. Comments and submissions will also be available for inspection and copying at the OSHA Docket Office at the address above.

Extension of Comment Period: Submit requests for extensions concerning this notice to: Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3653, 200 Constitution Avenue, NW., Washington, DC 20210. Or fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Sherrey Nicolas or Bernard Pasquet, Office of Technical Programs and Coordination Activities, NRTL Program, Room N3653 at the address shown immediately above for the program, or phone (202) 693–2110.

SUPPLEMENTARY INFORMATION:

Notice of Application

The Occupational Safety and Health Administration (OSHA) hereby gives notice that Intertek Testing Services NA, Inc. (ITSNA), has applied for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL). ITSNA's expansion request covers the

use of additional test standards. OSHA's current scope of recognition for ITSNA may be found in the following informational Web page: *http://www.osha-slc.gov/dts/otpca/nrtl/its.html.*

OSHA recognition of any NRTL signifies that the organization has met the legal requirements in 1910.7 of title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform *independent* safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products ''properly certified'' by the NRTL to meet OSHA standards that require testing and certification.

The Agency processes applications for initial recognition or for expansion or renewal of this recognition following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding and, in the second notice, the Agency provides its final decision on an application. These notices set forth the NRTL's scope of recognition or modifications of this scope. We maintain an informational Web page for each NRTL, which details its scope of recognition. These pages can be accessed from our Web site at *http://www.osha-slc.gov/dts/otpca/nrtl/index.html.*

The most recent notices published by OSHA for ITSNA's recognition covered an expansion of recognition, which became effective on March 25, 2003 (68 FR 14430).

The current address of the ITSNA facilities already recognized by OSHA are:

ITSNA Atlanta, 1950 Evergreen Blvd., Suite 100, Duluth, Georgia 30096
ITSNA Boxborough, 70 Codman Hill Road, Boxborough, Massachusetts 01719
ITSNA Cortland, 3933 U.S. Route 11, Cortland, New York 13045
ITSNA Lexington, 731 Enterprise Drive, Lexington, Kentucky 40510
ITSNA Los Angeles, 27611 LaPaz Road, Suite C, Laguna Niguel, California 92677
ITSNA Madison, 8431 Murphy Drive, Middleton, Wisconsin 53562
ITSNA Minneapolis, 7250 Hudson Blvd., Suite 100, Oakdale, Minnesota 55128
ITSNA San Francisco, 1365 Adams Court, Menlo Park, CA 94025
ITSNA Sweden AB, Box 1103, S–164 #22, Kista, Stockholm, Sweden
ITSNA Totowa, 40 Commerce Way, Unit B, Totowa, New Jersey 07512
ITSNA Vancouver, 211 Schoolhouse Street, Coquitlam, British Columbia, V3K 4X9 Canada
ITSNA Hong Kong, 2/F., Garment Centre, 576 Castle Peak Road, Kowloon, Hong Kong
ITSNA Taiwan, 14/F., Huei Fung Building, 27, Chung Shan North Road, Sec. 3, Taipei 10451, Taiwan

As addressed later in this notice, one site is being withdrawn from recognition and is excluded from the listing of sites above.

General Background on the Application

ITSNA has submitted an application, dated June 3, 2002 (*see* Exhibit 43), to expand its recognition to use 141 additional test standards. The NRTL Program staff has determined that 94 of the 141 test standards cannot be included in the expansion because they either are not ''appropriate test standards,'' within the meaning of 29 CFR 1910.7(c), or are already included in ITSNA's scope. The staff makes similar determinations in processing expansion requests from any NRTL. Therefore, OSHA would approve 47 test standards for the expansion, which are listed below. Processing of this request was delayed by OSHA, in part, through no fault of the NRTL.

ITSNA seeks recognition for testing and certification of products for demonstration of conformance to the following 47 additional test standards.

ANSI Z21.69 Connectors for Movable Gas Appliances
ANSI Z21.86 Vented Gas-Fired Space Heating Appliance
ANSI Z21.88 Vented Gas Fireplace Heaters
UL 6A Electrical Rigid Metal Conduit—Aluminum, Bronze, and Stainless Steel
ANSI/NFP 11 Low Expansion Foam and Combined Agent Systems
ANSI/NFPA 11A Medium- and High-Expansion Foam Systems
ANSI/NFPA 12 Carbon Dioxide Extinguishing Systems
ANSI/NFPA 12A Halon 1301 Fire Extinguishing Agent Systems
ANSI/NFPA 17 Dry Chemical Extinguishing Systems
ANSI/NFPA 20 Installation of Stationary Pumps for Fire Protection
UL 497C Protectors for Coaxial Communications Circuits
UL 498A Current Taps and Adapters
UL 508A Industrial Control Equipment
UL 514D Cover Plates for Flush-Mounted Wiring Devices
UL 536 Flexible Metallic Hose
UL 698A Industrial Control Panels Relating to Hazardous (Classified) Locations
UL 789 Indicator Posts for Fire-Protection Service
UL 797A Electrical Metallic Tubing—Aluminum
UL 963 Sealing, Wrapping, and Marking Equipment
UL 1425 Cables for Non-Power-Limited Fire-Alarm Circuits
UL 1434 Thermistor-Type Devices
UL 1653 Electrical Nonmetallic Tubing
UL 1655 Community-Antenna Television Cables
UL 1682 Plugs, Receptacles, and Cable Connectors, of the Pin and Sleeve Type
UL 1699 Arc-Fault Circuit-Interrupters
UL 1741 Inverters, Converters, and Controllers for Use in Independent Power Systems
UL 1887 Fire Test of Plastic Sprinkler Pipe for Flame and Smoke Characteristics
UL 2017 [1] General Purpose Signaling Devices and Systems
UL 2089 [2] Vehicle Battery Adapters
UL 2125 Motor-Operated Air Compressors for Use in Sprinkler Systems
UL 2127 Inert Gas Clean Agent Extinguishing System Unit
UL 2166 Halocarbon Clean Agent Extinguishing System Units
UL 2202 Electric Vehicle (EV) Charging System Equipment
UL 2227 Overfilling Prevention Devices
UL 60335–2–34 Household and Similar Electrical Appliances, Part 2; Particular Requirements for Motor-Compressors
UL 60730–2–4 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Thermal Motor Protectors for Motor Compressors or Hermetic and Semi-Hermetic Type
UL 60730–2–9 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Temperature Sensing Controls
UL 60730–2–6 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Automatic Electrical Pressure Sensing Controls Including Mechanical Requirements
UL 60730–2–10A Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Electrically-Operated Motor Starting Relays

[1] This standard is approved for testing and certification of vehicle battery adaptors for use within recreational vehicles and mobile homes.
[2] Limited to electrical portions only.

UL 60730–2–11A Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Energy Regulators
UL 60730–2–12A Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Electrically-Operated Doors
UL 60730–2–13A Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Humidity Sensing Controls
UL 60730–2–14 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Electric Actuators
UL 61010A–2–020 Electrical Equipment for Laboratory Use; Part 2: Particular Requirements for Laboratory Centrifuges
UL 61010C–1 Process Control Equipment
UL 61058–1 Switch for Appliances

Note: Testing and certification of gas operated equipment is limited to equipment for use with ''liquefied petroleum gas'' (''LPG'' or ''LP-Gas'').

OSHA's recognition of ITSNA, or any NRTL, for a particular test standard is limited to equipment or materials (*i.e.*, products) for which OSHA standards require third party testing and certification before use in the workplace. Consequently, any NRTL's scope of recognition excludes any product(s) that fall within the scope of a test standard, but for which OSHA standards do not require NRTL testing and certification.

Many of the UL test standards listed above also are approved as American National Standards by the American National Standards Institute (ANSI). However, for convenience, we use the designation of the standards developing organization (*e.g.*, UL 536) for the standard, as opposed to the ANSI designation (*e.g.*, ANSI/UL 536). Under our procedures, any NRTL recognized for an ANSI-approved test standard may use either the latest proprietary version of the test standard or the latest ANSI version of that standard. (Contact ANSI or the ANSI Web site (*http://www.ansi.org*) and click ''NSSN'' to find out whether or not a test standard is currently ANSI-approved.)

Existing Conditions

Currently, OSHA imposes the following conditions on its recognition of ITSNA. These conditions would apply also to this current expansion. As mentioned in previous notices, these conditions apply solely to ITSNA's NRTL operations and are in addition to any other condition that OSHA normally imposes in its recognition of an organization as an NRTL. These conditions are listed in this notice mainly for information.

(1) ITSNA may perform safety testing for hazardous location products only at the specific ITSNA sites that OSHA has recognized, and that have been pre-qualified for such testing by the ITSNA Chief Engineer. In addition, all safety test reports for hazardous location products must undergo a documented review and approval at the Cortland testing facility by a test engineer qualified in hazardous location safety testing, prior to ITSNA's initial or continued authorization of the certifications covered by these reports.

(2) ITSNA may not test and certify any products for a client that is a manufacturer or vendor that is either owned in excess of 2% by ITSLtd or affiliated organizationally with ITSNA.

Preliminary Finding

ITSNA has submitted an acceptable request for expansion of its recognition. As previously mentioned, in connection with the request, OSHA did not perform an on-site review (evaluation) of ITSNA. However, an OSHA NRTL Program assessor reviewed information pertinent to this request and recommended that ITSNA be granted the expansion (*see* Exhibit 45).

Following a review of the application file, the assessor's recommendation, and other pertinent information, the NRTL Program staff has concluded that OSHA can grant to ITSNA the expansion of recognition to include the test standards listed above, subject to the conditions as noted. The staff therefore recommended to the Assistant Secretary that the application be preliminarily approved.

Based upon the recommendations of the staff, the Assistant Secretary has made a preliminary finding that Intertek Testing Services NA, Inc., can meet the requirements as prescribed by 29 CFR 1910.7 for the expansion of recognition, subject to the above conditions. This preliminary finding, however, does not constitute an interim or temporary approval of the applications for ITSNA.

OSHA welcomes public comments, in sufficient detail, as to whether ITSNA has met the requirements of 29 CFR 1910.7 for expansion of its recognition as a Nationally Recognized Testing Laboratory. Your comments should consist of pertinent written documents and exhibits. To consider a comment, OSHA must receive it at the address provided above (*see* **ADDRESSES**), no later than the last date for comments (*see* **DATES** above). Should you need more time to comment, OSHA must receive your written request for extension at the address provided above no later than the last date for comments. You must include your reason(s) for any request for extension. OSHA will limit any extension to 30 days, unless the requester justifies a longer period. We may deny a request for extension if it is frivolous or otherwise unwarranted. You may obtain or review copies of ITSNA's request, the on-site review report, and all submitted comments, as received, by contacting the Docket Office, Room N2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. Docket No. NRTL1–89 contains all materials in the record concerning ITSNA's application.

The NRTL Program staff will review all timely comments and, after resolution of issues raised by these comments, will recommend whether to grant ITSNA's expansion request. The Assistant Secretary will make the final decision on granting the expansion, and in making this decision, may undertake other proceedings that are prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

Notice of Voluntary Termination

ITSNA has requested that OSHA withdraw the recognition of the NRTL's site located in Antioch, California (see Exhibit 44). This withdrawal is effective immediately, and OSHA will take no further action on it. OSHA recognized this site for ITSNA on December 1, 1997 (62 FR 63562), although at the time it was located in Pittsburg, California. Under section II.D of Appendix A to 29 CFR 1910.7, OSHA must ''inform the public of any voluntary termination by **Federal Register** notice.'' This action is unrelated to our preliminary finding on the ITSNA expansion request. We include it herein only for convenience in processing.

Signed at Washington, DC, this 11th day of June, 2003.

John L. Henshaw,

Assistant Secretary.

[FR Doc. 03–15632 Filed 6–19–03; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. NRTL1–88]

MET Laboratories, Inc., Application for Expansion of Recognition

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

ACTION: Notice.

SUMMARY: This notice announces the application of MET Laboratories, Inc., for expansion of its recognition to include additional test standards, and presents the Agency's preliminary finding. This preliminary finding does not constitute an interim or temporary approval of these applications.

DATES: You may submit comments in response to this notice, or any request for extension of the time to comment, by (1) regular mail, (2) express or overnight delivery service, (3) hand delivery, (4) messenger service, or (5) FAX transmission (facsimile). Because of security-related problems there may be a significant delay in the receipt of comments by regular mail. Comments (or any request for extension of the time to comment) must be submitted by the following dates:

Regular mail and express delivery service: Your comments must be postmarked by July 7, 2003.

Hand delivery and messenger service: Your comments must be received in the OSHA Docket Office by July 7, 2003. OSHA Docket Office and Department of Labor hours of operation are 8:15 a.m. to 4:45 p.m.

Facsimile and electronic transmission: Your comments must be sent by July 7, 2003.

ADDRESSES: *Regular mail, express delivery, hand-delivery, and messenger service:* You must submit three copies of your comments and attachments to the OSHA Docket Office, Docket NRTL1–88, Room N–2625, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Washington, DC 20210. Please contact the OSHA Docket Office at (202) 693–2350 for information about security procedures concerning the delivery of materials by express delivery, hand delivery and messenger service.

Facsimile: If your comments, including any attachments, are 10 pages or fewer, you may fax them to the OSHA Docket Office at (202) 693–1648. You must include the docket number of this notice, Docket NRTL1–88, in your comments.

Internet access to comments and submissions: OSHA will place comments and submissions in response to this notice on the OSHA Web page *www.osha.gov.* Accordingly, OSHA cautions you about submitting information of a personal nature (*e.g.*, social security number, date of birth). There may be a lag time between when comments and submissions are received and when they are placed on the Web page. Please contact the OSHA Docket Office at (202) 693–2350 for information about materials not available through the OSHA Web page and for assistance in using the Web page to locate docket submissions. Comments and submissions will also be available for inspection and copying at the OSHA Docket Office at the address above.

Extension of Comment Period: Submit requests for extensions concerning this notice to: Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3653, 200 Constitution Avenue, NW., Washington, DC 20210. Or fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Bernard Pasquet or Sherrey Nicolas, Office of Technical Programs and Coordination Activities, NRTL Program, Room N3653 at the above address, or phone (202) 693–2110.

SUPPLEMENTARY INFORMATION:

Notice of Application

The Occupational Safety and Health Administration (OSHA) hereby gives notice that MET Laboratories, Inc. (MET), has applied for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL). MET's expansion request covers the use of additional test standards. OSHA's current scope of recognition for MET may be found in the following informational Web page: *http://www.osha-slc.gov/dts/otpca/nrtl/met.html.*

OSHA recognition of an NRTL signifies that the organization has met the legal requirements in § 1910.7 of title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products ''properly certified'' by the NRTL to meet OSHA standards that require testing and certification.

The Agency processes applications by an NRTL for initial recognition or for expansion or renewal of this recognition following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding and, in the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. We maintain an informational Web page for each NRTL, which details its scope of recognition. These pages can be accessed from our Web site at *http://www.osha-slc.gov/dts/otpca/nrtl/index.html.*

The most recent notice published by OSHA for MET's recognition covered an expansion of recognition, which became effective on May 23, 2002 (67 FR 36260).

The current address of the MET facility (site) already recognized by OSHA is: MET Laboratories, Inc., 914 West Patapsco Avenue, Baltimore, Maryland 21230.

General Background on the Application

MET has submitted a request, dated April 30, 2002 (*see* Exhibit 32), to expand its recognition to use 20 additional test standards. The NRTL Program staff has determined that all the standards are ''appropriate test standards,'' within the meaning of 29 CFR 1910.7(c). The staff makes such determinations in processing expansion requests from any NRTL. OSHA NRTL Program staff performed an on-site review of the NRTL in September 2002 and recommended the expansion in a memo dated October 22, 2002 (*see* Exhibit 33). Through no fault of MET, the application was delayed in processing. MET then submitted an amendment on May 15, 2003 (*see* Exhibit 32–1), to add one additional test standard to its expansion request. This standard requires the same capabilities as a few of the standards included in the original request and therefore falls within the recommendation of the assessor. As a result, a total of 21 test standards would be approved for the expansion.

MET seeks recognition for testing and certification of products for demonstration of conformance to the following additional test standards.

UL 48 Electric Signs
UL 183 Manufactured Wiring Systems
UL 325 Door, Drapery, Gate, Louver and Window Operator and Systems
UL 355 Cord Reels
UL 427 Refrigerating Units
UL 508C Power Conversion Equipment
UL 541 Refrigerated Vending Machines
UL 756 Coin and Currency Changers and Actuators
UL 778 Motor-Operated Water Pumps
UL 916 Energy Management Equipment
UL 961 Electric Hobby and Sports Equipment
UL 983 Surveillance Cameras Units
UL 1419 Professional Video and Audio Equipment

UL 1433 Control Centers for Changing Message Type Electric Signs
UL 1564 Industrial Battery Chargers
UL 1574 Track Lighting Systems
UL 1740 Industrial Robots and Robotic Equipment
UL 1838 Low Voltage Landscape Lighting Systems
UL 2044 Commercial Closed Circuit Television Equipment
UL 2161 Neon Transformers and Power Supplies
UL 3044 Surveillance Closed Circuit Television Equipment

The designations and titles of the above test standards were current at the time of the preparation of this notice.

OSHA's recognition of MET, or any NRTL, for a particular test standard is limited to equipment or materials (*i.e.*, products) for which OSHA standards require third party testing and certification before use in the workplace. Consequently, an NRTL's scope of recognition excludes any product(s) falling within the scope of a test standard for which OSHA has no NRTL testing and certification requirements.

Many of the Underwriters Laboratories Inc. (UL) test standards listed above also are approved as American National Standards by the American National Standards Institute (ANSI). However, for convenience, we use the designation of the standards developing organization (*e.g.*, UL 325) for the standard, as opposed to the ANSI designation (*e.g.*, ANSI/UL 325). Under our procedures, any NRTL recognized for an ANSI-approved test standard may use either the latest proprietary version of the test standard or the latest ANSI version of that standard. Contact ''NSSN'' (*http://www.nssn.org*), an organization partially sponsored by ANSI, to find out whether or not a test standard is currently ANSI-approved.

Preliminary Finding

MET has submitted an acceptable request for expansion of its recognition as an NRTL. Following a review of the application file, the assessor's recommendation, and other pertinent information, the NRTL Program staff has concluded that OSHA can grant to MET the expansion for the additional test standards listed above. The staff therefore recommended to the Assistant Secretary that the application be preliminarily approved.

Based upon the recommendation of the staff, the Assistant Secretary has made a preliminary finding that MET Laboratories, Inc., can meet the requirements as prescribed by 29 CFR 1910.7 for expansion of its recognition.

OSHA welcomes public comments, in sufficient detail, as to whether MET has met the requirements of 29 CFR 1910.7 for expansion of its recognition as a Nationally Recognized Testing Laboratory. Your comments should consist of pertinent written documents and exhibits. To consider it, OSHA must receive the comment at the address provided above (*see* **ADDRESSES**), no later than the last date for comments (*see* **DATES** above). Should you need more time to comment, OSHA must receive your written request for extension at the address provided above no later than the last date for comments. You must include your reason(s) for any request for extension. OSHA will limit an extension to 30 days, unless the requester justifies a longer period. We may deny a request for extension if it is frivolous or otherwise unwarranted. You may obtain or review copies of MET's request, the memo on the recommendation, and all submitted comments, as received, by contacting the Docket Office, Room N2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. You should refer to Docket No. NRTL1–88, the permanent record of public information on MET's recognition.

The NRTL Program staff will review all timely comments and, after resolution of issues raised by these comments, will recommend whether to grant MET's expansion request. The Assistant Secretary will make the final decision on granting the expansion and, in making this decision, may undertake other proceedings that are prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

Signed at Washington, DC, this 11th day of June, 2003.

John L. Henshaw,

Assistant Secretary.

[FR Doc. 03–15633 Filed 6–19–03; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. NRTL3–92]

TUV Rheinland of North America, Inc., Expansion of Recognition; NSF International, Correction of Recognition

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

ACTION: Notice.

SUMMARY: This notice announces the Agency's final decision on the application of TUV Rheinland of North America, Inc., for expansion of its recognition as a Nationally Recognized Testing Laboratory under 29 CFR 1910.7. In an unrelated matter, this notice also includes a correction of recognition to include an additional test standard for NSF International.

EFFECTIVE DATE: This recognition becomes effective on June 20, 2003, and, unless modified in accordance with 29 CFR 1910.7, continues in effect while TUV remains recognized by OSHA as an NRTL.

FOR FURTHER INFORMATION CONTACT: Sherrey Nicolas, Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N3653, Washington, DC 20210, or phone (202) 693–2110.

SUPPLEMENTARY INFORMATION:

Notice of Final Decision

The Occupational Safety and Health Administration (OSHA) hereby gives notice of the expansion of recognition of TUV Rheinland of North America, Inc.(TUV), as a Nationally Recognized Testing Laboratory (NRTL). TUV's expansion covers the use of additional test standards. OSHA's current scope of recognition for TUV may be found in the following informational Web page: *http://www.osha-slc.gov/dts/otpca/nrtl/tuv.html*.

OSHA recognition of an NRTL signifies that the organization has met the legal requirements in § 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products ''properly certified'' by the NRTL to meet OSHA standards that require testing and certification.

The Agency processes applications by an NRTL for initial recognition or for expansion or renewal of this recognition following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding and, in the second notice, the Agency provides its final decision on an application. These notices set forth the

NRTL's scope of recognition or modifications of this scope.

TUV submitted its application to expand its recognition to use 132 additional test standards on October 16, 2001 (*see* Exhibit 28). The NRTL Program staff has determined that 17 of the 132 standards cannot be included in the expansion because they are not ''appropriate test standards,'' within the meaning of 29 CFR 1910.7(c). The staff makes such determinations in processing expansion requests from any NRTL. Therefore, OSHA is including 115 standards in the expansion, as listed below. OSHA performed an on-site review of the NRTL in June 2002 and recommended the expansion in a memo dated October 17, 2002 (*see* Exhibit 29).

OSHA published the notice of its preliminary findings on the expansion request in the **Federal Register** on March 4, 2003 (68 FR 10269). The notice requested submission of any public comments by March 19, 2003. OSHA did not receive any comments pertaining to the application.

The previous notice published by OSHA for TUV's recognition covered a renewal of recognition, which became effective on March 18, 2002 (67 FR 12051).

You may obtain or review copies of all public documents pertaining to the TUV application by contacting the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N2625, Washington, DC 20210. You should refer to Docket No. NRTL3–92, the permanent record of public information on TUV's recognition.

The current address of the testing facility (site) that OSHA recognizes for TUV is: TUV Rheinland of North America, Inc., 12 Commerce Road, Newtown, Connecticut 06470.

Existing Condition

Currently, OSHA imposes the following condition on its recognition of TUV. This condition is listed first under the ''Conditions'' section, which is the last section of this notice, and applies also to this expansion for additional test standards. As mentioned in previous notices, such a special condition applies solely to TUV's NRTL operations, and it is in addition to any other condition that OSHA normally imposes in its recognition of any organization as an NRTL.

Final Decision and Order

The NRTL Program staff has examined the applications, the on-site review report, and other pertinent information. Based upon this examination and the assessor's recommendation, OSHA finds that TUV Rheinland of North America, Inc., has met the requirements of 29 CFR 1910.7 for expansion of its recognition to include the additional test standards subject to the limitation and conditions listed below. Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the recognition of TUV, subject to this limitation and these conditions.

Limitation

OSHA limits the expansion to testing and certification of products for demonstration of conformance to the following 115 test standards, and OSHA has determined the standards are ''appropriate,'' within the meaning of 29 CFR 1910.7(c).

ANSI A17.5 Elevators and Escalator Electrical Equipment
ANSI A90.1 Safety Standard for Belt Manlifts
ANSI C12.1 Code for Electricity Meters
ANSI C37.21 Control Switchboards
ANSI Z8.1 Commercial Laundry and Dry-cleaning Equipment and Operations
ANSI/NFPA 72 Installation, Maintenance, and Use of Protective Signaling Systems
UL 44 Rubber-Insulated Wires and Cables Thermoset-Insulated Wires and Cables
UL 45 Portable Electric Tools
UL 50 Enclosures for Electrical Equipment
UL 62 Flexible Cord and Fixture Wire
UL 65 Wired Cabinets
UL 69 Electric-Fence Controllers
UL 83 Thermoplastic-Insulated Wires and Cables
UL 150 Antenna Rotators
UL 187 X-Ray Equipment
UL 201 Garage Equipment
UL 224 Extruded Insulating Tubing
UL 231 Power Outlets
UL 234 Low Voltage Lighting Fixtures for Use in Recreational Vehicles
UL 244A Solid-State Controls for Appliances
UL 291 Automated Teller Systems
UL 294 Access Control System Units
UL 325 Door, Drapery, Gate, Louver, and Window Operators and Systems
UL 347 High-Voltage Industrial Control Equipment
UL 416 Refrigerated Medical Equipment
UL 427 Refrigerating Units
UL 429 Electrically Operated Valves
UL 444 Communications Cables
UL 466 Electric Scales
UL 467 Electrical Grounding and Bonding Equipment
UL 484 Room Air Conditioners
UL 496 Edison Base Lampholders
UL 498 Attachment Plugs and Receptacles
UL 508A Industrial Control Panels
UL 542 Lampholders, Starters, and Starter Holders for Fluorescent Lamps
UL 551 Transformer-Type Arc-Welding Machines
UL 563 Ice Makers
UL 574 Electric Oil Heaters
UL 588 Christmas-Tree and Decorative-Lighting Outfits
UL 603 Power Supplies for Use with Burglar-Alarm Systems
UL 606 Linings and Screens for Use with Burglar-Alarm Systems
UL 609 Local Burglar-Alarm Units and Systems
UL 632 Electrically Actuated Transmitters
UL 634 Connectors and Switches for Use with Burglar-Alarm Systems
UL 636 Holdup Alarm Units and Systems
UL 639 Intrusion-Detection Units
UL 664 Commercial Dry-Cleaning Machines (Type IV)
UL 676 Underwater Lighting Fixtures
UL 681 Installation and Classification of Burglar and Holdup Alarm Systems
UL 756 Coin and Currency Changers and Actuators
UL 773 Plug-In Locking-Type Photocontrols for Use With Area Lighting
UL 773A Nonindustrial Photoelectric Switches for Lighting Control
UL 813 Commercial Audio Equipment
UL 817 Cord Sets and Power-Supply Cords
UL 827 Central Station Alarm Services
UL 834 Heating, Water Supply, and Power Boilers—Electric
UL 845 Motor Control Centers
UL 869A Standard for Service Equipment
UL 884 Underfloor Raceways and Fittings
UL 916 Energy Management Equipment
UL 917 Clock-Operated Switches
UL 924 Emergency Lighting and Power Equipment
UL 983 Surveillance Cameras Units
UL 998 Humidifiers
UL 1008 Transfer Switch Equipment
UL 1023 Household Burglar-Alarm System Units
UL 1029 High-Intensity Discharge Lamp Ballasts
UL 1030 Sheathed Heater Elements
UL 1034 Burglary Resistant Electric Locking Mechanisms
UL 1054 Special-Use Switches
UL 1076 Proprietary Burglar-Alarm Units and Systems
UL 1077 Supplementary Protectors for Use in Electrical Equipment
UL 1086 Household Trash Compactors
UL 1088 Temporary Lighting Strings
UL 1090 Electric Snow Movers
UL 1097 Double Insulation Systems for Use in Electrical Equipment

UL 1206 Electric Commercial Clothes-Washing Equipment
UL 1241 Junction Boxes for Swimming Pool Lighting Fixtures
UL 1261 Electric Water Heaters for Pools and Tubs
UL 1283 Electromagnetic-Interference Filter
UL 1286 Office Furnishings
UL 1414 Across-the-Line, Antenna-Coupling, and Line-by-Pass Capacitors for Radio-Television-Type Appliances
UL 1433 Control Centers for Changing Message Type Electric Signs
UL 1447 Electric Lawn Mowers
UL 1448 Electric Hedge Trimmers
UL 1450 Motor Operated Air Compressors, Vacuum Pumps and Painting Equipment
UL 1472 Solid-State Dimming Controls
UL 1565 Wire Positioning Devices
UL 1581 Standard for Electrical Wires, Cables, and Flexible Cords
UL 1610 Central-Station Burglar-Alarm Units
UL 1637 Home Health Care Signaling Equipment
UL 1638 Visual Signaling Appliances
UL 1740 Industrial Robots and Robotic Equipment
UL 1778 Uninterruptible Power Supply Equipment
UL 1951 Electric Plumbing Accessories
UL 1993 Self-Ballasted Lamps and Lamp Adapters
UL 1994 Low-Level Path Marking and Lighting Systems
UL 1996 Duct Heaters
UL 2044 Commercial Closed Circuit Television Equipment
UL 2097 Double Insulation Systems for Use in Electronic Equipment
UL 2106 Field Erected Boiler Assemblies
UL 2111 Overheating Protection for Motors
UL 3044 Surveillance Closed Circuit Television Equipment
UL 60335–2–8 Household and Similar Electric Appliances, Part 2; Particular Requirements for Electric Shavers, Hair Clippers and Similar Appliances
UL 60335–2–34 Household and Similar Electrical Appliances, Part 2; Particular Requirements for Motor-Compressors
UL 60730–1 Automatic Electrical Controls for Household and Similar Use; Part 1: General Requirements
UL 60730–2–6 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Automatic Electrical Pressure Sensing Controls Including Mechanical Requirements
UL 60730–2–7 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Timers and Time Switches
UL 60730–2–10A Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Motor Starting Relays
UL 60730–2–11A Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Energy Regulators
UL 60730–2–12A Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Electrically Operated Door Locks
UL 60730–2–13A Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Humidity Sensing Controls
UL 60730–2–14 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Electric Actuators
UL 60730–2–16A Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Automatic Electrical Water Level Controls
UL 61058–1 Switch for Appliances for Household and Similar Applications

OSHA's recognition of TUV, or any NRTL, for a particular test standard is limited to equipment or materials (*i.e.*, products) for which OSHA standards require third party testing and certification before use in the workplace. Consequently, an NRTL's scope of recognition excludes any product(s) that fall within the scope of a test standard, but for which OSHA standards do not require NRTL testing and certification.

Many of the test standards listed above are approved as American National Standards by the American National Standards Institute (ANSI). However, for convenience in compiling the list, we often use the designation of the standards developing organization (*e.g.,* UL 1029) for the standard, as opposed to the ANSI designation (*e.g.,* ANSI/UL 1029). Under our procedures, an NRTL recognized for an ANSI-approved test standard may use either the latest proprietary version of the test standard or the latest ANSI version of that standard, regardless of whether it is currently recognized for the proprietary or ANSI version. Contact ''NSSN'' (*http://www.nssn.org*), an organization partially sponsored by ANSI, to find out whether or not a test standard is currently ANSI-approved.

Conditions

TUV must also abide by the following conditions of the recognition, in addition to those already required by 29 CFR 1910.7:

TUV must have specific written testing procedures in place before testing products covered by any test standard for which it is recognized and must use these procedures in testing and certifying those products;

OSHA must be allowed access to TUV's facility and records for purposes of ascertaining continuing compliance with the terms of its recognition and to investigate as OSHA deems necessary;

If TUV has reason to doubt the efficacy of any test standard it is using under this program, it must promptly inform the test standard developing organization of this fact and provide that organization with appropriate relevant information upon which its concerns are based;

TUV must not engage in or permit others to engage in any misrepresentation of the scope or conditions of its recognition. As part of this condition, TUV agrees that it will allow no representation that it is either a recognized or an accredited Nationally Recognized Testing Laboratory (NRTL) without clearly indicating the specific equipment or material to which this recognition is tied, or that its recognition is limited to certain products;

TUV must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major changes in its operations as an NRTL, including details;

TUV will meet all the terms of its recognition and will always comply with all OSHA policies pertaining to this recognition; and

TUV will continue to meet the requirements for recognition in all areas where it has been recognized.

Notice of Correction

With respect to Docket No. NRTL2–98, NSF International (NSF) applied for a test standard listed below as part of their original expansion request but inadvertently left it out in the later version of that request. OSHA is expanding the recognition of NSF to include UL 563 Ice Makers, which requires the same type of capabilities as other test standards approved for their expansion request dated June 25, 2002 (see exhibit 10). This action is unrelated to our expansion of TUV's recognition. We include it herein only for convenience in processing.

Signed at Washington, DC, this 11th day of June, 2003.

John L. Henshaw,

Assistant Secretary.

[FR Doc. 03–15631 Filed 6–19–03; 8:45 am]

BILLING CODE 4510–26–P

NUCLEAR REGULATORY COMMISSION

Request for a License To Export Nuclear Grade Graphite

Pursuant to 10 CFR 110.70(b)(3) ''Public notice of receipt of an application,'' please take notice that the Nuclear Regulatory Commission has received the following request for an export license. Copies of the request are available electronically through ADAMS and can be accessed through the Public Electronic Reading Room (PERR) link *http://www.nrc.gov/NRC/ADAMS/index.html* at the NRC home page.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

In its review of the request to export nuclear grade graphite noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the material to be exported. The information concerning this export request follows.

NRC EXPORT LICENSE APPLICATION

Name of applicant, Date of application, Date Received, Application No., Docket No.	Description of material			
	Material type	Total qty	End use	Country of destination
SGL Carbon, LLC May 21, 2003. June 3, 2003 ..... XMAT0404/01 11005384	Nuclear Grade Graphite	1,840,000.0 Kgs to Mexico (over 5 years). 406,500.0 Kgs to Brazil (over 5 years).	For industrial and commercial non-nuclear end use. For industrial and commercial non-nuclear end use.	Amend to add Mexico and Brazil.

Dated this 13th day of June, 2003, in Rockville, Maryland.

For the Nuclear Regulatory Commission.

Edward T. Baker,

Deputy Director, Office of International Programs.

[FR Doc. 03–15598 Filed 6–19–03; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Agency Report Form Under OMB Review

AGENCY: Overseas Private Investment Corporation (OPIC).

ACTION: Request for Comments.

SUMMARY: Under the provision of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the Agency has prepared an information collection request for OMB review and approval and has requested public review and comment on the submission. OPIC published its first **Federal Register** Notice on this information collection request on April 15, 2003, in Vol 68, No. 72, 67 FR 18300, at which time a 60-day comment period was announced. This comment period ended June 16, 2003. No comments were received in response to this notice.

This information collection submission has now been submitted to OMB for emergency processing review. Comments are again being solicited on the need for the information, its practical utility, the accuracy of the Agency's burden estimate, and on ways to minimize the reporting burden, including automated collection techniques and uses of other forms of technology. The proposed form, OMB control number 3420–0023, under review is summarized below.

DATES: Comments must be received within 30 calendar days of this Notice.

ADDRESSES: Copies of the subject form and the request for review prepared for submission to OMB may be obtained from the Agency submitting officer. Comments on the form should be submitted to the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

OPIC Agency Submitting Officer

Bruce I. Campbell, Records Management Officer, Overseas Private Investment Corporation, 1100 New York Avenue, NW., Washington, DC 20527; 202/336–8563.

OMB Reviewer

David Rostker, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503; 202/395–3897.

Summary Form Under Review

Type of Request: Revised form.

Title: Self-Monitoring Questionnaire for Investment Funds' Sub-projects.

Form Number: OPIC–217.

Frequency of Use: Annually for duration of project.

Type of Respondents: Business or other institution (except farms); individuals.

Standard Industrial Classification Codes: All.

Description of Affected Public: U.S. companies or citizens investing overseas.

Reporting Hours: 3 hours per project.

Number of Responses: 325 per year.

Federal Cost: $19,500.

Authority for Information Collection: Sections 231, 234(a), 239(d), and 240A of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): The questionnaire is completed by OPIC-assisted investors annually. The questionnaire allows OPIC's assessment of effects of OPIC-assisted projects on the U.S. economy and employment, as well as on the environment and economic development abroad.

Dated: June 17, 2003.

Eli Landy,

Senior Counsel, Administrative Affairs, Department of Legal Affairs.

[FR Doc. 03–15635 Filed 6–14–03; 8:45 am]

BILLING CODE 3210–01–M

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange

Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 17f–1(c) and Form X–17F–1A—SEC File No. 270–29, OMB Control No. 3235–0037.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

• Rule 17f–1(c) and Form X–17F–1A Reporting of missing, lost, stolen, or counterfeit securities.

Rule 17f–1(c) requires approximately 26,000 entities in the securities industry to report lost, stolen, missing, or counterfeit securities to a central database. Form X–17F–1A facilitates the accurate reporting and precise and immediate data entry into the central database. Reporting to the central database fulfills a statutory requirement that reporting institutions report and inquire about missing, lost, counterfeit, or stolen securities. Reporting to the central database also allows reporting institutions to gain access to the database that stores information for the Lost and Stolen Securities Program.

We estimate that 26,000 reporting institutions will report that securities are either missing, lost, counterfeit, or stolen annually and that each reporting institution will submit this report 50 times each year. The staff estimates that the average amount of time necessary to comply with Rule 17f–1(c) and Form X–17F–1A is five minutes. The total burden is 108,333 hours annually for respondents. (26,000 times 50 times 5 divided by 60.) The average cost per hour is approximately $50. Therefore, the total cost of compliance for respondents is $5,416,666.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Kenneth A. Fogash, Acting Associate Executive Director/CIO, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: June 12, 2003.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–15647 Filed 6–19–03; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of June 23, 2003:

A closed meeting will be held on Tuesday, June 24, 2003, at 2 p.m., and an open meeting will be held on Wednesday, June 25, 2003, at 10 a.m. in Room 1C30, the William O. Douglas Room.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(5), (7), (9)(B) and (10) and 17 CFR 200.402(a)(5), (7), (9)(ii) and (10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting scheduled for Tuesday, June 24, 2003, will be:

Institution and settlement of administrative proceedings of an enforcement nature;

Institution and settlement of injunctive actions;

Formal orders of investigation; and

Opinions.

The subject matter of the open meeting scheduled for Wednesday, June 25, 2003, will be:

1. The Commission will hear oral argument on an appeal by Terence Michael Coxon, Alan Michael Sergy, and World Money Managers (''WMM''), a registered investment adviser, from the decision of an administrative law judge. Coxon is a general partner of WMM, and Sergy was formerly a paid consultant to WMM.

The law judge found that:

a. Respondents willfully violated section 17(a) of the Securities Act of 1933, section 10(b) of the Securities Exchange Act of 1934, and Exchange Act rule 10b–5;

b. Coxon and Sergy willfully violated section 34(b) of the Investment Company Act;

c. WMM willfully violated section 206(2) of the Investment Advisers Act of 1940 and that Coxon and Sergy willfully aided, abetted, and were causes of that violation; and

d. Respondents willfully aided and abetted and were causes of violations by the Permanent Portfolio Family of Funds, Inc. of Investment Company Act of 1940 sections 17(d), 12(b), 13(a)(3), and 10(b), and IC Act rules 17d–1 and 12b–1.

The law judge suspended WMM as an investment adviser for three months and assessed a $100,000 civil money penalty; suspended Coxon and Sergy from association with an investment adviser or investment company for three months and assessed each of them a $20,000 civil money penalty; ordered respondents to cease and desist; and assessed $1,608,018 in disgorgement, plus prejudgment interest.

Among the issues likely to be argued are:

a. Whether respondents committed, aided and abetted, or were causes of the alleged violations; and

b. If so, whether sanctions should be imposed in the public interest.

2. The Commission will hear oral argument on appeals by Fundamental Portfolio Advisers, Inc. (''FPA''), Lance M. Brofman, and Fundamental Service Corporation (''FSC''), from the decision of an administrative law judge. FPA, a registered investment adviser, was the investment adviser to The Fundamental U.S. Government Strategic Income Fund (''the Fund''). Brofman was formerly the chief portfolio manager for the Fund. FSC, a registered broker-dealer affiliated with FPA, distributed shares of the Fund.

The law judge found that FPA violated section 17(a) of the Securities Act of 1933, section 10(b) of the Securities Exchange Act of 1934 and Exchange Act rule 10b–5 thereunder. The law judge also found that FPA violated section 34(b) of the Investment Company Act of 1940, and sections 206(1) and (2) of the Investment Advisers Act of 1940. Additionally, the law judge found that Brofman ''aided and abetted and caused'' FPA's violations. Finally, the law judge found that FSC violated section 17(a) of the Securities Act, section 10(b) of the Exchange Act and rules 10b–3, and 10b–

5 thereunder, and section 15(c)(1) of the Exchange Act and rule 15c1–2 thereunder.

The law judge revoked FPA's investment adviser registration and ordered that FPA pay a civil monetary penalty of $500,000; revoked FSC's broker-dealer registration and ordered that FSC pay a civil monetary penalty of $500,000; and barred Brofman from association with any broker, dealer, investment adviser, or investment company and ordered him to pay a civil monetary penalty of $250,000. The law judge also ordered that Respondents cease and desist from committing or causing any violation or future violation of the provisions they were found to have violated.

Among the issues likely to be argued are:

a. Whether FPA made material misrepresentations and omissions in connection with the offer and sale of Fund shares;

b. Whether FPA failed to disclose to the Fund's Board of Directors its soft dollar arrangements;

c. Whether Brofman aided and abetted and was a cause of FPA's violations; and

d. Whether FSC disseminated materially misleading materials in connection with the sale of Fund shares.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted, or postponed, please contact: the Office of the Secretary at (202) 942–7070.

Dated: June 17, 2003.

Jonathan G. Katz,

Secretary.

[FR Doc. 03–15709 Filed 6–17–03; 4:52 pm]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–48010; File No. SR–GSCC–2002–07]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Notice of Filing of Proposed Rule Change Relating to the Elimination of the Comparison-Only Requirement for New GSCC Netting Members

June 10, 2003.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on September 5, 2002, Government Securities Clearing Corporation (''GSCC'')[2] filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in items I, II, and III below, which items have been prepared primarily by GSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would eliminate the requirement that before a new member can become a netting member, it must be a comparison-only member for six months.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, GSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. GSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[3]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

GSCC's rules currently provide that an entity is eligible to become a netting member if, among other things, it has been a comparison-only member for at least six months unless this requirement is waived by GSCC's Membership and Risk Management Committee (''Committee''). The comparison-only membership requirement was included in GSCC's rules when GSCC first began operations. The purpose of this provision was to give GSCC staff the opportunity to ensure that a member firm was operationally sound and had the ability to properly communicate with GSCC before being permitted to participate in the netting system. Over the years, GSCC netting membership has become more critical for active market participants, and it has become increasingly common for management to seek and receive approval to waive the comparison-only membership requirement. Unlike other netting membership requirements, including minimum financial standards and regulation by an established regulatory body, the comparison-only membership requirement has not been necessary to ensure the integrity of the admission and membership processes. GSCC staff has gained significant experience in making determinations about a firm's an operational capability without any comparison-only membership history prior to a firm's commencing netting activity with GSCC. Such a review process has not presented GSCC with any operationally-deficient members.

For these reasons, GSCC is proposing to amend its rules to (1) eliminate the imposition of the six-month comparison-only membership requirement as a routine matter and (2) permit the imposition of a comparison-only membership requirement for a time period deemed necessary if management is concerned about the operational capability of the applicant based on the presence of one or more of the following conditions: (a) It is a newly-formed entity with little or no functional history, (b) its operational staff lacks significant experience, (c) if one of the above conditions is present, it has not engaged a service bureau or correspondent clearing member with which GSCC has had a relationship, or (d) any other factor(s) that management believes might suggest insufficient operational ability.

The proposed rule change is consistent with the requirements of section 17A of the Act, and the rules and regulations thereunder because it would allow new members to achieve netting member status in a more efficient and timely manner.

(B) Self-Regulatory Organization's Statement on Burden on Competition

GSCC does not believe that the proposed rule change will have any impact or impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not yet been solicited or received. GSCC will notify the Commission of any written comments received by GSCC.

[1] 15 U.S.C. 78s(b)(1).

[2] On January 1, 2003, MBS Clearing Corporation (''MBSCC'') was merged into the Government Securities Clearing Corporation (''GSCC'') under New York law and GSCC was renamed the Fixed Income Clearing Corporation (''FICC''). Securities Exchange Act Release No. 47015 (December 17, 2002), 67 FR 78531 (December 24, 2002) File Nos. (SR–GSCC–2002–07 and SR–MBSCC–2002–01).

[3] The Commission has modified the text of the summaries prepared by GSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Comments may also be submitted electronically at the following e-mail address: *rule-comments@sec.gov.* All comment letters should refer to File No. SR–GSCC–2002–07. This file number should be included on the subject line if e-mail is used. To help us process and review comments more efficiently, comments should be sent in hardcopy or by e-mail but not by both methods. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of GSCC. All submissions should refer to File No. SR–GSCC–2002–07 and should be submitted by July 11, 2003.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–15646 Filed 6–19–03; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–48033; File No. SR–ISE–2003–17]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change and Amendment No. 1 by the International Securities Exchange, Inc. To Initiate a Pilot Program That Allows the Listing of Strike Prices at One-Point Intervals for Certain Stocks Trading Under $20

June 16, 2003.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 11, 2003, the International Securities Exchange, Inc. (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The ISE filed Amendment No. 1 to the proposal on June 13, 2003.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons and to grant accelerated approval to the proposed rule change, as amended, through June 5, 2004.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to initiate a pilot program (''Pilot Program'') that will allow the Exchange to list options on selected stocks trading below $20 at one-point intervals. The text of the proposed rule change appears below. Additions are in *italics*; deletions are in brackets.

Rule 504. Series of Options Contracts Open for Trading

* * * * *

(d) *Except as otherwise provided in this Rule 504 and Supplementary Material hereto,* [T]*t*he interval between strike prices of series of options on individual stocks will be:

(1) $2.50 or greater where the strike price is $25.00 or less;

(2) $5.00 or greater where the strike price is greater than $25.00; and

(3) $10 or greater where the strike price is greater than $200.00.

* * * * *

Supplementary Material

.01 $1 Strike Pilot Program: The interval between strike prices of series of options on individual stocks may be $1.00 or greater (''$1 strike prices'') provided the strike price is $20.00 or less, but not less than $3. The listing of $1 strike prices shall be limited to options classes overlying no more than five (5) individual stocks (the ''$1 Strike Pilot Program'') as specifically designated by the Exchange. The Exchange may list $1 strike prices on any other options class if those classes are specifically designated by other securities exchanges that employ a $1 Strike Pilot under their respective rules.

To be eligible for inclusion into the $1 Strike Pilot Program, an underlying stock must close below $20 in its primary market on the previous trading day. After a stock is added to the $1 Strike Pilot Program, the Exchange may list $1 strike prices from $3 to $20 that are no more than $5 from the closing price of the underlying on the preceding day. For example, if the underlying stock closes at $13, the Exchange may list strike prices from $8 to $18. The Exchange may not list series with $1 intervals within $0.50 of an existing $2.50 strike price (e.g., $12.50, $17.50) in the same series, and may not list $2.50 intervals (e.g., $12.50, $17.50) below $20 under paragraph (d)(1) of Rule 504 for any class included within the $1 Strike Pilot Program if the addition of $2.50 intervals would cause the class to have strike price intervals that are $.50 apart. Additionally, the Exchange may not list long-term option series at $1 strike price intervals for any option class selected for the $1 Strike Pilot Program.

A stock shall remain in the $1 Strike Pilot Program until otherwise designated by the Exchange. The $1 Strike Pilot Program shall expire on June 5, 2004.

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[4] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from Michael Simon, Senior Vice President and General Counsel, ISE, to Nancy Sanow, Assistant Director, Division of Market Regulation, Commission, dated June 13, 2003 (''Amendment No. 1''). In Amendment No. 1, the Exchange amended its proposed rule text to state that the proposed pilot program will expire on June 5, 2004.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

ISE Rule 504 establishes the guidelines regarding the addition of series for trading on the Exchange. Under ISE Rule 504(d), the ISE currently has the ability to list $2.50 intervals for strike prices under $25, $5 intervals for strikes between $25 and $200, and $10 intervals for strikes above $200.[4] The ISE currently lists options on 205 stocks trading under $20, including Cisco, Oracle, SunMicrosystems, Lucent, Nortel, JDS Uniphase, Amazon, Nextel, AT&T, Motorola and Hewlett-Packard. These stocks are among the most widely held and actively traded equities listed on the New York Stock Exchange, Inc. or Nasdaq, and the options overlying these stocks are actively traded as well.

The ISE notes that when a stock underlying an option trades at a lower price, it takes a larger percentage gain in the stock for an option to become in-the-money. For example, when a stock trades at $8, an investor who wants to buy a slightly out-of-the-money call option would need to buy the call with a $10 strike price. At these levels, the stock price would need to register a 25% change before it reached $10 (*i.e.*, in-the-money status). The ISE notes that a 25% gain in the underlying is especially large given the lessened degree of volatility that has accompanied many stocks and options over the past several months. Due to the recent preponderance of low priced stocks, member firms have expressed an interest in listing additional strike prices on these classes so that they can provide their customers with greater flexibility in their investment choices. For this reason, the Exchange proposes to implement a Pilot Program, as described below.

Pilot Program Eligibility: The Exchange proposes to add Supplementary Material .01 to ISE Rule 504 to allow the ISE to list series with $1 strike price intervals on equity option classes that overlie up to five individual stocks, provided that the strike prices are $20 or less, but not less than $3. The Exchange would make the determination of which underlying stocks are to be included in the Pilot Program. A class becomes eligible for inclusion in the Pilot Program when the underlying stock price closes below $20 in its primary market on the previous business day. Underlying stocks trading under $20 that are not a part of the Pilot Program would continue to be eligible for trading in $2.50 and $5.00 intervals.

Although the ISE may select only up to five individual stocks to be included in the Pilot Program, the Exchange would not be precluded from also listing options on other individual stocks at $1 strike price intervals if other options exchanges listed those series pursuant to their respective rules.

Procedures for Adding $1 Strike Price Intervals: The Exchange proposes to adopt new Supplementary Material .01 to ISE Rule 504 to specify the standards that will apply when adding additional $1 strike price intervals under the Pilot Program.[5] Under the proposal, the closing price of the underlying stock serves as the reference point for determining which $1 strike prices the Exchange may open for trading. Specifically, the Exchange will only list $1 strike prices that fall within a $5 range of the underlying stock price, and no strike prices will be added outside of the $5 range. For example, if the underlying stock trades at $6, the Exchange could list $1 strikes from $3 to $11.[6] The ISE believes that this proposed range-format will significantly restrict the number of series that may be added at any one time.

Under ISE Rule 504, the Exchange may list strike prices with $2.50 intervals when an underlying stock trades below $25. Accordingly, several options classes have $7.50, $12.50 and $17.50 strike prices (the ''$2.50 series'' or ''$2.50 intervals''). To further avoid the proliferation of series, the Exchange does not intend to list $1 strike prices at levels that ''bracket'' existing $2.50 intervals (*e.g.*, $7 and $8 strikes would not be added if there is an existing $7.50 strike). Accordingly, the Exchange will not list $7, $8, $12, $13, $17 and $18 levels in an expiration month where there are corresponding $2.50 intervals. As the $2.50 intervals are ''phased-out,'' as described below, the Exchange would introduce the $1 levels that bracket the phased-out price. For example, when the $7.50 series expires, the Exchange would replace it by issuing a new month with $7 and $8 intervals.

Procedures for Phasing-Out $2.50 Strike Price Intervals: When a stock becomes part of the Pilot Program, the Exchange will begin the corresponding process of phasing-out the existing $2.50 intervals on the same stock in favor of $1 intervals. To phase-out the $2.50 intervals, the Exchange would first delist those $2.50 series for which there is no open interest. Second, the Exchange would no longer add new expiration months at $2.50 intervals below $20 when the existing months expire. This would cause the $2.50 strike price intervals below $20 to be phased-out when the farthest-out month with a $2.50 interval eventually expires.

$1 Strikes for Long-Term Options: The ISE will not list long-term options (also known as ''LEAPS'') in equity options classes at $1 strike price intervals.

Procedures for Adding Expiration Months: ISE Rule 504(e) will continue to govern the addition of expiration months for all options, including those included in the Pilot Program. Pursuant to this rule, the Exchange generally opens four expiration months for each class upon initial listing of an options class for trading, and upon expiration of the near-term month, the Exchange lists an additional expiration month. With respect to options in the Pilot Program, the Exchange may list an additional expiration month for a $1 strike series provided that the underlying stock price closes below $20 on its primary market on expiration Friday. If the underlying closes at or above $20 on expiration Friday, the Exchange would not list an additional month for a $1 strike series until the stock again closes below $20.

Procedures for Deleting $1 Strike Price Intervals: At any time, the Exchange may cease trading options series, including series with $1 strike prices, by submitting a cessation notice to The Options Clearing Corporation (''OCC'').[7] As discussed above, if the

[4] ISE Rule 504(g) establishes guidelines for listing $2.50 strikes for a set number of options classes with series trading between $25 and $50.

[5] ISE Rule 504(c) provides for the addition of series ''when the Exchange deems it necessary to maintain an orderly market, to meet customer demand, or when the market price of the underlying stock moves substantially from the initial exercise prices.'' If the Exchange initiates options trading on a new class whose underlying stock is below $20, Rule 504(b) governs the establishment of strike prices.

[6] As indicated above, strike prices for options included in the Pilot Program may not be less than $3 or greater than $20.

[7] Among the reasons for submitting a cessation notice are the expiration of available $1 strikes (*i.e.*,

Continued

underlying closes at or above $20 on expiration Friday, the Exchange would not list any additional months with $1 strike prices until the stock subsequently closed below $20. If the underlying does not subsequently close below $20, thereby precluding the listing of additional strike prices and months, the existing $1 series will eventually expire. When the near-term month is the only series available for trading, the Exchange may submit a cessation notice to OCC. Upon submission of that notice, the underlying stock would no longer count towards the five stock Pilot Program, thereby allowing the Exchange to list classes on an additional stock. Once the Exchange submits the cessation notice, it would not list any additional months for trading with $1 strikes below $20 (unless the underlying once again closed below $20).[8]

OPRA Capacity: The ISE believes that OPRA has the capacity to accommodate the increase in the number of series added pursuant to the Pilot Program. The Pilot Program is limited to only five underlying securities, and the Pilot Program will result in an increase of between seven and 14 additional strikes for each underlying (depending on the number of existing $2.50 strikes listed). Thus, the Pilot Program will result in a maximum of 70 additional series, which is a small increase in the approximately 47,000 thousand series currently traded on the ISE. Currently, OPRA's one-minute peak has been less than one-third of its total capacity.

2. Basis

The Exchange believes that the addition of $1 strike prices would stimulate customer interest in options overlying lower-priced stocks by creating greater trading opportunities and flexibility. The Exchange further believes that $1 strike prices would provide customers with the ability to more closely tailor investment strategies to the precise movement of the underlying security. For these reasons, the Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder and, in particular, the requirements of section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with section 6(b)(5)[10] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The ISE believes that this proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The ISE has not solicited, and does not intend to solicit, comments on this proposed rule change. The ISE has not received any unsolicited written comments from members or other interested persons.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filings will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–ISE–2003–17 and should be submitted by July 11, 2003.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[11] In particular, the Commission finds that the proposed rule change is consistent with section 6(b)(5) of the Act,[12] which requires, among other things, that the rules of a national securities exchange be designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Specifically, the Commission believes that the proposed listing of one point strike price intervals in selected equity options on a pilot basis should provide investors with more flexibility in the trading of equity options overlying stocks trading at more than $3 but less than $20, thereby furthering the public interest by allowing investors to establish equity options positions that are better tailored to meet their investment objectives. The Commission also believes that the Exchange's limited Pilot Program strikes a reasonable balance between the Exchange's desire to accommodate market participants by offering a wide array of investment opportunities and the need to avoid unnecessary proliferation of options series. The Commission expects the Exchange to monitor the applicable equity options activity closely to detect any proliferation of illiquid options series resulting from the narrower strike price intervals and to act promptly to remedy this situation should it occur. In addition, the Commission requests that the ISE monitor the trading volume associated with the additional options series listed as a result of the Pilot Program and the effect of these additional series on market fragmentation and on the capacity of the Exchange's, OPRA's, and vendors' automated systems.

As noted above, the Commission is approving the ISE's proposal on a pilot basis. In the event that ISE proposes to extend the Pilot Program beyond June 5, 2004, expand the number of options eligible for inclusion in the Pilot Program, or seek permanent approval of the Pilot Program, it should submit a Pilot Program report to the Commission

the underlying stock price remains at or above $20), series proliferation concerns, and delisting because of low price, merger, takeover or other events. In any event, with prior notice to the membership and customers, ISE would continue to have the ability to cease trading series that become inactive and have no open interest.

[8] If the underlying stock trades below $20 after submission of the cessation notice by the Exchange, the ISE could list $1 strike prices again provided it included the class as one of the five classes permitted under the Pilot Program.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[12] 15 U.S.C. 78f(b)(5).

along with the filing of such proposal.[13] The report must cover the entire time the Pilot Program was in effect, and must include: (1) Data and written analysis on the open interest and trading volume for options (at all strike price intervals) selected for the Pilot Program; (2) delisted options series (for all strike price intervals) for all options selected for the Pilot Program; (3) an assessment of the appropriateness of $1 strike price intervals for the options the ISE selected for the Pilot Program; (4) an assessment of the impact of the Pilot Program on the capacity of the ISE's, OPRA's, and vendors' automated systems; (5) any capacity problems or other problems that arose during the operation of the Pilot Program and how the ISE addressed them; (6) any complaints that the ISE received during the operation of the Pilot Program and how the ISE addressed them; and (7) any additional information that would help to assess the operation of the Pilot Program.

The Commission finds good cause for approving the proposal prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. The ISE's Pilot Program is identical to a CBOE pilot program (''CBOE Pilot'') that the Commission approved.[14] Notice of the CBOE Pilot was published for comment [15] and the Commission received one comment letter, which supported the CBOE's proposal. Accordingly, the Commission believes that the ISE's Pilot Program proposal raises no issues of regulatory concern. Amendment No. 1 to the proposal clarifies the proposal by specifying the date on which the Pilot Program will expire. For these reasons, the Commission believes that there is good cause, consistent with sections 6(b)(5) and 19(b) of the Act,[16] to approve the ISE's proposal, as amended, on an accelerated basis.

V. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[17] that the proposed rule change (SR–ISE–2003–17) and Amendment No. 1 thereto are hereby approved, on an accelerated basis and as a pilot program, through June 5, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 03–15650 Filed 6–19–03; 8:45 am]

BILLING CODE 8010–01–P

[13] The Commission expects the ISE to submit a proposed rule change at least 60 days before the expiration of the Pilot Program in the event the ISE wishes to extend, expand, or seek permanent approval of the Pilot Program.

[14] *See* Securities Exchange Act Release No. 47991 (June 5, 2003), 68 FR 35243 (June 12, 2003) (order approving File No. SR–CBOE–2001–60).

[15] *See* Securities Exchange Act Release No. 47753 (April 29, 2003), 68 FR 23784 (May 5, 2003).

[16] 15 U.S.C. 78f(b)(5) and 78s(b).

[17] 15 U.S.C. 78s(b)(2).

[18] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 4384]

Bureau of Political-Military Affairs; Export of Defense Articles and Defense Services to India and Pakistan

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given that requests for export and retransfer of defense articles, defense services and related technical data to India or Pakistan pursuant to section 38 of the Arms Export Control Act (AECA) will be considered on a standard case-by-case basis. This notice reverses the policy of denial set forth in **Federal Register** Notices published on May 20, 1998 and June 17, 1998.

EFFECTIVE DATE: June 20, 2003.

FOR FURTHER INFORMATION CONTACT: Peter J. Berry, Director, Office of Defense Trade Controls Licensing, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State (202) 663–2700.

SUPPLEMENTARY INFORMATION: In 1998, pursuant to a Presidential determination under section 102(b) of the AECA, two **Federal Register** notices were published (63 FR 27781, May 20, 1998; and 63 FR 33122, June 17, 1998) that revoked all licenses and approvals to export or otherwise transfer defense articles and defense services to India and Pakistan, respectively. These **Federal Register** notices set forth a policy of denial for new requests for such licenses/approvals.

The President issued a waiver of the Glenn Amendment sanctions on India and Pakistan on September 22, 2001. Pursuant to section 9001(b) of the Department of Defense Appropriations Act, 2000 (Pub. L. 106–79), the President determined and certified to Congress that the sanctions and prohibitions in subparagraphs (B), (C), and (G) of section 102(b)(2) of the AECA would not be in the national security interests of the United States. (66 FR 50095, October 2, 2001.)

Section 9001(e) of the Department of Defense Appropriations Act, 2000, specifies that the issuance of a license for the export of defense articles, services, or technology to India or Pakistan pursuant to the waiver authority is subject to the same requirements as are applicable to the export of items described in section 36(c) of the AECA, including the transmittal of information and the application of Congressional review procedures. Consistent with this requirement, the Department provided a certification to Congress of proposed licenses or other approvals for the export of defense articles and defense services for India or Pakistan, regardless of the dollar value of the export.

The Foreign Relations Authorization Act, Fiscal Year 2003 (Pub. L. 107–228) amended the congressional notification requirements stated in section 9001(e) of the Department of Defense Appropriations Act, 2000. Pursuant to section 1405(b) export licenses to Pakistan or India must be reported to Congress only if they meet or exceed the dollar value thresholds of section 36(c) of the AECA. These thresholds are $14,000,000 for major defense equipment and $50,000,000 for defense articles or services.

Finally, on November 21, 2002 Missile Technology Control Regime (MTCR) Category I missile sanctions imposed on the Pakistani Ministry of Defense (MOD) and the Space and Upper Atmosphere Research Commission (SUPARCO) expired. These sanctions were imposed for engaging in missile-related cooperation with Chinese entities (Section 73(a)(1) of the Arms Export Control Act (AECA) and Section 11B of the Export Administration Act (EAA) of 1979, as amended). Therefore, licenses for the transfer of items on the United States Munitions List (USML) to the Pakistani MOD and SUPARCO will no longer be denied based on these sanctions.

In light of the Presidential waiver of the Glenn Amendment sanctions, the reestablishment of the dollar thresholds for congressional notification, and the expiration of the MTCR Category I missile sanctions, it is the policy of the Department to consider, on a standard case-by-case basis, applications and other requests for approval pertaining to defense articles/defense services for export/transfer to India or Pakistan.

Dated: June 25, 2003.

Lincoln P. Bloomfield, Jr.,

Assistant Secretary, Bureau of Political-Military Affairs, Department of State.

[FR Doc. 03–15651 Filed 6–19–03; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aging Transport Systems Rulemaking Advisory Committee Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting of the FAA's Aging Transport Systems Rulemaking Advisory Committee (ATSRAC).

DATES: The ATSRAC will meet on July 10, 2003, from 8:30 a.m. to 5 p.m.

ADDRESS: General Aviation Manufacturers Association (GAMA), 1400 K Street, NW., Suite 801, Washington, DC 20005–2485.

FOR FURTHER INFORMATION CONTACT: Shirley Stroman, Office of Rulemaking, ARM–208, FAA, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7470; fax (202) 267–5075; or e-mail *shirley.stroman@faa.gov.*

SUPPLEMENTARY INFORMATION: This notice announces a meeting of the Aging Transport Systems Rulemaking Advisory Committee. The FAA will hold the meeting at the location listed under the **ADDRESSES** heading of this notice. The purpose of the meeting is to discuss the status of the three new tasks the FAA assigned to the ATSRAC (68 FR 31741, May 28, 2003). These tasks include—

- Providing recommendations about issues such as alternatives to rulemaking, providing technical and economic data, and helping to disposition comments to rulemakings;
- Helping to develop strategies for technology transfer to the aviation community in a manner that optimizes their transfer and optimizes the benefits resulting from their transfer; and
- Setting up criteria for upgrading and developing enhanced wiring inspection procedures for use by manufacturers of small transport airplanes.

The meeting is open to the public; however, attendance will be limited by the size of the meeting room. The FAA will make the following services available if you request them by June 30, 2003:

- Teleconferencing.
- Sign and oral interpretation.
- A listening device.

Individuals using the teleconferencing service and calling from outside the Washington, DC metropolitan area will be responsible for paying long-distance charges. To arrange for any of these services, contact the person listed under the **FOR FURTHER INFORMATION CONTACT** heading of this notice.

The public may present written statements to the Committee by providing 20 copies to the Committee's Executive Director or by bringing the copies to the meeting. Public statements will be considered if time allows.

Issued in Washington, DC, on June 16, 2003.

Tony F. Fazio,

Director, Office of Rulemaking.

[FR Doc. 03–15642 Filed 6–19–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application 03–02–C–00–SFB To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Orlando Sanford International Airport, Sanford, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Orlando Sanford International Airport under the provisions of the 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before July 21, 2003.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, Florida 32822.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Victor White, Executive Director of the Sanford Airport Authority at the following address: 1 Red Cleveland Blvd., Suite 1200, Sanford, Florida 32773.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Sanford Airport Authority under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Krystal Hudson, Program Manager, Orlando Airports District Office, 5950 Hazeltine National Drive, Orlando, Florida 32822, 407–812–6331 x36. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Orlando Sanford International Airport under the provisions of the 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

On June 12, 2003, the FAA determined that the application to impose and use the revenue from a PFC submitted by Sanford Airport Authority was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in while or in part, no later than September 27, 2003.

The following is a brief overview of the application.

Proposed charge effective date: November 1, 2003.

Proposed charge expiration date: June 30, 2014.

Level of the proposed PFC: $2.

Total estimated PFC revenue: $13,312,090.

Brief description of proposed project(s): Terminal Expansion Project.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: None.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: 1701 Columbia Ave., College Park, Georgia 30337.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Sanford Airport Authority.

Issued in Orlando, Florida on June 12, 2003.

Matthew J. Thys,

Acting Manager, Airports Division, Southern Region.

[FR Doc. 03–15688 Filed 6–19–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2003–15428]

Notice of Receipt of Petition for Decision That Nonconforming 2003–2004 Micro Car Company Smart Passion (Glass Top and Convertible) Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 2003–2004

Micro Car Company Smart Passion (glass top and convertible) passenger cars are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2003–2004 Micro Car Company Smart Passion (glass top and convertible) passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they have safety features that comply with, or are capable of being altered to comply with, all such standards.

DATES: The closing date for comments on the petition is July 21, 2003.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. (Docket hours are from 9 a.m. to 5 p.m.) Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78), or you may visit *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202–366–3151).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards. Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards based on destructive test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

J.K. Technologies LLC of Baltimore, Maryland (''J.K.'') (Registered Importer 90–006) has petitioned NHTSA to decide whether nonconforming 2003–2004 Micro Car Company Smart Passion (glass top and convertible) passenger cars are eligible for importation into the United States. J.K. contends that these vehicles are eligible for importation under 49 U.S.C. 30141(a)(1)(B) because they have safety features that comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards.

Specifically, the petitioner claims that 2003–2004 Micro Car Company Smart Passion (glass top and convertible) passenger cars have safety features that comply with Standard Nos. 103 *Defrosting and Defogging Systems* (based on testing for which J.K. is claiming confidentiality), 104 *Windshield Wiping and Washing Systems* (based on testing for which J.K. is claiming confidentiality), 106 *Brake Hoses* (based on the manufacturer's certification), 109 *New Pneumatic Tires* (based on the presence of required certification markings), 116 *Brake Fluid* (based on the presence of required markings), 118 *Power Window Systems* (based on observation of the system's operation), 124 *Accelerator Control Systems* (based on observation of the system's operation), 135 *Passenger Car Brake Systems* (based on testing for which J.K. is claiming confidentiality), 202 *Head Restraints* (based on testing for which J.K. is claiming confidentiality), 205 *Glazing Materials* (based on the presence of required certification markings), 206 *Door Locks and Door Retention Components* (based on observation of the components' operation), 207 *Seating Systems* (based on testing for which J.K. is claiming confidentiality), 210 *Seat Belt Assembly Anchorages* (based on testing for which J.K. is claiming confidentiality), 212 *Windshield Retention* (based on testing for which J.K. is claiming confidentiality), 216 *Roof Crush Resistance* (based on testing for which J.K. is claiming confidentiality), 219 *Windshield Zone Intrusion* (based on testing for which J.K. is claiming confidentiality), and 302 *Flammability of Interior Materials* (based on testing of driver's seat material, for which J.K. is claiming confidentiality, and comparison of the interior materials to those found on U.S.-certified vehicles produced by the same manufacturer).

Petitioner also contends that the vehicles are capable of being altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Inscription of the word ''Brake'' on the dash in place of the international ECE warning symbol; (b) replacement of the speedometer with one that reads in miles per hour. The petitioner states that it has fabricated a new instrument cluster face for the vehicles, available only through J.K. Technologies, which will allow the vehicles to achieve compliance with the standard.

Standard No. 102 *Transmission Shift Lever Sequence:* Installation of a redesigned starter interlock assembly, available only through J.K. Technologies, which was designed to allow the vehicles to comply with Standard No. 114, will also achieve compliance with Standard No. 102. The petition does not describe how this assembly was redesigned.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* Modification of the headlamp and marker light systems to meet this standard. These modifications are not described in the petition.

Standard No. 110 *Tire Selection and Rims:* Installation of a tire information placard as part of the certification label to be affixed to the vehicles upon the completion of required modifications to achieve conformity with applicable standards.

Standard No. 111 *Rearview Mirror:* Replacement of the passenger side rearview mirror with a mirror fabricated by, and available only through, J.K. Technologies, which will have the required warning statement on the mirror's face.

Standard No. 114 *Theft Protection:* Installation of a redesigned starter interlock assembly to meet this standard. The petition does not describe how the assembly was redesigned.

Standard No. 201 *Occupant Protection in Interior Impact:* Replacement of interior components with components fabricated by, and available only through, J.K. Technologies. The petitioner states that

its testing, for which it is claiming confidentiality, establishes that the vehicles will meet the standard with these components installed.

Standard No. 204 *Steering Control Rearward Displacement:* Modification of the steering shaft to meet the standard. This modification is not described in the petition. The petitioner states that its testing, for which it is claiming confidentiality, establishes that the vehicles will meet the standard with this modification performed.

Standard No. 208 *Occupant Crash Protection:* Modification of the vehicles to meet this standard. These modifications are not described in the petition. The petitioner states that its testing, for which it is claiming confidentiality, establishes that the vehicles will meet the standard with these modifications performed.

Standard No. 209 *Seat Belt Assemblies:* Modification of the seat belt systems to accommodate a seat belt switch. This modification is not described in the petition. Petitioner states that with this modification, the vehicles' seat belt assemblies will comply with the standard.

Standard No. 214 *Side Impact Protection:* Modification of the vehicles' A-pillars, B-pillars, and doors. These modifications are not described in the petition. Petitioner states that with these modifications, the vehicles will meet the standard.

Standard No. 301 *Fuel System Integrity:* Modification of the vehicles' fuel system to meet this standard. Petitioner states that fuel spillage problems are controlled by the evaporative and ORVR systems, which have a rollover and check valve incorporated into their design and have been proven in testing.

The petitioner states that a vehicle identification number plate must be affixed to the vehicles near the left windshield post and a reference and certification label must be affixed in the area of the left front door post to meet the requirements of 49 CFR part 565.

Additionally, the petitioner states that 2003–2004 Micro Car Company Smart Passion (glass top and convertible) passenger cars must be modified to comply with the Bumper Standard found in 49 CFR part 581. The petition does not describe these modifications. The petitioner states that its testing, for which it is claiming confidentiality, establishes that the vehicles will meet the standard with these modifications performed.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. (Docket hours are from 9 a.m. to 5 p.m.) It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(B) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: June 12, 2003.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

[FR Doc. 03–15644 Filed 6–19–03; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 290 (Sub No. 5) (2003–3)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Surface Transportation Board, DOT.

ACTION: Approval of rail cost adjustment factor.

SUMMARY: The Board has approved the third quarter 2003 rail cost adjustment factor (RCAF) and cost index filed by the Association of American Railroads. The third quarter 2003 RCAF (Unadjusted) is 1.020. The third quarter 2003 RCAF (Adjusted) is 0.519. The third quarter 2003 RCAF–5 is 0.497.

EFFECTIVE DATE: July 1, 2003.

FOR FURTHER INFORMATION CONTACT: Mac Frampton, (202) 565–1541. Federal Information Relay Service (FIRS) for the hearing impaired: 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dā-To-Dā Legal, Suite 405, 1925 K Street, NW., Washington, DC 20006, phone (202) 293–7776. Assistance for the hearing impaired is available through FIRS: 1–800–877–8339.

This action will not significantly affect either the quality of the human environment or energy conservation.

Pursuant to 5 U.S.C. 605(b), we conclude that our action will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Decided: June 11, 2003.

By the Board, Chairman Nober.

Vernon A. Williams,

Secretary.

[FR Doc. 03–15504 Filed 6–19–03; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

June 13, 2003.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before July 21, 2003 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0215.

Form Number: IRS Forms 5712 and 5712–A.

Type of Review: Revision.

Title: Election to be Treated as a Possessions Corporation Under Section 936 (5712); and Election and Verification of the Cost Sharing or Profit Split Method Under Section 936(h)(5)(5712–A).

Description: Domestic corporations may elect to be treated as possessions corporations on Form 5712. This election allows the corporations to take a tax credit. Possession corporations may elect on Form 5712–A to share their taxable income with their affiliates under Internal Revenue Code section 936(h)(5). These forms are used by the IRS to ascertain if corporations are entitled to the credit and if they may share their taxable income with their affiliates.

Respondents: Business or other for-profit, Farms, Federal Government, State, Local or Tribal Government.

Estimated Number of Respondents/Recordkeepers: 1,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

	Form 5712	Form 5712–A
Recordkeeping	4 hr., 32 min	5 hr., 15 min.
Learning about the law or the form	35 min	53 min.
Preparing and sending the form to the IRS	42 min	1 hr., 1 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 7,037 hours.

OMB Number: 1545–0996.

Regulation Project Number: REG–130477 and REG–130481–00 Final.

Type of Review: Extension.

Title: Required Distributions from Retirement Plans.

Description: The regulations relates to the required minimum distributions from qualified plans, individual retirement plans, deferred compensation plans under section 457, and section 403(b) annuity contracts, custodial accounts, and retirement income accounts.

Respondents: State, Local or Tribal Government, Not-for-profit institutions.

Estimated Number of Respondents: 8,400.

Estimated Burden Hours Per Respondent: 1 hour.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 8,400 hours.

OMB Number: 1545–1059.

Form Number: IRS Forms 7018 and 7018–A.

Type of Review: Extension.

Title: Employer's Order Blank for Forms (7018); and Employer's Order Blank for 2003 Forms.

Description: Forms 7018 and 7018–A allow taxpayers who must file information returns a systematic way to order information tax forms material.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 1,668,000.

Estimated Burden Hours Per Respondent: 3 minutes.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 83,400 hours.

OMB Number: 1545–1821.

Regulation Project Number: REG–129271–02 Final.

Type of Review: Extension.

Title: Amendment of 26 CFR 301.6103(n)–1 to Incorporate Taxpayer Browsing Protection.

Description: Treasury Regulation section 301.6103(n)–1 sets for the conditions under which disclosures of returns and return information to any person (Contractor), or to an officer or employee of such Contractor, may be made to the extent necessary in connection with contractual procurement of property for purposes of tax administration. Under paragraph (c) of that section, each officer or employee of any Contractor to whom returns or return information is or may be disclosed as authorized by section 301.6103(n)–1 must be notified of the prohibitions against unauthorized disclosure and unauthorized inspection of return and return information, and the potential penalties for such acts as imposed by Internal Revenue Code sections 7213 and 7213A respectively.

Respondents: Business or other for-profit, Federal Government, State, Local or Tribal Government.

Estimated Number of Respondents: 2,500.

Estimated Burden Hours Per Respondent: 6 minutes.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 250 hours.

Clearance Officer: Glenn Kirkland (202) 622–3428, Internal Revenue Service, Room 6411–03, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Joseph F. Lackey, Jr. (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Mary A. Able,

Departmental Reports, Management Officer.

[FR Doc. 03–15637 Filed 6–19–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Company Acceptable on Federal Bonds: Arch Reinsurance Company

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 14 to the Treasury Department Circular 570; 2002 Revision, published July 1, 2002, at 67 FR 44294.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6765.

SUPPLEMENTARY INFORMATION: A Certificate of Authority as an acceptable surety on Federal bonds is hereby issued to the following Company under 31 U.S.C. 9304 to 9308. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 2002 Revision, on page 44300 to reflect this addition:

Arch Reinsurance Company. *Business address:* 55 Madison Avenue, PO Box 1988, Morristown, NJ 07962–1988. *Phone:* (973) 898–9575. *Underwriting limitation b/:* $35,922,000. *Surety licenses c/:* GA, IL, IN, MD, MI, NE, NY, PA, UT. *Incorporated* in: Nebraska.

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

The Circular may be viewed and downloaded through the Internet at http://www.fms.treas.gov/c570/index.html. A hard copy may be purchased from the Government Printing Office (GPO) Subscription Service, Washington, DC, Telephone (202) 512–1800. When ordering the Circular from GPO, use the following stock number: 769–004–04067–1.

Questions concerning this Notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch, 3700 East-West Highway, Room 6F07, Hyattsville, MD 20782.

Dated: June 9, 2003.

Michael Shandor,

Acting Director, Financial Accounting and Services Division, Financial Management Service.

[FR Doc. 03–15545 Filed 6–19–03; 8:45 am]

BILLING CODE 4810–35–M

Corrections

Federal Register

Vol. 68, No. 119

Friday, June 20, 2003

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 260 and 274

[Release Nos. 33–8230, 34–47809, 35–27674, IC–26044; File No. S7–52–02]

RIN 3235–AI26

Mandated Electronic Filing and Web Site Posting for Forms 3, 4 and 5

Correction

In rule document 03–11824 beginning on page 25788 in the issue of Tuesday, May 13, 2003, make the following corrections:

PART 260—[CORRECTED]

1. On page 25800, in the first column, after amendatory instruction 21., in the authority citation, in the second line, ''78*ll1*(d)'' should read, ''78*ll*(d).''

PART 274—[CORRECTED]

2. On page 25801, in the third column, in paragraph (a), after the sixth line, before the Note, insert ''

* * * * *.''

3. On page 25802, in the second column, after paragraph (c), before Form 4, insert ''

* * * * *.''

4. On the same page, in the same column, after line 2 of Item 4., before Table 1, insert ''

* * * * *.''

[FR Doc. C3–11824 Filed 6–19–03; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Friday,
June 20, 2003

Part II

Securities and Exchange Commission

17 CFR Part 270
Certain Research and Development Companies; Final Rule

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release No. IC–26077; File No. S7–47–02]

RIN 3235–AI57

Certain Research and Development Companies

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Final rule.

SUMMARY: The Commission is adopting a new rule under the Investment Company Act of 1940 that provides a nonexclusive safe harbor from the definition of investment company for certain bona fide research and development companies.

EFFECTIVE DATE: The rule will become effective on August 19, 2003.

FOR FURTHER INFORMATION CONTACT: Karen L. Goldstein, Senior Counsel, Janet M. Grossnickle, Branch Chief, or Nadya B. Roytblat, Assistant Director, at (202) 942–0564, Office of Investment Company Regulation, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0506.

SUPPLEMENTARY INFORMATION: The Commission is adopting new rule 3a–8 [17 CFR 270.3a–8] under the Investment Company Act of 1940 [15 U.S.C. 80a] (the ''Act'').[1]

Executive Summary

Research and development companies (''R&D companies'') often raise large amounts of capital, invest the proceeds and use the principal and return on these investments to fund their operations during their lengthy product development phase. An R&D company also may purchase a non-controlling equity stake in another company as part of a strategic alliance to conduct research and develop products jointly. Either of these activities may cause an R&D company to fall within the definition of an investment company under the Act. In 1993, a Commission order issued to ICOS Corporation, a biotechnology company, addressed how to determine the status of an R&D company under the Act (the ''ICOS Order'').[2]

Late last year, the Commission issued a release proposing rule 3a–8 (''Proposing Release'') to update and codify the terms of the ICOS Order.[3] The proposed rule was designed to provide R&D companies with greater flexibility to raise and invest capital pending its use in research, development and other operations. The proposed rule also sought to clarify the extent to which an R&D company relying on the rule may make investments in other R&D companies pursuant to collaborative research and development arrangements. The commenters on the Proposing Release generally supported the proposed rule. Today the Commission is adopting rule 3a–8 as a nonexclusive safe harbor from investment company status for certain bona fide R&D companies.[4]

I. Background

A. Definition of Investment Company

Section 3(a) of the Act has two definitions of investment company that may be relevant to R&D companies.[5] Section 3(a)(1)(A) of the Act defines an investment company as any issuer that is, holds itself out as, or proposes to be engaged primarily in the business of investing, reinvesting, or trading in securities.[6] Section 3(a)(1)(C) of the Act defines an investment company as any issuer that is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and that owns or proposes to acquire investment securities having a value exceeding forty percent of the value of the company's total assets on an unconsolidated basis (exclusive of Government securities and cash items).[7] An issuer that meets the definition of investment company in section 3(a)(1)(C) of the Act nevertheless may be deemed not to be an investment company under two provisions in section 3(b) of the Act.

Section 3(b)(1) of the Act provides a self-executing exclusion from the definition of investment company for a company primarily engaged, directly or through wholly-owned subsidiaries, in a non-investment business.[8] Section 3(b)(2) of the Act allows a company that falls within the definition of investment company in section 3(a)(1)(C) of the Act to apply to the Commission for an order. Pursuant to section 3(b)(2), the Commission, upon application by the company, may find and by order declare the company to be primarily engaged (directly, or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses) in a business other than that of investing, reinvesting, owning, holding or trading in securities.[9]

When the Commission determines whether a company is primarily engaged in a non-investment business pursuant to section 3(b)(2), it looks principally at the composition of the company's assets and the sources of its income, and also considers the company's historical development, its public representations and the activities of its officers and directors.[10] These factors also are used to determine whether a company satisfies the primary business test under section 3(b)(1) of the Act.[11]

B. Research and Development Companies

When applied to R&D companies, the asset and income factors of the traditional primary business test may not appropriately reflect these companies' non-investment business. R&D companies, such as biotechnology companies, frequently require large amounts of capital to fund lengthy periods of research and development, the results of which may not produce income for years. R&D companies also may enter into strategic alliances for joint research and development that include the purchase of non-controlling

[1] Unless otherwise noted, when we refer to rule 3a–8, or any paragraph of the rule, we are referring to 17 CFR 270.3a–8 of the Code of Federal Regulations in which the rule is published, as adopted by this release.

[2] ICOS Corp., Investment Company Act Release Nos. 19274 (Feb. 18, 1993) [58 FR 11426 (Feb. 25, 1993)] (notice) and 19334 (Mar. 16, 1993) [58 FR 15392 (Mar. 22, 1993)] (order).

[3] *See* Certain Research and Development Companies, Investment Company Act Release No. 25835 (Nov. 26, 2002) [67 FR 71915 (Dec. 3, 2002)]. The Commission initially proposed rule 3a–8 in 1993. *See* Certain Research and Development Companies, Investment Company Act Release No. 19566 (July 9, 1993) [58 FR 38095 (July 15, 1993)], but later withdrew it from the Commission's agenda. Regulatory Flexibility Agenda, Investment Company Act Release No. 21795 (Mar. 4, 1996) [61 FR 24066 (May 13, 1996)].

[4] The Commission notes that any company that meets the requirements of the rule we adopt today may rely on its nonexclusive safe harbor, regardless of whether the company is primarily engaged in research and development activities or in some other non-investment business.

[5] A third definition, contained in section 3(a)(1)(B) of the Act [15 U.S.C. 80a–3(a)(1)(B)], defines an investment company to include companies that issue face-amount certificates of the installment type and is not relevant for purposes of this release.

[6] 15 U.S.C. 80a–3(a)(1)(A).

[7] 15 U.S.C. 80a–3(a)(1)(C). Section 3(a)(2) of the Act generally defines ''investment securities'' to include all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority-owned subsidiaries of the owner which are not investment companies. 15 U.S.C. 80a–3(a)(2).

[8] 15 U.S.C. 80a–3(b)(1).

[9] 15 U.S.C. 80a–3(b)(2). A determination under either section 3(b)(2) or section 3(b)(1) of the Act that an issuer is engaged primarily in a non-investment business also means that it is not an investment company under section 3(a)(1)(A) of the Act. *See* M.A. Hanna Co., 10 S.E.C. 581 (1941).

[10] *See* Tonopah Mining Co., 26 S.E.C. 426 (1947).

[11] For a more detailed discussion of the relevant provisions of the Act and Commission rules, *see* Proposing Release, *supra* note 3, at II.A.

investments in their partners. These non-controlling investments and many of the instruments in which R&D companies invest their capital are investment securities counted toward the forty percent asset test under section 3(a)(1)(C) of the Act. Moreover, research and development expenses and any resulting ''intellectual capital,'' are not recognized as assets on balance sheets prepared in accordance with Generally Accepted Accounting Principles (''GAAP''). Thus, R&D companies may have few assets other than investment securities and little operating income, which may cause them both to fall within the definition of investment company and to be ineligible for an exclusion using the traditional primary business test.[12]

The Commission recognized the unique nature of R&D companies when it issued the ICOS Order in 1993. In the ICOS Order, the Commission set forth an alternative test for determining the primary business of an R&D company under sections 3(b)(1) and 3(b)(2) of the Act that was based upon how the company uses its income and assets, instead of their sources and composition. Under the ICOS Order, this status determination focuses on three factors: (1) Whether the company uses its securities and cash to finance its research and development activities; (2) whether the company has substantial research and development expenses and insignificant investment-related expenses; and (3) whether the company invests in securities in a manner that is consistent with the preservation of its assets until needed to finance operations. If a company satisfies these factors, the remaining factors of the traditional primary business test—the company's historical development, its public representations of policy, and the activities of its officers and directors—are examined.[13]

C. The Proposing Release

On November 26, 2002, the Commission issued the Proposing Release proposing rule 3a–8 to update and codify the analysis set forth in the ICOS Order.[14] Under the proposed rule, an R&D company would be deemed not to be an investment company under sections 3(a)(1)(A) and 3(a)(1)(C) of the Act if it met certain requirements designed to demonstrate the company's engagement in a non-investment business. The proposal sought to ensure that bona fide R&D companies do not inadvertently fall within the definition of investment company, while also making sure that investors in companies that are primarily engaged in the investment business receive the protections afforded them under the Act.

Under rule 3a–8 as proposed, a company could rely on the rule's nonexclusive safe harbor if it: (a) Had research and development expenses that were a substantial percentage of its total expenses for its last four fiscal quarters combined and that equaled at least half of its investment revenues for that period; (b) had investment-related expenses that did not exceed five percent of its total expenses for its last four fiscal quarters combined; (c) made its investments to conserve capital and liquidity until it used the funds in its primary business; and (d) was primarily engaged, directly or through a company or companies that it controls primarily, in a noninvestment business, as evidenced by the activities of its officers, directors and employees, its public representations of policies, and its historical development.[15]

The Commission received six comment letters on the Proposing Release.[16] The commenters generally supported the proposed rule, but suggested certain changes to and clarifications of several of the proposed rule's provisions. Today we are adopting rule 3a–8 substantially as proposed, with certain changes that respond to the issues raised by the commenters.[17]

II. Discussion

A. Substantial Research and Development Expenses

To qualify for the nonexclusive safe harbor from investment company status, proposed rule 3a–8 required that a company's research and development expenses, for the last four fiscal quarters combined, constitute a substantial percentage of its total expenses for the same period. In the Proposing Release, the Commission stated that it proposed leaving the term ''substantial'' undefined in order to allow R&D companies to take into account fluctuations in the composition of their expenses over time, but requested comment on this approach.[18]

Two commenters agreed that leaving the term ''substantial'' undefined provides R&D companies the flexibility to accommodate variations in expenses and fluctuations in research and development budgets over time, and that an objective standard would be unnecessarily restrictive. One commenter, however, stated that without an objective standard, the rule potentially could allow companies primarily engaged in the investment business to escape regulation under the Act. This commenter suggested requiring a company's research and development expenses to constitute a majority of its total expenses.

The Commission is sensitive to the concerns of excluding companies from the Act that should be subject to its requirements, but notes that the approach of the proposed rule is consistent with the ICOS Order. That approach has been used by R&D companies for over ten years to determine their status under the Act. In light of that fact and the other safeguards contained in the rule, the Commission believes that the approach of the proposed rule would provide the necessary flexibility without jeopardizing investor protection.[19] Therefore, the Commission is adopting this provision as proposed.[20]

B. Net Income from Investments

Rule 3a–8 as proposed also required that an R&D company's ''revenues from investments in securities'' not exceed twice the amount of its research and

[12] For a more detailed discussion of the nature of R&D companies' activities, *see* Proposing Release, *supra* note 3, at II.B.

[13] *See supra* note 2. For a more detailed discussion of the analysis set forth in the ICOS Order, *see* Proposing Release, *supra* note 3, at II.C.

[14] Rule 3a–8 was proposed, in part, in response to a petition from the Biotechnology Industry Organization (''BIO'') to the Commission for rulemaking to modernize and clarify the analysis set forth in the ICOS Order. Petition for Investment Company Act of 1940 Rulemaking, submitted by Matthew A. Chambers and John C. Nagel, Wilmer, Cutler & Pickering, on behalf of the Biotechnology Industry Organization, File No. 4–457 (May 23, 2002) (''BIO Petition''). For a more detailed discussion of the BIO Petition, *see* Proposing Release, *supra* note 3, at II.D.

[15] *See* Proposing Release, *supra* note 3.

[16] The comment letters came from five commenters (one of the commenters submitted an initial letter and a subsequent letter discussing issues raised by another commenter). The comment letters are available for public inspection and copying in the Commission's Public Reference Room, 450 5th Street, NW., Washington, DC (File No. S7–47–02).

[17] We note that the adoption of rule 3a–8 is not intended to preclude R&D companies from using the test set forth in the ICOS Order under section 3(b)(1) of the Act. Any company that wishes to determine its status under the Act in accordance with the ICOS Order may continue to do so.

[18] *See* Proposing Release, *supra* note 3, at III.A.1.

[19] While research and development expenses that constitute a majority of a company's total expenses certainly would be considered substantial, we note that there are circumstances when research and development expenses that constitute less than a majority of the company's total expenses, notwithstanding nonrecurring items or unusual fluctuations in recurring items, also may be considered substantial.

[20] Rule 3a–8(a)(1).

development expenses.[21] The Commission explained in the Proposing Release that this requirement would allow R&D companies to meet their increased capital needs by raising and holding more capital than currently permitted under the ICOS Order, while ensuring that an R&D company's primary focus remains funding its research and development activities, rather than generating revenue from its investments.[22]

All of the commenters generally supported this provision. One commenter suggested that the phrase ''revenues from investments'' is ambiguous and that the phrase ''net income,'' which would parallel a provision in rule 3a–1 under the Act, may be more clear and appropriate.[23] The Commission agrees. Rule 3a–8 as adopted today, therefore, uses the term ''net income,'' and the Commission intends that it be interpreted for purposes of this rule consistently with rule 3a–1 under the Act.[24]

C. Insignificant Investment-Related Expenses

Rule 3a–8 as proposed required that an R&D company relying on the nonexclusive safe harbor devote no more than five percent of its total expenses for its last four fiscal quarters combined to investment advisory and management activities, investment research and selection, and supervisory and custodial fees.[25] The commenters supported this provision, and the Commission is adopting it as proposed.[26]

D. Investments in Securities

1. Capital Preservation Investments

i. Definition

To qualify for the nonexclusive safe harbor under rule 3a–8 as proposed, an R&D company's investments in securities were required to be capital preservation investments, subject to two exceptions for ''other investments,'' discussed below. The proposed rule defined ''capital preservation investments'' as investments made to conserve an R&D company's capital and liquidity until the funds are used in its primary business or businesses. The Proposing Release stated that, in general, capital preservation investments are liquid so that they can be readily sold to support the R&D company's research and development activities as necessary and present limited credit risk.[27]

One commenter suggested that the Commission provide additional guidance concerning capital preservation investments to prevent companies from considering speculative investments to be capital preservation investments. We note that, in the ICOS Order, the Commission stated that ''[s]ignificant investments in equity or speculative debt would indicate that the company is acting as an investment company rather than preserving its capital for research and development.'' [28] Similarly, under rule 3a–8 as proposed, investments in equity or speculative debt would not meet the definition of capital preservation investments, but would be considered ''other investments'' subject to the limits set forth in the rule.

One commenter suggested that capital preservation investments be defined using specific objective standards for credit quality, maturity and liquidity to minimize the risk that an R&D company would purchase speculative investments. Another commenter opposed this recommendation as unnecessary and one that would introduce undue complexity into the rule.

We believe that attempting to specify such objective criteria would render the rule unnecessarily complex and inflexible. Moreover, we continue to believe that the approach we proposed is appropriate given the variety of circumstances that an R&D company may face.[29] Therefore, we are adopting the definition of capital preservation investments as proposed.[30] Our adopted definition is consistent with the ICOS Order, which has been applied as a standard to determine the status of R&D companies under the Act for over ten years.[31]

ii. Board-Approved Policy

The Proposing Release requested comment on whether rule 3a–8 should require the board of directors of the R&D company to adopt investment guidelines designed to assure that the company's funds are invested consistent with the goals of capital preservation and liquidity.[32] Two commenters addressed this issue, and both supported such a requirement. Since rule 3a–8 would give R&D companies greater flexibility to raise and invest capital, we believe that requiring the boards of directors of R&D companies seeking to rely on the nonexclusive safe harbor to focus on how their companies invest their capital would enhance investor protection.[33] Accordingly, the Commission is adopting rule 3a–8 with this requirement.[34]

2. ''Other Investments''

As discussed in greater detail in the Proposing Release, companies increasingly are collaborating with other companies to conduct joint research and development, and it is not uncommon for an R&D company to seek to acquire a non-controlling interest in securities of another company pursuant to such a collaborative arrangement (a ''strategic investment'').[35] Proposed rule 3a–8 sought both to clarify the extent to which an R&D company relying on the nonexclusive safe harbor may make investments other than capital preservation investments, and specifically to reflect the increased use of collaborative relationships to conduct research and development.

As proposed, rule 3a–8 allowed an R&D company to make investments other than capital preservation investments (''other investments'') to a limited extent. In setting the limits, the proposed rule distinguished between investments made pursuant to a

[21] Proposed rule 3a–8 defined ''investments in securities'' to include all securities owned by the R&D company other than securities issued by majority-owned subsidiaries and companies controlled primarily by the R&D company that conducts similar types of businesses, through which the R&D company is engaged primarily in a business other than that of investing, reinvesting, owning, holding, or trading in securities.

[22] *See* Proposing Release, *supra* note 3, at III.A.2

[23] Rule 3a–1 under the Act, adopted in 1981 as a nonexclusive safe harbor from investment company status, codified a series of Commission orders issued under section 3(b)(2) of the Act. 17 CFR 270.3a–1

[24] Rule 3a–8(a)(2).

[25] *See* 17 CFR 210.6–07.2(a) (Regulation S–X). We note that the investment-related expenses that are subject to the five percent limit would include any investment advisory fees paid to an outside adviser.

[26] Rule 3a–8(a)(3).

[27] Proposing Release, *supra* note 3, at III.A.4.a.

[28] *See* the ICOS order, *supra* note 2, at II.C.

[29] For example, we would expect the portfolio of an R&D company whose products require, on average, an additional eight years to develop to differ from the portfolio of another R&D company whose products are expected, on average, to be ready in two years, even though both companies would be investing with the goal of preserving capital and liquidity.

[30] Rule 3a–8(b)(4).

[31] One commenter requested clarification that the statement in the Proposing Release that capital preservation investments ''present limited credit risk'' would be interpreted consistently with the ICOS order. We did not intend a different meaning. We note, however, that the ICOS order required an R&D company's portfolio, taken as a whole, to present limited credit risk. Under rule 3a–8, each investment is evaluated separately and categorized as either a capital preservation investment or another investment; each capital preservation investment must present limited credit risk.

[32] Proposing Release, *supra* note 3, at III.A.4.a.

[33] We also believe that this requirement may enhancd an R&D company's ability to monitor its compliance with the requirements of the rule that relate to its investments in securities.

[34] Rule 3a–8(A)(7).

[35] *See* Proposing Release, *supra* note 3, at III.A.4.b.

collaborative research and development arrangement and other investments that are not made to preserve capital and liquidity. As proposed, rule 3a–8 permitted an R&D company to acquire investments that are not capital preservation investments if, immediately after the acquisition, no more than 10 percent of the company's total assets consisted of other investments or no more than 20 percent of the company's total assets consisted of other investmens so long as at least 75 percent of those investments were made pursuant to collaborative research and development arrangements. The Proposing Release also explained that the Commission intended that the proposed rule's limits on other investments would be calculated at the time other investments are acquired.[36]

The Proposing Release requested comment on the proposed limits.[37] We also requested comment on whether the percentage limits should be applicable at any time, rather than being calculated only at the time other investments are acquired.[38] The commenters that addressed these issues all suggested that we make the limits applicable at all times and that we raise the applicable percentage limit when at least 75 percent of the R&D company's other investments were made pursuant to collaborative research and development arrangements.

Specifically, two commenters expressed concern that the rule as proposed could be interpreted to require the R&D company to determine its compliance with the percentage limits at the time of every acquisition it ever made, including acquisitions made years prior to relying on the rule.[39] These commenters also recommended raising the 20 percent limit to 30 percent. Another commenter suggested that compliance with the percentage limits should be required at all times to avoid the possibility that the value of an R&D company's other investments could greatly exceed the value of its capital preservation investments and its primary business. This commenter also suggested increasing the 20 percent limit to 25 percent.

The Commission agrees that it would enhance investor protection if the percentage limits were applicable at all times that an R&D company seeks to rely on the rule. We also note that this approach is consistent with the way both the Act and the Commission have formulated asset tests for purposes of determining a company's status under the Act.[40] We also believe that it would be more appropriate to address our concerns about market fluctuations in the value of investments made pursuant to collaborative research and development arrangements by raising the applicable percentage limit.

Although specifically requested in the Proposing Release,[41] the commenters that recommended raising the 20 percent limit 30 percent did not provide any information or data to support their request and to demonstrate the need for R&D companies to include a non-controlling investment as a part of a collaborative research and development arrangement. The Commission continues to be concerned that non-controlling investments constituting a significant portion of a company's assets, even if those investments potentially can be characterized as ''strategic,'' may indicate that the company's primary business is that of an investment company.[42] We believe, however, that raising the 20 percent limit to 25 percent would reflect an appropriate balance between this concern and the needs for R&D companies both to have greater flexibility to enter into strategic alliances and to deal with fluctuations in the value of strategic investments.[43] Accordingly, the Commission is adopting a 25 percent limit that would be applicable at all times that an R&D company seeks to rely on the rule.[44]

E. Collaborative Research and Development Arrangements

Rule 3a–8 as proposed defined a collaborative research and development arrangement as a business relationship which (i) is designed to achieve narrowly focused goals that are directly related to, and an integral part of, the issuer's research and development activities; (ii) calls for the issuer to conduct joint research and development activities with one or more other parties, and (iii) is not entered into for the purpose of avoiding regulation under the Act. For the reasons discussed below, the Commission is adopting the definition of a collaborative research and development arrangement substantially as proposed. The Commission is making a technical clarification to the definition to the effect that an investment in securities made pursuant to a collaborative research and development arrangement must be an investment in securities of a company (or of a company controlled primarily by, or which controls primarily, the company) with which the R&D company is engaged in the collaborative research and development arrangement.[45]

1. ''Joint Research and Development''

Two commenters requested clarification of the term ''joint research and development activities'' within the proposed definition. One commenter was concerned that the term ''joint'' could be interpreted to require the companies to be equally involved in the research and development throughout the entire research and development process. This commenter noted that research and development activities within collaborative arrangements often are guided by a joint steering committee with members from both companies, with one company or the other primarily responsible for conducting research and development at different stages. The Commission would consider an arrangement involving research and development activities done sequentially or through a joint steering committee to be ''joint'' within the meaning of the definition.

2. Other Relationships

The Proposing Release requested comment on whether other relationships, such as a licensor-licensee relationship with respect to a patent or other intellectual property rights, should be included in the definition of a collaborative research and development arrangement. One commenter suggested that licensor-licensee and similar contractual relationships should be included if they relate to product development activities because such relationships are legitimate and common. While we do not dispute the legitimacy or prevalence of licensing agreements, we do not believe that a licensing or similar agreement, by itself, demonstrates a sufficient nexus to the licensor's primary business to justify treating an investment in the licensee differently from any other speculative investment.

[36] *See id.*

[37] *See id.*

[38] *See id.*

[39] One of these commenters responded to a request for clarification from members of the Commission staff concerning its comment on this issue made in its comment letter. These discussions are summarized in a memorandum available in the public file. *See supra* note 16.

[40] *See, e.g.,* 15 U.S.C. 80a–3(a); 17 CFR 270.3a–1; and the ICOS Order, *supra* note 2.

[41] *See* Proposing Release, *supra* note 3, at III.A.4.b.

[42] *See id.*

[43] We note that the rule is designed to serve as a nonexclusive safe harbor. We are willing to consider, on a case-by-case basis, the status of R&D companies that cannot meet certain of the requirements of the rule.

[44] Rule 3a–8(a)(4)(i)–(ii).

[45] Rule 3a–8(b)(6). The Commission recognizes that a collaborative research and development arrangement may involve additional parties as well.

Such agreements may simply reflect a preference for securities over cash considerations.[46]

The Commission also requested comment in the Proposing Release on whether other activities, such as manufacturing and joint marketing activities, should be included in the definition of a collaborative research and development arrangement. In this regard, we specifically asked commenters to address whether R&D companies face any unique challenges that are not faced by other operating companies seeking to produce and market their products. One commenter recommended that manufacturing and marketing activities be included, but did not address why R&D companies have a greater need than other operating companies to make strategic investments to manufacture and market their products. We thus are not including manufacturing and marketing activities in the definition at this time.[47]

F. Other Requirements

1. Valuation

As proposed, rule 3a–8 required a company to value its assets in accordance with section 2(a)(41)(A) of the Act. Section 2(a)(41)(A) provides, in relevant part, that for purposes of section 3 of the Act, the term ''value'' means, (i) with respect to securities for which market quotations are readily available, the market value of those securities; and (ii) with respect to other securities and assets, fair value as determined in good faith by the board of directors.[48] Two commenters opposed this requirement, arguing that an R&D company's assets may be difficult to value. They recommended allowing R&D companies to have the option of valuing their assets according to GAAP, which provides for the valuation of some, but not all, assets at market or fair value.

We note that Congress specifically mandated in section 2(a)(41)(A) of the Act that companies use market or fair values for their assets when determining their status under section 3 of the Act. The Commission consistently has required the same when exempting operating companies from the Act by order or rule, irrespective of any difficulty that may be involved in valuing the assets. We therefore do not believe that a departure from the valuation requirements under the Act in rule 3a–8 would be consistent with the protection of investors or the purposes intended by the policy and provisions of the Act. We also note that the increased percentage limit applicable when at least 75 percent of an R&D company's ''other investments'' were made pursuant to collaborative research and development arrangements under rule 3a–8 as adopted should reduce any burdens associated with determining fair values by giving R&D companies more flexibility to hold such investments. Accordingly, the Commission is adopting the requirement to comply with section 2(a)(41)(A) of the Act as proposed.[49]

2. Consolidation

Proposed rule 3a–8 provided that the percentages relating to assets, expenses and revenues set forth in the rule were to be determined on an unconsolidated basis, except that an R&D company should consolidate its financial statements with the financial statements of any wholly-owned subsidiaries. This approach was consistent with the method used in rule 3a–1 to determine a company's status under the Act.[50] We requested comment, however, on whether it would be more appropriate for rule 3a–8 to require or permit consolidation of an R&D company's financial statements with those of its majority-owned subsidiaries, as is done under GAAP.[51]

One commenter supported this alternative approach, arguing that the use of a non-GAAP consolidated standard would impose a burden on some R&D companies and possibly produce less reliable, unaudited numbers. We note that all operating companies face similar burdens when determining their status under section 3(a)(1)(C) of the Act or rule 3a–1 under the Act. Moreover, an R&D company that sought to rely on rule 3a–8 already would have determined that it met the definition contained in section 3(a)(1)(C) of the Act, which requires unconsolidated asset figures that differ from GAAP. Accordingly, the Commission is adopting this requirement as proposed.[52]

III. Cost-Benefit Analysis

The Commission is sensitive to the costs and benefits of its rules. New rule 3a–8 provides a nonexclusive safe harbor from the definition of investment company for R&D companies. Under the rule, an R&D company is eligible for the safe harbor if it: (a) Has research and development expenses that are a substantial percentage of its total expenses for its last four fiscal quarters combined and that equal at least half of its net income derived from investments for that period; (b) has investment-related expenses that do not exceed five percent of its total expenses for its last four fiscal quarters combined; (c) makes its investments to conserve capital and liquidity until it uses the funds in its primary business, subject to certain exceptions; and (d) is primarily engaged, directly or through a company or companies that it controls primarily, in a noninvestment business, as evidenced by the activities of its officers, directors and employees, its public representations of policies, and its historical development.

New rule 3a–8 is designed largely to benefit R&D companies that currently are relying on the ICOS Order by updating and codifying the analysis in that order. The ICOS Order requires that an R&D company generally spend more on research and development than it earns on its investments. To allow R&D companies greater flexibility to raise and invest capital pending its use in research, development and other operations, the new rule modifies this requirement to require that an R&D company's net income derived from investments not exceed twice the amount of the company's research and development expenses.[53] The new rule also clarifies the extent to which R&D companies may make investments in other companies pursuant to collaborative research and development arrangements. Under the analysis in the ICOS Order, an R&D company could make a limited amount of these investments so long as ''substantially all of its securities * * * present limited credit risk.'' [54] New rule 3a–8 specifies that an R&D company may make investments that are not made to conserve capital and liquidity, so long as these ''other investments'' do not exceed (a) 10 percent of the R&D company's total assets, or (b) 25 percent of the R&D company's total assets, so long as at least 75 percent of these other investments are investments made pursuant to a collaborative research and development arrangement.[55]

The new rule also imposes two conditions on R&D companies relying on the safe harbor that are not required

[46] The Commission notes that licensor-licensee relationships may not involve any collaboration between the parties, making it unlikely that parties are engaged in ''joint'' research and development activities within the meaning of the rule.

[47] The Commission and its staff are able to consider any unique manufacturing or marketing circumstances faced by a particular company on a case-by-case basis.

[48] 15 U.S.C. 80a–2(a)(41)(A).

[49] Rule 3a–8(b)(1).

[50] *See supra* note 23.

[51] Proposing Release, *supra* note 3, at III.E.

[52] Rule 3a–8(b)(2).

[53] Rule 3a–8(a)(2).

[54] *See* the ICOS Order, *supra* note 2, at II.C.

[55] Rule 3a–8(a)(4)(i) and (ii).

under the ICOS Order. Under the new rule, the board of directors of an R&D company relying on the rule's safe harbor must adopt and record a resolution that the company is primarily engaged in a non-investment business [56] and adopt a written investment policy.[57]

Although we have identified certain costs and benefits that may result from the new rule, rule 3a–8 is exemptive, rather than prescriptive, and R&D companies are not required to rely on it. Therefore, we assume that R&D companies will rely on the rule only if the anticipated benefit from doing so exceeds the anticipated cost. In the Proposing Release, we requested comment and specific data regarding the costs and benefits of the proposed rule. We did not receive any comments or data regarding the costs and benefits of the rule from commenters.

A. Benefits

The Commission expects rule 3a–8 to benefit R&D companies in a number of ways. As mentioned, the new rule affords R&D companies greater flexibility to both raise and invest capital than currently allowed. The requirement under the ICOS Order that an R&D company's research and development expenses equal or exceed gross investment revenues, in effect, imposed a ''burn rate,'' requiring the R&D company to spend the income from and the principal amount of its investments in its research and development business. As a result of these limitations, R&D companies may have forgone opportunities to access the markets or may have reduced the amounts raised when accessing the markets. These limits also may have discouraged investment in higher yielding capital preservation instruments. The rule allows R&D companies to raise larger amounts of capital in a more cost-effective manner and to formulate more efficient asset allocations than is permitted under the existing tests. Thus, the rule should reduce any costs that may be associated with a lack of flexibility (1) to access fully the markets when conditions are favorable, and (2) to make capital preservation investments.

Furthermore, by clarifying the extent to which R&D companies may make investments in other companies pursuant to collaborative research and development arrangements, rule 3a–8 will provide R&D companies increased certainty as to the amount of these investments they may make without becoming subject to regulation under the Act. The Commission anticipates that this will reduce costs on an ongoing basis. When an R&D company's status under the Act is uncertain, it may experience higher costs when issuing securities or when borrowing. The Commission expects clarification of the test to both reduce the costs that an R&D company may need to incur to determine its status under the Act and reduce any uncertainty in such determination, which may reduce costs when issuing securities or borrowing.

B. Costs

R&D companies that choose to rely on the new rule's nonexclusive safe harbor will incur certain costs in complying with the rule's conditions that are not currently imposed under the ICOS Order. The rule requires an R&D company's board of directors to adopt and record a resolution that the company is primarily engaged in a non-investment business and also to adopt a written investment policy concerning the company's capital preservation investments. Because these requirements need to be fulfilled only once, the Commission believes the cost of the requirements to be minimal relative to the benefits provided by the safe harbor. We estimate that to comply with the requirement that the board of directors adopt and record a resolution, and R&D company would need to have its in-house counsel spend 45 minutes preparing the resolution, and its board of directors spend 15 minutes adopting the resolution. We expect the board of directors to have based its decision to adopt the resolution, in part, on investment guidelines the R&D company has established to ensure its investment portfolio is in compliance with the rule's requirements.[58] We therefore believe that no additional time will be required for the board of directors to formally adopt a written investment policy, as required by the rule, along with the resolution. Based on our estimate that 500 companies will rely on the rule, one hour per company at a blended hourly rate results in a total costs of $103,750.[59] In the Proposing Release, the Commission solicited comment on the number of companies that may rely on the rule, the amount of time needed to adopt the required resolution and the costs of such time. We did not receive any comments on our estimates.

IV. Consideration of Promotion of Efficiency, Competition, and Capital Formation

Section 2(c) of the Act provides that whenever the Commission is engaged in rulemaking under the Act and is required to consider or determine whether an action is consistent with the public interest, the Commission also must consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation. The Commission believes that, by clarifying the status of certain R&D companies under the Act, and allowing R&D companies greater flexibility to raise and invest capital, the rule is consistent with the public interest and will positively affect capital formation. The Commission also believes that the rule will promote efficiency and competition, and that the rule will not be unduly burdensome to those companies wishing to rely on it. In the Proposing Release, the Commission solicited comments on this section, but did not receive any.

V. Paperwork Reduction Act

New rule 3a–8 requires R&D companies wishing to rely on the safe harbor provided under the rule to fulfill a number of conditions. Certain of these conditions constitute ''collections of information'' within the meaning of the Paperwork Reduction Act of 1995 (''PRA'') [44 U.S.C. 3501 *et seq.*]. One condition is that the board of directors of the company adopt an appropriate resolution evidencing that the company is primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities. The rule requires that the resolution be recorded contemporaneously in the company's minute books or comparable documents. The Commission submitted this collection of information to the Office of Management and Budge (''OMB'') for review in accordance with 44 U.S.C. 3507(d) and 5 CFR 1320.11. The title for the collection of information is ''Rule 3a–8 under the Investment Company Act.'' OMB has approved the collection of information for rule 3a–8; the OMB control number is 3235–0574 (expires March 31, 2006).

In the Proposing Release, the Commission estimated that the total

[56] Rule 3a–8(a)(6)(iv).

[57] *See* Proposing Release, *supra* note 3, at III.A.4.b.

[58] We believe that many of the companies that will seek to rely on the rule already have written investment guidelines.

[59] The Commission's estimate concerning the weighted average hourly wage rate is based on salary information for the securities industry compiled by the Securities Industry Association. *See* Securities Industry Association, Report on Management & Professional Earnings in the Securities Industry—2001. The weighted average hourly wage rate of $207.50 includes overhead costs and assumes that 75 percent of the time will be by in-house counsel at a rate of $110 per hour and 25 percent by the board of directors at a rate of $500 per hour.

aggregate annual reporting burden associated with the proposed rule's requirements is 500 hours. The Commission estimated that of the 500 R&D companies that may take advantage of the proposed rule, the reporting burden imposed by rule 3a–8 is one hour per company, for a total aggregate reporting burden of 500 hours. No commenters addressed these burden estimates for the collection of information requirements and we continue to believe they are appropriate.

The rule we are adopting today contains an additional requirement that is also a collection of information within the meaning of the PRA. The board of directors of a company wishing to rely on the safe harbor under rule 3a–8, must adopt a written policy with respect to the company's capital preservation investments. We expect that the board of directors will base its decision to adopt the resolution discussed above, in part, on investment guidelines that the company will follow to ensure its investment portfolio is in compliance with the rule's requirements. We believe that many of the companies that will seek to rely on the rule already have written investment guidelines. For those that do not, we expect the board of directors to adopt the guidelines simultaneously with the resolution. Furthermore, like the required board resolution, the investment guidelines will generally need to be adopted only once (unless relevant circumstances change). The Commission therefore believes this additional collection of information will not create additional time burdens, but can be accounted for in the current burden hour estimate of 500 hours.

VI. Summary of Final Regulatory Flexibility Analysis

The Commission has prepared a Final Regulatory Flexibility Analysis (''FRFA'') in accordance with 5 U.S.C. 604 regarding the adoption of new rule 3a–8 under the Act. A summary of the Initial Regulatory Flexibility Analysis (''IRFA''), which was prepared in accordance with 5 U.S.C. 603, was published in the Proposing Release. The Commission received no comments on the IRFA. The following summarizes the FRFA.

The FRFA discusses the need for, and objectives of, the new rule. The FRFA explains that the rule provides a nonexclusive safe harbor to allow R&D companies more investment flexibility and the ability to hold and invest more capital without becoming subject to the Act. The FRFA also explains that in order to be eligible for the safe harbor provided by the rule, an R&D company must have research and development expenses that are a substantial percentage of its total expenses and that equal at least half of its net income derived from investments for its last four fiscal quarters combined, have relatively small investment-related expenses, make its investments to conserve capital and liquidity until it uses the funds in its primary business, subject to certain exceptions, and be primarily engaged, directly or through a company or companies that it controls primarily, in a noninvestment business.

The FRFA states that rule 3a–8 is designed to clarify, and provide greater certainty concerning, the status of an R&D company under the Act. Rule 3a–8 has no reporting requirements, but the board of directors of a company seeking to rely on the rule would need to adopt a board resolution, record that resolution contemporaneously in its minute books or comparable documents and adopt written investment guidelines related to its capital preservation investments. The FRFA states that the only significant alternative to the rule would be for an R&D company to engage in its own analysis and application of existing statutory provisions, Commission orders and interpretations to determine the R&D company's status under the Act. The Commission therefore concluded that the rule, although it could affect small entities, would be less burdensome than this alternative and, thus, should minimize any impact upon, or cost to, small businesses. Any company with net assets of $50 million or less would be a small entity for purposes of the rule.

The FRFA is available for public inspection in File No. S7–47–02, and a copy may be obtained by contacting Karen L. Goldstein, Office of Investment Company Regulation, Securities and Exchange Commission, 450 5th Street, NW., Washington DC 20549–0506.

VII. Statutory Authority

We are adopting rule 3a–8 pursuant to our authority set forth in section 6(c) and 38(a) of the Act [15 U.S.C. 80a–6(c) and 80a–38(a)].

List of Subjects in 17 CFR Part 270

Investment companies, Reporting and recordkeeping requirements, Securities.

Text of Rule

■ For the reasons set out in the preamble, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

■ 1. The authority citation of part 270 continues to read, in part, as follows:

Authority: 15 U.S.C. 80a–1 *et seq.,* 80a–34(d), 80a–37, and 80a–39, unless otherwise noted;

* * * * *

■ 2. Section 270.3a–8 is added to read as follows:

§ 270.3a–8 Certain research and development companies.

(a) Notwithstanding sections 3(a)(1)(A) and 3(a)(1)(C) of the Act (15 U.S.C. 80a–3(a)(1)(A) and 80a–3(a)(1)(C)), an issuer will be deemed not to be an investment company if:

(1) Its research and development expenses, for the last four fiscal quarters combined, are a substantial percentage of its total expense for the same period;

(2) Its net income derived from investments in securities, for the last four fiscal quarters combined, does not exceed twice the amount of its research and development expenses for the same period;

(3) Its expenses for investment advisory and management activities, investment research and custody, for the last four fiscal quarters, combined, do not exceed five percent of its total expenses for the same period;

(4) Its investments in securities are capital preservation investments, except that:

(i) No more than 10 percent of the issuer's total assets may consist of other investments, or

(ii) No more than 25 percent of the issuer's total assets may consist of other investments, provided that at least 75 percent of such other investments are investments made pursuant to a collaborative research and development arrangement;

(5) It does not hold itself out as being engaged in the business of investing, reinvesting or trading in securities, and it is not a special situation investment company;

(6) It is primarily engaged, directly, through majority-owned subsidiaries, or through companies which it controls primarily, in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, as evidenced by:

(i) The activities of its officers, directors and employees;

(ii) Its public representations of policies;

(iii) Its historical development; and

(iv) An appropriate resolution of its board of directors, which resolution or action has been recorded

contemporaneously in its minute books or comparable documents; and

(7) Its board of directors has adopted a written investment policy with respect to the issuer's capital preservation investments.

(b) For purposes of this section:

(1) All assets shall be valued in accordance with section 2(a)(41)(A) of the Act (15 U.S.C. 80a–2(a)(41)(A));

(2) The percentages described in this section are determined on an unconsolidated basis, except that the issuer shall consolidate its financial statements with the financial statements of any wholly-owned subsidiaries;

(3) *Board of directors* means the issuer's board of directors or an appropriate person or persons performing similar functions for any issuer not having a board of directors;

(4) *Capital preservation investment* means an investment that is made to conserve capital and liquidity until the funds are used in the issuer's primary business or businesses;

(5) *Controlled primarily* means controlled within the meaning of section 2(a)(9) of the Act (15 U.S.C. 80a–2(a)(9)) with a degree of control that is greater than that of any other person;

(6) *Investment made pursuant to a collaborative research and development arrangement* means an investment in an investee made pursuant to a business relationship which:

(i) Is designed to achieve narrowly focused goals that are directly related to, and an integral part of, the issue's research and development activities;

(ii) Calls for the issuer to conduct joint research and development activities with the investee or a company controlled primarily by, or which controls primarily, the investee; and

(iii) Is not entered into for the purpose of avoiding regulation under the Act;

(7) *Investments in securities* means all securities other than securities issued by majority-owned subsidiaries and companies controlled primarily by the issuer that conduct similar types of businesses, through which the issuer is engaged primarily in a business other than that of investing, reinvesting, owning, holding, or trading in securities;

(8) *Other investment* means an investment in securities that is not a capital preservation investment; and

(9) *Research and development expenses* means research and development expenses as defined in FASB Statement of Financial Accounting Standards No. 2, Accounting for Research and Development Costs, as currently in effect or as it may be subsequently revised.

By the Commission.

Dated: June 16, 2003.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 03–15586 Filed 6–19–03; 8:45 am]

BILLING CODE 8010–01–P

Federal Register

Friday,
June 20, 2003

Part III

Department of Education

Community Technology Centers Program; Notices

DEPARTMENT OF EDUCATION

[CFDA No.: 84.341]

Community Technology Centers Program

AGENCY: Office of Vocational and Adult Education, Department of Education.

ACTION: Notice of final priority, program requirements, and selection criteria for Fiscal Year (FY) 2003 for novice applicants.

SUMMARY: The Assistant Secretary for Vocational and Adult Education establishes a final priority, selection criteria, and program requirements under the Community Technology Centers (CTC) program for novice applicants. The Assistant Secretary will use this priority, selection criteria, and program requirements for the FY 2003 novice applicant competition.

EFFECTIVE DATE: This priority, selection criteria, and program requirements are effective June 20, 2003.

FOR FURTHER INFORMATION CONTACT: If you have questions pertaining to the application, need further assistance, or need to speak with someone in the CTC program, you may contact Gisela Harkin, Office of Vocational and Adult Education, U.S. Department of Education, 400 Maryland Avenue, SW., Mary E. Switzer Building, Room 4324, Washington, DC 20202 7100,Telephone: (202) 205–4238 or via e-mail: *commtech.center@ed.gov.* Please type ''CTC Notice Correspondence'' as the subject line of your electronic message.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT.**

Note: This notice does not solicit applications. A notice inviting applications under this competition is published elsewhere in this issue of the **Federal Register**. The notice inviting applications specifies the deadline date by which applications for an award must be received or hand-delivered to the Department if a waiver to the electronic submission requirement is granted.

SUPPLEMENTARY INFORMATION

General

As authorized by Title V, Part D, Subpart 11, Section 5511–13 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act (NCLB) of 2001, the purpose of the CTC Program is to assist eligible applicants to create or expand community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training. Eligible applicants shall be an institution of higher education, a State Education Agency, a Local Educational Agency, an entity (such as a foundation, museum, library, for-profit business, public or private nonprofit, or community-based organization, including faith-based organizations), or consortia thereof, that also meet the definition of a ''novice applicant,'' as that term is defined in 34 CFR 75.225(a)(1) (see the following section of this notice on *Novice Applicants* for more information on this requirement). In addition, eligible applicants shall have the capacity to significantly expand access to computers and related services for disadvantaged residents of economically distressed urban and rural communities who would otherwise be denied such access.

The CTC program novice applicant competition gives absolute priority to those applicants who will focus on improving the academic achievement of low-achieving secondary school students while continuing to provide a community technology center for all members of their community. Thus, grant recipients must meet this priority as they use grant funds to create or expand community technology centers that expand access to information technology and related training for disadvantaged residents of distressed urban or rural communities and to evaluate the effectiveness of their projects. Funds may be used to provide services and activities that use technology to improve academic achievement, such as academic enrichment activities for children and youth, career development, adult education, and English language instruction for individuals with limited English proficiency. Other authorized activities include, among other things, support for personnel, equipment, networking capabilities, and other infrastructure costs. No funds may be used for construction.

Improving the academic achievement of our nation's secondary school students has become an urgent need. Current National Assessment of Educational Progress (NAEP) data indicate that, despite some slow and steady progress in secondary student achievement over the past few decades, many of our nation's secondary students are still not attaining the academic skills and knowledge required for graduation, postsecondary education, or careers. This is particularly true among students who are entering secondary school, with two in ten scoring below basic levels in reading, over three in ten scoring below basic levels in math, and four in ten scoring below basic levels in science. Moreover, as students move through secondary school, their academic progress wanes. Except in the area of science, students actually make greater academic gains between grades four and eight than between grades eight and 12.

To support the goal of the NCLB that all students attain proficiency in challenging State academic achievement standards, the Assistant Secretary establishes a priority, selection criteria, and program requirements for the CTC program that will focus program resources on providing effective supplemental instruction to low-achieving students who are entering or enrolled in grades nine through 12 at high-poverty, low-performing secondary schools.

Novice Applicants

The Department encourages the participation of novice applicants in the Community Technology Centers program. Therefore, the Secretary has determined, under 34 CFR 75.225(c)(1), to give special consideration to novice applicants. As a result, up to 25 percent of available program funds will be reserved for grants to novice entities submitting high-quality applications.

This notice establishes a priority, selection criteria, and program requirements for the novice applicant competition of the FY 2003 CTC program. Notices inviting applications and establishing priorities, selection criteria, and program requirements for the general CTC competition—for which both novice and non-novice applicants may apply—previously have been published in the **Federal Register** on June 3, 2003 (FR 33318–33323).

An applicant is considered a ''novice applicant'' if it meets the following definition taken from 34 CFR 75.225(a)(1):

The applicant must—

(i) Have never received a grant or a subgrant under the Community Technology Centers program;

(ii) Have never been a member of a group application, submitted in accordance with 34 CFR 75.127–75.129, that received a grant under the Community Technology Centers program; and

(iii) Have not had an active discretionary grant from the Federal government in the five (5) years before

the deadline date for applications in this competition.

(34 CFR 75.225(a)(2) and (b) further interpret this definition in cases of group applications in this competition and specify that a grant is ''active'' until the end of the grant's project or funding period, including any extensions of those periods that extend the grantee's authority to obligate funds).

Application Procedures

The Government Paperwork Elimination Act (GPEA) of 1998 (Public Law 105–277) and the Federal Financial Assistance Management Improvement Act of 1999 (Public Law 106–107) encourage us to undertake initiatives to improve our grant processes. Enhancing the ability of individuals and entities to conduct business with us electronically is a major part of our response to these Acts. Therefore, the Department is taking steps to adopt the Internet as our chief means of conducting transactions in order to improve services to our customers and to simplify and expedite our processes.

The Department is requiring that applications for the FY 2003 Community Technology Centers program competition be submitted electronically using e-APPLICATION through the U.S. Department of Education's e-GRANTS system. The e-GRANTS system is accessible through its portal page at *http://e-grants.ed.gov*.

Applicants who are unable to submit an application through the e-GRANTS systems may apply for a waiver to the electronic submission requirement. To apply for a waiver, applicants must explain the reason(s) that prevent(s) them from using the Internet to submit their applications. The reason(s) must be outlined in a letter addressed to: Gisela Harkin, U.S. Department of Education, Office of Vocational and Adult Education, 330 ''C'' Street, SW., Washington, DC, 20202–7100. Please mark your envelope ''CTC competition waiver request.'' The letter requesting the waiver is to be submitted no later than two (2) weeks before the deadline for transmittal of applications; last minute requests will not be considered.

Any application that receives a waiver to the electronic submission requirement will be given the same consideration in the review process as an electronic application.

Pilot Project for Electronic Submission of Applications

In FY 2003, the U.S. Department of Education is continuing to expand its pilot project of electronic submission of applications to include additional formula programs and additional discretionary grant competitions. The Community Technology Centers (CTC) program (CFDA 84.341) is one of the programs included in the pilot project. If you are an applicant under the CTC Program, you must submit your application to us in electronic format or receive a waiver.

The pilot project involves the use of the Electronic Grant Application System (e-APPLICATION, formerly e-GAPS) portion of the Grant Administration and Payment System (GAPS). We shall continue to evaluate its success and solicit suggestions for improvement.

Please note the following:

—Do not wait until the deadline date for the transmittal of applications to submit your application electronically. If you wait until the deadline date to submit your application electronically and you are unable to access the e-APPLICATION system, you must contact the Help Desk by 4:30 P.M. EST on the deadline date.

—Keep in mind that e-APPLICATIONS is not operational 24 hours a day, 7 days a week. Click on ''Hours of Web Site Operation'' for specific hours of access during the week.

—You will have access to the e-APPLICATION Help Desk for technical support: 1 (888) 336–8930 (TTY: 1 (866) 697–2696, local (202) 401–8363). The Help Desk hours of operation are limited to 8 A.M.–6 P.M. EST Monday through Friday.

You must submit all documents electronically, including the Application for Federal Education Assistance (ED424), Budget Information—Non-Construction Programs (ED524), and assurances, certifications, and appendices, as appropriate.

—After you electronically submit your application, you will receive an acknowledgement, which will include a PR/Award number (an identifying number unique to your application).

—Within three (3) working days after submitting your electronic application, fax a signed copy of the Application for Federal Education Assistance (ED424) to the Application Control Center after following these steps:

(1) Print the ED424 from the e-Application system.

(2) The institution's Authorizing Representative must sign this form.

(3) Place the PR/Award number in the upper right hand corner of the hard copy signature page of the ED424.

(4) Fax the signed ED424 to the Application Control Center at (202) 260–1349.

—The Department may request that you give us original signatures on all other forms at a later date. Closing Date Extension in Case of System Unavailability

If you are prevented from submitting your application on the closing date because the e-APPLICATION system is unavailable, we will grant you an extension of one (1) business day in order to transmit your application electronically, by mail, or by hand delivery.

For us to grant this extension:

(1) You must be a registered user of e-APPLICATION and have initiated an e-APPLICATION for this competition; and

(2) (A) The e-APPLICATION system must be unavailable for 60 minutes or more between the hours of 8:30 A.M. and 3:30 P.M. EST, on the deadline date; or

(B) The e-APPLICATION system must be unavailable for any period of time during the last hours of operation (that is, for any period of time between 3:30 and 4:30 P.M. EST) on the deadline date. The Department must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension, you must contact the e-Grants Help Desk at 1 (888) 336–8930.

You may access the electronic grant application for CFDA No. 84.341 at *http://e-grants.ed.gov.*

Page limit: The application narrative (Part VI of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part VI to the equivalent of no more than 25 pages, using the following standards:

- A ''page'' is 8.5″ x 11″ on one side only, with 1″ margins on the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch).

In addition, you must limit Part VII (budget narrative) to four (4) pages and Part X (Appendices) to 15 pages, using the aforementioned standards. We will reject your application if:

- You apply these standards and exceed the page limit; or
- You apply other standards and exceed the equivalent of the page limit.

Waiver of Rulemaking

It is the Secretary's practice, in accordance with the Administrative Procedure Act (5 U.S.C. 553), to offer interested parties the opportunity to comment on proposed rules that are not taken directly from statute. Ordinarily, this practice would have applied to the priority and requirements of this notice. However, section 437(d)(2) of the General Education Provisions Act (GEPA) exempts from this requirement rules that would cause extreme hardship to the intended beneficiaries of the program that would be affected by those rules. In accordance with section 437(d)(2) of GEPA, the Secretary has decided to forgo public comment with respect to the rules in this grant competition in order to ensure timely and high-quality awards. The rules established in this notice apply only to the FY 2003 grant competition.

Discussion of Priority

When inviting applications, we designate an absolute priority. Under an *absolute priority,* we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Absolute Priority

Each application must be submitted by an eligible novice applicant (see **SUPPLEMENTARY INFORMATION** for definition of ''novice applicant''). In addition, each proposed project must provide supplemental instruction in reading or language arts and mathematics to low-achieving secondary school (grades 9–12) students in high-poverty, low-performing secondary schools. Further, each applicant must demonstrate how their project's proposed academic approach is aligned with the secondary school curricula of the schools in which the students to be served by the grant are entering or enrolled. Finally, proposed projects must include an evaluation component that demonstrates in measurable ways how their program has improved the academic achievement in reading or language arts and mathematics of students receiving their services.

Scoring of Applications

Applications received under this notice will be screened for eligibility and scored according to the criteria that follow in this notice. Each application under this competition must meet the definition of a novice applicant and satisfy the Absolute Priority in order to be eligible for funding. An application that does not meet the definition of a novice applicant and does not satisfy the Absolute Priority will not be considered for funding.

Selection Criteria

The following selection criteria will be used to evaluate applications submitted for grants. Please note:

(1) The maximum score is 100 points.

(2) The maximum score for each criterion is indicated in parentheses.

(a) *Need for the Project (10 points):*

In evaluating the need for the proposed project, we consider the extent to which the proposed project will:

(1) Serve students from low-income families;

(2) Serve students entering or enrolled in secondary schools that are among the secondary schools in the State that have the highest numbers or percentages of students who have not achieved proficiency on the State academic assessments required by Title I of ESEA, or who have academic skills in reading or language arts, or mathematics, that are significantly below grade level;

(3) Serve students who have the greatest need for supplementary instruction, as indicated by their scores on State or local standardized assessments in reading or language arts, or mathematics, or some other local measure of performance in reading or language arts, or mathematics; and

(4) Create or expand access to information technology and related training for disadvantaged residents of distressed urban or rural communities.

(b) *Quality of the Project Design (35 points):*

In evaluating the quality of the proposed project, we consider the extent to which the proposed project will:

(1) Provide instructional services that will be of sufficient size, scope, and intensity to improve the academic performance of participating students;

(2) Incorporate strategies that have proven effective for improving the academic performance of low-achieving students;

(3) Implement strategies in recruiting and retaining students that are likely to prove effective;

(4) Provide instruction that is aligned with the secondary school curricula of the schools in which the students to be served by the grant are entering or enrolled; and

(5) Provide high-quality, sustained, and intensive professional development for personnel who provide instruction to students.

(c) *Quality of the Management Plan (15 points):*

In evaluating the quality of the management plan, we consider the extent to which the proposed project:

(1) Outlines specific, measurable goals, objectives, and outcomes to be achieved by the proposed project;

(2) Assigns responsibility for the accomplishment of project tasks to specific project personnel, and provides timelines for the accomplishment of project tasks;

(3) Requires appropriate and adequate time commitments of the project director and other key personnel to achieve the objectives of the proposed project; and

(4) Includes key project personnel, including the project director and other staff, with appropriate qualifications and relevant training and experience.

(d) *Adequacy of Resources (20 points):*

In determining the adequacy of resources for the proposed project, we consider the following factors:

(1) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant;

(2) The extent to which a preponderance of project resources will be used for activities designed to improve the academic performance of low-achieving students in reading and/or mathematics;

(3) The extent to which the budget is adequate and costs are reasonable in relation to the objectives and design of the proposed project; and

(4) The potential for continued support of the project after Federal funding ends, including, as appropriate, the demonstrated commitment of appropriate entities to such support.

(e) *Quality of the Evaluation (20 points):*

In determining the quality of the evaluation, we consider the extent to which the proposed project:

(1) Includes a plan that utilizes evaluation methods that are feasible and appropriate to the goals and outcomes of the project;

(2) Will regularly examine the progress and outcomes of participating students on a range of appropriate performance measures;

(3) Will use an independent, external evaluator with the necessary background and technical expertise to assess the performance of the project; and

(4) Effectively demonstrates that the applicant has adopted a rigorous evaluation design.

Program Requirements

Project Period: 12 months.

Range of Awards: $300,000–$500,000. Applicants who request more than $500,000 will be ineligible for funding.

Estimated Number of Awards: The Secretary anticipates making

approximately 20–30 awards under this competition.

Matching Requirement: Pursuant to Section 5512(c) of ESEA, as amended by NCLB, Federal funds may not pay for more than 50 percent of total project costs. In order to apply for and receive a grant award under this competition, each applicant must furnish from nonfederal sources at last 50 percent of its total project costs. Applicants may satisfy this requirement in cash or in kind, fairly evaluated, including services.

Reporting Requirements

In accordance with Education Department General Administrative Regulations (EDGAR) cited elsewhere in this notice, grantees are required to submit to the Secretary a final performance report that:

(1) Summarizes project progress with respect to the specific, measurable goals, objectives, and outcomes proposed in the management plan;

(2) Summarizes project impact with respect to the achievement of participants;

(3) Identifies barriers to progress as well as solutions; and

(4) Provides information about the project's success in identifying funding to sustain its operations after the cessation of the grant.

Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR Part 79. One of the objectives of the Executive Order is to foster an intergovernmental partnership and a strengthened Federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

Applicable Program Regulations: 34 CFR parts 75, 77, 79, 80, 81, 82, 85, 86, 97, 98 and 99.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/legislation/FedRegister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html.*

(CFDA No. 84.341) Community Technology Centers Program.

Program Authority: 20 U.S.C. 7263–7263b.

Dated: June 17, 2003.

Carol D'Amico,

Assistant Secretary for Vocational and Adult Education.

[FR Doc. 03–15707 Filed 6–19–03; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA No. 84.341]

Community Technology Centers Program

AGENCY: Office of Vocational and Adult Education, Department of Education

ACTION: Notice inviting applications for new awards for fiscal year (FY) 2003 for novice applicants.

PURPOSE OF PROGRAM: As authorized by Title V, Part D, Subpart 11, Section 5511–13 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act (NCLB) of 2001, the purpose of the Community Technology Centers (CTC) program is to assist eligible applicants to create or expand community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training.

The CTC program novice applicant competition gives absolute priority to those applicants who will focus on improving the academic achievement of low-achieving secondary school students while continuing to provide a community technology center for all members of their community. Thus, grant recipients must meet this priority as they use grant funds to create or expand community technology centers that expand access to information technology and related training for disadvantaged residents of distressed urban or rural communities and evaluate the effectiveness of this project.

ELIGIBLE APPLICANTS: Eligible applicants shall be an institution of higher education, a State educational agency, a local educational agency, an entity (such as a foundation, museum, library, for-profit business, public or private nonprofit organization, or community-based organization, including faith-based organizations), or consortia thereof, that also meet the definition of a ''novice applicant,'' as that term is defined in 34 CFR 75.225(a)(1) (see ''Supplementary Information: Novice Applicants'' for more information on this requirement). In addition, eligible applicants shall have the capacity to significantly expand access to computers and related services for disadvantaged residents of economically distressed urban and rural communities who would otherwise be denied such access.

SUPPLEMENTARY INFORMATION:

Novice Applicants

The Department encourages the participation of novice applicants in the Community Technology Centers program. Therefore, the Secretary has determined, under 34 CFR 75.225(c)(1), to give special consideration to novice applicants. As a result, up to 25 percent of available program funds will be reserved for grants to novice entities submitting high-quality applications.

This notice invites applications for the novice applicant competition of the FY 2003 CTC program. Notices inviting applications and establishing priorities, selection criteria, and program requirements for the general CTC competition for FY 2003—for which both novices and non-novices may apply—previously have been published in the **Federal Register** on June 3, 2003 (68 FR 33318–33323). A novice may apply under the general competition or under this novice competition. A novice may also file a separate application under each competition. If a novice does this, it must take care that each of the separate applications meets the particular requirements of the competition under which it is being submitted.

An applicant is considered a ''novice applicant'' if it meets the following definition taken from 34 CFR 75.225(a)(1):

The applicant must—

(i) Have never received a grant or subgrant under the Community Technology Centers program;

(ii) Have never been a member of a group application, submitted in accordance with 34 CFR 75.127–75.129, that received a grant under the Community Technology Centers program; and

(iii) Have not had an active discretionary grant from the Federal Government in the five (5) years before the deadline date for applications in this competition.

(34 CFR 75.225(a)(2) and (b) further interpret this definition in cases of group applications in this competition

and specify that a grant is ''active'' until the end of the grant's project or funding period, including any extensions of those periods that extend the grantee's authority to obligate funds).

Applications Available: June 20, 2003.

Application Procedures

The Government Paperwork Elimination Act (GPEA) of 1998 (Public Law 105–277) and the Federal Financial Assistance Management Improvement Act of 1999 (Public Law 106–107) encourage us to undertake initiatives to improve our grant processes. Enhancing the ability of individuals and entities to conduct business with us electronically is a major part of our response to these Acts. Therefore, the Department is taking steps to adopt the Internet as our chief means of conducting transactions in order to improve services to our customers and to simplify and expedite our processes.

The Department is requiring that applications for the FY 2003 Community Technology Centers Program competitions for new awards be submitted electronically using e-APPLICATION through the U.S. Department of Education's e-GRANTS system. The e-GRANTS system is accessible through its portal page at *http://e-grants.ed.gov*.

Applicants who are unable to submit an application through the e-GRANTS systems may apply for a waiver to the electronic submission requirement. To apply for a waiver, applicants must explain the reason(s) that prevent(s) them from using the Internet to submit their applications. The reason(s) must be outlined in a letter addressed to: Gisela Harkin, U.S. Department of Education, Office of Vocational and Adult Education, 330 ''C'' Street, SW., Washington, DC., 20202–7100. Please mark your envelope ''CTC competition waiver request.'' The letter requesting the waiver is to be submitted no later than two (2) weeks before the deadline for transmittal of applications; last minute requests will not be considered.

Any application that receives a waiver to the electronic submission requirement will be given the same consideration in the review process as an electronic application.

Pilot Project for Electronic Submission of Applications

In FY 2003, the U.S. Department of Education is continuing to expand its pilot project of electronic submission of applications to include additional formula programs and additional discretionary grant competitions. The Community Technology Centers (CTC) program (CFDA 84.341) is one of the programs included in the pilot project. If you are an applicant under the CTC program, you must submit your application to us in electronic format or receive a waiver.

The pilot project involves the use of the Electronic Grant Application System (e-APPLICATION, formerly e-GAPS) portion of the Grant Administration and Payment System (GAPS). We shall continue to evaluate its success and solicit suggestions for improvement.

Please note the following:

—Do not wait until the deadline date for the transmittal of applications to submit your application electronically. If you wait until the deadline date to submit your application electronically and you are unable to access the e-Application system, you must contact the Help Desk by 4:30 p.m. EST on the deadline date.

—Keep in mind that e-APPLICATIONS is not operational 24 hours a day, 7 days a week. Click on ''Hours of Web Site Operation'' for specific hours of access during the week.

—You will have access to the e-APPLICATION Help Desk for technical support: 1 (888) 336–8930 (TTY: 1–[866] 697–2696, local [202] 401–8363). The Help Desk hours of operation are limited to 8 a.m.—6 p.m. EST Monday through Friday.

You must submit all documents electronically, including the Application for Federal Education Assistance (ED424), Budget Information—Non-Construction Programs (ED524), and assurances, certifications, and appendices, as appropriate.

—After you electronically submit your application, you will receive an acknowledgement, which will include a PR/Award number (an identifying number unique to your application).

—Within three (3) working days after submitting your electronic application, fax a signed copy of the Application for Federal Education Assistance (ED424) to the Application Control Center after following these steps: (1) Print the ED424 from the e-Application system. (2) The institution's Authorizing Representative must sign this form. (3) Place the PR/Award number in the upper right hand corner of the hard copy signature page of the ED424. (4) Fax the signed ED424 to the Application Control Center at (202) 260–1349.

—The Department may request that you give us original signatures on all other forms at a later date.

Closing Date Extension in Case of System Unavailability

If you are prevented from submitting an application on the closing date because the e-APPLICATION system is unavailable, we will grant you an extension of one (1) business day in order to transmit your application electronically, by mail, or by hand delivery.

For us to grant this extension:

(1) You must be a registered user of e-APPLICATION and have initiated an e-APPLICATION for this competition; and

(2) (a) The e-APPLICATION system must be unavailable for 60 minutes or more between the hours of 8:30 A.M. and 3:30 P.M. EST, on the deadline date; or (b) The e-APPLICATION system must be unavailable for any period of time during the last hours of operation (that is, for any period of time between 3:30 and 4:30 P.M. EST) on the deadline date. The Department must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension, you must contact the e-Grants Help Desk at 1 (888) 336–8930.

You may access the electronic grant application for CFDA No. 84.341 at *http://e-grants.ed.gov*.

Page limit: The application narrative (Part VI of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part VI to the equivalent of no more than 25 pages, using the following standards:

• A ''page'' is 8.5″ x 11″ on one side only, with 1″ margins on the top, bottom, and both sides.

• Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

• Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch).

In addition, you must limit Part VII (budget narrative) to four (4) pages and Part X (Appendices) to 15 pages, using the aforementioned standards. We will reject your application if:

• You apply these standards and exceed the page limit; or

• You apply other standards and exceed the equivalent of the page limit.

Deadline for Transmittal of Applications: July 21, 2003.

Deadline for Intergovernmental Review: September 18, 2003.

Estimated Available Funds: $8,106,250. **Note:** The Department is

conducting a separate general competition for an estimated $24,318,750 in funds available for both novice and non-novice applicants. Notices pertaining to that competition were published in the **Federal Register** on June 3, 2003 (68 FR 33318–33323).

Range of Awards: $300,000–$500,000.

In previous grant competitions, applicants have routinely requested more money than the above award ranges dictate. As a result, plans submitted to the Department have included any number of activities that could only be made possible if an applicant received a funding amount much higher than intended in the award range. Based on this experience, the Department will fund only those applications that correctly request funds within the award range specified in this notice. Therefore, applicants who request more than $500,000 will be declared ineligible and will not receive funding.

Note: The size of awards will be based on a number of factors. These factors will include the scope, quality, and comprehensiveness of the proposed program, and the recommended range of awards indicated above.

Matching Requirement: Pursuant to Section 5512(c) of ESEA, as amended by NCLB, Federal funds may not pay for more than 50 percent of total project costs. In order to apply for and receive a grant award under this competition, each applicant must furnish from nonfederal sources at last 50 percent of its total project costs. Applicants may satisfy this requirement in cash or in kind, fairly evaluated, including services.

Note: The U.S. Department of Education is not bound by any estimates in this notice.

Project Period: 12 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 85, 86, 97, 98 and 99 and (b) the regulations in the notice of final priority, program requirements, and selection criteria for FY 2003 as published elsewhere in this issue of the **Federal Register**.

Priority: This competition gives an absolute priority to applicants that meet the conditions outlined in the Notice of Final Priority for this program, which is published elsewhere in this issue of the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: If you need further assistance and need to speak with someone in the CTC program, you may contact Gisela Harkin by phone at (202) 205–4238, by mail at 330 C Street, SW., Room 4324, Washington, DC 20202, or via e-mail at *commtech.center@ed.gov.*

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Program Authority: 20 U.S.C. 7263–7263b.

Dated: June 17, 2003.

Carol D'Amico,

Assistant Secretary for Vocational and Adult Education.

[FR Doc. 03–15708 Filed 6–19–03; 8:45 am]

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H.R. 192/P.L. 108–31

To amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes. (June 17, 2003; 117 Stat. 775)

S. 273/P.L. 108–32

Grand Teton National Park Land Exchange Act (June 17, 2003; 117 Stat. 779)

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