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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 03–032–2]

Sapote Fruit Fly; Removal of Quarantined Area in Texas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the sapote fruit fly regulations by removing part of Hidalgo County, TX, from the list of quarantined areas and by removing restrictions on the interstate movement of regulated articles from this area. This action is necessary to relieve restrictions that are no longer needed to prevent the spread of the sapote fruit fly into noninfested areas of the United States. We have determined that the sapote fruit fly has been eradicated from this part of Hidalgo County, TX, and that the quarantine and restrictions are no longer necessary. This part of Hidalgo County, TX, was the only area in Texas quarantined for the sapote fruit fly. Therefore, as a result of this action, there are no longer any areas in the continental United States quarantined for the sapote fruit fly.

DATES: This interim rule was effective July 15, 2003. We will consider all comments that we receive on or before September 22, 2003.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 03–032–2, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 03–032–2. If you use e-mail, address your comment to *regulations@aphis.usda.gov.* Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and ''Docket No. 03–032–2'' on the subject line.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

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FOR FURTHER INFORMATION CONTACT: Mr. Stephen Knight, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1231; (301) 734–8247.

SUPPLEMENTARY INFORMATION:

Background

The sapote fruit fly (*Anastrepha serpentina*) is a destructive pest of fruits and vegetables, including apples, avocados, grapefruit, mangoes, peaches, pears, and tangerines. This pest can cause serious economic losses by lowering the yield and quality of these fruits and vegetables and, in some cases, by damaging seedlings and young plants. Heavy infestations can result in the complete loss of these crops.

The sapote fruit fly regulations, contained in 7 CFR 301.99 through 301.99–10 (referred to below as the regulations), were established to prevent the spread of the sapote fruit fly into noninfested areas of the United States. The regulations also designate soil and a large number of fruits, nuts, vegetables, and berries as regulated articles.

In an interim rule effective on May 2, 2003, and published in the **Federal Register** on May 8, 2003 (68 FR 24605–24613 Docket No. 03–032–1), we quarantined a portion of Hidalgo County, TX, and restricted the interstate movement of regulated articles from the quarantined areas.

Based on trapping surveys by inspectors of Texas State and county agencies and by inspectors of the Animal and Plant Health Inspection Service, we have determined that the sapote fruit fly has been eradicated from the quarantined portions of this county. The last finding of sapote fruit fly in the Hidalgo County, TX, quarantined area was June 17, 2003.

Since then, no evidence of sapote fruit fly infestation has been found in these areas. Based on our experience, we have determined that sufficient time has passed without finding additional flies or other evidence of infestation to conclude that the sapote fruit fly no longer exists in Hidalgo County, TX. Therefore, we are removing the county from the list of quarantined areas in § 301.99–10. With the removal of Hidalgo County, TX, from that list, there are no longer any areas in the continental United States quarantined for the sapote fruit fly.

Immediate Action

Immediate action is warranted to relieve restrictions that are no longer necessary. A portion of Hidalgo County, TX, was quarantined due to the possibility that the sapote fruit fly could spread from those areas to noninfested areas of the United States. Since we have concluded that the sapote fruit fly no longer exists in this county, immediate action is necessary to remove the quarantine on Hidalgo County, TX, and to relieve the restrictions on the interstate movement of regulated articles from those areas. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this action effective less than 30 days after publication in the **Federal Register.**

We will consider comments we receive during the comment period for this interim rule (see **DATES** above). After the comment period closes, we will publish another document in the **Federal Register.** The document will include a discussion of any comments we receive and any amendments we are making to the rule.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review under Executive Order 12866.

This action amends the sapote fruit fly regulations by removing a portion of Hidalgo County, TX, from the list of quarantined areas.

We expect that the effect of this interim rule will be minimal. Small entities located within the quarantined area that sell regulated articles do so primarily for local intrastate, not interstate, movement, so the effect, if any, of this rule on these entities appears likely to be minimal. In addition, the effect on any small entities that may move regulated articles interstate has been minimized during the quarantine period by the availability of various treatments that allow these small entities, in most cases, to move regulated articles interstate with very little additional cost. Thus, just as the previous interim rule establishing the quarantined area in Hidalgo County, TX, had little effect on the small growers in the area, the lifting of the quarantine in the current interim rule will also have little effect.

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 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This 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 interim 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 in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

■ Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

■ 1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 7701–7772; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 also issued under Sec. 204, Title II, Pub. L. 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 also issued under Sec. 203, Title II, Pub. L. 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

■ 2. In § 301.99–3, paragraph (c) is revised to read as follows:

§ 301.99–3 Quarantined areas.

* * * * *

(c) The areas described below are designated as quarantined areas: There are no areas in the continental United States quarantined for the sapote fruit fly.

Done in Washington, DC, this 15th day of July 2003 .

Peter Fernandez,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 03–18603 Filed 7–21–03; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 02–130–2]

Oriental Fruit Fly; Removal of Quarantined Area

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Oriental fruit fly regulations by removing portions of Los Angeles and Orange Counties, CA, from the list of quarantined areas and by removing restrictions on the interstate movement of regulated articles from those areas. This action is necessary to relieve restrictions that are no longer needed to prevent the spread of the Oriental fruit fly into noninfested areas of the United States. We have determined that the Oriental fruit fly has been eradicated from those portions of Los Angeles and Orange Counties, CA, and that the quarantine and restrictions are no longer necessary.

DATES: This interim rule is effective July 15, 2003. We will consider all comments that we receive on or before September 22, 2003.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 02–130–2, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 02–130–2. If you use e-mail, address your comment to *regulations@aphis.usda.gov.* Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and ''Docket No. 02–130–2'' on the subject line.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

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FOR FURTHER INFORMATION CONTACT: Mr. Stephen Knight, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1231; (301) 734–8247.

SUPPLEMENTARY INFORMATION:

Background

The Oriental fruit fly, *Bactrocera dorsalis* (Hendel), is a destructive pest of citrus and other types of fruit, nuts, vegetables, and berries. The short life cycle of the Oriental fruit fly allows rapid development of serious outbreaks, which can cause severe economic losses. Heavy infestations can cause complete loss of crops.

The Oriental fruit fly regulations, contained in 7 CFR 301.93 through 301.93–10 (referred to below as the regulations), were established to prevent the spread of the Oriental fruit fly into noninfested areas of the United States.

The regulations also designate soil and a large number of fruits, nuts, vegetables, and berries as regulated articles.

In an interim rule effective on January 6, 2003, and published in the **Federal Register** on January 10, 2003 (68 FR 1360–1362 Docket No. 02–130–1), we quarantined portions of Los Angeles and Orange Counties, CA, and restricted the interstate movement of regulated articles from the quarantined areas.

Based on trapping surveys conducted by inspectors of California State and county agencies and by inspectors of the Animal and Plant Health Inspection Service, we have determined that the Oriental fruit fly has been eradicated from the quarantined portions of these two counties. The last finding of Oriental fruit fly in the Los Angeles and Orange Counties, CA, quarantined areas was June 4, 2003.

Since then, no evidence of Oriental fruit fly infestation has been found in these areas. Based on our experience, we have determined that sufficient time has passed without finding additional flies or other evidence of infestation to conclude that the Oriental fruit fly no longer exists in Los Angeles or Orange Counties, CA. Therefore, we are removing the entry for these counties from the list of quarantined areas in § 301.93–3(c).

Immediate Action

Immediate action is warranted to relieve restrictions that are no longer necessary. Portions of Los Angeles and Orange Counties, CA, were quarantined due to the possibility that the Oriental fruit fly could spread from those areas to noninfested areas of the United States. Since we have concluded that the Oriental fruit fly no longer exists in those counties, immediate action is necessary to remove the quarantines on Los Angeles and Orange Counties, CA, and to relieve the restrictions on the interstate movement of regulated articles from those areas. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this action effective less than 30 days after publication in the **Federal Register**.

We will consider comments we receive during the comment period for this interim rule (*see* **DATES** above). After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review under Executive Order 12866.

This action amends the Oriental fruit fly regulations by removing a portion of Los Angeles and Orange Counties, CA, from the list of quarantined areas.

County records indicate that within the quarantined portions of Los Angeles and Orange Counties, there are 389 small entities who could be affected by the lifting of the quarantine in this interim rule. These include 351 fruit sellers, 3 growers, 33 nurseries, 1 certified farmers' market, and 1 swapmeet. These 389 entities comprise less than 1 percent of the total number of similar entities operating in the State of California.

We expect that the effect of this interim rule on the small entities referred to above will be minimal. Small entities located within the quarantined area that sell regulated articles do so primarily for local intrastate, not interstate, movement, so the effect, if any, of this rule on these entities appears likely to be minimal. In addition, the effect on any small entities that may move regulated articles interstate has been minimized during the quarantine period by the availability of various treatments that allow these small entities, in most cases, to move regulated articles interstate with very little additional cost. Thus, just as the previous interim rule establishing the quarantined area in Los Angeles and Orange Counties, CA, had little effect on the small growers in the area, the lifting of the quarantine in the current interim rule will also have little effect.

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 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (*See* 7 CFR part 3015, subpart V.)

Executive Order 12988

This 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 interim 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 in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

■ Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

■ 1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 7701–7772; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 also issued under Sec. 204, Title II, Pub. L. 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 also issued under Sec. 203, Title II, Pub. L. 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

§ 301.93–3 [Amended]

■ 2. In § 301.93–3, paragraph (c) is amended by removing, under the heading ''CALIFORNIA'', the entry for Los Angeles and Orange Counties.

Done in Washington, DC, this 15th day of July 2003.

Peter Fernandez,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 03–18602 Filed 7–21–03; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM258; Special Conditions No. 25–240–SC]

Special Conditions: Boeing Model 747SP Airplane; Aft Lower Lobe Service/Cargo Compartment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for a Boeing Model 747SP airplane modified by JRG Design Inc., Greensboro, North Carolina. This

modified airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The modification is associated with an aft lower lobe compartment that will serve as both a service compartment and a Class C cargo compartment. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

EFFECTIVE DATE: The effective date of these special conditions is July 2, 2003. Comments must be received on or before August 21, 2003.

ADDRESSES: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Transport Airplane Directorate, Attention: Rules Docket (ANM–113), Docket No. NM258, 1601 Lind Avenue SW., Renton, Washington 98055–4056; or delivered in duplicate to the Transport Airplane Directorate at the above address. All comments must be marked: Docket No. NM258.

FOR FURTHER INFORMATION CONTACT: Alan Sinclair, FAA, Airframe/Cabin Safety, ANM–115, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington, 98055–4056; telephone (425) 227–2195; facsimile (425) 227–1149.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice and opportunity for prior public comment hereon are impracticable, because those procedures would significantly delay issuance of the approval design and thus delivery of the affected aircraft. The FAA, therefore, finds that good cause exists for making these special conditions effective upon issuance.

Background

On October 29, 2001, JRG Design Inc. applied for a supplemental type certificate for a Boeing Model 747SP airplane to combine the functions of a service compartment and a Class C cargo compartment in the aft lower lobe compartment. Boeing Model 747SP series airplanes, currently approved under Type Certificate A20WE, are large transport category airplanes with upper and main passenger decks. The airplanes are limited to 400 passengers or fewer, depending on the interior configuration. As part of the type design, certified Class C cargo compartments are installed below the main deck.

JRG Design Inc. proposes to modify the interior of a 747SP airplane for use by a head-of-state. As part of the modification, JRG proposes to include two ladders from the main deck into the aft lower lobe cargo compartment and to use that compartment as a combined service compartment and Class C cargo compartment. The compartment would use materials meeting the flammability standards for Class C cargo compartments and would include smoke detectors. Access would be limited to one trained crewmember and would be allowed during flight, but not during taxi, takeoff or landing or if there were a fire.

As part of the safety enhancement necessary to allow occupancy of the aft lower lobe service/cargo compartment by a crewmember, JRG proposes the installation of warning and emergency equipment, as defined for a lower lobe service compartment in § 25.819. Speakers, warning lights, and buzzers will be installed in the aft lower lobe service/cargo compartment to warn an occupant of turbulent conditions, the presence of smoke or fire, or the need to leave the area. A crew interphone will be provided for communications with the flight deck. In addition, emergency equipment will be provided to that occupant in case of decompression. No seat will be installed in this area, as required by § 25.819(f), because of the reduced height and accessibility of the area.

JRG Design Inc. indicates that the aft lower lobe service/cargo compartment will meet the Class C cargo requirements of § 25.857(c). The compartment will be equipped with an approved built-in fire extinguisher or suppression system which is controllable from the cockpit to eliminate the need to send someone into the compartment to fight a fire. In the event of a fire, the aft lower lobe service/cargo compartment will be evacuated, and the pilot will activate the fire suppression system. A means will be provided to prevent inadvertent access to the compartment when the fire suppression system has been activated.

The existing regulations address separate service areas and Class C cargo compartments but do not address a single compartment that has both uses. The requirements for these compartments are not only different, but also incompatible. For example, the service compartment may be occupied (except during taxi, takeoff, and landing), but the Class C cargo compartment must not be occupied. In addition, fire fighting is dealt with differently in the two compartments. The crew fights a fire in a service compartment, whereas a flooding extinguisher system is used in a Class C cargo compartment.

The concept of a single, multi-use compartment which JRG proposes would be acceptable, if the FAA could be assured that whether the compartment is used as a service compartment or as a Class C cargo compartment, the level of safety would be equivalent to that of a separate service compartment or a separate Class C cargo compartment. Therefore, special conditions that provide an equivalent level of safety are being required; these special conditions pertain to visible and audible warnings, placards and limitations, equipment, evacuation routes, training, and the use of ladders between the main deck and the aft lower lobe service/cargo compartment.

Type Certification Basis

Under the provisions of § 21.101 Amendment 21–69, effective September 16, 1991, JRG Design Inc. must show that the Model 747SP airplane, as modified, continues to meet the applicable provisions of the regulations incorporated by reference in Type Certificate A20WE or the applicable regulations in effect on the date of application for the change.

The regulations incorporated by reference in the type certificate are commonly referred to as the ''original type certification basis.'' The regulations incorporated by reference in Type Certificate A20WE for the Boeing Model 747SP series airplanes include 14 CFR part 25, as amended by Amendments 25–1 through 25–8 and 25–15, 25–17, 25–18, 25–20 and 25–39, with certain exceptions and special conditions as listed in the type certificate data sheet. The U.S. type certification basis for the Boeing Model 747SP series airplane is established in accordance with 14 CFR 21.17 and 21.21 and the type certification application date. The type certification basis is listed in Type Certificate Data Sheet No. A20WE.

If the Administrator finds that the applicable airworthiness regulations (*i.e.*, 14 CFR part 25) do not contain adequate or appropriate safety standards for a Boeing Model 747SP series airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Boeing Model 747SP airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise

certification requirements of 14 CFR part 36.

Special conditions, as defined in § 11.19, are issued in accordance with § 11.38 and become part of the type certification basis in accordance with § 21.101(b)(2) Amendment 21–69, effective September 16, 1991.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

Novel or Unusual Design Features

The Boeing Model 747SP airplane will incorporate a novel or unusual design feature; specifically, the aft lower lobe compartment will be used as a combined service compartment and Class C cargo compartment.

Discussion

The requirements for lower deck service compartments (in § 25.819) are incompatible with the requirements for cargo compartments (in §§ 25.855, 25.857, and 25.858). For example, to use the fire control system of a Class C cargo compartment, the compartment must be unoccupied, because the means of fire control is to flood the compartment with fire suppressant. The fire control system of a service compartment, however, would not normally utilize a flood-type fire suppressant, since the compartment might be occupied.

The requirements in these special conditions allow the aft lower lobe to be used as a combined service compartment and Class C cargo compartment during flight. To make this concept work, the special conditions require certain visible and audible warnings, placards and limitations, evacuation routes, equipment, and training; the special conditions also establish requirements for use of ladders between the main deck and the aft lower lobe service/cargo compartment.

The applicant has not proposed a means of satisfying regulatory requirements governing occupancy of the aft lower lobe service/cargo compartment during taxi, takeoff, and landing. Therefore, the FAA will specify appropriate limitations for such occupancy.

Special Condition 1—Visible and Audible Warnings

Currently, § 25.819 specifies that a service compartment may be occupied and does not need to be evacuated under certain normal conditions or under certain unsafe conditions (*e.g.*, in the case of fire, the occupant could function as a firefighter). Sections 25.855 and 25.857, however, specify that a Class C cargo compartment must not be occupied, that fire detection must be automatic, and that fire suppression must rely on a total flood system. To maintain the advantages of both a service compartment and a Class C cargo compartment, certain warnings need to be provided.

Special Condition 1a. requires a visible advisory in the cockpit to notify the flightcrew when the aft lower lobe service/cargo compartment is occupied. The potential exists that the aft lower lobe service/cargo compartment may inadvertently be occupied when it should not be, such as during taxi, takeoff or landing or during certain emergencies. Special Condition 1(a) ensures that the flightcrew is aware that the aft lower lobe service/cargo compartment is occupied and that the flightcrew takes appropriate action to evacuate the compartment before flooding it with fire suppressant. There must be a placard or sign nearby which indicates that the light means that the compartment is occupied.

Special Condition 1b. requires an ''on/off'' visible warning stating ''Do Not Enter'' (or similar words) to be located outside and on or near the door from the main deck to the aft lower lobe service/cargo compartment. The warning is to be controlled from the flight deck to prevent someone from entering the aft lower lobe service/cargo compartment when it should not be occupied, such as during taxi, takeoff or landing or when smoke or fire has been detected. Opening the door during a fire would degrade the effectiveness of the fire suppressant and allow smoke, flame, and/or fire suppressant into the cabin.

Special Condition 1c. requires a visible and audible warning in the aft lower lobe service/cargo compartment to notify an occupant that he or she must evacuate the compartment. This warning must be one which can be seen and heard from any part of the compartment. The visible and audible warning is to be controlled from the flight deck. Because the aft lower lobe service/cargo compartment may be occupied on the ground or in the air, a warning must be provided to notify an occupant to leave the compartment prior to taxi, takeoff or landing or during certain emergencies (other than fire, which is dealt with under Special Condition 1(e). A visible warning is required, in case the audible warning becomes masked or distorted by engine, equipment, or ground noises.

Special condition 1d. requires a visible and audible warning in the aft lower lobe service/cargo compartment to notify an occupant of the need to use a portable oxygen bottle in the event of decompression. This warning must be one which can be seen and heard from any part of the compartment and must be distinct from other warnings in the compartment to prevent confusion and to elicit correct action. The decompression warning must be automatic (*i.e.*, not require separate crew action) to ensure that an occupant of the aft lower lobe service/cargo compartment does not delay putting on the mask attached to the portable oxygen bottle. This section of the special conditions is partially in lieu of the visible effect provided by the automatic presentation feature required by § 25.1447.

Special Condition 1e. requires a visible and audible warning in the aft lower lobe service/cargo compartment when a fire is detected to notify an occupant that he or she must evacuate the compartment. The warning must be one which can be seen and heard from any part of the compartment and must be distinct from other warnings in the compartment in order to prevent confusion and to elicit the correct actions. The fire or smoke detection warning must be automatic (*i.e.,* not require or depend on separate crew action) to ensure that an occupant of the aft lower lobe service/cargo compartment leaves before the flightdeck crew releases fire suppressant in the compartment.

Special Condition 2—Placards and Limitations

The aft lower lobe service/cargo compartment must be evacuated if a fire occurs. In addition, there must be a way to prevent access into the compartment during taxi, takeoff or landing or in the event of a fire. Placards and limitations are specified for these situations.

Special Condition 2a. requires a placard to be located outside the hatch to the aft lower lobe service/cargo compartment doors, indicating that access is limited to one crewmember trained in evacuation procedures. The accommodations and the availability of only one oxygen bottle necessitate limiting access.

Special Condition 2b. requires placards to be located inside and outside the hatches of the aft lower lobe service/cargo compartment, indicating that the compartment hatch must remain closed, except when someone is entering, occupying, or leaving the compartment. The smoke and fire detection and suppression systems are

to be certified with the hatches closed; therefore, the hatches must remain closed.

Special Condition 2c. requires placards inside and outside the hatches of the aft lower lobe service/cargo compartment, indicating that occupancy of the compartment should be of minimum duration. Because of this limitation, the requirement of § 25.819(f) to provide a seat is unnecessary.

Special Condition 2d. requires a limitation to be placed in the airplane flight manual (AFM) and placards to be posted inside and outside the hatches of the aft lower lobe service/cargo compartment, all stating that the compartment may not be occupied during taxi, takeoff, or landing or during a fire. These placards are being required, because the compartment is not being certified for occupancy during taxi, takeoff, or landing and because the compartment must not be occupied during a fire so that an occupant is not exposed to fire or to fire suppressant. These placards are somewhat redundant, given the warning required under 1(b) and 1(c) but would provide information to an occupant, if the flightcrew failed to activate the warnings of 1(b) and 1(c).

Special Condition 2e. requires that the AFM supplement include the following with respect to the aft lower lobe service/cargo compartment:

- Flightdeck crew instructions for allowing access
- Procedures, including warning and evacuation procedures, for the flightcrew to follow in the event of fire or smoke
- Procedures, including warning and evacuation procedures, for the flightcrew to follow in the event of decompression; and
- Limitations on occupancy during taxi, takeoff, or landing.

This special condition also requires that the weight and balance manual include cargo loading restrictions requiring cargo to be loaded and restrained so as to maintain escape paths. These requirements are to ensure that a single member of the flightcrew could access the cargo compartment safely during flight and exit safely during failure conditions.

Special Condition 2f. Because access is being provided to the aft lower lobe service/cargo compartment, there is concern that during flight, passengers may retrieve hazardous materials or weapons stored in luggage. Access could be prevented by locking the aft lower lobe service/cargo compartment, and that is being specified as one solution (in Special Condition 2(f)(1)). However, this airplane is being designed for use by a head-of-state, it will have limited access, and it will have placards limiting access. Furthermore, there will be notification to the flightcrew when the aft lower lobe service/cargo compartment is occupied (in Special Condition 1(a)). Special Condition 2(f)(2), therefore, would prohibit the airplane from being operated for hire or offered for common carriage.

Special Condition 3—Equipment

In addition to that required by § 25.819, Special Condition 3 requires the following equipment:

Special Condition 3a. requires that a portable oxygen bottle be available at all times and that it be sufficient to supply a member of the flightcrew who is occupying the aft lower lobe service/cargo compartment (except during taxi, takeoff, or landing or during a fire). Because it would not be advisable to provide drop-down masks in a cargo compartment or to store a portable oxygen bottle in the compartment, the FAA is requiring that a portable oxygen bottle be mounted outside each main deck entrance of the aft lower lobe service/cargo compartment. A member of the flightcrew must carry the portable oxygen bottle, when he or she enters the compartment. The supply of oxygen must be compatible with the emergency descent profile following a decompression.

Special Condition 3b. requires supplemental handheld lighting (with locator light) when an occupant is in the aft lower lobe service/cargo compartment and power to the compartment is off, or the emergency escape path lighting is off or lost, or if visibility is poor. At least two flashlights are required. One flashlight would be located adjacent to each emergency exit in the aft lower lobe service/cargo compartment at the foot of the stairs in the compartment. Note that this requirement is in addition to the automatic emergency lighting system required by § 25.819(a).

Special Condition 3c. obviates the need to comply with the requirements of § 25.819(f) for the installation of a forward or aft facing seat for each occupant of the compartment. The compartment's physical constraints, such as the reduced ceiling height and limited accessibility, make the installation of a seat impractical and prohibitive.

Special Condition 4—Evacuation Routes

Special Condition 4 requires, in addition to the two evacuation routes (including an exit) specified by § 25.819(a), procedures to keep the evacuation routes clear. The cargo in the compartment must be restrained to ensure that the crewmember's paths to the exits are clear. Further, all entrances and exits from the aft lower lobe service/cargo compartment must be capable of being closed after exiting. In addition to the concern for cargo blocking the escape paths, there is concern about hazardous quantities of smoke, flames, or fire suppressant entering compartments occupied by passengers or crew and about the loss of fire suppressant from the compartment during a fire. The aft lower lobe service/cargo compartment must be capable of being closed, because after evacuation it must comply with the requirements applicable to the Class C cargo compartment, including §§ 25.855, 25.857, and 25.858.

Special Condition 5—Training

Because the design features required by these special features can fulfill their safety objectives only if crewmembers are properly trained in their use, these special conditions require the applicant to develop the following training materials:

Special Condition 5a. requires training materials about use of the aft lower lobe service/cargo compartment and actions associated with the warnings and placards required by these special conditions.

Special Condition 5b. requires training materials about entering and exiting the aft lower lobe service/cargo compartment, including emergency exiting, (associated with Special Conditions 1(b), 1(c), 1(d), 1(e), 2(a), 2(b), 2(c), 2(d), and 3(b)).

Special Condition 5c. requires training materials about checking the pressure of the portable oxygen bottle prior to entering the aft lower lobe service/cargo compartment (associated with Special Condition 3(a)).

Special Condition 5d. requires training materials about carrying a portable oxygen bottle when entering the aft lower lobe service/cargo compartment (associated with Special Condition 3(a)).

Special Condition 5e. requires training materials about maintaining an exit aisle and access to the evacuation routes from the lower lobe service/cargo compartment (associated with Special Condition 3(c)).

Special Condition 6—Ladders

The ladders between the aft lower lobe service/cargo compartment and the main deck must meet the following requirements:

Special Condition 6a. requires that the ladders consist of a single segment.

Special Condition 6b. requires that the ladders have essentially rectangular treads.

Special Condition 6c requires that general illumination of at least 0.05 foot-candle, when measured along the centerlines of each tread, must be provided.

Applicability

As discussed above, these special conditions are applicable to the Boeing Model 747SP airplane. Should JRG Design Inc. apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate A20WE to incorporate the same novel or unusual design feature, the special conditions would apply to that model as well under the provisions of § 21.101(a)(1) Amendment 21–69, effective September 16, 1991.

Under standard practice, the effective date of final special conditions would be 30 days after the date of publication in the **Federal Register.** However, the issuance of a supplemental type certificate data sheet for the Boeing Model 747SP, as modified by JRG Design Inc., is imminent. The FAA finds, therefore, that good cause exists to make these special conditions effective upon issuance.

Conclusion

This action affects only certain novel or unusual design features on one model of airplane. It is not a rule of general applicability, and it affects only the applicant which applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

■ The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Boeing Model 747SP–68 airplane modified by JRG Design Inc. to include an aft lower lobe compartment configured for use as both a service compartment and a Class C cargo compartment.

1. Visible and Audible Warnings

In addition to the audible warnings about detection of fire or smoke or decompression which are required by § 25.819(c), the following warnings are required:

a. A visible advisory in the cockpit to notify the flightcrew when the aft lower lobe service/cargo compartment is occupied. The advisory light must be accompanied by a placard or message indicating that the compartment is occupied.

b. An (on/off) visible warning stating ''Do Not Enter'' (or similar words) located outside and on or near the door from the main deck to the aft lower lobe service/cargo compartment. The warning is to be controlled from the flight deck.

c. A visible and audible warning in the aft lower lobe service/cargo compartment to notify an occupant when he or she must evacuate the compartment. The warning must be one which can be seen and heard from any part of the compartment. The warning is to be controlled from the flight deck.

d. A visible and audible warning in the aft lower lobe service/cargo compartment'which in the event of decompression'warns an occupant of the need to use a portable oxygen bottle. This warning must be one which can be seen and heard from any part of the compartment and must be distinct from other warnings in the compartment. The decompression warning must be automatic (*i.e.,* not require separate crew action), to ensure that an occupant of the aft lower lobe service/cargo compartment does not delay using a portable oxygen bottle. This section of the special condition is partially in lieu of the visible effect provided by the automatic presentation feature required by § 25.1447.

e. A visible and audible warning in the aft lower lobe service/cargo compartment—which in the event of a fire—warns an occupant of the need to evacuate the compartment. This warning must be one which can be seen and heard from any part of the compartment and should be distinct from other warnings in the compartment. The fire or smoke detection warning must be automatic (*i.e.,* not require a separate crew action) to ensure that an occupant of the aft lower lobe service/cargo compartment leaves before the flight deck crew releases fire suppressant.

2. Placards and Limitations

In addition to those required in part 25, the following placards and limitations are required:

a. A placard located outside the hatch to the aft lower lobe service/cargo compartment, indicating that access to the compartment is limited to one crewmember trained in evacuation procedures.

b. A placard located inside and outside the hatches on the aft lower lobe service/cargo compartment, indicating that the compartment hatches must remain closed, except when someone is entering, occupying, or leaving the compartment.

c. In lieu of compliance with § 25.819(f), a placard must be installed inside and outside the hatches on the aft lower lobe service/cargo compartment, indicating that occupancy of the compartment should be of minimum duration.

d. A limitation in the AFM and a placard inside and outside the hatches to the aft lower lobe service/cargo compartment, all stating that (1) the aft lower lobe service/cargo compartment must not be occupied during taxi, takeoff, or landing or during a fire and (2) only authorized personnel are permitted access.

e. Instructions in the AFM regarding permissible occupancy of the compartment; limitations on occupancy of the compartment during taxi, takeoff or landing; procedures for warning occupants of the compartment that smoke or fire has been detected; procedures for fighting a fire in the compartment; procedures for warning occupants of the compartment that decompression has occurred; and cargo loading restrictions in the weight and balance manual.

f. A Limitation in the AFM Supplement stating that:

''Carriage of hazardous material and/or weapons in the aft lower lobe service/cargo compartment is prohibited unless the following conditions are met:

(1) The compartment is locked during flight, and the key remains with the flight crew, or

(2) The airplane is not operated for hire or offered for common carriage. This provision does not preclude the operator from receiving remuneration to the extent consistent with 14 CFR part 125, 14 CFR part 91, and subpart F, as applicable.''

3. Equipment

In addition to that required by §§ 25.819 and 25.829(a), the following equipment is required:

a. A portable oxygen bottle must be mounted outside each main deck entrance of the aft lower lobe service/cargo compartment. The portable oxygen bottle must be sufficient to supply a member of the flightcrew who is occupying the aft lower lobe service/cargo compartment and must be carried by the flightcrew member.

b. Flashlights or other supplemental handheld lighting, in addition to the emergency illumination required by

§ 25.829(a). At least two flashlights—each equipped with a locator light—must be provided. One flashlight must be located adjacent to each emergency exit in the aft lower lobe service/cargo compartment at the foot of the stairs in the compartment.

c. The requirement of § 25.819(f) for a forward or aft facing seat for each occupant of the compartment is waived, because the physical constraints of the compartment, such as the reduced height and limited accessibility make the installation of a seat impractical and prohibitive.

4. Evacuation Routes

In addition to the two evacuation routes (including an exit) specified by § 25.819(a), procedures must be established in the AFM Supplement to keep the evacuation routes clear. The cargo in the compartment must be restrained to ensure that the crewmember's paths to the exits are clear. Further, all entrances and exits from the aft lower lobe service/cargo compartment must be capable of being closed after exiting. The aft lower lobe service/cargo compartment must be capable of being closed, because after evacuation it must comply with the requirements applicable to the Class C cargo compartment, including §§ 25.855, 25.857, and 25.858.

5. Training

Training materials which address the following procedures must be provided:

a. Use of the aft lower lobe service/service compartment and actions indicated by the warnings and placards specified herein.

b. Entering and exiting the aft lower lobe service/cargo compartment, including emergency exiting.

c. Checking the pressure of the portable oxygen bottle prior to entering the aft lower lobe service/cargo compartment.

d. Carrying a portable oxygen bottle when entering the aft lower lobe service/cargo compartment.

e. Maintaining an exit aisle and access to evacuation routes from the aft lower lobe service/cargo compartment. Training must address how to keep the evacuation routes clear, *i.e.,* how to restrain cargo in the compartment to ensure that the paths to the exits are clear.

f. A limitation in the AFM Supplement stating that all personnel accessing the aft lower lobe service/cargo compartment must be trained in the procedures listed above.

6. Ladders

The following requirements must be met for ladders between the main deck and the aft lower lobe service/cargo compartment:

a. The ladders must consist of a single segment.

b. The ladders must have essentially rectangular treads.

c. General illumination of at least 0.05 foot-candle, when measured along the centerlines of each ladder tread, must be provided.

Issued in Renton, Washington, on July 2, 2003.

Ali Bahrami,

Assistant Director, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–18625 Filed 7–21–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2003–14848; Airspace Docket No. 03–AWP–5]

Establishment of Class E Airspace; Susanville, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes a Class E airspace area at Susanville, CA. The establishment of an Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAPs) at Susanville Municipal Airport, Susanville, CA has made this action necessary. Additional controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing the RNAV (GPS) RWY 29 and RNAV (GPS)–A SIAPs to Susanville Municipal Airport. The intended effect of this action is to provide adequate controlled airspace for Instrument Flight Rules operations at Susanville Municipal Airport, Susanville, CA.

EFFECTIVE DATE: 0901 UTC September 4, 2003.

FOR FURTHER INFORMATION CONTACT: Jeri Carson, Airspace Specialist, Airspace Branch, AWP–520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6611.

SUPPLEMENTARY INFORMATION:

History

On June 9, 2003, the FAA proposed to amend 14 CFR part 71 by modifying the Class E airspace area at Susanville, CA (68 FR 34340). Additional controlled airspace extending upward from 700 feet or more above the surface is needed to contain aircraft executing the RNAV (GPS) RWY 29 and RNAV (GPS)–A SIAPs to Susanville Municipal Airport. This action will provide adequate controlled airspace for aircraft executing the RNAV (GPS) RWY 29 and RNAV (GPS)–A SIAPs to Susanville Municipal Airport, Susanville, CA.

Interested parties were invited to participate in this rulemaking, proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. Class E airspace designations for airspace extending 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 modifies the Class E airspace area at Susanville, CA. The establishment of a RNAV (GPS) RWY 29 and RNAV (GPS)–A SIAPs to Susanville Municipal Airport has made this action necessary. The effect of this action will provide adequate airspace for aircraft executing the RNAV (GPS) RWY 29 and RNAV (GPS)–A SIAPs to Susanville Municipal Airport, Susanville, CA.

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 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; ROUTES; AND REPORTING POINTS

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

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 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.

* * * * *

AWP CA E5 Susanville, CA [NEW]

Susanville Municipal Airport, CA
(Lat. 40°22′37″ N, long. 120°34′23″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Susanville Municipal Airport and within 2 miles each side of the 134° bearing from the Susanville Municipal Airport extending from the 6.5-mile radius to 10.3 miles southeast of the Susanville Municipal Airport and within 2 miles each side of the 339° bearing from the Susanville Municipal Airport extending from the 6.5-mile radius to 10 miles northwest of the Susanville Municipal Airport.

* * * * *

Issued in Los Angeles, California, on July 8, 2003.

Stephen J. Lloyd,

Acting Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 03–18518 Filed 7–21–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2003–15256; Airspace Docket No. 03–ACE–49]

Modification of Class E Airspace; Falls City, NE

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 Falls City, NE.

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 30, 2003 (68 FR 32357). 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 July 11, 2003.

Herman J. Lyons, Jr.

Manager, Air Traffic Division Central Region.

[FR Doc. 03–18514 Filed 7–21–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Ivermectin Paste; 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 approval of a supplemental new animal drug application (NADA) filed by Merial, Ltd. The supplemental NADA provides for the addition of several new species of internal parasites to product labeling for ivermectin paste for horses. This action is being taken to ensure accuracy and clarity in the agency's regulations.

DATES: This rule is effective July 22, 2003.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7543, e-mail: mberson@cvm.fda.gov.

SUPPLEMENTARY INFORMATION: Merial Ltd., 3239 Satellite Blvd., Bldg. 500, Duluth, GA 30096–4640, filed a supplement to NADA 134–314 for EQVALAN (ivermectin) Paste for Horses. The supplemental application provides for the use of ivermectin paste for the treatment and control of *Craterostomum acuticaudatum*, *Petrovinema poculatum*, and *Coronocyclus* spp., including: *C. coronatus*, and *C. labratus*. Also, the label descriptions of some currently-approved parasite genera are being revised to add included species for which data already exists in the NADA file and to reflect changes in scientific nomenclature. The supplemental NADA is approved as of April 2, 2003, and 21 CFR 520.1192 is amended to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR part 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this supplemental approval qualifies for 3 years of marketing exclusivity beginning April 2, 2003. This marketing exclusivity only applies to the parasites for which new data were required.

The agency has determined under 21 CFR 25.33(d)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

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 Part 520

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 part 520 is amended as follows:

PART 520–ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 520 continues to read as follows:

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

■ 2. Section 520.1192 is amended by revising paragraphs (a) and (b); by redesignating paragraph (d) as paragraph (e); by adding new paragraph (d); by removing the last sentence of newly redesignated paragraphs (e)(1)(iii) and (e)(2)(iii); by redesignating new paragraph (e)(1)(ii) as paragraph (e)(1)(ii)(B); in newly redesignated paragraph (e)(1)(ii)(B) by removing ''spp.'' after ''Onchocerca''and by adding in its place ''sp.''; and by adding new paragraph (e)(1)(ii)(A) to read as follows:

§ 520.1192 Ivermectin paste.

(a) *Specifications*. Each milligram (mg) of paste contains 0.0187 mg (1.87 percent) or 0.00153 mg (0.153 percent) of ivermectin.

(b) *Sponsors*. See sponsors in § 510.600(c) of this chapter for use as in paragraph (e) of this section:

(1) No. 050604 for use of a 1.87-percent paste as in (e)(1)(i), (e)(1)(ii)(A), and (e)(1)(iii) of this section and a 0.153-percent paste for use as in paragraph (e)(2) of this section.

(2) Nos. 051311 and 059130 for use of a 1.87-percent paste for use as in paragraph (e)(1)(i), (e)(1)(ii)(B), and (e)(1)(iii) of this section.

* * * * *

(d) *Special considerations*. See § 500.25 of this chapter.

(e) *Conditions of use*—(1) *Horses*—(i) *Amount*. 200 micrograms per kilogram (91 micrograms per pound) of body weight.

(ii) *Indications for use*—(A) For treatment and control of large strongyles (adults) (*Strongylus vulgaris* (also early forms in blood vessels), *S. edentatus* (also tissue stages), *S. equinus*; *Triodontophorus* spp., including *T. brevicauda* and *T. serratus*; and *Craterostomum acuticaudatum*); small strongyles including those resistant to some benzimidazole class compounds (adults and fourth-stage larvae) (*Coronocyclus* spp., including *C. coronatus*, *C. labiatus*, and *C. labratus*; *Cyathostomum* spp., including *C. catinatum* and *C. pateratum*; *Cylicocyclus* spp., including *C. insigne*, *C. leptostomum*, *C. nassatus*, and *C. brevicapsulatus*; *Cylicodontophorus* spp.; *Cylicostephanus* spp., including *C. calicatus*, *C. goldi*, *C. longibursatus*, and *C. minutus*; and *Petrovinema poculatum*); pinworms (adults and fourth-stage larvae) (*Oxyuris equi)*; ascarids (adults and third- and fourth-stage larvae) (*Parascaris equorum*); hairworms (adults) (*Trichostrongylus axei*); large-mouth stomach worms (adults) (*Habronema muscae*); bots (oral and gastric stages) (*Gasterophilus* spp., including *G. intestinalis* and *G. nasalis*); lungworms (adults and fourth-stage larvae) (*Dictyocaulus arnfieldi*); intestinal threadworms (adults) (*Strongyloides westeri*); summer sores caused by *Habronema* and *Draschia* spp. cutaneous third-stage larvae; and dermatitis caused by neck threadworm microfilariae, *Onchocerca* sp.

* * * * *

Dated: July 8, 2003.

Steven D. Vaughn,

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

[FR Doc. 03–18163 Filed 7–21–03; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Parts 40 and 275

[T.D. TTB–4; ATF Notice No. 962]

RIN 1513–AA18

Elimination of Statistical Classes for Large Cigars (2000R–410P)

AGENCY: Alcohol and Tobacco Tax and Trade Bureau (TTB), Treasury.

ACTION: Final rule (Treasury Decision).

SUMMARY: This final rule removes the eight statistical classes for large cigars prescribed in TTB regulations. Since tobacco manufacturers and importers no longer use these statistical classes to report removals of large cigars subject to tax, this final rule eliminates obsolete regulations.

DATES: The effective date of this final rule is August 21, 2003.

FOR FURTHER INFORMATION CONTACT: Robert Ruhf, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, 650 Massachusetts Avenue NW., Washington, DC 20226 (telephone: 202–927–8210 or e-mail: *ttbquestions@ttb.gov.*

SUPPLEMENTARY INFORMATION:

ATF–TTB Transition

Effective January 24, 2003, the Homeland Security Act of 2002 divided the Bureau of Alcohol, Tobacco and Firearms (ATF) into two new agencies, the Alcohol and Tobacco Tax and Trade Bureau (TTB) in the Department of the Treasury and the Bureau of Alcohol, Tobacco, Firearms, and Explosives in the Department of Justice. The taxation of tobacco products remains a Department of the Treasury function and is the responsibility of TTB. References to the former ATF and the new TTB in this document reflect the time frame, before or after January 24, 2003.

Final Rule Background

On November 5, 2002, ATF published a notice of proposed rulemaking in the **Federal Register** (ATF Notice No. 962, 67 FR 67340) to solicit comments about the elimination of obsolete tobacco regulations in 27 CFR parts 40 and 275. These regulations prescribed eight statistical classes for large cigars subject to tax. The first seven classes (Classes A through G) covered large cigars selling for $235.294 or less per thousand, while the eighth class (Class H) covered those selling for more than $235.294 per thousand.

Since January 1, 2001, manufacturers of tobacco products report information about large cigars subject to tax in two statistical classes. Tobacco importers also no longer use these eight statistical classes. The reduction in the number of statistical classes reduces industry's reporting burden, but does not jeopardize our ability to protect the revenue or adversely affect our compilation of tobacco statistics for use by governments and the public.

We did not receive any comments on ATF Notice No. 962. For these reasons and those discussed in the notice, we are issuing this final rule.

Regulatory Requirements

Regulatory Flexibility Act

We certify that this final rule will not have a significant economic impact on a substantial number of small entities. Consequently, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. In accordance with 26 U.S.C. 7805(f), we sent the notice of proposed rulemaking to the Chief Counsel for Advocacy of the Small Business Administration.

Executive Order 12866

We have determined that this rule is not a significant regulatory action as defined by Executive Order 12866.

Therefore, a regulatory assessment is not required.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this final rule because it does not impose a collection of information.

Administrative Procedure Act

In accordance with the provisions of 5 U.S.C. 553(d), we made the effective date of this final rule 30 days after its publication in the **Federal Register**.

List of Subjects

27 CFR Part 40

Administrative practice and procedure, Authority delegations, Cigars and cigarettes, Claims, Electronic fund transfers, Excise taxes, Imports, Labeling, Packaging and containers, Penalties, Reporting and recordkeeping requirements, Seizures and forfeitures, Surety bonds, Tobacco.

27 CFR Part 275

Administrative practice and procedure, Authority delegations, Cigarette papers and tubes, Claims, Electronic fund transfer, Customs duties and inspection, Excise taxes, Imports, Labeling, Packaging and containers, Penalties, Reporting requirements, Seizures and forfeitures, Surety bonds, Tobacco products, U.S. possessions, Warehouses.

Authority and Issuance

■ Title 27, Code of Federal Regulations, is amended as follows:

PART 40—MANUFACTURE OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES

■ **Paragraph 1.** The authority citation for part 40 continues to read as follows:

Authority: 26 U.S.C. 5142, 5143, 5146, 5701, 5703–5705, 5711–5713, 5721–5723, 5731, 5741, 5751, 5753, 5761–5763, 6061, 6065, 6109, 6151, 6301, 6302, 6311, 6313, 6402, 6404, 6423, 6676, 6806, 7011, 7212, 7325, 7342, 7502, 7503, 7606, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

§ 40.203 [Removed and reserved]

■ **Par. 2.** Section 40.203 is removed and reserved.

PART 275—IMPORTATION OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES

■ **Par 3.** The authority citation for part 275 continues to read as follows:

Authority: 18 U.S.C. 2342; 26 U.S.C. 5701, 5703, 5704, 5705, 5708, 5712, 5713, 5721, 5722, 5723, 5741, 5754, 5761, 5762, 5763, 6301, 6302, 6313, 6404, 7101, 7212, 7342, 7606, 7652, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

§ 275.37 [Removed and Reserved]

■ **Par. 4.** Section 275.37 is removed and reserved.

Signed: April 11, 2003.

Arthur J. Libertucci,

Administrator.

Approved: June 4, 2003.

Timothy E. Skud,

Deputy Assistant Secretary, (Tax, Trade, and Tariff Policy).

[FR Doc. 03–18564 Filed 7–21–03; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

RIN 1010–AC89

Oil and Gas and Sulphur Operations in the Outer Continental Shelf Documents Incorporated by Reference—API RP 14F and API RP 14FZ

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule.

SUMMARY: MMS is publishing this final rule to incorporate by reference into our regulations the 4th edition of American Petroleum Institute (API) Recommended Practice (RP) 14F (API RP 14F), ''Recommended Practice for Design and Installation of Electrical Systems for Fixed and Floating Offshore Petroleum Facilities for Unclassified and Class I, Division 1 and Division 2 Locations.'' The updated document, 4th edition, will replace the 3rd edition of API RP 14F, which is already incorporated by reference into MMS regulations. The final rule will also add another document to be incorporated by reference for the first time into our regulations. The new document, API RP 14FZ, 1st edition, is titled ''Recommended Practice for Design and Installation of Electrical Systems for Fixed and Floating Offshore Petroleum Facilities for Unclassified and Class I, Zone 0, Zone 1 and Zone 2 Locations.'' These revisions will ensure that lessees use the best available and safest technologies while operating in the Outer Continental Shelf (OCS).

EFFECTIVE DATE: This rule becomes effective on August 21, 2003. The incorporation by reference of the publication listed in the regulation is approved by the Director of the Federal Register as of August 21, 2003.

FOR FURTHER INFORMATION CONTACT: David Nedorostek, Operations Analysis Branch, at (703) 787–1029.

SUPPLEMENTARY INFORMATION: We use standards, specifications, and recommended practices developed by standard-setting organizations and the oil and gas industry for establishing requirements for activities in the OCS. This practice, known as incorporation by reference, allows us to incorporate the provisions of technical standards into the regulations without increasing the volume of the Code of Federal Regulations. The legal effect of incorporation by reference is that the material is treated as if it were published in the **Federal Register**. This material, like any other properly issued regulation, then has the force and effect of law. We hold operators/lessees accountable for complying with the documents incorporated by reference in our regulations. The regulations, found at 1 CFR part 51, govern how MMS and other Federal agencies incorporate various documents by reference. Agencies can only incorporate by reference through publication in the **Federal Register**. Agencies must also gain approval from the Director of the **Federal Register** for each publication incorporated by reference. Incorporation by reference of a document or publication is limited to the specific edition or to the specific edition and supplement or addendum cited in the regulations.

Both API RP 14F and API RP 14FZ are incorporated by reference at 30 CFR 250.114. The requirements under this section apply only to platforms, artificial islands, fixed structures, and their facilities and not to electrical systems on floating facilities. Electrical systems on floating facilities are regulated by the U. S. Coast Guard (USCG). A Memorandum of Understanding (MOU) between MMS, U.S. Department of the Interior, and USCG, U.S. Department of Transportation, dated December 16, 1998, gave USCG the responsibility for electrical systems on floating facilities. Additionally, according to the MOU, USCG is responsible for aids to navigation, emergency lighting (standby lighting), survival craft, and general alarms, procedures for which, though included in both documents, are not under MMS regulations.

We have reviewed these documents and have determined that the latest editions of both documents should be incorporated into MMS regulations to ensure the use of the best available and

safest technologies. The title of API RP 14F has been changed in the 4th edition to conform with API RP 500, ''Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Division 1 and Division 2,'' which is currently incorporated into MMS regulations. Our review shows that the changes between the old (3rd) edition and the new (4th) edition are minor. Most of the changes apply to floating facilities and are, therefore, not part of this rulemaking for the reasons cited above. Also, the 3rd edition is not readily available to affected parties because it is out of print. The oil and gas industry is already building new structures in accordance with the provisions of the 4th edition of this standard. The 4th edition has been revised using an API standard editorial *format.*

Summary of the Changes in the 4th Edition of API RP 14F Pertaining to Platforms, Artificial Islands, Fixed Structures, and Their Facilities

In the 4th edition of 14F, several subsections that were contained in the 3rd edition have been consolidated into one subsection titled ''Protection Techniques Related to Equipment Installed in Locations Classified as Division 1 and Division 2.'' This new subsection includes explosion proof equipment, hermetically sealed devices, intrinsically safe devices, nonincendive equipment, and purged enclosures. No new requirements were imposed.

In the 4th edition of 14F, cable-shielding considerations have been added to the Electrical Distribution Systems section. This allows for the installation of metal clad cables in lieu of sealed conduits for electrical wiring. The use of metal clad cables could result in savings to industry of up to 40 percent over the use of sealed conduits and conventional wiring practices. Both methods of cable shielding provide for equal safety.

Subsections have been added to the 4th edition of 14F to cover advances in technology in battery-powered DC supply systems (uninterruptible power supplies), electric oil-immersion heaters, cathodic protection, and hand-held electronic devices. These four new subsections cover equipment that is now in standard use on OCS structures, but that was not in the early 1990's when the 3rd edition was completed. These new subsections should not impose any new costs on the industry since operators are already using this equipment.

Review of API RP 14FZ

The two recommended practices addressed by this rulemaking are nearly identical. The original version (14F) is to be used with the electrical classification system contained in API RP 500. This system of electrical classification differentiates locations by ''Divisions.'' This document (API RP 500) is already incorporated by reference into the regulations. A similar document, API RP 505, ''Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Zone 0, Zone 1, and Zone 2,'' is also currently incorporated by reference into the regulations. This system classifies hazardous locations by ''Zones'' based on how long a hazardous vapor is present. The new 14FZ document is to be used with API RP 505. The difference between the two pairs of documents, 14F/500 and 14FZ/505, is that 14F/500 uses two ''Divisions'' to classify hazardous areas while 14FZ/505 uses three ''Zones'' to define these classified hazardous areas. The 14F document defines techniques for protection from fires in the Division system. The 14FZ document defines protection techniques in the Zone system for hazardous locations. Both systems provide for safe work environments for personnel. The protection techniques identified for the Division system are not all acceptable for the Zone system and vice versa. The Zone system identifies more protection techniques than the Division system; however, both systems have proven their safety by comparisons of both systems through the National Electrical Code, Factory Mutual, and Underwriters Laboratories. The operator could realize cost savings if the Zone system (14FZ/505) is used in classifying and designing electrical systems.

We are incorporating the new 14FZ to complete the set of documents in the regulations and give lessees a choice in installing electrical systems. The incorporation of 14FZ will not impose any additional costs on the industry since it is nearly identical to RP 14F and may result in cost savings. The operators must use one set of documents or the other to design and install electrical systems on their facilities. The costs for complying with the documents are similar. We are merely giving the industry some flexibility with regard to classifying and installing electrical systems under either the API RP 500 system or the API RP 505 system.

Discussion and Analysis of Comments

The updated document API RP 14F 4th edition and the new document API RP 14FZ were published as a proposed rule on January 14, 2003.

Four organizations submitted comments on the proposed rulemaking. They are the (1) Shell Exploration and Production Company (Shell); (2) Waldemar S. Nelson & Co., Inc.; (3) Offshore Operators Committee (OOC); and (4) Department of Environmental Protection (Florida). All four commenters favor the incorporation of API RP 14F (4th edition) and 14FZ (1st edition).

Shell supports the incorporation of API RP14F and 14FZ into MMS regulations.

Waldemar S. Nelson & Co., Inc., strongly feel that incorporating the latest editions of API RP 14F and 4FZ enhances everyone's goal to provide for safer temporary and permanent electrical installations and more easily understood code wording, as well as enabling MMS rules to more closely reflect the latest code wording and philosophy of the National Electrical Code. All parties gain from this move as design and installation practices become more uniform and more economical without compromising safety. In many cases, safety is enhanced. By keeping up with the latest available technology and materials, offshore electrical installations can be designed to be more corrosion resistant than in the past.

The OOC commends the MMS for incorporating industry standards into its offshore operating regulations to ensure the use of the best available and safest technologies on the OCS. The incorporation of these two documents ensures that MMS regulations remain current with present design and installation requirements and guidelines for electrical systems on offshore production facilities.

The Department of Environmental Protection promotes the incorporation of API RP 14F and 14FZ into MMS regulations.

Procedural Matters

Public Comments Procedure

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home addresses from the rulemaking record, which we will honor to the extent allowable by the law. There may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of the

comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Regulatory Planning and Review (Executive Order 12866)

This document is not a significant rule and is not subject to review by the Office of Management and Budget (OMB) under Executive Order 12866.

(1) This rule will not have an effect of $100 million or more on the economy. It will not adversely affect in a material way the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities.

The rule may have a positive economic impact because of the cost savings from using shielded cables in lieu of sealed conduits. Otherwise, the documents do not contain any significant revisions that will cause lessees or operators to change their business practices. The documents will not require the retrofitting of any facilities.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

(3) This rule does not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients.

(4) This rule does not raise novel legal or policy issues.

Regulatory Flexibility (RF) Act

The Department of the Interior (DOI) certifies that this final rule will not have a significant economic effect on a substantial number of small entities as defined under the RF Act (5 U.S.C. 601 *et seq.*). This rule applies to all lessees that operate on the OCS. Small lessees that operate under this rule would fall under the Small Business Administration's (SBA) North American Industry Classification System Codes 211111, Crude Petroleum and Natural Gas Extraction, and 213111, Drilling Oil and Gas Wells. The provisions of this rule will not have a significant economic effect on offshore lessees and operators, including those that are classified as small businesses. The SBA defines small business as having:

- Annual revenues of $5 million or less for exploration service and field service companies.
- Fewer than 500 employees for drilling companies and for companies that extract oil, gas, or natural gas liquids.

The incorporation of API documents into MMS regulations cover electrical installations on offshore structures. The documents to be incorporated by this rule have been used by the industry for many years, and the latest editions represent state-of-the-art industry equipment and practices. The structures currently being built are being constructed according to the requirements in either API RP 14F (4th edition) or API RP 14FZ.

The final rule's purpose is to update one document that is currently incorporated by reference in the regulations and to incorporate by reference a new, nearly identical document into the regulations. The differences between the newer document and the older document are very minor. The updated document consolidates several subsections in a new subsection covering protection techniques. In addition, cable shielding considerations were added to the updated document. This allows for the installation of metal clad cables in lieu of sealed conduits. The use of metal clad cables could result in savings to industry of up to 40 percent over the use of sealed conduits and conventional wiring practices. Other subsections have been added to the updated document to cover advances in technology. New subsections cover equipment that is now in standard use on OCS facilities, but that was not in use in the early 1990's when the older 3rd edition was completed and incorporated into the regulations. These new subsections should not impose any additional costs to industry since operators are already using this new equipment and technology. By incorporating both 14F and 14FZ, which are nearly identical, but utilize different classification systems, we are giving the industry a choice in electrical classification methods.

Under the North American Industry Classification System Code 211111, Crude Petroleum and Natural Gas Extraction, MMS estimates that a total of 1,380 firms drill oil and gas wells onshore and offshore. The group affected by this rule is the approximately 130 companies that are offshore lessees/operators. According to SBA criteria, approximately 90 companies are small businesses (70 percent). As discussed above, this rule imposes no new operational requirements, reporting burdens, or other measures that would increase costs to lessees/operators, large or small. Therefore, this rule has no significant economic impact on small entities.

Comments from the public are important to us. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MMS, call toll-free (888) 734–3247. You may comment to the SBA without fear of retaliation. Disciplinary action for retaliation by an MMS employee may include suspension or termination from employment with the Department of the Interior.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), SBREFA. This rule:

(a) Does not have an annual effect on the economy of $100 million or more. The rule will not cause any significant costs to lessees or operators. The only costs will be the purchase of the new documents and minor revisions to some operating and maintenance procedures. The minor revisions to operating and maintenance procedures may result in some minor costs or may actually result in minor cost savings.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Does not have significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises.

Paperwork Reduction Act (PRA) of 1995

This regulation does not require an information collection from 10 or more parties, and a submission under the Paperwork Reduction Act is not required. An OMB Form 83–I is not required.

Federalism (Executive Order 13132)

According to Executive Order 13132, the rule does not have significant Federalism effects. This rule will not substantially and directly affect the relationship between the Federal and State governments. This rule will simply update one document and add one document incorporated by reference to ensure that the industry uses the best and safest technologies. This rule does not impose costs on States or localities. Any costs incurred affect only the oil industry and will be minor.

Unfunded Mandate Reform Act (UMRA) of 1995 (Executive Order 12866)

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the UMRA (2 U.S.C. 1531 *et seq.*) is not required.

Takings Implication Assessment (Executive Order 12630)

According to Executive Order 12630, this rule does not have significant Takings implications. A Takings Implication Assessment is not required.

Federalism (Executive Order 13132)

According to Executive Order 13132, this rule does not have Federalism implications. This rule will not substantially or directly affect the relationship between the Federal and State governments because it deals strictly with technical standards that the offshore oil and gas industry must use in designing, fabricating, and installing fixed offshore facilities. This rule will not impose costs on States or localities, nor will it require any action on the part of States or localities.

Civil Justice Reform (Executive Order 12988)

According to Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

National Environmental Policy Act (NEPA)

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the NEPA of 1969 is not required.

Consultation and Coordination with Indian Tribal Governments (Executive Order 13175)

In accordance with Executive Order 13175, this rule does not have tribal implications that impose substantial direct compliance costs on Indian tribal governments.

List of Subjects in 30 CFR Part 250

Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Incorporation by reference, Investigations, Mineral royalties, Oil and gas development and production, Oil and gas exploration, Oil and gas reserves, Penalties, Pipelines, Public lands—mineral resources, Public lands—rights-of-way, Reporting and recordkeeping requirements, Sulphur development and production, Sulphur exploration, Surety bonds.

Dated: June 23, 2003.

Rebecca W. Watson,

Assistant Secretary, Land and Minerals Management.

■ For the reasons stated in the preamble, MMS amends 30 CFR Part 250 as follows:

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

■ 1. The authority citation for part 250 continues to read as follows:

Authority: 43 U.S.C. 1331 *et seq.*

■ 2. In § 250.114, paragraph (c) is revised to read as follows:

§ 250.114 How must I install and operate electrical equipment?

* * * * *

(c) You must install all electrical systems according to API RP 14F, Recommended Practice for Design and Installation of Electrical Systems for Fixed and Floating Offshore Petroleum Facilities for Unclassified and Class I, Division 1, and Division 2 Locations (incorporated by reference as specified in § 250.198), or API RP 14FZ, Recommended Practice for Design and Installation of Electrical Systems for Fixed and Floating Offshore Petroleum Facilities for Unclassified and Class I, Zone 0, Zone 1, and Zone 2 Locations (incorporated by reference as specified in § 250.198).

* * * * *

■ 3. In § 250.198, in the table in paragraph (e), the entry for API RP 14F is revised and a new entry for document API RP 14FZ is added in alphanumeric order to read as follows:

§ 250.198 Documents incorporated by reference.

* * * * *

(e) * * *

Title of document	Incorporated by reference at
* * * * * * *	
API RP 14F, Recommended Practice for Design and Installation of Electrical Systems for Fixed and Floating Offshore Petroleum Facilities for Unclassified and Class I, Division 1 and Division 2 Locations, 4th edition, June 1999, API Stock No. G14F04.	§ 250.114(c); § 250.803(b)(9)(v); § 250.1629(b)(4)(v).
API RP 14FZ, Recommended Practice for Design and Installation of Electrical Systems for Fixed and Floating Offshore Petroleum Facilities for Unclassified and Class I, Zone 0, Zone 1 and Zone 2 Locations, 1st edition, September 2001, API Stock No. G14FZ1.	§ 250.114(c); § 250.803(b)(9)(v); § 250.1629(b)(4)(v).
* * * * * * *	

■ 4. In § 250.803, paragraph (b)(9)(v) is revised to read as follows:

§ 250.803 Additional production system requirements.

* * * * *

(9) * * *

(v) Fire- and gas-detection systems must be an approved type, designed and installed according to API RP 14C, API RP 14G, and either API RP 14F or API RP 14FZ (the preceding four documents incorporated by reference as specified in § 250.198).

* * * * *

■ 5. In § 250.1629, paragraph (b)(4)(v) is revised to read as follows:

§ 250.1629 Additional production and fuel gas system requirements.

* * * * *

(4) * * *

(v) Fire- and gas-detection systems must be an approved type, designed and installed according to API RP 14C, API RP 14G, and either API RP 14F or API RP 14FZ (the preceding four documents incorporated by reference as specified in § 250.198).

* * * * *

[FR Doc. 03–18451 Filed 7–21–03; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[0720–AA75]

TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Special Supplemental Food Program for Women, Infants, and Children Overseas

AGENCY: Office of the Secretary, Department of Defense.

ACTION: Interim final Rule.

SUMMARY: This interim final rule implements section 674 of the National Defense Authorization Act for Fiscal Year 2000. Section 674 directed the Department of Defense to establish a program to provide supplemental food and nutrition education services to members of the armed forces on duty at stations outside the United States (and its territories and possessions) and to eligible civilians serving with, employed by, or accompanying the armed forces to these locations. Congress directed that the Department implement the special supplemental nutrition program for Women, Infants, and Children (WIC) in a manner that provides a benefit that is ''similar'' to the benefit provided to participants in the Special Supplemental Nutrition Program for Women, Infants and Children administered by the U.S. Department of Agriculture (USDA). Receipt of benefits under both the domestic WIC and the DoD programs is conditioned on applicants meeting specified eligibility criteria, *i.e.*, categorical (pregnant, postpartum, breastfeeding women, infants or children up to age 5), residency, income and nutritional risk. The Department was directed to use the USDA eligibility criteria to the extent practicable. This interim final rule specifies eligibility requirements, describes the benefits available under the program, and provides administrative guidance on program operation. The Department is publishing this rule as an interim final rule in order to meet the statutory directive that the Secretary of Defense prescribe regulations to administer the program. Public comments, however, are invited and will be considered when the rule is published as a final rule.

DATES: This interim final rule is effective the first day of the month after 60 days from publication of the interim final rule. Written comments will be accepted until September 22, 2003.

ADDRESSES: Forward comments to Operations Directorate, TRICARE Management Activity, 5111 Leesburg Pike, Suite 810, Falls Church, VA.

FOR FURTHER INFORMATION CONTACT: Danita F. Hunter, Operations Directorate, TRICARE Management Activity, telephone (703) 681–0039.

SUPPLEMENTARY INFORMATION:

A. Introduction

In the National Defense Authorization Act for Fiscal Year 2000, Congress mandated that the Department establish and fund a program to provide a special supplemental food and nutrition education program to eligible low-income families overseas whose members have been determined to be at nutritional risk. This program is known as the Women, Infants, and Children Overseas (WIC Overseas) program. This interim final rule implements section 674 of this Act.

B. Eligibility

To be eligible for the DoD special supplemental food program, a person must be a member of the armed forces on duty at stations outside the U.S. (and its territories and possessions) or an eligible civilian serving with, employed by, or accompanying the armed forces outside the U.S. (and its territories and possessions). Additionally, the person must be found to be at nutritional risk. Specifically, to be certified as eligible to receive benefits under the program, a person must:

- Meet specified program income guidelines published by the Secretary of Health and Human Services, and
- Meet one of the criteria listed in this regulation as indicative of nutritional risk. Determinations of income eligibility and nutritional risk will be made to the extent practicable using applicable standards used by the USDA in determining eligibility for the domestic Women, Infants, and Children (WIC) program. In determining income eligibility, the Department will use the Department of Health and Human Services income poverty table for the state of Alaska.

C. Scope of Benefit

The purpose of the program is to provide supplemental foods and nutrition education to serve as an adjunct to good health care during critical times of growth and development, in order to prevent the occurrence of health problems, including drug and other substance abuse, and to improve the health status of program participants. The benefit is similar to the benefit provided under the domestic WIC program.

Under the program, eligible participants are provided with drafts (paper food instruments, similar to vouchers) that may be redeemed at specified intervals for food packages. Participants access the food benefit by redeeming drafts at designated commissaries and NEXMARTS overseas. Food packages are prescribed by program staff who choose from a range of available food packages to tailor the benefit to the needs of program participants.

The program also provides nutrition education and counseling services to all participants at specified intervals. Nutrition education sessions are designed to stress the relationship between proper nutrition and good health with special emphasis on the nutritional needs of pregnant, postpartum, and breastfeeding women, infants, and children less than 5 years of age and to achieve a positive change in food habits, resulting in improved nutrition status and the prevention of nutrition-related health problems. Nutrition education promotes breastfeeding as the optimal method of infant nutrition. Nutritional education includes educating women participating in the program about the harmful effects of substance abuse. Nutrition education is an integral element of the WIC Overseas program; however, a participant may not be denied supplemental food benefits for failure to attend or participate in nutrition education activities. Nutrition education sessions are conducted in the context of the ethnic, cultural, and geographical preferences of participants.

D. Financial and Administrative Requirements

The Secretary of Defense will establish a system for verifying appropriate use of the WIC Overseas Program funds. This will include procedures to verify that draft redemption complies with applicable date-to-use, dollar amount, and other relevant criteria.

To leverage available funding to make the WIC Overseas program available to the maximum number of participants, the Secretary of Defense may enter into agreement up to three years in length to procure a particular brand of a food item to provide to Program participants. The agreement would specify the procurement of the competitively selected brand exclusive of other brands of the same or similar food. Competitive selection of the contract brand would conform to competitive contracting procedures specified in title 10, chapter 137, U.S. Code. The agreement would provide for the manufacturer of the contract brand to rebate to the Secretary an amount that is an agreed ratio of the

amounts paid by the Secretary for the procurement of the contract brand. Rebates collected under the agreements will be credited to the appropriation available for carrying out the WIC Overseas program and will be available for the program in the same period as the other sums in the appropriation.

The Secretary will provide for an appeals process that will allow individuals who are denied certification or recertification to appeal those decisions. The process will include a requirement that individuals denied certification or recertification be advised of their right of appeal, the relevant time limits, and the procedures to effect an appeal and will further provide a second level of review to individuals adversely impacted by an appeals decision.

E. Regulatory Procedures

This interim rule will impose additional information collection requirements to the public under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3511). Individuals will be required to apply for certification and periodic recertification to receive benefits.

This rule is being issued as an interim final rule, with comment period, as an exception to our standard practice of soliciting public comments prior to issuance. The Assistant Secretary of Defense (Health Affairs) has determined that following the standard practice in this case would be impracticable, unnecessary, and contrary to public interest. This determination is based on the fact that this change directly implements a statutory entitlement enacted by Congress expressly for this purpose. All public comments are invited and will be carefully considered. We anticipate the issuance of a final rule within 6 months of the end of the comment period.

Executive Order 12866 requires certain regulatory assessments for any ''significant regulatory action'' defined as one that would result in an annual effect on the economy of $100 million or more, or have other substantial impacts. The Regulatory Flexibility Act (RFA) requires that each federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues a regulation which would have a significant impact on a substantial number of small entities. This final rule is a significant regulatory action and has been revised by the Office of Management and Budget under Executive Order 12866. The annual cost of this program is estimated to be about $24 million per year, beginning in Fiscal Year 2002. This rule is not economically significant and will not significantly affect a substantial number of small entities. The information collection notice was published on March 21, 2003 (68 FR 13906).

List of Subjects in 32 CFR Part 199

Department of Defense; Food assistance programs; women, infants and children

■ Accordingly, 32 CFR Part 199 is amended as follows:

PART 199—[AMENDED]

■ 1. The authority citation for part 199 continues to read as follows:

Authority: 5 U.S.C. 301 and 10 U.S.C. chapters 53 and 55.

■ 2. Title 32, CFR part 199 is amended by adding § 199.23 to read as follows:

§ 199.23. Special Supplemental Food Program.

(a) *General provisions.* This section prescribes guidelines and policies for the delivery and administration of the Special Supplemental Food Program for Women, Infants, and Children Overseas (WIC Overseas Program). The purpose of the WIC Overseas Program is to provide supplemental foods and nutrition education, at no cost, to eligible persons and to serve as an adjunct to good health care during critical times of growth and development, in order to prevent the occurrence of health problems, including drug and other substance abuse, and to improve the health status of program participants. The benefit is similar to the benefit provided under the U.S. Department of Agriculture (USDA) administered Women, Infants, and Children (WIC) Program.

(b) *Definitions.* For most definitions applicable to the provisions of this section, refer to § 199.2 of this chapter. The following definitions apply only to this section:

(1) *Applicant.* Pregnant women, breastfeeding women, postpartum women, infants, and children who are applying to receive WIC Overseas benefits, and the breastfed infants of applicant breastfeeding women. This term also includes individuals who are currently participating in the Program but are re-applying because their certification is about to expire.

(2) *Breastfeeding women.* Women up to 1-year postpartum who are breastfeeding their infants. Their eligibility will end on the last day of the month of their infant's first birthday.

(3) *Certification.* The implementation of criteria and procedures to assess and document each applicant's eligibility for the Program.

(4) *Children.* Persons who have had their first birthday but have not yet attained their fifth birthday. Their eligibility will end on the last day of the month of their fifth birthday.

(5) *Competent Professional Authority (CPA).* An individual on the staff of the WIC Overseas office authorized to determine nutritional risk, prescribe supplemental foods, and design nutrition education programs. The following are authorized to serve as a competent professional authority: Physicians, nutritionists, registered nurses, and dieticians may serve as a competent professional authority. Additionally, a CPA may be other persons designated by the regional program manager who meet the definition of CPA prescribed by the USDA as being professionally competent to evaluate nutritional risk. The definition also applies to an individual who is not on the staff of the WIC Overseas office but who is qualified to provide data upon which nutritional risk determinations are made by a competent professional authority on the staff of the local WIC Overseas office.

(6) *Contract brand.* The brand of a particular food item that has been competitively selected by the DoD to be the exclusive supplier of that type of food item to the program.

(7) *Date-to-use.* The date by which the drafts must be used to purchase food items.

(8) *Department.* The Department of Defense (DoD), unless otherwise noted.

(9) *Dependent.* (i) A spouse, or

(ii) An unmarried child who is:

(A) Under 21 years of age; or

(B) Incapable of self-support because of mental or physical incapacity and is in fact dependent on the member for more than 1/2 of the child's support; or

(C) Is under 23 years of age, is enrolled in a full-time course of study in an institution of higher education and is in fact dependent on the member for more than one-half of the child's support.

(10) *Drafts.* Paper food instruments, similar to vouchers, issued in the WIC Overseas offices to program participants. Participants may redeem their drafts at participating commissaries and NEXMARTs for the types and quantities of foods specified on the face of the draft.

(11) *Economic unit.* All individuals contributing to or subsidizing the income of a household, whether they physically reside in that household or not.

(12) *Eligible civilian*. An eligible civilian is a person who is not a member of the armed forces and who is:

(i) A dependent of a member of the armed forces residing with the member outside the United States, whether or not that dependent is command sponsored, or

(ii) An employee of a military department who is a national of the United States and is residing outside the United States in connection with such individual's employment or a dependent of such individual residing with the employee outside the United States; or

(iii) An employee of a Department of Defense contractor who is a national of the United States and is residing outside the United States in connection with such individual's employment or a dependent of such individual residing with the employee outside the United States.

(13) *Family*. A group of related or non-related individuals who are one economic unit.

(14) *Hematological test*. A test of an applicant's or participant's blood as described in 7 CFR 246.7(e).

(15) *Income guidelines*. Income poverty guidelines prescribed by the U.S. Department of Health and Human Services (DHHS). These guidelines are adjusted annually by the DHHS, with each annual adjustment effective July 1 of each year. For purposes of WIC Overseas Program income eligibility determinations, income guidelines shall mean the income guidelines published by the DHHS pertaining to the State of Alaska.

(16) *Infants*. Persons under 1 year of age.

(17) *National of the U.S.* A person who:

(i) Is a citizen of the U.S., or

(ii) Is not a citizen of the United States, but who owes permanent allegiance to the United States, as determined in accordance with the Immigration and Nationality Act.

(18) *NEXMART*. Navy Exchange Market.

(19) *Nutrition education*. Individual or group sessions and the provision of materials designed to improve health status, achieve positive change in dietary habits, and emphasize relationships between nutrition and health, all in keeping with the individual's personal, cultural, and socioeconomic preferences.

(20) *Nutritional risk*. (i) The presence of detrimental or abnormal nutritional conditions detectable by biochemical, physical, developmental or anthropometric data, or

(ii) Other documented nutritionally related medical conditions, or

(iii) Documented evidence of dietary deficiencies that impair or endanger health, or

(iv) Conditions that directly affect the nutritional health of a person, such as alcoholism or drug abuse, or

(v) Conditions that predispose persons to inadequate nutritional patterns, habits of poor nutritional choices or nutritionally related medical conditions.

(21) *Participants*. Pregnant women, breastfeeding women, postpartum women, infants, and children who are receiving supplemental foods or food instruments under the WIC Overseas Program, and the breastfed infants of participant breastfeeding women.

(22) *Postpartum women*. Women up to 6 months after the end of their pregnancy. Their eligibility will end on the last day of the sixth month after their delivery.

(23) *Pregnant women*. Women determined to have one or more embryos or fetuses in utero. Pregnant women are eligible to receive WIC benefits through 6 weeks postpartum, at which time they reapply for the program as postpartum or breastfeeding women.

(24) *Rebate*. The amount of money refunded under cost containment procedures to the Department from the manufacturer of a contract brand food item.

(25) *Regional lead agent*. The designated major military medical center that acts as the regional lead agent, having tri-service responsibility for the development and execution of a single, integrated health care network.

(26) *Supplemental foods*. Foods containing nutrients determined by nutritional research to be lacking in the diets of certain pregnant, breastfeeding, and postpartum women, infants, and children. WIC Overseas may substitute different foods providing the nutritional equivalent of foods prescribed by Domestic WIC programs, as required by 10 U.S.C. 1060a(c)(1)(B).

(27) *Verification*. Verification of drafts is a review before payment out of Defense Health Program funds to determine whether the commissary or NEXMART complied with applicable date-to-use, food specification, and other redemption criteria.

(c) *Certification of eligibility*. (1) To the extent practicable, participants shall be certified as eligible to receive Program benefits according to income and nutritional risk certification guidelines contained in regulations published by the USDA pertaining to the Women, Infants, and Children program required under 7 CFR 246.7(d)(2)(iv)(B). Applicants must meet the following eligibility criteria:

(i) Meet one of the participant type requirements: Be a member of the armed forces on duty overseas; a family member/dependent of a member of the armed forces on duty overseas; a U.S. national employee of a military department serving overseas; a family member of a U.S. national employee of a DoD contractor serving overseas; a family member of a U.S. national employee of a DoD contractor serving overseas;

(ii) Reside in the geographic area serviced by the WIC Overseas office;

(iii) Meet the income criteria specified in this section; and

(iv) Meet the nutrition risk criteria specified in this section.

(2) In terms of income eligibility, the following apply:

(i) The Department of Defense shall use the Alaska income poverty guidelines published by the DHHS for making determinations regarding income eligibility for the Program.

(ii) Program income eligibility guidelines shall be adjusted annually to conform to annual adjustments made by the DHHS.

(iii) For income eligibility, the Program may consider the income of the family during the past 12 months and the family's current rate of income to determine which indicator accurately reflects the family's status.

(iv) A pregnant woman who is ineligible for participation in the Program because she does not meet income criteria shall be deemed eligible if the criteria would be met by increasing the number of individuals in her family (economic unit) by the number of embryos or fetuses in utero.

(v) The Program shall define income according to USDA regulations with regard to the USDA-administered WIC Program. In particular—

(A) A basic allowance for housing is excluded from income as required by section 674 of the National Defense Authorization Act for Fiscal Year 2000.

(B) The value of in-kind housing benefits is excluded from income as required under USDA regulations.

(C) Cost of living allowances for duty outside the continental U.S. (OCONUS) is excluded from income as required under 7 CFR 246.7(d)(2)(iv)(A)(*2*).

(D) Public assistance and welfare payments are included in income.

(3) Participants must be found to be at nutritional risk to be eligible for program benefits.

(i) A Competent Professional Authority (CPA) shall determine if an applicant is at nutritional risk.

(ii) At the request of the program, applicants shall provide, according to

schedules set by the USDA in 7 CFR 246.7(e) (unless deemed impracticable), nutritional risk data as a condition of certification in the Program. Such data includes:

(A) Anthropometric measurements,

(B) The results of hematological tests,

(C) Physical examination,

(D) Dietary information, or

(E) Developmental testing

(iii) A pregnant woman who meets all other eligibility criteria and for whom a nutritional risk assessment cannot immediately be completed will be considered presumptively eligible to participate in the Program for a period up to 60 days.

(iv) Infants under 6 months of age may be deemed to be at nutritional risk if the infant's mother was a Program participant during pregnancy or if medical records document that the mother was at nutritional risk during pregnancy.

(v) Unless otherwise specified herein or in 7 CFR 246.7(e), required nutritional risk data shall be provided to, or obtained by, the WIC Overseas Program office within 90 days of enrollment.

(4) In the event that it is impracticable for the WIC Overseas Program to adhere to the income and nutritional risk eligibility guidelines contained in USDA regulations, the Director, TRICARE Management Activity (TMA) may waive the Department's use of USDA WIC Program eligibility criteria by determining that it is impracticable to use these standards to certify participants in the WIC Overseas Program.

(i) Such determination shall consider relevant practical, administrative, national security, financial factors and existing Department policies and their application to the population served by the WIC Overseas Program.

(ii) Absent a written finding of impracticability described in § 199.23(c)(4), the eligibility criteria for the WIC program, contained in USDA regulations shall apply.

(5) An applicant for the WIC Overseas Program who presents a valid WIC Program Verification of Certification card, which is issued to participants in the domestic WIC Program when they intend to move, shall be considered eligible for participation in the WIC Overseas Program for the duration of the individual's current domestic WIC certification period, as long as he/she is an eligible service/family member or eligible civilian/family member.

(d) *Program benefits.* (1) Drafts. WIC participants shall be issued drafts that may be redeemed for supplemental food prescribed under the program.

(i) Drafts shall at a minimum list the food items to be redeemed and the date-to-use.

(ii) Food items listed on the draft must be approved for use under the Program.

(iii) Drafts generally shall allow for a three-month supply of food items for each participant, unless the participant's nutritional status necessitates more frequent contacts with the WIC Overseas office.

(iv) Participating commissaries and NEXMARTS shall accept the drafts in exchange for approved food items.

(v) Commissary and NEXMART personnel shall be trained on verification and processing of drafts.

(vi) Program guidelines shall provide for training of new participants in how to redeem drafts.

(2) *Supplemental food.* Participants shall redeem drafts for appropriate food packages at intervals determined in accordance with the USDA regulations.

(i) The Director, TMA shall identify to the Defense Commissary Agency (DeCA) and NEXCOM a list of food items approved for the WIC Overseas Program. This list shall be developed in consultation with the USDA and shall include information regarding the appropriate package and/or container sizes and quantities available for participants, as well as the frequency with which food items can be acquired. Additions and/or deletions of food items from this list shall be communicated to the commissaries and NEXMARTS on an ongoing basis.

(ii) A CPA shall prescribe appropriate foods from among the approved list to be included in food packages.

(iii) A CPA shall coordinate documentation of medical need when such documentation is a prerequisite for prescribing certain food items.

(iv) The Director, TMA may authorize changes regarding the supplemental foods to be made available in the WIC Overseas Program when local conditions preclude strict compliance or when such compliance is impracticable.

(3) *Nutrition education.* Nutrition education shall be provided to all participants at intervals prescribed in USDA regulations at 7 CFR 246.11.

(i) The WIC Overseas nutrition education program shall be locally overseen by a CPA based on guidance and materials provided by TMA.

(ii) Nutrition education and its means of delivery shall be tailored to the greatest extent practicable to the specific nutritional, cultural, practical, and other needs of the participant. Participant profiles created during certification may be used in designing appropriate nutrition education. A CPA may develop individual care plans, as necessary, consistent with USDA regulations.

(iii) Nutrition education shall consist of sessions wherein individual participants or groups of participants meet with a CPA in an interactive setting such that participants can ask, and the CPA can answer, questions related to nutrition practices. In addition, nutrition education shall utilize prepared educational materials and/or Internet sites. Both the sessions and the information materials shall be designed to improve health status, achieve positive change in dietary habits, and emphasize relationships between nutrition and health. Individual and group sessions can be accomplished through, among other things, face-to-face meetings, remote tele-videoconferencing, real-time computer-based distance learning, or other means.

(iv) Nutrition education services shall generally be provided to participants twice during each 6-month certification period, unless a different schedule is specified in USDA regulations.

(v) The nutrition education program shall promote breastfeeding as the optimal method of infant nutrition, encourage pregnant participants to breastfeed unless contraindicated for health reasons, and educate all participating women about the harmful effects of substance abuse.

(vi) Individual participants shall not be denied supplemental food due to the failure to attend scheduled nutrition education sessions.

(e) *Financial management.* The Department shall establish procedures to provide for the verification of drafts prior to payment.

(i) Verification may utilize sampling techniques.

(ii) Payment of drafts shall be made out of Defense Health Program funds.

(f) *Rebate agreements.* (1) DoD is authorized to enter into an agreement with a manufacturer of a particular brand of a food item that provides for the exclusive supply to the program of the same or similar types of food items by that manufacturer.

(i) The agreement shall identify a contract brand of food item.

(ii) Under the agreement, the manufacturer shall rebate to the Department an agreed portion of the amounts paid by DoD for the procurement of the contract brand.

(2) The DoD shall use competitive procedures under 10 U.S.C. 137 to select the contract brand.

(3) Amounts rebated shall be credited to the appropriation available for carrying out the program and shall be

applied against expenditures for the program in the same period as the other sums in the appropriation.

(g) *Administrative appeals and civil rights.* (1) Applicants who are denied certification or participants that are denied recertification shall be provided with a notice of ineligibility. The notice shall include information on the applicant's right to appeal the determination and instructions on doing so.

(2) Benefits shall not be provided while an appeal is pending when an applicant is denied benefits, a participant's certification has expired or a participant becomes categorically ineligible.

(3) A request for appeal shall be submitted in writing within 5 working days. If the decision is an adverse one it shall include notice to the applicant of his further appeal rights as reflected in paragraph (g)(4)(iii) of this section, and that he/she has 5 working days to effect any such appeal.

(4) Appeal reviews shall be conducted in the first instance by the CPA or team leader in charge of the local WIC Overseas office.

(i) Written notice of a decision shall be provided to the applicant within 5 working days.

(ii) If the appeal is upheld, retroactive benefits shall not be provided.

(iii) At an applicant's request a denied appeal may be forwarded to the regional program manager for review, who will provide a decision on the appeal within 5 working days.

(iv) If the regional program manager denies the appeal, there shall be no further right of appeal.

(5) Complaints about discriminatory treatment shall be handled in accordance with procedures established at each local WIC Overseas site.

(h) *Operations and Administration.* (1) Information collected about WIC Overseas applicants and participants shall be collected, maintained, and disclosed in accordance with applicable laws and regulations.

(2) Information and personnel security requirements shall be consistent with applicable laws and regulations.

Dated: June 27, 2003.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03–16981 Filed 7–21–03; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01–03–002]

RIN 1625–AA09

Drawbridge Operation Regulations; Shrewsbury River, NJ

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the drawbridge operation regulations governing the operation of the Route 36 Bridge, mile 1.8, across The Shrewsbury River at Highlands, New Jersey. This final rule will synchronize the drawbridge opening schedules for the two moveable bridges across the Shrewsbury River during the boating season. This action is necessary to meet the present needs of navigation.

DATES: This rule is effective August 21, 2003.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket (CGD01–03–002) and are available for inspection or copying at the First Coast Guard District, Bridge Administration Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110–3350, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Joe Arca, Project Officer, First Coast Guard District, (212) 668–7165.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On February 5, 2003, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations; Shrewsbury River, New Jersey, in the **Federal Register** (68 FR 5858). We received one comment letter in response to the notice of proposed rulemaking. No public hearing was requested and none was held.

Background and Purpose

The Route 36 Bridge, mile 1.8, across the Shrewsbury River at Highlands, New Jersey, has a vertical clearance of 35 feet at mean high water and 39 feet at mean low water.

The existing regulations listed at 33 CFR 117.755(a), require the Route 36 Bridge to open on signal; except that, from May 15 through October 15, 7 a.m. to 8 p.m., the draw need open only at quarter before the hour and quarter after the hour.

The Coast Guard received requests from mariners to change the drawbridge operation regulations that govern the Route 36 Bridge. Presently the two moveable bridges across the Shrewsbury River, the Route 36 Bridge, and the Monmouth County highway bridge, have staggered opening schedules during the boating season. The mariners have asked the Coast Guard to change the opening schedule for the Route 36 Bridge in order to synchronize the bridge opening times for the two moveable bridges during the boating season to help reduce vessel transit delays and enhance boating safety.

The second moveable bridge across the Shrewsbury River, the Monmouth County highway bridge, at mile 4.0, with a vertical clearance of 15 feet at mean high water and 17 feet at mean low water. The existing regulations listed at 33 CFR 117.755(b), require the bridge to open on signal; except that, from May 15 through September 30, on Saturdays, Sundays, and holidays, from 9 a.m. to 7 p.m., the draw need open only on the hour and half hour.

This final rule will synchronize the bridge opening times at the two bridges by requiring the Route 36 Bridge to open on signal from May 15 through October 15, 7 a.m. to 8 p.m., on the hour and half hour only.

Discussion of Comments and Changes

The Coast Guard received one comment letter opposed to the proposed rule change. That comment opposed having synchronous bridge openings at the Route 36 Bridge, mile 1.8, and the Monmouth County highway bridge, at mile 4.0, across the Shrewsbury River in New Jersey.

The objection stated that powerboats would be required to wait for bridge openings creating an unsafe condition on the waterway which would result in hardship for marine businesses in the area.

The Route 36 Bridge, with a vertical clearance of 35 ft above mean high water, passes the vast majority of power vessels without requiring an opening. This rule change, to synchronize both bridges operating schedules, was requested to assist the lower-powered sailboats that cannot transit between the bridges quickly enough to make consecutive bridge openings. The ensuing 20–25 minute wait for sailboats in swift river currents creates a hazardous navigational condition.

The potential for an adverse effect on marine businesses is not supported by the fact that only a few power vessels may have to wait up to 20 minutes for bridge openings.

As a result of the above information the Coast Guard believes this final rule is reasonable and will meet the reasonable needs of navigation; therefore, no changes have been made to this final rule.

Regulatory Evaluation

This 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).

This conclusion is based on the fact that the synchronization of the opening times for the moveable bridges across the Shrewsbury River will better meet the present needs of navigation.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this 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 less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b), that this rule will not have a significant economic impact on a substantial number of small entities.

This conclusion is based on the fact that the synchronization of the opening times for the moveable bridges across the Shrewsbury River will better meet the present needs of navigation.

Collection of Information

This rule calls 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 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 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 rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will 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 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 rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This final rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have 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 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. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have a significant effect on the environment. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

■ For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

■ 2. Section 117.755 is amended by revising paragraph (a) to read as follows:

§ 117.755 Shrewsbury River.

(a) The Route 36 Bridge, mile 1.8, at Highlands, New Jersey, shall open on signal; except that, from May 15 through October 15, 7 a.m. to 8 p.m., the draw need open on the hour and half hour only. The owners of the bridge shall provide and keep in good legible condition, two clearance gauges, with figures not less than eight inches high, designed, installed, and maintained according to the provisions of § 118.160 of this chapter.

* * * * *

Dated: July 1, 2003.

Vivien S. Crea,

Rear Admiral, Coast Guard, Commander, First Coast Guard District.

[FR Doc. 03–18525 Filed 7–21–03; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD08–03–007]

RIN 1625–AA09

Drawbridge Operation Regulation; Apalachicola River, River Junction, FL

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the existing drawbridge operation regulation for the draw of the CSX Railroad swing bridge across the Apalachicola River, mile 105.9, at River Junction (near Chattahoochee), Florida. The regulation will allow the bridge to be unmanned and remain closed during hours of infrequent traffic with an advance notification requirement to open the bridge.

DATES: This rule is effective August 21, 2003.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of the docket and are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, 501 Magazine Street, New Orleans, Louisiana 70130–3396, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589–2965. The Bridge Administration Branch maintains the public docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Mr. David Frank, Bridge Administration Branch, at (504) 589–2965.

SUPPLEMENTARY INFORMATION:

Regulatory History

On April 10, 2003, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulation; Apalachicola River, River Junction, Florida in the **Federal Register** (68 FR 17571). We received no letters commenting on the proposed rule. No public meeting was requested, and none was held.

Background and Purpose

The CSX swing bridge across the Apalachicola River, mile 105.9, presently opens on signal for the passage of vessels. The bridge owner has requested to change the operation regulations to reflect usage of the bridge by mariners. The request was made based upon a documented decrease in the number of requests for openings in the last three years. In 2000, the bridge opened 63 times for the passage of vessels. In 2001, the bridge opened 38 times for the passage of vessels. In the first five months of 2002, the bridge opened 15 times for the passage of vessels. Information gathered regarding the decrease in vessel movements indicates that the closure of a sand and gravel facility above the bridge and a prolonged drought are the main contributing factors. While water elevations may return to their pre-drought levels, there is presently no evidence that the number of requests for bridge openings will increase in the future due to limited industrial development along the waterway. Accordingly, the bridge owner requested to change the operation regulations so that the bridge be allowed to open on signal from 8 a.m. until 4 p.m. Monday through Friday. At all other times, the bridge will open on signal if at least four hours advanced notification is given.

Discussion of Comments and Changes

No comments were received to the NPRM and no changes were made to the proposed regulation.

Regulatory Evaluation

This 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).

This rule allows vessels ample opportunity to transit this waterway during normal weekdays and with minimal notification at all other times.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this 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 Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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 rule so that they can better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule calls 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 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 rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in the preamble.

Taking of Private Property

This rule will 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 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 rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not cause an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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 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. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action.

Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have analyzed this 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 (32)(e), of the Instruction, from further environmental documentation. Paragraph 32(e) excludes the promulgation of operating regulations or procedures for drawbridges from the environmental documentation requirements of the National Environmental Policy Act (NEPA). Since this final rule will alter the normal operating conditions of the drawbridge, it falls within this exclusion. A final ''Environmental Analysis Check List'' and a final ''Categorical Exclusion Determination'' are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

■ For the reasons set out in the preamble, the Coast Guard is amending part 117 of title 33, Code of Federal Regulations as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; Department of Homeland Security Delegation No. 0170.1; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

■ 2. § 117.258 is added to read as follows:

§ 117.258 Apalachicola River.

The draw of the CSX Railroad bridge, mile 105.9, at River Junction shall open on signal Monday through Friday from 8 a.m. until 4 p.m. At all other times the bridge will open on signal if at least 4 hours notice is given.

Dated: July 10, 2003.

R.F. Duncan,

Rear Admiral, Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 03–18522 Filed 7–21–03; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01–03–039]

RIN 1625–AA09 (Formerly 2115–AE47)

Drawbridge Operation Regulations; Long Island, New York Inland Waterway From East Rockaway Inlet to Shinnecock Canal, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary final rule governing the operation of the Long Beach Bridge, at mile 4.7, across Reynolds Channel, New York. This temporary final rule will allow the bridge to operate only one lift span for openings, on the even hour, 8 a.m. to 4 p.m., daily. Additionally, two five-day bridge closures will also be allowed to occur during this temporary final rule at dates to be announced after September 2003. This action is necessary to facilitate structural repairs at the bridge.

DATES: This temporary final rule is effective from July 1, 2003 through April 30, 2004.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket (CGD01–03–039) and are available for inspection or copying at the First Coast Guard District, Bridge Administration Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110–3350, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Schmied, Project Officer, First Coast Guard District, (212) 668–7165.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

The Coast Guard believes making this rule effective in less than thirty days after publication is reasonable because we coordinated this revised temporary operating schedule in advance with the mariners that use this waterway, and the continuation of the bridge repair work is vital in order to assure the continued safe operation of the bridge.

Historically, there are few requests to open this bridge and the bridge will be available to provide single span openings for all but approximately ten days during the effective period of this temporary rule.

Background and Purpose

The Long Beach Bridge has a vertical clearance of 20 feet at mean high water and 24 feet at mean low water. The existing regulations are listed at 33 CFR 117.799(g).

The bridge owner, Nassau County Department of Public Works, asked the Coast Guard to temporarily change the drawbridge operation regulations to facilitate structural repairs at the bridge.

On September 5, 2002, we published a temporary final rule in the **Federal Register** (67 FR 56754). That rule allowed the bridge to open only a single lift span for bridge openings on the even hours 8 a.m. to 4 p.m. after a one-hour notice was given and from 11 p.m.

through 5 a.m., the bridge was to remain in the closed position. Additionally, two consecutive, Monday through Friday, five day closures were also scheduled to occur during the rule's effective period. Those closure dates were to be announced in the Local Notice to Mariners.

The Coast Guard was notified by the bridge owner that the effective period for the bridge repairs must be extended to continue until April 30, 2004, in order to complete the project. The requirements published in (67 FR 56754) allowing the bridge to remain closed from 11 p.m. to 5 a.m. daily, and the requirement for mariners to provide a one-hour advance notice for bridge openings will be eliminated during this second temporary final rule.

The two five days closures will still be scheduled to occur sometime after September 2003. The exact dates will be announced in the Local notice to Mariners.

Regulatory Evaluation

This 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).

This conclusion is based on the fact that there have been few requests to open the bridge historically.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this 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 less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b), that this rule will not have a significant economic impact on a substantial number of small entities.

This conclusion is based on the fact that there have been few requests to open the bridge historically.

Collection of Information

This rule calls 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 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 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 rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will 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 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 rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This final rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have 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 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. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have a significant effect on the environment. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

■ For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

■ 2. From July 1, 2003 through April 30, 2004, § 117.799 is amended by suspending paragraph (g) and adding a new paragraph (j) to read as follows:

§ 117.799 Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal.

* * * * *

(j) The Long Beach Bridge, mile 4.7, across Reynolds Channel, shall open on signal; except that, only one lift span need be opened for vessel traffic, on the even hour, 8 a.m. to 4 p.m., daily. The draw need not open for vessel traffic for two periods of five consecutive days after September 2003 to be announced in the Local Notice to Mariners and in a Broadcast Notice to Mariners.

Dated: July 1, 2003.

Vivien S. Crea,

Rear Admiral, Coast Guard, Commander, First Coast Guard District.

[FR Doc. 03–18521 Filed 7–21–03; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD09–03–245]

RIN 1625–AA00

Safety Zone; Selfridge ANGB Air Show, Harrison Twp., MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone during the Selfridge ANGB Air Show on July 24, 25, and 26, 2003. This safety zone is necessary to prevent waterway distractions during the Thunderbird aircraft aerial display, as required by the Federal Aviation Administration. The safety zone is intended to restrict vessel traffic in a portion of the Clinton River during specific periods on the affected dates. Specific closure periods will be announced via Broadcast Notice to Mariners on VHF Channel 16. Only authorized vessels are permitted to enter or remain within the safety zone.

DATES: This rule is effective from 4:30 p.m. on July 24, 2003, until 3 p.m. on July 26, 2003.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD09–03–245 and are available for inspection or copying at: U.S. Coast Guard Marine Safety Office Detroit, 110 Mt. Elliott St., Detroit, MI 48207, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LTJG Brandon Sullivan, U. S. Coast Guard Marine Safety Office Detroit, at (313) 568–9558.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The permit application was not received in time to publish an NPRM followed by a final rule before the effective date. Delaying this rule would be contrary to the public interest of ensuring the safety of spectators and vessels during this event and immediate action is necessary to prevent possible loss of life or property. In addition, the Federal Aviation Administration requires certain safety precautions be in place prior to particular airshows, this rule ensures some of those precautions are in place.

Background and Purpose

A temporary safety zone is necessary to ensure the safety of recreational watercraft and air show participants from the hazards associated with aerial displays as required by the Federal Aviation Administration. The combination of waterway distractions, and aerial displays, could easily result in serious injuries or fatalities. Establishing a temporary safety zone to control vessel movement through a portion of the Clinton River will help ensure the safety of persons and property at this event and help minimize the associated risk.

The temporary safety zone will encompass all waters approximately 4 miles West of the mouth of the Clinton River from a center point from the West at position 42°35.4′ N, 082°50.3′ W, and extending to the north and south shorelines of the Clinton River; from the East at center point position 42°35.8′ N, 082°49.8′ W to the north and south shorelines of the Clinton River. These coordinates are based upon North American Datum (NAD 83).

All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol representative. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Detroit or his designated on scene representative. The Captain of the Port or his designated on scene representative may be contacted via VHF Channel 16.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 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 this rule under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security. 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.

This determination is based on the minimal time that vessels will be restricted from the zone, and therefore minor if any impacts to Mariners.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this rule would have a significant 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 Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities.

This rule would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in a portion of the activated safety zone.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: The safety zone is only in effect from 4:30 p.m. to 5:30 p.m. on July 24, 2003, from 4 p.m. to 5 p.m. on July 25, 2003, and from 2 p.m. to 3 p.m. on July 26, 2003. It is expected that effects on vessel traffic will be minimal due to the short duration of the event on each day. The event does not interfere with the commercial shipping lanes. Before the effective period, we will issue maritime advisories widely available to users of the Clinton River by the Ninth Coast Guard District Local Notice to Mariners, and Marine Information Broadcasts. Facsimile broadcasts may also be made.

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 (*see* **ADDRESSES**) explaining 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 rule so that they can better evaluate its effects and participate in the rulemaking process. 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 Marine Safety Office Detroit (*see* **ADDRESSES**).

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

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 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 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 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

The Coast Guard has analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

We have considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph 32(g) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A written categorical exclusion determination is available in the docket for inspection or copying where indicated under **ADDRESSES**.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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 final 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. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. A new temporary § 165.T09–245 is added to read as follows:

§ 165.T09–245 Safety Zone; Selfridge ANGB Air Show, Harrison Twp, MI.

(a) *Location.* The temporary safety zone will encompass all waters approximately 4 miles West of the mouth of the Clinton River from a center point from the West at position 42°35.4′ N, 082°50.3′ W, and extending to the north and south shorelines of the Clinton River; from the East at center point position 42°35.8′ N, 082°49.8′ W to the north and south shorelines of the Clinton River. These coordinates are based upon North American Datum (NAD 83).

(b) *Enforcement periods.* This rule is effective from 4:30 p.m. on July 24, 2003, until 3 p.m. on July 26, 2003. This section will be enforced from 4:30 p.m. to 5:30 p.m. on July 24, 2003; from 4 p.m. to 5 p.m. on July 25, 2003; and again from 2 p.m. to 3 p.m. on July 26, 2003. Enforcement periods will be announced via Broadcast Notice to Mariners on VHF Channel 16.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Detroit or his designated on scene representative. The Captain of the Port or his designated on scene representative may be contacted via VHF Channel 16.

Dated: July 8, 2003.

S.K. Moon,

Lieutenant Commander, Coast Guard, Acting Captain of the Port Detroit.

[FR Doc. 03–18524 Filed 7–21–03; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD05–03–008]

RIN 1625–AA00

Safety and Security Zones; Chesapeake Bay, Maryland and Tributaries

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing moving and fixed safety and security zones on the waters of the Chesapeake Bay and it tributaries for cruise ships and vessels carrying Certain Dangerous Cargo (CDC), Liquefied Natural Gas (LNG), or Liquefied Hazardous Gas (LHG) in the Captain of the Port (COTP) Baltimore zone. These

zones are necessary to provide for the safety and security of these vessels in response to potential terrorist acts. This rule enhances public and maritime safety and security by requiring vessel traffic to maintain a safe distance from these vessels while they are transiting, anchored, or moored in the COTP Baltimore zone.

DATES: This rule is effective on August 21, 2003.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD05–03–008 and are available for inspection or copying at Commander, U. S. Coast Guard Activities, 2401 Hawkins Point Road, Building 70, Port Safety, Security and Waterways Management Branch, Baltimore, Maryland, 21226–1791, between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Dulani Woods, at Coast Guard Activities Baltimore, Port Safety, Security and Waterways Management Branch, at telephone number (410) 576–2513 or (410) 576–2693.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On March 20, 2003, we published a notice of proposed rulemaking (NPRM) entitled ''Safety and Security Zones; Chesapeake Bay, Maryland and Tributaries'' in the **Federal Register** (68 FR 13649). We received no letters commenting on the proposed rule. No public hearing was requested, and none was held.

Background and Purpose

Since the September 11, 2001 terrorist attacks on the World Trade Center in New York, the Pentagon in Arlington, Virginia and Flight 93, the Federal Bureau of Investigation (FBI) has issued several warnings concerning the potential for additional terrorist attacks within the United States. The threat of maritime attacks is real as evidenced by the attack on the USS *Cole* and the subsequent attack in October 2002 against a tank vessel off the coast of Yemen. These threats manifest a continuing threat to U.S. assets as described in the President's finding in Executive Order 13273 of August 21, 2002 (67 FR 56215, September 3, 2002) that the security of the U.S. is endangered by the September 11, 2001 attacks and that such aggression continues to endanger the international relations of the United States. See also Continuation of the National Emergency with Respect to Certain Terrorist Attacks, (67 FR 58317, September 13, 2002); Continuation of the National Emergency with Respect to Persons Who Commit, Threaten To Commit, Or Support Terrorism, (67 FR 59447, September 20, 2002). The U.S. Maritime Administration (MARAD) in Advisory 02–07 advised U.S. shipping interests to maintain a heightened state of alert against possible terrorist attacks. MARAD more recently issued Advisory 03–05 informing operators of maritime interests of increased threat possibilities to vessels and facilities and a higher risk of terrorist attack to the transportation community in the United States. The ongoing foreign hostilities have made it prudent for U.S ports and waterways to be on a higher state of alert because the al Qaeda organization and other similar organizations have declared an ongoing intention to conduct armed attacks on U.S. interests worldwide. In this particular rule, to address the aforementioned security and safety concerns, and to take steps to prevent the catastrophic impact that a terrorist attack against certain types of vessels would have on the public interest, the Coast Guard is establishing safety and security zones around these vessels. These safety and security zones prohibit entry into or movement within the specified areas.

This rule establishes safety and security zones around cruise ships and vessels carrying CDC, LNG, or LHG while underway, anchored, or moored in the waters of the Chesapeake Bay and its tributaries. This rule creates these safety and security zones while the above vessels are within navigable waters of the United States in the Captain of the Port (COTP) Baltimore zone, as defined in 33 CFR 3.25–15. While the COTP anticipates some impact on vessel traffic due to this regulation, these safety and security zones are deemed necessary for the protection of life, property, and the safety and security of navigation within the COTP Baltimore zone.

Discussion of Comments and Changes

The Coast Guard received no comments on the proposed rule during the comment period published in the NPRM. No public meeting was requested, and none was held. As a result, no change to the proposed regulatory text was made with the exception of our deletion of a reference to 33 U.S.C. 1226 in the Authority paragraph because we determined that the reference was unnecessary.

Regulatory Evaluation

This 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. This finding is based on the limited size of the zones, the minimal time that vessels will be restricted from the zones, and vessels may transit around the zones. In addition, vessels that may need to enter the zones may request permission on a case-by-case basis from the COTP Baltimore or his designated representatives.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this 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 Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit in a portion of the Chesapeake Bay and its tributaries near a vessel encompassed by the safety and security zones. Because the zones are of limited size and duration, it is expected that there will be minimal disruption to the maritime community. In addition, smaller vessels, which are more likely to be small entities, may transit around the zones and request permission from the COTP Baltimore on a case-by-case basis to enter the zones.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. If the rule would affect your small business and you have questions concerning it provisions or options for

compliance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule calls 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 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 rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect 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 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 rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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 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 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)(g), of the Instruction, from further environmental documentation because this rule establishes a safety and security zone. A final ''Environmental Analysis Check List'' and a final ''Categorical Exclusion Determination'' are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security No. 0170.1.

■ 2. Add § 165.500 to read as follows:

§ 165.500 Safety/Security Zones; Chesapeake Bay, Maryland.

(a) *Definitions.* (1) Certain Dangerous Cargo (CDC) means a material defined in 33 CFR part 160.

(2) Liquefied Hazardous Gas (LHG) means a material defined in 33 CFR part 127.

(3) Liquefied Natural Gas (LNG) means a material defined in 33 CFR part 127.

(4) Cruise ship means a vessel defined as a ''passenger vessel'' in 46 U.S.C. 2101 (22).

(b) *Location.* The following areas are a safety/security zone: All waters of the Chesapeake Bay and its tributaries, from surface to bottom, within a 500 yard radius around cruise ships and vessels transporting CDC, LNG, or LHG while transiting, anchored, or moored within the COTP Baltimore zone.

(c) *Regulations.* (1) The COTP will notify the maritime community of affected vessels and the periods during which the safety/security zones will be enforced by providing notice to mariners in accordance with 33 CFR 165.7.

(2) Entry into or remaining in this zone is prohibited unless authorized by the Coast Guard COTP, Baltimore, Maryland or his designated representative.

(3) Persons desiring to transit the area of the security zone may contact the COTP at telephone number 410–576–2693 or on VHF channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the COTP or his or her designated representative.

(d) *Authority.* In addition to 33 U.S.C. 1231, the authority for this section includes 50 U.S.C. 191.

Dated: July 10, 2003.

Curtis A. Springer,

Captain, Coast Guard, Captain of the Port, Baltimore, Maryland.

[FR Doc. 03–18523 Filed 7–21–03; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FL–92–200324(a); FRL–7534–2]

Approval and Promulgation of Implementation Plans Florida: Jacksonville Area Maintenance Plan Update

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving revisions to the State Implementation Plan (SIP) submitted by the Florida Department of Environmental Protection (FDEP) on December 20, 2002. This SIP revision satisfies the requirement of the Clean Air Act (CAA) for the second 10-year update for the Jacksonville area (Duval County) 1-hour ozone maintenance plan.

DATES: This direct final rule is effective September 22, 2003 without further notice, unless EPA receives adverse comment by August 21, 2003. If adverse comment is received, EPA 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.

ADDRESSES: Comments may be submitted by mail to: Heidi LeSane, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Comments may also be submitted electronically, or through hand delivery/courier. Please follow the detailed instructions described in (Part (I)(B)(1)(i) though (iii)) of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Heidi LeSane, Air, Pesticides & Toxics Management Division, Air Planning Branch, Regulatory Development Section, Environmental Protection Agency Region 4, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Mrs. LeSane's phone number is 404–562–9035. She can also be reached via electronic mail at *lesane.heidi@epa.gov* or Lynorae Benjamin, Air, Pesticides & Toxics Management Division, Air Planning Branch, Air Quality Modeling & Transportation Section, Environmental Protection Agency Region 4, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Ms. Benjamin's phone number is 404–562–9040. She can also be reached via electronic mail at *benjamin.lynorae@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. How Can I Get Copies of This Document and Other Related Information?

1. The Regional Office has established an official public rulemaking file available for inspection at the Regional Office. EPA has established an official public rulemaking file for this action under FL–92–200324. The official public file 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 rulemaking file does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public rulemaking file is the collection of materials that is available for public viewing at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 9:00 to 3:30 excluding federal holidays.

2. Copies of the State submittal and EPA's technical support document are also available for public inspection during normal business hours, by appointment, at the State Air Agency. Florida Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399–2400.

3. Electronic Access. You may access this **Federal Register** document electronically through the *Regulations.gov* web site located at *http://www.regulations.gov* where you can find, review, and submit comments on Federal rules that have been published in the **Federal Register**, the Government's legal newspaper, and are open for comment.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or on paper, will be made available for public viewing at the EPA Regional Office, as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in the official public rulemaking file. The entire printed comment, including the copyrighted material, will be available at the Regional Office for public inspection.

B. How and to Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate rulemaking identification number by including the text ''Public comment on proposed rulemaking FL–92–200324'' in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

1. *Electronically.* If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *E-mail.* Comments may be sent by electronic mail (e-mail) to *lesane.heidi@epa.gov.* Please include the text ''Public comment on proposed rulemaking FL–92–200324'' in the subject line. EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly without going through *Regulations.gov,* EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are

included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

ii. *Regulations.gov.* Your use of *Regulations.gov* is an alternative method of submitting electronic comments to EPA. Go directly to *Regulations.gov* at *http://www.regulations.gov,* then select Environmental Protection Agency at the top of the page and use the go button. The list of current EPA actions available for comment will be listed. Please follow the online instructions for submitting comments. The system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Section 2, directly below. These electronic submissions will be accepted in WordPerfect, Word or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By Mail.* Send your comments to: Heidi LeSane, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Please include the text ''Public comment on proposed rulemaking FL–92–200324'' in the subject line on the first page of your comment.

3. *By Hand Delivery or Courier.* Deliver your comments to: Heidi LeSane, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, 12th floor, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 9 to 3:30 excluding federal holidays.

C. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically to EPA. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the official public regional rulemaking file. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public file and available for public inspection without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

D. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline identified.
8. To ensure proper receipt by EPA, identify the appropriate regional file/rulemaking identification number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

II. Background

The air quality maintenance plan is a requirement of the 1990 Clean Air Act Amendments for nonattainment areas that come into compliance with the national ambient air quality standard (NAAQS). The Jacksonville Area (Duval County) was designated as nonattainment for the 1-hour ozone NAAQS prior to the 1990 Clean Air Act Amendment. However, for the 3-year period, (1987 through 1989), air quality measurements for the Jacksonville Area showed compliance with the 1-hour ozone NAAQS. The area continued to attain the 1-hour ozone standard and the State requested that the EPA redesignate the Jacksonville area attainment for the 1-hour ozone standard on June 23, 1993. Included with this request was a 10-year air quality maintenance plan covering the years 1995 to 2005. This plan was developed in accordance with the appropriate guidelines. The EPA published a **Federal Register** notice approving this plan on January 3, 1995, and it became effective on March 6, 1995 (60 FR 41).

Subsequent revisions to this maintenance plan have been made. The current plan was approved by the EPA on April 24, 2003, and became effective on May 27, 2003 (68 FR 20072) . Up to this point, FDEP has revised the original plan to update emissions inventories reflecting more accurate emission estimates, to define specific Motor Vehicle Emissions Budgets (MVEB), to remove the motor vehicle inspection program (MVIP) credits, and to allocate a portion of the safety margin to the MVEB (66 FR 40137). This SIP revision satisfies the requirement of the Clean Air Act (CAA) for the second 10-year update for the Jacksonville area 1-hour ozone maintenance plan. Changes to the current maintenance plan include revisions to the emissions inventory for both on-road and non-road mobile sources, reflecting improved methodologies contained in the MOBILE6 and NONROAD emission models. New emissions data for both the base year (attainment year) and the projected years (2005 and 2015) are calculated. Also, updated MVEB in support of the transportation conformity process, are defined for volatile organic compounds (VOC) and nitrogen oxides (NO_X) for the county. The updated budgets for 2005 replace previous MVEB contained in the first maintenance plan, which were based on an older emissions estimate using MOBILE5 emission factors for on-road motor vehicles. Additionally, this maintenance plan update provides new MVEB for the year 2015. EPA has determined that the MVEB in the SIP are adequate for transportation conformity purposes. The availability of the SIP with MVEB for 2015 was placed on EPA's adequacy web page on January 7, 2003. No request for this SIP submittal or adverse comments were received by the end of the public comment period on February 7, 2003. In this action, EPA finds the 2015 MVEB adequate for transportation conformity, and is proposing to approve the MVEB for 2005 and 2015. Note, since the 2005 MVEB are replacing existing MVEB, these budgets are not subject to EPA's Adequacy process.

III. Analysis of State's Submittal

On December 20, 2002, the FDEP submitted revisions to Florida State's Implementation Plan for the new ten-

year maintenance plan to provide a 10-year extension to the maintenance plan as required by section 175A(b) of the CAA as amended in 1990. The underlying strategy of the maintenance plan is to maintain compliance with the 1-hour ozone standard by assuring that current and future emissions of VOC and NO_X remain at or below attainment year emission levels. The estimated emissions of ozone precursors (*i.e.*,VOC and NO_X) for the Jacksonville Area during the 1990 ozone season are provided in the following table.

PROJECTED EMISSIONS—VOLATILE ORGANIC COMPOUNDS

[Tons per day]

VOC	Category	1990 base year	2005	2015
Duval	Stationary Point	15.6	7.6	9.1
	Stationary Area	51.3	45.2	52.2
	On-Road Mobile	96.2	33.3	17.9
	Non-Road Mobile	22.5	17.4	14.0
	Biogenic	126.7	126.7	126.7
Total		312.3	230.3	219.9
Safety Margin	Calculated as 1990 base-year minus projected year total.		82	92.4

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[Tons per day]

NO_X	Category	1990 base year	2005	2015
Duval	Stationary Point	101.2	104.8	120.4
	Stationary Area	8.4	2.8	3
	On-Road Mobile	81.0	55.5	22.6
	Non-Road Mobile	28.1	31.3	26.1
	Biogenic	0.3	0.3	0.3
Total		218.9	194.7	172.4
Safety Margin	Calculated as 1990 base-year minus projected year total.		24.2	46.5

Motor Vehicle Emissions Budgets

Section 176(c) of the CAA, 42 U.S.C. 7506(c), states that transportation plans, programs, and projects must conform to an approved implementation plan. Pursuant to 40 CFR part 93, subpart T, the Transportation Conformity Rule, § 51.456(b), a specific emissions budget is defined for VOC and NO_X for the Jacksonville area. The MVEB, based on the on-road mobile sources, are to be used by the local metropolitan planning organizations and transportation authorities to assure that transportation plans, programs, and projects are consistent with, and conform to, the long term maintenance of acceptable air quality in the Jacksonville Area.

The MVEB are defined for the county, for 2005 and 2015, in the state's submittal. The values, for both years, are equal to the 2005 on-road mobile source projected level of emissions plus a buffer of 24 percent. This buffer, which is an allocation from the safety margin, accounts for uncertainty in the projections and is available because of significant reductions of VOC and NO_X that have occurred, and are projected to occur, primarily from mobile sources. The MVEB are constrained in each of the budget years to assure that the total emissions (*i.e.*, all source categories) do not exceed the 1990 attainment year emissions. In no case are the projected total emissions (*i.e.*, all source categories and including the allocation from the safety margin to the on-road mobile source category), for any year, greater than the attainment year emissions totals for either VOC or NO_X. Under 40 CFR 93.101 the term safety margin is the difference between the attainment level (from all sources) and the projected level of emissions (from all sources) in the maintenance plan. The attainment level of emissions is the level of emissions during one of the years in which the area met the air quality health standard. The safety margin credit can be allocated to the transportation sector, however the total emission level must stay below the attainment level. The following table defines the MVEB for Jacksonville Area.

MVEB

[Tons per day]

County	Pollutant	2005	2015
Duval	VOC	41.6	41.6
	NO_X	68.8	68.8

For the year 2005, the safety margin was 82 tpd for VOC and 24.2 tpd for NO_X. After partial allocation of the safety margin to the MVEB, the remaining safety margins are 73.7 tpd for VOC and 10.4 tpd for NO_X. In 2015, the safety margin was 92.4 tpd for VOC and 46.5 tpd for NO_X. After partial allocation of the safety margin to the MVEB, the remaining safety margins are now 68.7 tpd for VOC and 0.3 tpd for NO_X.

IV. Final Action

EPA is approving the aforementioned changes to the State of Florida SIP because they are consistent with the CAA and EPA policy. The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal 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 rule will be effective September 22, 2003 without further notice unless the Agency receives adverse comments by August 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 September 22, 2003 and no further action will be taken on the proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

V. 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 (Pub. L. 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). 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. 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 September 22, 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, Carbon monoxide, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: July 9, 2003.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

■ Part 52 of chapter I, title 40, *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 K—Florida

■ 2. Section 52.520(e), is amended by revising the entry for ''Revision to Maintenance Plan for Jacksonville, Florida Area'' to read as follows:

§ 52.520 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED FLORIDA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	**Federal Register** notice	Explanation
* *	* *	*	*	*
Revision to Maintenance Plan Update for Jacksonville Area, Florida.	December 20, 2002	July 22, 2003	[Insert citation of publication].	

[FR Doc. 03–18500 Filed 7–21–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[CO–001–0072a; FRL–7522–1]

Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Fort Collins Carbon Monoxide Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of Related Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On August 9, 2002, the Governor of Colorado submitted a request to redesignate the Fort Collins ''moderate'' carbon monoxide (CO) nonattainment area to attainment for the CO National Ambient Air Quality Standard (NAAQS). The Governor also submitted a CO maintenance plan. With the maintenance plan, the Governor submitted revisions to Colorado's Regulation No. 11 ''Motor Vehicle Emissions Inspection Program'', and Colorado's Regulation No. 13 ''Oxygenated Fuels Program''. In this action, EPA is approving the Fort Collins CO redesignation request, the maintenance plan, and the revisions to Regulation No. 11 and Regulation No. 13.

DATES: This direct final rule is effective on September 22, 2003 without further notice, unless EPA receives adverse comments by August 21, 2003. If adverse comment is received, EPA 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.

ADDRESSES: Written comments may be mailed to: Richard R. Long, Director, Air and Radiation Program, Mailcode 8P–AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202–2466.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the following offices:

United States Environmental Protection Agency, Region VIII, Air and Radiation Program, 999 18th Street, Suite 300, Denver, Colorado 80202–2466; and,

Air and Radiation Docket and Information Center, United States Environmental Protection Agency, Room B–108, 1301 Constitution Avenue (Mail Code 6102T) NW., Washington, DC 20460.

Copies of the State documents relevant to this action are available for public inspection at: Colorado Air Pollution Control Division, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, Colorado, 80246–1530.

FOR FURTHER INFORMATION CONTACT: Tim Russ, Air and Radiation Program, Mailcode 8P–AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202–2466, Telephone number: (303) 312–6479.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we'', ''us'', or ''our'' are used we mean the Environmental Protection Agency.

I. What Is the Purpose of This Action?

In this action, we are approving a change in the legal designation of the Fort Collins area from nonattainment for CO to attainment, we're approving the maintenance plan that is designed to keep the area in attainment for CO for the next 13 years, we're approving changes to the State's Regulation No. 11 for the implementation of motor vehicle emissions inspections, and we're approving changes to the State's Regulation No. 13 for the implementation of the wintertime oxygenated fuels program.

We originally designated Fort Collins as nonattainment for CO under the provisions of the 1977 CAA Amendments (*see* 43 FR 8962, March 3, 1978). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted (Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q). Under section 107(d)(1)(C) of the Clean Air Act (CAA), we designated the Fort Collins area as nonattainment for CO because the area had been designated as nonattainment before November 15, 1990. Under section 186 of the CAA, Fort Collins was classified as a ''moderate'' CO nonattainment area with a design value less than or equal to 12.7 parts per million (ppm), and was required to attain the CO NAAQS by December 31, 1995. *See* 56 FR 56694, November 6, 1991. Further information regarding this classification and the accompanying requirements are described in the ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990.'' *See* 57 FR 13498, April 16, 1992.

Under the CAA, we can change designations if acceptable data are available and if certain other requirements are met. *See* CAA section 107(d)(3)(D). Section 107(d)(3)(E) of the CAA provides that the Administrator may not promulgate a redesignation of a nonattainment area to attainment unless:

(i) The Administrator determines that the area has attained the national ambient air quality standard;

(ii) The Administrator has fully approved the applicable implementation plan for the area under CAA section 110(k);

(iii) The Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan and applicable Federal air pollutant control regulations and other permanent and enforceable reductions;

(iv) The Administrator has fully approved a maintenance plan for the area as meeting the requirements of CAA section 175A; and,

(v) the State containing such area has met all requirements applicable to the area under section 110 and part D of the CAA.

Before we can approve the redesignation request, we must decide that all applicable SIP elements have been fully approved. Approval of the applicable SIP elements may occur simultaneously with final approval of the redesignation request. That's why we are also approving the revisions to Regulation No. 11 and Regulation No. 13.

II. What Is the State's Process To Submit These Materials to EPA?

Section 110(k) of the CAA addresses our actions on submissions of revisions to a SIP. The CAA requires States to observe certain procedural requirements in developing SIP revisions for submittal to us. Section 110(a)(2) of the CAA requires that each SIP revision be adopted after reasonable notice and public hearing. This must occur prior to the revision being submitted by a State to us.

The Colorado Air Quality Control Commission (AQCC) held a public hearing for the Fort Collins CO redesignation request, the maintenance plan, and the revisions to Regulation No. 11 and Regulation No. 13 on July 18, 2002. The AQCC adopted the redesignation request, maintenance plan, and revisions to Regulation No. 11 and Regulation No. 13 directly after the hearing. These SIP revisions became State effective September 30, 2002, and were submitted by the Governor to us on August 9, 2002.

We have evaluated the Governor's submittal and have concluded that the State met the requirements for reasonable notice and public hearing under section 110(a)(2) of the CAA. As required by section 110(k)(1)(B) of the CAA, we reviewed these SIP materials for conformance with the completeness criteria in 40 CFR part 51, Appendix V and determined that the Governor's submittal was administratively and technically complete. Our completeness determination was sent on October 11, 2002, through a letter from Robert E. Roberts, Regional Administrator, to Governor Bill Owens.

III. EPA's Evaluation of the Fort Collins Redesignation Request and Maintenance Plan

We have reviewed the Fort Collins CO redesignation request and maintenance plan and believe that approval of the request is warranted, consistent with the requirements of CAA section 107(d)(3)(E). The following are descriptions of how the section 107(d)(3)(E) requirements are being addressed.

(a) Redesignation Criterion: The Area Must Have Attained the Carbon Monoxide (CO) NAAQS

Section 107(d)(3)(E)(i) of the CAA states that for an area to be redesignated to attainment, the Administrator must determine that the area has attained the applicable NAAQS. As described in 40 CFR 50.8, the national primary ambient air quality standards for carbon monoxide are 9 parts per million (10 milligrams per cubic meter) for an 8-hour average concentration not to be exceeded more than once per year, and 35 parts per million (40 milligrams per cubic meter) for a 1-hour average concentration not to be exceeded more than once per year. 40 CFR 50.8 continues by stating that the levels of CO in the ambient air shall be measured by a reference method based on 40 CFR part 50, Appendix C and designated in accordance with 40 CFR part 53 or an equivalent method designated in accordance with 40 CFR part 53. Attainment of the CO standards is not a momentary phenomenon based on short-term data. Instead, we consider an area to be in attainment if each of the CO ambient air quality monitors in the area doesn't have more than one exceedance of the relevant CO standard over a one-year period. 40 CFR 50.8 and 40 CFR part 50, Appendix C. If any monitor in the area's CO monitoring network records more than one exceedance of the relevant CO standard during a one-year calendar period, then the area is in violation of the CO NAAQS. In addition, our interpretation of the CAA and EPA national policy [1] has been that an area seeking redesignation to attainment must show attainment of the CO NAAQS for at least a continuous two-year calendar period. In addition, the area must also continue to show attainment through the date that we promulgate the redesignation in the **Federal Register**.

Colorado's CO redesignation request for the Fort Collins area is based on an analysis of quality assured ambient air quality monitoring data that are relevant to the redesignation request. As presented in Part II, Chapter 1, section B of the State's maintenance plan, ambient air quality monitoring data for consecutive calendar years 1992 through 2001 show a measured exceedance rate of the CO NAAQS of 1.0 or less per year, per monitor, in the Fort Collins nonattainment area [2]. All of these data were collected and analyzed as required by EPA (*see* 40 CFR 50.8 and 40 CFR part 50, Appendix C) and have been archived by the State in our Aerometric Information and Retrieval System (AIRS) national database. Further information on CO monitoring is presented in Part II, Chapter 1, section B of the maintenance plan and in the State's Technical Support Document (TSD). We have evaluated the ambient air quality data and have determined that the Fort Collins area has not violated the CO standard and continues to demonstrate attainment.

The Fort Collins nonattainment area has quality-assured data showing no violations of the CO NAAQS for 1992 and 1993 which are the years the State used to support the redesignation request. In addition, data from the most recent consecutive two-calendar-year period (*i.e.*, 2000 and 2001) also show no violations. Therefore, we believe the Fort Collins area has met the first component for redesignation: Demonstration of attainment of the CO NAAQS. We note too that the State of Colorado has also committed, in the maintenance plan, to continue the necessary operation of the CO monitor in compliance with all applicable federal regulations and guidelines.

(b) Redesignation Criterion: The Area Must Have Met All Applicable Requirements Under Section 110 and Part D of the CAA

To be redesignated to attainment, section 107(d)(3)(E)(v) requires that an area must meet all applicable requirements under section 110 and part D of the CAA. We interpret section 107(d)(3)(E)(v) to mean that for a redesignation to be approved by us, the State must meet all requirements that applied to the subject area prior to or at the time of the submission of a complete redesignation request. In our evaluation of a redesignation request, we don't need to consider other requirements of the CAA that became due after the date of the submission of a complete redesignation request.

1. CAA Section 110 Requirements

On December 12, 1983, we approved the Fort Collins CO element revisions to Colorado's SIP as meeting the requirements of section 110(a)(2) of the CAA (*see* 48 FR 55284). In addition, we have analyzed the SIP elements that we are approving as part of this action and we have determined they comply with the relevant requirements of section 110(a)(2).

The Fort Collins CO element of the Colorado SIP, that we approved on December 12, 1983 (48 FR 55284), was based on emission reductions from the Federal Motor Vehicle Control Program (FMVCP), Automobile Inspection and Readjustment Program, Improved Public Transit, and Traffic Flow Improvements. The anticipated date for attaining the 8-hour CO NAAQS was December 31, 1987.

Through a letter dated May 26, 1988, we notified the Governor of Colorado that the Fort Collins area did not attain the CO NAAQS by the end of 1987. This

[1] Refer to EPA's September 4, 1992, John Calcagni policy memoradum entitled ''Proceduers for Processing requests to Redisignate areas to Attainment.''

[2] It is worth noting that the Fort Collins area has never recorded a violtion of the 1-hour CO NAAQS.

letter stated that Colorado was to address deficiencies in the SIP and that the State would also have to address requirements in our forthcoming post-1987 policy for carbon monoxide.

EPA did not finalize its post-1987 policy for carbon monoxide because the Clean Air Act (CAA) was amended on November 15, 1990. Fort Collins was designated nonattainment for CO and was required to attain the CO NAAQS by December 31, 1995. *See* 56 FR 56694, November 6, 1991.

2. Part D Requirements

Before the Fort Collins ''moderate'' CO nonattainment area may be redesignated to attainment, the State must have fulfilled the applicable requirements of part D. Under part D, an area's classification indicates the requirements to which it will be subject. Subpart 1 of part D sets forth the basic nonattainment requirements applicable to all nonattainment areas, whether classified or nonclassifiable. Subpart 3 of part D contains specific provisions for ''moderate'' CO nonattainment areas.

The relevant subpart 1 requirements are contained in sections 172(c) and 176. Our General Preamble (*see* 57 FR 13529 to 13532, April 16, 1992) provides EPA's interpretations of the CAA requirements for ''moderate'' CO areas that are less than or equal to 12.7 ppm.

The General Preamble (*see* 57 FR 13530, *et seq.*) provides that the applicable requirements of CAA section 172 are 172(c)(3) (emissions inventory), 172(c)(5)(new source review permitting program), 172(c)(7)(the section 110(a)(2) air quality monitoring requirements)), and 172(c)(9) (contingency measures). It is also worth noting that we interpreted the requirements of sections 172(c)(2) (reasonable further progress—RFP) and 172(c)(6)(other measures) as being irrelevant to a redesignation request because they only have meaning for an area that is not attaining the standard. *See* EPA's September 4, 1992, John Calcagni memorandum entitled, sbull I11''Procedures for Processing Requests to Redesignate Areas to Attainment'', and the General Preamble, 57 FR at 13564, dated April 16, 1992. Finally, the State has not sought to exercise the options that would trigger sections 172(c)(4)(identification of certain emissions increases) and 172(c)(8)(equivalent techniques). Thus, these provisions are also not relevant to this redesignation request.

Regarding the requirements of sections 172(c)(3)(inventory) and 172(c)(9)(contingency measures), please refer to our discussion below of sections 187(a)(1) and 187(a)(3), which are provisions of subpart 3 of Part D of the CAA that address the same requirements as sections 172(c)(3) and 172(c)(9).

For the section 172(c)(5) New Source Review (NSR) requirements, the CAA requires all nonattainment areas to meet several requirements regarding NSR, including provisions to ensure that increased emissions will not result from any new or modified stationary major sources and a general offset rule. The State of Colorado has a fully-approved NSR program (59 FR 42500, August 18, 1994) that meets the requirements of CAA section 172(c)(5). The State also has a fully approved Prevention of Significant Deterioration (PSD) program (59 FR 42500, August 18, 1994) that will apply after our approval of the redesignation to attainment.

For the CAA section 172(c)(7) provisions (compliance with the CAA section 110(a)(2) Air Quality Monitoring Requirements), our interpretations are presented in the General Preamble (57 FR 13535). CO nonattainment areas are to meet the ''applicable'' air quality monitoring requirements of section 110(a)(2) of the CAA.

Information concerning CO monitoring in Colorado is included in the Monitoring Network Review (MNR) prepared by the State and submitted to EPA. Our personnel have concurred with Colorado's annual network reviews and have agreed that the Fort Collins network remains adequate. In Part II, Chapter 2, section E. of the maintenance plan, the State commits to the continued operation of the existing CO monitor (along with the siting of a second CO monitor), according to all applicable Federal regulations and guidelines, currently and after the Fort Collins area is redesignated to attainment for CO.

Section 176 of the CAA contains requirements related to conformity. Although EPA's regulations (*see* 40 CFR 51.396) require that states adopt transportation conformity provisions in their SIPs for areas designated nonattainment or subject to an EPA-approved maintenance plan, we have decided that a transportation conformity SIP is not an applicable requirement for purposes of evaluating a redesignation request under section 107(d) of the CAA. This decision is reflected in EPA's 1996 approval of the Boston carbon monoxide redesignation. (*See* 61 FR 2918, January 30, 1996.)

The relevant subpart 3 provisions were created when the CAA was amended on November 15, 1990. The new CAA requirements for ''moderate'' CO areas, such as Fort Collins, required that the SIP be revised to include a 1990 base year emissions inventory (CAA section 187(a)(1)), contingency provisions (CAA section 187(a)(3)), corrections to existing motor vehicle inspection and maintenance (I/M) programs (CAA section 187(a)(4)), periodic emission inventories (CAA section 187(a)(5)), and the implementation of an oxygenated fuels program (CAA section 211(m)(1)). How the State met these requirements and our approvals, are described below:

A. 1990 base year emissions inventory (CAA section 187(a)(1)): The Governor submitted a 1990 base year emissions inventory for Fort Collins on December 31, 1992, with revisions being submitted on March 23, 1995. We approved this 1990 base year CO emissions inventory on December 23, 1996 (see 61 FR 67466).

B. Contingency provisions (CAA section 187(a)(3)): The Governor submitted a contingency measure, enhanced motor vehicle inspection and maintenance, on February 18, 1994. We approved this contingency measure on December 23, 1997 (*see* 62 FR 67006).

C. Corrections to the Fort Collins basic I/M program (CAA section 187(a)(4)): On January 14, 1994, and June 24, 1994, the Governor submitted revisions to the Colorado basic I/M program portion of its SIP which included the program in Fort Collins. We approved these basic I/M program revisions on March 19, 1996 (*see* 61 FR 11149).

D. Periodic emissions inventories (CAA section 187(a)(5)): As the Governor did not submit a complete redesignation request and maintenance plan before September 30, 1995, a periodic emission inventory (for calendar year 1993) was required for Fort Collins. On September 16, 1997, the Governor submitted a SIP revision for a 1993 periodic emission inventory for Fort Collins. We approved this revision on July 15, 1998 (see 63 FR 38087). On May 10, 2000, the Governor submitted a subsequent 1996 periodic emission inventory for Fort Collins. We approved this revision on October 24, 2000 (*see* 65 FR 63546).

E. Oxygenated fuels program implementation (CAA section 211(m)): To address the oxygenated fuels requirements of the CAA, the Governor initially submitted a revision to Colorado's Regulation No. 13 on November 27, 1992. We approved this revision on July 24, 1994 (see 59 FR 37698). Regulation 13 was again revised, to shorten the oxygenated fuels program season, and the Governor submitted further revisions to Regulation No. 13 on September 29, 1995, and December 22, 1995. We approved these revisions on March 10, 1997 (*see* 62 FR 10690).

The most recent changes by the State to Regulation No. 13 to shorten the oxygenated fuels program season, that affected the Fort Collins area, were submitted by the Governor on August 19, 1998, in conjunction with the Colorado Springs CO redesignation to attainment. We approved these revisions on August 25, 1999 (*see* 64 FR 46279).

(c) Redesignation Criterion: The Area Must Have a Fully Approved SIP Under Section 110(k) of the CAA

Section 107(d)(3)(E)(ii) of the CAA states that for an area to be redesignated to attainment, it must be determined that the Administrator has fully approved the applicable implementation plan for the area under section 110(k).

As noted above, EPA previously approved SIP revisions for the Fort Collins CO nonattainment area that were required by the 1990 amendments to the CAA. In this action, we are also approving the maintenance plan and revisions to Colorado's Regulation No. 11 and Regulation No. 13 and the State's commitment to maintain an adequate monitoring network (contained in the maintenance plan.) Thus, with this final rule to approve the Fort Collins redesignation request, maintenance plan, and revisions to Regulation No. 11 and Regulation No. 13, we will have fully approved the Fort Collins CO element of the SIP under section 110(k) of the CAA.

(d) Redesignation Criterion: The Area Must Show That the Improvement in Air Quality Is Due to Permanent and Enforceable Emissions Reductions

Section 107(d)(3)(E)(iii) of the CAA provides that for an area to be redesignated to attainment, the Administrator must determine that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan, implementation of applicable Federal air pollutant control regulations, and other permanent and enforceable reductions.

The CO emissions reductions for Fort Collins, that are further described in Part II, Chapter 1, sections A.3 of the Fort Collins maintenance plan, were achieved primarily through the Federal Motor Vehicle Control Program (FMVCP), a basic motor vehicle inspection and maintenance (I/M) program, oxygenated fuels, and control of wood burning emissions.

In general, the FMVCP provisions require vehicle manufacturers to meet more stringent vehicle emission limitations for new vehicles in future years. These emission limitations are phased in (as a percentage of new vehicles manufactured) over a period of years. As new, lower emitting vehicles replace older, higher emitting vehicles (''fleet turnover''), emission reductions are realized for a particular area such as Fort Collins. For example, EPA promulgated lower hydrocarbon (HC) and CO exhaust emission standards in 1991, known as Tier I standards for new motor vehicles (light-duty vehicles and light-duty trucks) in response to the 1990 CAA amendments. These Tier I emissions standards were phased in with 40% of the 1994 model year fleet, 80% of the 1995 model year fleet, and 100% of the 1996 model year fleet.

As stated in Part II, Chapter 1, section A.3 of the maintenance plan, significant additional emission reductions were realized from Fort Collins's basic I/M program. Colorado's Regulation No. 11, ''Motor Vehicle Emissions Inspection Program'', contains a full description of the requirements for the Fort Collins I/M program. The program requires biennial inspections of vehicles at independent inspection stations. We note that further improvements to the Fort Collins area's basic I/M program, to meet the requirements of EPA's November 5, 1992, (57 FR 52950) I/M rule, were approved by us into the SIP on March 19, 1996 (61 FR 11149).

Oxygenated fuels are gasolines that are blended with additives that increase the level of oxygen in the fuel and, consequently, reduce CO tailpipe emissions. Colorado's Regulation 13, ''Oxygenated Fuels Program'', contains the oxygenated fuels provisions for the Fort Collins nonattainment area. Regulation 13 requires all Fort Collins-area gas stations to sell fuels containing a 2.7% minimum oxygen content (by weight) during the wintertime CO high pollution season. The use of oxygenated fuels has significantly reduced CO emissions and contributed to the area's attainment of the CO NAAQS.

Fort Collins has also been implementing the requirements of Colorado's Regulation No. 4 ''New Wood Stoves and the use of Certain Woodburning Appliances During High Pollution Days.'' Regulation No. 4 for Fort Collins requires all new wood burning stoves and fireplace inserts sold to meet both State and Federal emission control standards.

We have evaluated the various State and Federal control measures, the original 1990 base year emission inventory, and the 1993 and 1996 periodic emission inventories, and believe that the improvement in air quality in the Fort Collins nonattainment area has resulted from emission reductions that are permanent and enforceable.

(e) Redesignation Criterion: The Area Must Have a Fully Approved Maintenance Plan Under CAA Section 175A

Section 107(d)(3)(E)(iv) of the CAA provides that for an area to be redesignated to attainment, the Administrator must have fully approved a maintenance plan for the area meeting the requirements of section 175A of the CAA.

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. The maintenance plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the Administrator approves a redesignation to attainment. Eight years after the promulgation of the redesignation, the State must submit a revised maintenance plan that demonstrates continued attainment for the subsequent ten-year period following the initial ten-year maintenance period. To address the possibility of future NAAQS violations, the maintenance plan must contain contingency measures, with a schedule for adoption and implementation, that are adequate to assure prompt correction of a violation. In addition, we issued further maintenance plan interpretations in the ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990'' (57 FR 13498, April 16, 1992), ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990; Supplemental'' (57 FR 18070, April 28, 1992), and the EPA guidance memorandum entitled ''Procedures for Processing Requests to Redesignate Areas to Attainment'' from John Calcagni, Director, Air Quality Management Division, Office of Air Quality and Planning Standards, to Regional Air Division Directors, dated September 4, 1992 (hereafter the September 4, 1992 Calcagni Memorandum).

In this **Federal Register** action, EPA is approving the maintenance plan for the Fort Collins CO nonattainment area because we believe, as detailed below, that the State's maintenance plan submittal meets the requirements of section 175A and is consistent with our interpretations of the CAA, as reflected in the documents referenced above. Our analysis of the pertinent maintenance plan requirements, with reference to the Governor's August 9, 2002, submittal, is provided as follows:

1. Emissions Inventories—Attainment Year and Projections

EPA's interpretations of the CAA section 175A maintenance plan requirements are generally provided in the General Preamble (see 57 FR 13498, April 16, 1992) and the September 4, 1992, Calcagni Memorandum referenced above. Under our interpretations, areas seeking to redesignate to attainment for CO may demonstrate future maintenance of the CO NAAQS either by showing that future CO emissions will be equal to or less than the attainment year emissions or by providing a modeling demonstration. For the Fort Collins area, the State selected the emissions inventory approach for demonstrating maintenance of the CO NAAQS.

The maintenance plan that the Governor submitted on August 9, 2002, includes comprehensive inventories of CO emissions for the Fort Collins area. These inventories include emissions from stationary point sources, area sources, non-road mobile sources, and on-road mobile sources. The State selected 1992 as the year from which to develop the attainment year inventory and included interim-year projections out to 2015. More detailed descriptions of the 1992 attainment year inventory and the projected inventories are documented in the maintenance plan in Part II, Chapter 2, section A, Table 2 and Table 3, and in the State's TSD. The State's submittal contains detailed emission inventory information that was prepared in accordance with EPA guidance. Summary emission figures from the 1992 attainment year, the interim projected years, and the final maintenance year of 2015 are provided in Table III.–1 below.

TABLE III–1.—SUMMARY OF CO EMISSIONS IN TONS PER DAY FOR FORT COLLINS

	1992	1998	2005	2010	2015
Point Sources	0.7	0.4	0.5	0.6	0.6
Area Sources	13.8	13.9	4.5	4.7	4.8
Non-Road Mobile Sources	9.4	10.5	12.4	14.2	17.0
On-Road Mobile Sources	94.6	80.9	91.3	75.0	71.4
Total	118.4	105.7	108.8	94.5	93.9

2. Demonstration of Maintenance—Projected Inventories

As we noted above, total CO emissions were projected forward by the State for the years 1998, 2005, 2010, and 2015. We note the State's approach for developing the projected inventories follows EPA guidance on projected emissions and we believe they are acceptable.[3] The projected inventories show that CO emissions are not estimated to exceed the 1992 attainment level during the time period 1992 through 2015 and, therefore, the Fort Collins area has satisfactorily demonstrated maintenance.

We note in Table III–1 there are significant reductions projected in years 2005, 2010, and 2015 for area sources. The majority of the area source projected reductions are from the State's estimates for less woodburning in future years. We believe this projection of less woodburning is reasonable in view of the information provided in Attachment 3 of the State's TSD. Attachment 3 is entitled ''Outdoor Air Quality Survey, Spring 2002, Report: City of Fort Collins'' and includes survey data with special emphasis on woodburning and woodsmoke. Further information on these projected emissions may also be found in the State's TSD.

[3] Use of Actual Emissions in Maintenance Demonstrations for Ozone and Carbon Monoxide (CO) Nonattainment Areas'', signed by D. Kent Berry, Acting Director, Air Quality Management Division, November 30, 1993.

3. Changes to Regulation No. 11 and Regulation No. 13 for the Maintenance Period

As described in Part II, Chapter 2, Section B, of the maintenance plan, as of January 1, 2004, the Basic I/M program (of Regulation No. 11) and the oxygenated fuels program (Regulation No. 13) will not be a part of the Federally enforceable SIP for the Fort Collins area. No CO emission reduction credit for these programs has been taken for the years 2005, 2010, and 2015 in the maintenance demonstration. The mobile source emissions presented in Table III–1 also reflect the elimination of these programs for the Fort Collins area.

The State performed an analysis (Section of the State's TSD entitled Fort Collins Urban Growth Area Carbon Monoxide Maintenance Plan Mobile Source Carbon Monoxide Emissions Inventories'') and determined that both the Basic I/M and the oxygenated fuels program could be eliminated for the Fort Collins area without jeopardizing maintenance of the CO NAAQS. This analysis was performed using EPA's MOBILE6 emission factor model and the latest transportation and planning data from the North Front Range Transportation and Air Quality Planning Council's (NFRTAQPC) 2025 transportation plan. The methodology and analysis were reviewed by us and we have determined they are acceptable. The results of the modeling were presented in the revised maintenance plan's ''Table 2.'', and are also included in our Table III–1 above. Based on our review of the State's analysis, we agree that the Fort Collins area continues to demonstrate maintenance of the CO NAAQS and we approve the elimination of the Basic I/M program and oxygenated fuels program for Larimer County and the Fort Collins area.

4. Monitoring Network and Verification of Continued Attainment

Continued attainment of the CO NAAQS in the Fort Collins area depends, in part, on the State's efforts to track indicators throughout the maintenance period. This requirement is met in two sections of the Fort Collins CO maintenance plan; Part II, Chapter 2, sections E and F.2.

In Part II, Chapter 2, section E the State commits to continue the operation of the CO monitor (in Section E, the State commits to site a second CO monitor) in the Fort Collins area and to annually review this monitoring network and make changes as appropriate.

In Part II, Chapter 2, section F.2, the State commits to track mobile sources' CO emissions (which are the largest component of the inventories) through the ongoing regional transportation planning process that is done by NFRTAQPC in coordination with the Colorado Department of Transportation (CDOT), the Colorado Air Pollution Control Division (APCD), the AQCC, and EPA.

Based on the above, we are approving these commitments as satisfying the relevant requirements and we note that

this final rulemaking approval will render the State's commitments federally enforceable.

5. Contingency Plan

Section 175A(d) of the CAA requires that a maintenance plan include contingency provisions. To meet this requirement, the State has identified appropriate contingency measures along with a schedule for the development and implementation of such measures.

As stated in Part II, Chapter 2, section F of the maintenance plan, the contingency measures for the Fort Collins area will be triggered by a violation of the CO NAAQS. (However, the maintenance plan does note that an exceedance of the CO NAAQS may initiate a voluntary, local process by the NFRTAQPC and APCD to identify and evaluate potential contingency measures.)

The APCD, in coordination with the NFRTAQPC and AQCC, will initiate a subcommittee process to begin evaluating potential contingency measures no more than 60 days after being notified by the APCD that a violation of the CO NAAQS has occurred. The subcommittee will present recommendations to the NFRTAQPC and APCD within 120 days of notification and the NFRTAQPC and APCD will present recommended contingency measures to the AQCC within 180 days of notification. The AQCC will then hold a public hearing to consider the contingency measures recommended by the NFRTAQPC and APCD, along with any other contingency measures that the AQCC believes may be appropriate to effectively address the violation of the CO NAAQS. The necessary contingency measures will be adopted and implemented within one year after the violation occurs.

The potential contingency measures are identified in Part II, Chapter 2, section F, of the Fort Collins CO maintenance plan. As required by section 175A(d) of the CAA, these include all measures that were part of the nonattainment area plan that have been removed from the SIP as part of the redesignation—in this case, the Basic I/M program as it appeared in Regulation No. 11 prior to July 18, 2002, with the addition of any on-board diagnostics components as required by Federal law, and the oxygenated fuels program as it appeared in Regulation No. 13 prior to July 18, 2002. In addition, the maintenance plan mentions the following as other possible contingency measures: An enhanced I/M program, transportation control measures, and mandatory woodburning restrictions. The maintenance plan indicates that the State may evaluate other potential strategies to address any future violations in the most appropriate and effective manner possible.

Based on the above, we find that the contingency measures provided in the State's Fort Collins CO maintenance plan are sufficient and meet the requirements of section 175A(d) of the CAA.

6. Subsequent Maintenance Plan Revisions

In accordance with section 175A(b) of the CAA, Colorado has committed to submit a revised maintenance plan eight years after our approval of the redesignation. This provision for revising the maintenance plan is contained in Part II, Chapter 2, section G of the Fort Collins CO maintenance plan.

7. Removal of the CAA Section 172(c)(9) Contingency Measure

With the CAA Amendments of 1990, the Fort Collins area was designated nonattainment for CO and classified as ''moderate'' (*see* 56 FR 56694, November 6, 1991). As the Fort Collins area was designated nonattainment for CO, the nonattainment plan provisions of CAA section 172 (among other sections of the CAA) applied. Among other requirements, CAA section 172(c)(9) required mandatory contingency measures that were to go automatically into place should the area not attain the CO standard by its prescribed attainment date of December 31, 1995. In response to this requirement, the Governor submitted a SIP revision on February 18, 1994, that included an enhanced I/M program as the identified contingency measure. We approved this contingency measure, as meeting the requirements of section 172(c)(9) of the CAA, on December 23, 1997 (*see* 62 FR 67006).

As the Fort Collins CO nonattainment area attained the CO standard before December 31, 1995, this contingency measure was never implemented and is no longer necessary. Should the Fort Collins area violate the CO standard after being Federally redesignated to attainment, the contingency measures identified in Part II, Chapter 2, section F, and their implementation mechanism, are considered by us to be sufficient. Therefore, we are removing the identified contingency measure from the SIP that we had previously approved on December 23, 1997 (*see* 62 FR 67006).

IV. EPA's Evaluation of the Transportation Conformity Requirements

One key provision of our conformity regulation requires a demonstration that emissions from the transportation plan and Transportation Improvement Program are consistent with the emissions budget(s) in the SIP (40 CFR sections 93.118 and 93.124). The emissions budget is defined as the level of mobile source emissions relied upon in the attainment or maintenance demonstration to maintain compliance with the NAAQS in the nonattainment or maintenance area. The rule's requirements and EPA's policy on emissions budgets are found in the preamble to the November 24, 1993, transportation conformity rule (58 FR 62193–96) and in the sections of the rule referenced above.

Part II, Chapter 2, section D and Table 4 of the maintenance plan define the CO motor vehicle emissions budgets in the Fort Collins CO attainment/maintenance area as 99 tons per day for 2005 through 2009, 98 tons per day for 2010 through 2014, and 94 tons per day for 2015 and beyond.

The transportation conformity motor vehicle emissions budgets were derived by taking the difference between the attainment year (1992) total emissions and the projected future years' total emissions. This difference is the ''safety margin,'' part or all of which may be added to projected mobile sources CO emissions to arrive at a motor vehicle emissions budget to be used for transportation conformity purposes. The safety margins, less one ton per day, were added to projected mobile sources CO emissions for 2005, 2010, and 2015. The derivation and determination of safety margins and motor vehicle emissions budgets for the Fort Collins CO maintenance plan is further illustrated in Table IV–1 below and in Part II, Chapter 2, Table 4 of the maintenance plan:

TABLE IV–1: MOBILE SOURCES EMISSIONS, SAFETY MARGINS, AND MOTOR VEHICLE EMISSIONS BUDGETS IN TONS OF CO PER DAY (TPD)

Year	Mobile sources emissions (TPD)	Total emissions (TPD)	Math	Margin of safety (TPD)	Motor vehicle emissions budget (TPD)
1992	95	118	.....	N/A	N/A
2005	91	109	118–109 = 9 9–1 = 8. 91+8 = 99.	8	99
2010	75	94	118–94 = 24 24–1 = 23. 75+23 = 98.	23	98
2015	71	94	118–94 = 24 24–1 = 23. 71+23 = 94.	23	94

NOTE: N/A = Not Applicable.

Our analysis indicates that the above figures are consistent with maintenance of the CO NAAQS throughout the maintenance period. Therefore, we are approving the 99 tons per day for 2005 through 2009, 98 tons per day for 2010 through 2014, and 94 tons per day for 2015 and beyond, CO emissions budgets for the Fort Collins area.

Pursuant to section 93.118(e)(4) of EPA's transportation conformity rule, as amended, EPA must determine the adequacy of submitted mobile source emissions budgets. EPA reviewed the Fort Collins CO budgets for adequacy using the criteria in 40 CFR 93.118(e)(4), and determined that the budgets were adequate for conformity purposes. EPA's adequacy determination was made in a letter to the Colorado APCD on January 15, 2003, and was announced in the **Federal Register** on February 4, 2003 (68 FR 5638). As a result of this adequacy finding, the budgets took effect for conformity determinations in the Fort Collins area on February 19, 2003. However, we are not bound by that determination in acting on the maintenance plan.

In addition to the above, the State has made a commitment regarding transportation conformity, in Part II, Chapter 2, section D of the maintenance plan. Because informal roll-forward analyses, prepared by the State, indicate that the 2015 CO emissions budget may be exceeded by 2030, the State has committed to the re-implementation of the Basic I/M program (with any Federally required on-board diagnostic tests) for the Fort Collins area in 2026. This commitment by the State is included in the maintenance plan for purposes of 40 CFR 93.122(a)(3)(iii), which provides that emissions reduction credit from such programs may be included in the transportation conformity emissions analysis if the maintenance plan contains such a written commitment. We agree with this interpretation of 40 CFR 93.122(a)(3)(iii) and are making this State commitment Federally enforceable with our approval of the Fort Collins CO maintenance plan.

V. EPA's Evaluation of the Regulation No. 11 Revisions

Colorado's Regulation No. 11 is entitled ''Motor Vehicle Emissions Inspection Program''. In developing the Fort Collins CO maintenance plan, the State evaluated a number of options for revising the current motor vehicle emissions inspection program. The final decision, based on the use of our Mobile6 emission factor model, was to eliminate the Basic I/M program from the Federal SIP beginning on January 1, 2004. A description of the State's process for the evaluation of potential options for Regulation No. 11 is found in Part I, Chapter 2, section B of the Governor's submittal. We note that Part I, Chapter 2 is only for informational purposes and was not submitted as a revision to the SIP. Part II, Chapter 2, is the maintenance plan that we are approving and it reflects the AQCC-adopted revisions, as an amendment to the SIP, to Regulation No. 11. These revisions to Regulation No. 11 were submitted, as a separate revision to the SIP, for our approval in conjunction with redesignation request and maintenance plan.

The revisions adopted by the AQCC on July 18, 2002, and submitted by the Governor on August 9, 2002, remove the Fort Collins area component of the Colorado automobile inspection and maintenance program (''AIR Program'') from the Federally-approved SIP, but does not make any change in the State laws implementing the program. This means that the ''AIR Program'' for the implementation of the Basic I/M program will remain in full force and effect as a State-only program under State laws, but it will not be Federally-enforceable after January 1, 2004. The maintenance plan reflects this change in Regulation No. 11 in that the mobile source CO emissions were calculated without the CO emissions reduction benefit of a Basic I/M program starting in 2004 and continuing through 2015. We note that even with the elimination of the Basic I/M program and the elimination of the Oxygenated Fuels Program, discussed below, for the Fort Collins area beginning on January 1, 2004, the area was still able to meet our requirements to demonstrate maintenance of the CO standard through 2015.

We have reviewed and are approving these State-adopted changes to Regulation No. 11.

VI. EPA's Evaluation of the Regulation No. 13 Revisions

Colorado's Regulation No. 13 is entitled ''Oxygenated Fuels Program'' (hereafter referred to as Regulation No. 13). The purpose of this regulation is to reduce CO emissions from gasoline powered motor vehicles in the Fort Collins area through the wintertime use of oxygenated gasolines. Section 211(m) of the CAA originally required the State to implement an oxygenated fuels program in the Fort Collins area. Section 211(m) states that the oxygenated fuels program must cover no less than a four month period each year unless EPA approves a shorter period. We can approve a shorter implementation period if a State submits a demonstration that a reduced implementation period will still assure that there will be no exceedances of the CO NAAQS outside of this reduced period. This was done previously when we approved revisions to Regulation No. 13 for the Denver area that shortened the oxygenated fuels season and

oxygenate content (*see* 62 FR 10690, March 10, 1997 and 64 FR 46279, August 25, 1999). When an area is redesignated to attainment, the oxygenated fuels program may be further shortened or eliminated entirely as long as the State is able to show the program is not needed to demonstrate maintenance of the CO NAAQS (*see* 65 FR 80779, December 22, 2000).

In developing the Fort Collins CO maintenance plan, the State evaluated options for revising the current oxygenated gasoline program. A description of the State's process for the evaluation of potential options for Regulation No. 13 is found in Part I, Chapter 2, section B of the Governor's August 9, 2002, submittal. We note that Part I, Chapter 2 is only for informational purposes and was not submitted as a revision to the SIP. Part II, Chapter 2, is the maintenance plan that we are approving and it reflects the AQCC-adopted revisions, as an amendment to the SIP, to Regulation No. 13. These revisions to Regulation No. 13 were submitted, as a separate revision to the SIP, for our approval in conjunction with the redesignation request and maintenance plan.

The current EPA-approved oxygenated gasoline program for the Fort Collins area has the following three requirements: (1) The control period is from November 1st through February 7th of each winter season, (2) an oxygen content of at least 2.0% by weight is required from November 1st through November 7th, (3) and an oxygen content of at least 2.7% by weight is required from November 8th through February 7th.

In conjunction with the submittal of the Fort Collins CO maintenance plan, the State of Colorado is seeking EPA's approval of revisions to Regulation No. 13 that would eliminate the oxygenated fuels program for the Fort Collins area beginning on January 1, 2004.

As we discussed above, and as presented in Part II, Chapter 2, Table 2 of the maintenance plan, the removal of the CO emission reductions associated with the implementation of Regulation No. 13 were incorporated by the State into the emission projections, using our Mobile6 emissions model, beginning in 2004 and were projected through the final maintenance year of 2015. Even with the elimination of both Regulation No. 11 and Regulation No. 13 for the Fort Collins area starting in 2004, maintenance of the CO NAAQS was successfully demonstrated.

In addition to the revision noted above for the Fort Collins area, the State made several other minor changes to Regulation No. 13 that were also adopted by the AQCC at the July 18, 2002, public hearing. These changes involved: (1) Section I.D.—the deletion of several out-dated definitions and the addition of necessary definitions for the newly-created Broomfield County, (2) section II. A.—Greeley changes and the addition of Broomfield County, (3) sections II. B and II. C.—the deletion of the previous Denver area's maximum blending requirement, (4) section II. D.—, the removal of the obsolete ''Pre-Program Registration Requirements'' (dating from 1995) for the Denver area, and (5) section III. G.—changes to the State's ''Statement of Basis and Purpose''. We note, though, EPA does not Federally approve the State's ''Statement of Basis and Purpose.''

We have reviewed these changes to Regulation No. 13, that the State adopted on July 18, 2002, and the Governor submitted on August 9, 2002. We are approving these revisions as they are consistent with maintenance of the CO NAAQS for the Fort Collins area and meet the requirements of section 211(m) of the CAA.

VII. Consideration of Section 110(l) of the CAA

Section 110(l) of the CAA states that a SIP revision cannot be approved if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress towards attainment of a NAAQS or any other applicable requirement of the CAA. As stated above, the Fort Collins area has shown continuous attainment of the CO NAAQS since 1992 and has met the applicable Federal requirements for redesignation to attainment. The maintenance plan and associated SIP revisions to Colorado's Regulation No. 11 and Regulation No. 13 will not interfere with attainment, reasonable further progress, or any other applicable requirement of the CAA.

VIII. Final Action

In this action, EPA is approving the Fort Collins carbon monoxide redesignation request, maintenance plan, and the revisions to Regulation No. 11 and Regulation No. 13.

EPA is publishing this action 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, we are publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective September 22, 2003 without further notice unless the Agency receives adverse comments by August 21, 2003.

If EPA receives such comments, then we will publish a timely withdrawal of the direct final rule 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 on this rule. Any parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on September 22, 2003 and no further action will be taken on the proposed rule.

Statutory and Executive Order Reviews

(a) Executive Order 12866, Regulatory Planning and Review

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled ''Regulatory Planning and Review.''

(b) Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, OMB must approve all ''collections of information'' by EPA. The act defines collection of information'' as a requirement for ''answers to identical reporting or recordkeeping requirements imposed on ten or more persons'' 44 U.S.C. 3502(3)(A). The Paperwork Reduction Act does not apply as 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.*)

(c) Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the SIP final approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.*, v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2). Redesignation of an area to attainment under sections 107(d)(3)(D) and (E) of the Clean Air Act does not impose any new requirements. Redesignation to attainment is an action that affects the legal designation of a geographical area and does not impose any regulatory requirements. Therefore, because the final approval of the redesignation does not create any new requirements, I certify that the final approval of the redesignation request will not have a significant economic impact on a substantial number of small entities.

(d) Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

(e) Executive Order 13132, Federalism

Executive Order 13132, Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that 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.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will 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, 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. In addition, redesignation of an area to attainment under sections 107(d)(3)(D) and (E) of the Clean Air Act does not impose any new requirements. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

(f) Executive Order 13175, Coordination With Indian Tribal Governments

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.''

This final rule does not have tribal implications as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, 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 in Executive Order 13175. This action does not involve or impose any requirements that affect Indian Tribes. Thus, Executive Order 13175 does not apply to this final rule.

(g) Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

(h) Executive Order 13211, Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211 ''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.

(i) National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

(j) 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). This rule will be effective September 22, 2003 unless EPA receives adverse written comments by August 21, 2003.

(k) Petitions for Judicial Review

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 September 22, 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) of the Clean Air Act.))

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: June 23, 2003.

Robert E. Roberts,

Regional Administrator, Region VIII.

■ Parts 52 and 81, title 40, chapter I, of the Code of Federal Regulations are 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 G—Colorado

■ 2. Section 52.320 is amended by adding paragraph (c)(99) to read as follows:

§ 52.320 Identification of plan.

* * * * *

(c) * * *

(99) On August 9, 2002, the Governor of Colorado submitted SIP revisions to Colorado's Regulation No. 11 ''Motor Vehicle Emissions Inspection Program'' that eliminate the requirement in the SIP for the implementation of a motor vehicle inspection and maintenance program in Larimer County (which includes the Fort Collins area) after January 1, 2004. On August 9, 2002, the Governor also submitted SIP revisions to Colorado's Regulation No. 13 ''Oxygenated Fuels Program'' that eliminate the oxygenated fuel requirements for Larimer County (which includes the Fort Collins area) after January 1, 2004, and make changes to sections I.D., II.A., II.B., II.C., II.D., II.E., II.F., II.G., and II.H. On August 9, 2002, the Governor also submitted SIP revisions to Colorado's State Implementation Plan Specific Regulations for Nonattainment and Attainment/Maintenance Areas (Local Elements) that eliminate Clean Air Act section 172(c)(9) carbon monoxide contingency measures for the Fort Collins area. We originally approved these contingency measures on December 23, 1997, and our approval was codified in paragraph (c)(71) of this section.

(i) Incorporation by reference.

(A) Regulation No. 11 ''Motor Vehicle Emissions Inspection Program'', 5 CCR 1001–13, Part A.I, as adopted on July 18, 2002, and effective September 30, 2002.

(B) Regulation No. 13 ''Oxygenated Fuels Program'', 5 CCR 1001–16, except for section III, as adopted on July 18, 2002, effective September 30, 2002, which supersedes and replaces all prior versions of Regulation No. 13.

■ 3. Section 52.349 is amended by adding paragraph (h) to read as follows:

§ 52.349 Control strategy: Carbon monoxide.

* * * * *

(h) Revisions to the Colorado State Implementation Plan, carbon monoxide NAAQS Redesignation Request and Maintenance Plan for Fort Collins entitled ''Carbon Monoxide Redesignation Request and Maintenance Plan for the Fort Collins Area,'' excluding Part I—Chapter 1 and Part I—Chapter 2, as adopted by the Colorado Air Quality Control Commission on July 18, 2002, State effective September 30, 2002, and submitted by the Governor on August 9, 2002.

PART 81—[AMENDED]

■ 1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401-*et seq.*

■ 2. In § 81.306, the table entitled ''Colorado-Carbon Monoxide'' is amended by revising the entry for ''Fort Collins Area'' to read as follows:

§ 81.306 Colorado.

* * * * *

COLORADO—CARBON MONOXIDE

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
* *	*	*	*	*
Fort Collins Area:				
Larimer County (part)	Sept. 22, 2003	Attainment.		
Fort Collins Urban Growth Area Boundary as adopted by the City of Fort Collins and the Larimer County Commissioners and in effect as of July 30, 1991.				
* *	*	*	*	*

[1] This date is November 15, 1990, unless otherwise noted.

* * * * *

[FR Doc. 03–18303 Filed 7–21–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–7530–8]

Texas: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Removal of immediate final rule.

SUMMARY: EPA is removing the immediate final rule, Texas: Final Authorization of State Hazardous Waste Management Program Revisions, published on April 15, 2003, at 68 FR 18126, which authorized changes to Texas' hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA stated in the immediate final rule that if EPA received written comments that opposed this authorization during the comment period, EPA would publish a timely notice of withdrawal in the **Federal Register**. Since EPA did receive comments that opposed this authorization, EPA is removing the immediate final rule. EPA will address these comments in a subsequent final action.

DATES: As of July 22, 2003. EPA removes the immediate final rule published on April 15, 2003, at 68 FR 18126.

FOR FURTHER INFORMATION CONTACT: Alima Patterson, Regional Authorization Coordinator, Grants and Authorization Section (6PD–G), Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, (214) 665–8533.

SUPPLEMENTARY INFORMATION: EPA's removal of this immediate final rule is based on the Agency receiving written comments that opposed this authorization. The EPA is removing the immediate final rule, Texas: Final Authorization of State Hazardous Waste Management Program Revisions, published on April 15, 2003, at 68 FR 18126, which authorized changes to Texas' hazardous waste rules. EPA stated in the immediate final rule that if EPA received written comments that opposed this authorization during the comment period, EPA would publish a timely notice of withdrawal in the **Federal Register**. The immediate final rule became effective June 16, 2003. However, since EPA received comments that opposed this action, EPA is today removing the immediate final rule. EPA will address the comments received during the comment period in a subsequent final action.

Dated: July 11, 2003.

Richard E. Greene,

Regional Administrator, Region 6.

[FR Doc. 03–18293 Filed 7–21–03; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

46 CFR Part 530

[Docket No. 03–03]

Amendment to Service Contract Regulations

July 17, 2003.

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission is amending its regulations on the electronic filing of service contracts for ocean transportation under the Shipping Act of 1984 (''Shipping Act'') (46 U.S.C. app. 1701 *et seq.*), as amended by the Ocean Shipping Reform Act of 1998 (''OSRA''), to add a provision which permits persons authorized to transmit electronically service contract filings for vessel-operating common carriers, conferences and agreements, to correct, within 48 hours, an original service contract filing or an amendment that is defective due to electronic transmission errors. The revision allows a ''corrected transmission'' of the original service contract or amendment submission to be designated as such and filed in the Commission's electronic service contract filing system, SERVCON.

EFFECTIVE DATE: September 8, 2003.

FOR FURTHER INFORMATION CONTACT: Florence A. Carr, Director, Bureau of Trade Analysis, Federal Maritime Commission, 800 North Capitol Street, NW., Room 940, Washington, DC 20573, 202–523–5796, E-mail: *florence@fmc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Federal Maritime Commission initiated this proceeding by a Notice of Proposed Rulemaking (''NPR'') published in the **Federal Register** on April 2, 2003, 68 FR 15978. The NPR solicited comment on the proposed rule from the public. Three comments were received. Comments were submitted by Distribution-Publications, Inc. (''DPI'') and Pacific Coast Tariff Bureau (''PCTB''), both tariff publishers. Attorney Howard Levy also filed a comment.

All of the comments were generally supportive of the proposed rule. Both tariff publishers endorsed the scope of errors to be corrected under the rule. The comments of DPI specifically noted that the 48-hour window to correct electronic transmission errors in service contract filings is the right amount of time for the correction process. The comments of PCTB also included a suggestion that the SERVCON system should be altered further to reintroduce the ability of a filer to completely withdraw a filed service contract or amendment that contains erroneous matter.

Discussion

Section 8(c) of the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998 (''OSRA''), 46 U.S.C. app. 1707(c), and the Commission's current service contract regulations, 46 CFR part 530, subpart A, require service contracts between shippers and ocean common carriers in the foreign commerce of the United States to be filed electronically with the Commission on a confidential basis. Only an ''authorized person,'' as defined in 46 CFR 530.3(c), can access the confidential section of the Commission's electronic service contract filing system, SERVCON, available via the Commission's website. Some carriers use individual employees as the authorized person to file their service contracts; however, the majority of carriers authorize third parties to make their service contract filings. The filings may consist of an original service contract or an amendment to an existing service contract.

Current regulations provide for the amendment, correction, and cancellation of service contract filings (46 CFR 530.10). This final rule will provide filers the ability to correct purely electronic ''transmission errors'' made when filing either the original service contract or an amendment to a service contract into SERVCON, or errors made in the process of converting the service contract filing into electronic format for submission to the SERVCON system.

Under this final rule only errors resulting from electronic transmission and data conversion for SERVCON format may be corrected. Examples of substantive service contract changes that are not permitted under the new 46 CFR 530.10(d) are: Change of rates; deletion of a port or point to be served or a commodity to be carried under the

contract; addition or deletion of a shipper entitled to access the service contract; and modification of the duration or minimum quantity commitment of the contract. This is not an exhaustive list, but instead serves as a specific example for general guidance. These and other similar types of changes should continue to be made as ''amendments'' under 46 CFR 530.10(b) or, if retroactivity is deemed necessary, by filing a request for permission to correct a clerical or administrative error in the terms of a filed service contract under 46 CFR 530.10(c).

Corrections to an initial filing are allowed within 48 hours from the time and date of receipt recorded in SERVCON (excluding Saturdays, Sundays and legal public holidays). For example, an initial filing received at 5 p.m. on a Friday must be corrected before 5 p.m. the following Tuesday. The SERVCON system currently has and will continue to have the ability to identify such corrected service contract filings. The Bureau of Trade Analysis will monitor the use of the correction process; any abuse of the limited permission in the rule would be considered a violation of the Commission's regulations.

Under this new rule, the SERVCON system will be modified to accept only corrected service contracts that the filer identifies as such and for which the filer provides a description of the changes being made by the correction process. A new field will be added to the online filing system as a checkbox for the filer to identify the submission as a corrected service contract. If the filer fails to use this new checkbox, the contract will be rejected because the SERVCON system will not accept service contracts that have duplicate file names or service contract or amendment numbers. The system also will flag resubmitted contracts and will give a unique internal file name to the corrected transmission for FMC monitoring purposes. A new separate SERVCON field for filers to enter a description of the corrections being made will be provided.

The Commission has determined that it will not add a ''withdrawal'' function to the final rule as recommended by PCTB. The Commission's previous Automated Tariff Filing and Information (''ATFI'') system did have a ''withdrawal'' function that permitted a filer to withdraw a service contract filing containing erroneous matter on the same date that it was filed and allowed the re-filing of the appropriate copy. That ''withdrawal'' function was eliminated when the ATFI system was discontinued September 30, 1999. Presumably, filers have been accomplishing any needed ''withdrawals'' of service contracts by filing an amendment to cancel an unintentionally filed document, which is permitted under 46 CFR 530.10(b). Therefore, even though the final rule does not permit reuse of the service contract number and file name, or the complete withdrawal of an unintended contract filing as suggested by PCTB, the Commission does not believe it is necessary to add a separate ''withdrawal'' feature to the SERVCON system. The 48-hour window to correct a transmission error contained in the final rule, 46 CFR 530.10(d), adequately provides an opportunity for filers to address erroneous service contract filings. For example, under the final rule the SERVCON system will accept a correction via the Corrected Transmission (''CT'') function to allow an erroneous service contract number, organization number, or document file name on an initial contract filing to be corrected.

List of Subjects in 46 CFR Part 530

Freight, Maritime carriers, Reporting and record keeping requirements.

■ For the reasons discussed in the preamble, the Commission is adding a new paragraph (d) in 46 CFR part 530, subpart B, section 530.10, as follows:

PART 530—SERVICE CONTRACTS

■ 1. The authority citation for part 530 continues to read as follows:

Authority: 5 U.S.C. 553; 46 U.S.C. app. 1704, 1705, 1707, 1716.

■ 2. Section 530.10 is amended by revising the section heading; by redesignating paragraphs (d) and (e) as paragraphs (e) and (f) and by adding a new paragraph (d) to read as follows:

§ 530.10 Amendment, correction, cancellation, and electronic transmission errors.

* * * * *

(d) *Electronic transmission errors.* An authorized person who experiences a purely technical electronic transmission error or a data conversion error in transmitting a service contract filing or an amendment thereto is permitted to file a Corrected Transmission (''CT'') of that filing within 48 hours of the date and time of receipt recorded in SERVCON (excluding Saturdays, Sundays and legal public holidays). This time-limited permission to correct an initial defective service contract filing is not to be used to make changes in the original service contract rates, terms or conditions that are otherwise provided for in paragraphs 530.10(b) and (c) of this section. The CT tab box in SERVCON must be checked at the time of resubmitting a previously filed service contract, and a description of the corrections made must be stated at the beginning of the corrected service contract in a comment box. Failure to check the CT box and enter a description of the correction will result in the rejection of a file with the same name, since documents with duplicate file names or service contract and amendment numbers are not accepted by SERVCON.

By the Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 03–18565 Filed 7–21–03; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[CC Docket Nos. 96–262, 94–1, 99–249, 96–45 FCC 03–139]

Access Charge Reform; Price Cap Performance Review for Local Exchange Carriers; Assessment of Presubscribed Interexchange Carrier Charges of Public Payphones

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document the Commission modified its rules so that payphone lines are no longer subject to the PICC (Presubscribed Interexchange Carrier Charge). This action is necessary because the Commission determined that eliminating the PICC for payphone lines is more consistent with section 276 of the Act. To ensure compliance with the anti-subsidization and anti-discrimination provisions of section 276 of the Act, the Commission determined that payphone line rates should be set according to the cost-based new services test. Because the multi-line business PICC is a subsidy from multi-line business lines to residential and single-line business lines whose subscriber line charge (SLC) rates are capped by the Commission's rules, the PICC is not cost-based and so it does not comply with the new services test. The intended effect of this action is to exempt payphones lines from the PICC.

DATES: Effective October 1, 2003.

FOR FURTHER INFORMATION CONTACT: Aaron Goldschmidt, Wireline Competition Bureau, 202–418–1520.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order on Reconsideration, FCC 03–139 in CC

Docket No. 96–262, adopted on June 19, 2003 and released on June 25, 2003. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the FCC's copy contractor, Qualex International, 445 12th Street, SW., Room CY–B402 Washington, DC 20554. The full text also may be downloaded at *http://www.fcc.gov. Introduction.* On July 21, 2000, One Call Communications, Inc. d/b/a Opticom (''One Call'') filed a petition for reconsideration and clarification of the Commission's *CALLS Order. See Access Charge Reform,* CC Docket No. 96–262, Sixth Report and Order in CC Docket Nos. 96–262 and 94–1, Report and Order in CC Docket No. 99–249, Eleventh Report and Order in CC Docket No. 96–45, 65 FR 38684, June 21, 2000. In its petition, One Call sought to apply to payphone lines the common line cost recovery mechanism for single-line business and residential subscriber lines established in the *CALLS Order,* rather than the cost recovery mechanism applicable to multi-line business lines. In this document, the Commission grants One Call's request to reconsider the treatment of payphone lines under the Commission's access charge rules. Specifically, the Commission adopts a rule exempting payphone lines from the PICC, and the Commission denies One Call's request that payphone lines be treated as single-line business lines for purposes of assessment of the SLC.

The PICC for Payphone Lines. The Commission finds that payphone lines should be exempt from the PICC. In furtherance of section 276(a), the Commission has determined that payphone line rates should be set according to the cost-based new services test. *See* 47 U.S.C. 276(a) (1) and the *Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996,* CC Docket 96–128, Report and Order, 61 FR 52307, October 7, 1996. The multi-line business PICC, however, does not recover the costs of the lines on which it is assessed. Rather, it recovers revenues that would be recovered through charges on residential and single-line business lines, if those charges were not capped. Thus, because the PICC is not cost-based, it does not comply with the new services test.

The Commission notes that, in adopting section 276(b), Congress desired to ''promote the widespread deployment of payphone services to the general public.'' *See* 47 U.S.C. 276(b)(1). The Commission believes that this is consistent with a universal service function that payphones provide to those who cannot otherwise afford telephone service. The Commission concludes that it is bad policy to impose a non-cost-based charge, such as the PICC, on payphone lines because doing so may limit the deployment of payphone services that serve these important functions. Given Congress's stated intent to preserve the availability of payphones, the universal service functions payphones provide, and that the PICC does not reflect costs incurred for the provision of payphone service, the Commission finds it desirable to exempt payphone lines from the PICC. Although the Commission's Order establishes that payphone lines are exempted from the PICC on a going-forward basis, the Commission makes no finding with respect to the application of PICCs to payphone lines prior to the effective date of the Order.

Therefore, price cap LECs that still assess the PICC on multi-line business lines must adjust their rates in their next annual access tariff filings to reflect that the PICC no longer applies to payphone lines. Price cap LECs may recover the revenue previously recovered through assessing the PICC on payphone lines by adjusting their multi-line business PICCs. To the extent the PICC cap prevents such recovery, price cap LECs may recover the revenue shortfall through Carrier Common Line Charges (CCLCs).

The Appropriate SLC for Payphone Lines. The Commission rejects One Call's proposal that payphone lines be treated as single-line business lines for the purpose of assessing the SLC. Although the multi-line business PICC represents a subsidy flowing from multi-line business lines to residential and single-line business lines, the multi-line business SLC is a cost-based charge. The SLCs are the primary method by which incumbent LECs recover their interstate common line costs, and the SLC caps ensure that the SLCs never recover more than the carrier's per-line permitted revenues. *See* 47 CFR 69.152(d), (e) and (k). Moreover, the Commission's rules prevent a LEC from subsidizing one class of customers through the SLCs assessed on another class of customers. *See id.* Thus, the assessment of multi-line business line SLCs on payphone lines does not result in any subsidy to other lines. In addition, to prevent a BOC from overrecovering its costs for a payphone line, the BOC must reduce the monthly per-line charge for payphone lines determined in a state proceeding under the new services test by the amount of the SLC. If the Commission were to treat payphone lines as single-line business lines, however, the amount by which a LEC's per-line revenue requirement exceeds the single-line business line SLC cap, which is lower than the multi-line business SLC cap, would then need to be recovered through increased PICCs on multi-line businesses. This would result in multi-line business lines subsidizing LEC-owned payphone lines in contravention of the mandate of section 276(a) against such subsidization. *See* 47 U.S.C. 276(a)(1).

Final Regulatory Certification. The Regulatory Flexibility Act of 1980, as amended (RFA), requires that a regulatory flexibility analysis be prepared for notice-and-comment rulemaking proceedings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' 5 U.S.C. 605(b). The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' 5 U.S.C. 601(6). In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. 5 U.S.C. 601(3). 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 Small Business Administration (SBA). *See* 15 U.S.C. 632.

The *CALLS Order* revised the Commission's system of common line access charges by increasing the residential and single-line business line SLC, while simultaneously eliminating the PICC for these lines. The *CALLS Order* also required annual reductions in traffic sensitive switching and trunking access rates until they reached a specified level. In addition, the *CALLS Order* also established an interstate access universal support mechanism that provides explicit support to replace support that was implicit in interstate access charges.

This document responds to a petition for reconsideration that sought, for payphone lines, the application of the common line cost recovery mechanism for residential and single-line business lines established in the *CALLS Order,* rather than the cost recovery mechanism applicable to multi-line business lines. This document grants the petition insofar as it sought the elimination of the PICC for payphone lines, and denies the request that payphone lines be subject to the SLC applicable to single-line business and residential lines. The rule revision will result in a positive net

impact on small entities, in that operator service providers will no longer be assessed the PICC on payphone lines. In addition, because small and rural incumbent price cap LECs will be able to increase their PICCs or common line carrier charges to offset the reduction in the number of lines being assessed the PICC revenue, their overall common line revenues will not be affected. Thus, the Commission expects that the rule revision will have a *de minimis* impact on these affected small entities. Therefore, the Commission certifies that the requirements of the document will not have a significant economic impact on a substantial number of small entities.

The Commission will send a copy of the document, including a copy of this Final Regulatory Flexibility Certification, in a report to Congress pursuant to the Congressional Review Act. *See* 5 U.S.C. 801(a)(1)(A). In addition, the document (or summary thereof) and this final certification will be published in the **Federal Register**, and will be sent to the Chief Counsel for Advocacy of the U.S. Small Business Administration. See 5 U.S.C. 605(b).

Paperwork Reduction Analysis. The action contained herein has been analyzed with respect to the Paperwork Reduction Act of 1995, and it contains no new or modified information collections subject to Office of Management and Budget review.

Ordering Clauses. Accordingly, pursuant to sections 1, 4(i) and (j), 201–209, and 276 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i) and (j), 201–209, and 276, this Order and Order on Reconsideration *is adopted.* One Call's Petition for Reconsideration and Clarification *is granted* to the extent indicated herein and otherwise *is denied.* The Commission's Consumer & Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Order, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration. The provisions of this Order *shall be effective* on October 1, 2003.

List of Subjects in 47 CFR Part 69

Communications common carriers, Telephone.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Rules Changes

■ For the reasons set forth in the preamble, amend part 69 of title 47 of the Code of Federal Regulations as follows:

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

Authority: 47 U.S.C. 154, 201, 202, 203, 205, 218, 220, 254, 403.

■ 2. Amend § 69.153 by adding paragraph (f) to read as follows:

§ 69.153 Presubscribed interexchange carrier charge (PICC).

* * * * *

(f) The PICC shall not be applicable to any payphone lines.

[FR Doc. 03–18542 Filed 7–21–03; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 02–113; FCC 03–77]

Broadcast Services; Television Stations Digital Television (DTV) Construction Deadline

AGENCY: Federal Communications Commission.

ACTION: Policy statement.

SUMMARY: In this document, the Commission adopts a policy to be followed when the staff denies a request to extend a television station's digital television (DTV) construction deadline. The intended effect is to alert stations as to the sanctions that will be applied if they fail to meet their DTV deadline.

FOR FURTHER INFORMATION CONTACT: Shaun Maher, Media Bureau, Office of Broadcast Licensing, Video Division, (202) 418–2324.

SUPPLEMENTARY INFORMATION: This is a synopsis of the *Report and Order* (''*R&O*'') in MM Docket No. 02–113, FCC 02–150, adopted April 4, 2003, and released April 16, 2003. The complete text of this *R&O* is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY–A257, 445 12th Street, SW., Washington, DC and may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street SW., CY–B402, Washington, DC 20554. The *R&O* is also available on the Internet at the Commission's Web site: *http://www.fcc.gov.*

Synopsis

1. The Commission has adopted this *R&O* announcing its policy to be followed when requests to extend digital television (DTV) construction deadlines are denied. The Commission announced a set of graduated sanctions that it will impose. Under the first step of its approach, the Commission will deny the request for an unqualified extension and admonish the station for its failure to comply with its DTV construction obligation. The station will be required to submit a report within thirty (30) days outlining the steps it intends to take to complete construction and the approximate date that it expects to reach each of these construction milestones. Absent extraordinary and compelling circumstances, the construction completion date will be no later than six months from the date of admonishment. Sixty (60) days later, the station will be required to submit a report detailing its progress on meeting its proposed construction milestones and justifying any delays it has encountered. If at any time during this six month period, the station fails to demonstrate that it is taking all reasonable steps to complete construction or fails to justify the further delays it has encountered, or the Commission otherwise find that the licensee has acted in bad faith, the Commission will consider the imposition of additional sanctions including proceeding immediately to the second step.

2. Under the second step in the approach, if the station has not come into compliance with the DTV construction rule within the six month period, then, absent extraordinary and compelling circumstances, the Commission will impose further sanctions against the licensee. The Commission will issue a Notice of Apparent Liability for forfeiture to the licensee. It will require that the station report every thirty (30) days on its proposed construction milestones and its efforts to meet those milestones. Once again, failure to adequately demonstrate that the station was taking all reasonable steps towards construction and to justify any additional delays that were encountered, will result in the imposition of additional sanctions.

3. Under the third and final step in the approach, if the station still had failed to come into compliance with the DTV construction rule within an additional six-month period of time (*i.e.*, one year from the date of the formal admonition), then, absent extraordinary and compelling circumstances, the Commission will consider its construction permit for its DTV facilities to have expired and will rescind the station's DTV authorization. The Commission concluded that no hearing was necessary prior to rescinding the station's DTV authorization. The Commission also concluded that it would not make the station's vacant

DTV allotment available. The Commission also announced that the station will be required to surrender its analog authorization at the end of the DTV transition.

Administrative Matters

4. *Final Regulatory Flexibility Analysis.* As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[1] and Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Order and Notice of Proposed Rulemaking,* 67 FR 38459, June 4, 2002.[2] The Commission sought written public comment on the proposals in the *Order and Notice of Proposed Rulemaking* including comment on the IRFA. The comments received are discussed below. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.[3]

A. Need for, and Objectives of, the Proposed Rules

5. The Commission adopts these remedial measures to prevent undue delay in the required build out of DTV facilities.

B. Summary of Significant Issues Raised By Public Comments in Response to the IRFA

6. New Life Evangelistic Center, Inc (NLEC) filed comments on the IRFA. NLEC complains that television stations will have to spend millions of dollars to comply with the DTV construction requirement. However, that matter was previously considered in the DTV rulemaking proceeding wherein the Commission adopted the DTV construction requirement and timetable. In the instant proceeding, the Commission only considered what steps to take when a station fails to meet its construction requirement. Therefore, NLEC's comments were not on point.

C. Description and Estimate of the Number of Small Entities To Which the Proposed Rules Will Apply

7. 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.[4] The RFA defines the term ''small entity'' as having the same meaning as ''small business,'' ''small organization,'' and ''small governmental jurisdiction.''[5] In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act.[6] 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.[7]

8. The proposals in the *R&O* will affect only full-power television broadcasters. As of September 30, 2001, the Commission had licensed a total of 1,686 full-power television stations.[8] SBA defines television broadcasting establishments that have $12 million or less in annual receipts as a small business.[9] According to Census Bureau data for 1997, there were 906 firms in this category, total, that operated for the entire year.[10] Of this total, 728 firms had annual receipts of under $10 million, and an additional 71 had receipts of $10 million to $24,999,999. Thus, under this size standard, the majority of the firms are considered small.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

9. The *R&O* contains a new reporting requirement. Stations that fail to construct their DTV stations by the requisite deadline and fail to justify an extension of their DTV construction permit will fall into the remedial measures set forth in the document. Among the remedial measures, is the requirement that the station submit periodic reports detailing their efforts to comply with the extended DTV construction deadline. The reports will be filed in letter form with the Secretary's office.

E. Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

10. 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 any part thereof, for small entities.[11]

11. The *R&O* contains remedial steps for failure of broadcast stations to comply with the DTV construction schedule. These steps are applied only after a station has failed to demonstrate this it qualifies for an extension of its schedule. The Commission's rules and policies already contain flexible measures for allowing stations in smaller markets to seek an extension of their DTV construction deadline. Those measures remain unchanged by the *R&O.*

12. One of the sanctions that may be used is the issuance of a notice of apparent liability for forfeiture to stations that do not comply with their DTV construction obligation. We already take small entity status, including potential inability to pay, into account when assessing the need for, and amount of, monetary forfeitures.[12]

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

13. None.

G. Report to Congress

14. The Commission will send a copy of the *R&O*, including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act.[13] In addition, the Commission will send a copy of the *R&O* including this FRFA to the Chief Counsel for Advocacy of the SBA. A copy of the *R&O* and FRFA (or summaries thereof) will also be published in the **Federal Register**.[14]

15. *Authority.* This *R&O* is issued pursuant to authority contained in

[1] *See* 5 U.S.C. 603. The RFA, *see* 5 U.S.C. 601–612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104–121, Title II, 110 Stat. 857 (1996).

[2] Remedial Steps For Failure to Comply With Digital Television Construction Schedule, 17 FCC Rcd 9962 (2002) (*Order and Notice of Proposed Rulemaking*).

[3] *See* 5 U.S.C. 604.

[4] 5 U.S.C. 603(b)(3).

[5] *Id.* 601(6).

[6] *Id.* 601(3) (incorporating by reference the definition of ''small business concern'' in 15 U.S.C. 32). Pursuant to the RFA, the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.'' 5 U.S.C. 601(3).

[7] *Id.* 632.

[8] News Release, ''Broadcast Station Totals as of September 30, 2001'' (released October 30, 2001).

[9] NAICS Code 513120.

[10] U.S. Census Bureau, 1997 Economic Census, Subject Series: Information, ''Establishment and Firm Size,'' Table 4, NAICS code 513120 (issued Oct. 2000).

[11] 5 U.S.C. 603(c).

[12] *See, e.g.,* In the Matter of the Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to incorporate the Forfeiture Guidelines, CI Docket No. 95–6, *Report and Order,* 12 FCC Rcd 17087, 17109 (1997).

[13] *See* 5 U.S.C. 801(a)(1)(A).

[14] *See* 5 U.S.C. 604(b).

sections 4(i), 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303, and 307, and section 202(h) of the Telecommunications Act of 1996.

16. The Request for Reconsideration filed by Sinclair Broadcast Group, Inc., is denied.

Ordering Clauses

17. Pursuant to the authority contained in sections 1, 2(a), 4(i), 303, 307, 309, and 310 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152(a), 154(i), 303, 307, 309, and 310, and section 202(h) of the Telecommunications Act of 1996, this *R&O* is adopted.

18. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this *R&O*, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 03–18510 Filed 7–21–03; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

48 CFR Part 207

[DFARS Case 2002–D036]

Defense Federal Acquisition Regulation Supplement; Buy-to-Budget Acquisition of End Items

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: DoD has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 801 of the National Defense Authorization Act for Fiscal Year 2003. Section 801 authorizes DoD to acquire a higher quantity of an end item than the quantity specified in law, under certain conditions.

DATES: Effective date: July 22, 2003.

Comment date: Comments on the interim rule should be submitted to the address shown below on or before September 22, 2003, to be considered in the formation of the final rule.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* As an alternative, respondents may e-mail comments to: *dfars@acq.osd.mil.* Please cite DFARS Case 2002-D036 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Ms. Susan Schneider, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite DFARS Case 2002–D036.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Ms. Susan Schneider, (703) 602–0326.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule adds a new subpart at DFARS 207.70 to implement Section 801 of the National Defense Authorization Act for Fiscal Year 2003 (Pub. L. 107–314). Section 801 added 10 U.S.C. 2308, which provides that DoD may acquire a higher quantity of an end item than the quantity specified in a law providing for the funding of the acquisition, if the agency head makes certain findings with regard to the acquisition.

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 does not expect this rule to 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 any additional quantities acquired as a result of this rule must be acquired without additional funding. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2002–D036.

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.*

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish an interim rule prior to affording the public an opportunity to comment. This interim rule implements Section 801 of the National Defense Authorization Act for Fiscal Year 2003 (Pub. L. 107–314), which authorizes DoD to acquire a higher quantity of an end item than the quantity specified in law, under certain conditions. Section 801 required issuance of final implementing regulations by April 1, 2003. Comments received in response to this interim rule will be considered in the formation of the final rule.

List of Subjects in 48 CFR Part 207

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

■ Therefore, 48 CFR Part 207 is amended as follows:

■ 1. The authority citation for 48 CFR Part 207 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 207—ACQUISITION PLANNING

■ 2. Subpart 207.70 is added to read as follows:

Subpart 207.70—Buy-to-Budget—Additional Quantities of End Items

Sec.
207.7001 Definition.
207.7002 Authority to acquire additional quantities of end items.
207.7003 Limitation.

Subpart 207.70—Buy-to-Budget—Additional Quantities of End Items

207.7001 Definition.

End item, as used in this subpart, means a production product assembled, completed, and ready for issue or deployment.

207.7002 Authority to acquire additional quantities of end items.

10 U.S.C. 2308 authorizes DoD to use funds available for the acquisition of an end item to acquire a higher quantity of the end item than the quantity specified in a law providing for the funding of that acquisition, if the head of an agency determines that—

(a) The agency has an established requirement for the end item that is expected to remain substantially unchanged throughout the period of the acquisition;

(b) It is possible to acquire the higher quantity of the end item without

additional funding because of production efficiencies or other cost reductions;

(c) The amount of funds used for the acquisition of the higher quantity of the end item will not exceed the amount provided under that law for the acquisition of the end item; and

(d) The amount provided under that law for the acquisition of the end item is sufficient to ensure that each unit of the end item acquired within the higher quantity is fully funded as a complete end item.

207.7003 Limitation.

For noncompetitive acquisitions, the acquisition of additional quantities is limited to not more than 10 percent of the quantity approved in the justification and approval prepared in accordance with FAR part 6 for the acquisition of the end item.

[FR Doc. 03–18449 Filed 7–22–03; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Part 217

[DFARS Case 2003–D004]

Defense Federal Acquisition Regulation Supplement; Multiyear Procurement Authority for Environmental Services for Military Installations

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: DoD has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 827 of the National Defense Authorization Act for Fiscal Year 2003. Section 827 authorizes DoD to enter into multiyear contracts for environmental remediation services for military installations.

DATES: *Effective date:* July 22, 2003.

Comment date: Comments on the interim rule should be submitted to the address shown below on or before September 22, 2003, to be considered in the formation of the final rule.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* As an alternative, respondents may e-mail comments to: *dfars@acq.osd.mil.* Please cite DFARS Case 2003-D004 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Mr. Euclides Barrera, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite DFARS Case 2003–D004.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Mr. Euclides Barrera, (703) 602–0296.

SUPPLEMENTARY INFORMATION:

A. Background

10 U.S.C. 2306c provides authority for DoD to enter into contracts for periods of not more than 5 years for certain services, and for items of supply related to those services, even though funds would otherwise be available for obligation only within the fiscal year for which appropriated. Such contracts are authorized if the head of the agency finds that (1) there will be a continuing requirement for the services consonant with current plans for the proposed contract period; (2) the furnishing of such services will require a substantial initial investment in plant or equipment, or the incurrence of substantial contingent liabilities for the assembly, training, or transportation of a specialized work force; and (3) the use of such a contract will promote the best interests of the United States by encouraging effective competition and promoting economies in operation. 10 U.S.C. 2306c is implemented at DFARS 217.171(a).

Section 827 of the National Defense Authorization Act for Fiscal Year 2003 (Pub. L. 107–314) amended 10 U.S.C. 2306c to add environmental remediation services for military installations to the types of services for which multiyear contracting is authorized. This interim rule amends DFARS 217.171(a), and adds a definition of ''military installation'' at DFARS 217.103, to implement Section 827.

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 does not expect this rule to 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 application of the rule is limited to contracts for environmental remediation services for military installations. In addition, before using the multiyear contracting authority provided by the rule, the head of the agency must determine that certain conditions exist, to include a determination that use of a multiyear contract will promote the best interests of the United States by encouraging effective competition and promoting economies in operations. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2003–D004.

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.*

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish an interim rule prior to affording the public an opportunity to comment. This interim rule implements Section 827 of the National Defense Authorization Act for Fiscal Year 2003 (Pub. L. 107–314), which provides authority for DoD to enter into multiyear contracts for environmental remediation services for military installations. Section 827 became effective upon enactment on December 2, 2002. Comments received in response to this interim rule will be considered in the formation of the final rule.

List of Subjects in 48 CFR Part 217

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

■ Therefore, 48 CFR Part 217 is amended as follows:

■ 1. The authority citation for 48 CFR Part 217 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 217—SPECIAL CONTRACTING METHODS

■ 2. Section 217.103 is revised to read as follows:

217.103 Definitions.

As used in this subpart—

Advance procurement means an exception to the full funding policy that allows acquisition of long lead time items (advance long lead acquisition) or economic order quantities (EOQ) of items (advance EOQ acquisition) in a fiscal year in advance of that in which the related end item is to be acquired. Advance procurements may include materials, parts, components, and effort that must be funded in advance to maintain a planned production schedule.

Military installation means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a military department or, in the case of an activity in a foreign country, under the operational control of the Secretary of a military department or the Secretary of Defense (10 U.S.C. 2801(c)(2)).

■ 3. Section 217.171 is amended by adding paragraph (a)(1)(v) to read as follows:

217.171 Multiyear contracts for services.

(a) * * *

(1) * * *

(v) Environmental remediation services for—

(A) An active military installation;

(B) A military installation being closed or realigned under a base closure law as defined in 10 U.S.C. 2667(h)(2); or

(C) A site formerly used by DoD.

* * * * *

[FR Doc. 03–18450 Filed 7–21–03; 8:45 am]

BILLING CODE 5001–08–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1801, 1811, 1823, 1851, and 1852

Government-Owned Contractor-Operated Vehicle Fleet Management and Reporting

AGENCY: National Aeronautics and Space Administration

ACTION: Interim rule.

SUMMARY: This interim rule revises the NASA FAR Supplement (NFS) by requiring contractors to collect data and report on usage of Government-owned contractor-operated vehicles, including Interagency Fleet Management System (IFMS) vehicles.

DATES: *Effective Date:* This interim rule is effective July 22, 2003.

Comment Date: Interested parties should submit comments to NASA at the address below on or before September 22, 2003 to be considered in formulation of the final rule.

ADDRESSES: Submit written comments to Patrick Flynn, NASA, Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546 or via the Internet at *Patrick.Flynn@nasa.gov.*

FOR FURTHER INFORMATION CONTACT: Patrick Flynn, NASA, Office of Procurement, Contract Management Division (Code HK); (202) 358–0460; e-mail: *Patrick.Flynn@nasa.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

In Executive Order 13149, ''Greening the Government Through Federal Fleet and Transportation Efficiency'', section 505 requires Federal agencies to ensure that all Government-owned contractor-operated vehicles comply with all applicable goals and other requirements of the order. Section 302(c) requires agencies to collect data and report on performance in meeting the goals of the order, in accordance with requirements and guidance from the Department of Energy. In July 2000, the Department of Energy prepared the Guidance Document for Federal Agencies, as required by Executive Order 13149. Section 2–3 requires agencies to report data on Government-owned motor vehicle usage, using DOE's Federal Automotive Statistical Tool (FAST). FAST is accessed through *http://fastweb.inel.gov/.* Information required for FAST reporting must be obtained from contractors who have been authorized to obtain vehicles and related services pursuant to FAR paragraph 11.101(b)(1) and the new NFS 1811.101(b)(1) added under this interim rule.

This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This interim rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

NASA certifies that this interim 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 fewer than 100 contracts awarded to both large and small businesses are affected.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 104–13) applies because the changes contain recordkeeping or information collection requirements. The Office of Management and Budget approved this reporting requirement under OMB control number 2700–0106.

D. Determination To Issue an Interim Rule

In accordance with 41 U.S.C. 418(d), NASA has determined that urgent and compelling reasons exist to promulgate this interim rule. The basis for this determination is that contractual reporting requirements contained in this interim rule are needed to ensure consistent reporting and an accurate baseline of Government vehicles beginning October 1, 2003. However, pursuant to Pub. L. 98–577 and FAR 1.501, NASA will consider public comments received in response to this interim rule in the formation of the final rule.

List of Subjects in 48 CFR Parts 1801, 1811, 1823, 1851, and 1852

Government Procurement.

Tom Luedtke,

Assistant Administrator for Procurement.

■ Accordingly, 48 CFR Parts 1801, 1811, 1823, 1851, and 1852 are amended as follows:

■ 1. The authority citation for 48 CFR Parts 1801, 1811, 1823, 1851, and 1852 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

PART 1801—FEDERAL ACQUISITION REGULATIONS SYSTEM

1801.106 [Amended]

■ 2. Amend the table in paragraph (1) of section 1801.106 by adding in numerical sequence the following NFS Segment and OMB Control Number:

NFS segment	OMB control number
1823.271	2700–0106

PART 1811—DESCRIBING AGENCY NEEDS

■ 3. Amend section 1811.101 by adding paragraph (b)(1) to read as follows:

1811.101 Order of precedence for requirements documents.

* * * * *

(b)(1) Requirements for the use of energy efficient motor vehicles will be established in accordance with NPG 6200.1, ''NASA Transportation and General Traffic Management''.

* * * * *

PART 1823—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

■ 4. Add sections 1823.270 and 1823.271 to read as follows:

1823.270 Federal fleet and transportation efficiency.

Responsibility, policy and procedures for NASA's implementation of Executive Order 13149, ''Greening the Government through Federal Fleet and Transportation Efficiency'', including cost-effectiveness, are described in NPG 6200.1, ''NASA Transportation and General Traffic Management.''

1823.271 NASA Solicitation provision and contract clause.

Insert the clause at 1852.223–76, Federal Automotive Statistical Tool Reporting, in solicitations and contracts requiring contractor operation of Government-owned or -leased motor vehicles, including, but not limited to, interagency fleet management system (IFMS) vehicles authorized in accordance with FAR 51.2.

PART 1851—USE OF GOVERNMENT SOURCES BY CONTRACTORS

■ 5. Revise section 1851.202 to read as follows:

1851.202 Authorization.

(a) In accordance with NPG 6200.1, ''NASA Transportation and General Traffic Management'', the contracting officer shall obtain concurrence from the Transportation Officer before authorizing a contractor to obtain Government-owned or -leased vehicles and related services.

■ 6. Add section 1851.205 to read as follows:

1851.205 Contract clause.

When the clause at FAR 52.251–2 is included in a solicitation or contract, also include the clause set forth at 1852.223–76.

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 8. Add section 1852.223–76 to read as follows:

1852.223–76 Federal Automotive Statistical Tool Reporting.

As prescribed at 1823.271 and 1851.205, insert the following clause:

FEDERAL AUTOMOTIVE STATISTICAL TOOL REPORTING

JULY 2003

If authorized to operate Government-owned or -leased vehicles, including interagency fleet management system (IFMS) vehicles or related services in performance of this contract, the Contractor shall report the data describing vehicle usage required by the Federal Automotive Statistical Tool (FAST) by October 15 of each year. FAST is accessed through *http://fastweb.inel.gov/.*

(End of clause)

[FR Doc. 03–18624 Filed 7–21–03; 8:45 am]

BILLING CODE 7510–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 71

[OST Docket No. OST–2002–13361]

RIN 2105–AD17

Standard Time Zone Boundary in the State of North Dakota: Relocation of Sioux County

AGENCY: Department of Transportation (DOT), Office of the Secretary (OST).

ACTION: Final rule.

SUMMARY: At the request of the Chairman of the Board of County Commissioners for Sioux County, ND, DOT is relocating the boundary between mountain time and central time in the State of North Dakota. DOT is moving all of the county east of State Highway 31 into the central time zone.

EFFECTIVE DATE: 2 a.m. MDT Sunday, October 26, 2003, which is the changeover from daylight saving to standard time.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Office of the Assistant General Counsel for Regulation and Enforcement, U.S. Department of Transportation, Room 10424, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–9315, or by e-mail at *joanne.petrie@ost.dot.gov.*

SUPPLEMENTARY INFORMATION:

Under the Standard Time Act of 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–64), the Secretary of Transportation has authority to issue regulations modifying the boundaries between time zones in the United States in order to move an area from one time zone to another. The standard in the statute for such decisions is ''regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce.''

Time zone boundaries are set by regulation (49 CFR part 71). Currently, under regulation, the southeastern part of the county around Fort Yates is in the central time zone and the remainder of the county is in the mountain time zone. The area near Fort Yates has the greatest population, is the county seat, and has the greatest concentration of schools, businesses, medical facilities, houses of worship and recreational facilities. Areas to the south and east of the county observe central time. Morton County, which is north of Sioux County, is currently split between central and mountain time. Morton County has asked to be changed to central time and that request is currently pending before the Department. Grant County, which lies to the northwest and Adams County, which lies to the west, both observe mountain time.

The Standing Rock Indian Reservation is geographically located in both North and South Dakota and covers approximately 2.3 million acres. All of Sioux County is part of the reservation. The Standing Rock Sioux observe central time. Under the Uniform Time Act, as amended, the county is currently divided between central and mountain time for federal, state and county purposes.

Request for a Change

In 2000, the Chairman of the Board of County Commissioners for Sioux County asked the Department of Transportation to place the entire county on central time. A DOT representative informed the Standing Rock Sioux of this request by telephone and sent a letter to the Chairman of the Tribal Council. On September 27, 2000, a representative of DOT visited the county and met with a representative of the Standing Rock Sioux Tribal Council to ascertain the Council's views on this request. The Tribal Representative explained that the tribe observed central time, had no plans to change that observance, and had no objection to the request of the Sioux County Board of County Commissioners.

On September 27, 2000, the DOT representative also held an informal public hearing at the Sioux County Courthouse to gather public views on this request. The hearing was widely advertised through local newspapers and radio and television stations. In addition, the public was invited to submit written comments to the Department on this possible change.

In addition to the County Commissioners and staff, one member of the public attended and presented testimony. The County Commissioners explained the inconvenience and confusion that resulted from the current time zone boundary. They outlined

geographic and economic conditions in the area and explained how people and businesses in the county interacted with neighboring areas.

Frank Tomac, a resident living in western Sioux County, concurred with most of the arguments presented by the County Commissioners. He suggested, however, that the time zone boundary be placed at State Highway 31, rather than the western border of the county. Mr. Tomac noted that the western part of the county is rural and very sparsely populated. He noted that there is no road going east to west in this part of the county. Residents must either go into South Dakota or drive a considerable distance into Grant County to get to the eastern part of the county. Because of the proximity with the South Dakota border, Mr. Tomac noted that many of the public services in this area are provided in South Dakota. Other services are provided in Grant County, which is on mountain time. In response to his comments, the Commissioners decided to amend their request.

In a petition dated November 1, 2001, the Chairman of the Board of County Commissioners for Sioux County asked the Department of Transportation to move the central portion of Sioux County, North Dakota, from the mountain time zone to the central time zone. In the petition, the Chairman asked:

''That the U.S. Department of Transportation move the time zone line separating central time and mountain time in Sioux County, North Dakota, west to Highway 31, so that all land in Sioux County east of Highway 31 would be in Central Time and all land west of Highway 31 would remain in Mountain Time.

This request is made for the following reasons:

1. Sioux County is currently one of the few counties in North Dakota that is divided in two as far as time zones go. A small area in the southeast corner of the county, including Fort Yates (the county seat) is already in the central time zone, and the entire rest of the county is in the mountain time zone.

2.That while Fort Yates operates on central time, a large part of the northern area of Sioux County, while technically being in the mountain time zone, already operates incorrectly on central time anyway.

3. That Fort Yates is the county seat and main center of commerce for the entire county, being the only town larger than five hundred people, and moving the entire eastern half of the county, where 95 percent of the population resides, to central time would eliminate confusion.

4. That virtually all television and radio broadcasts come out of Bismarck, ND, which is also on central time.

5. That virtually all supplies bought in Sioux County come out of Bismarck, ND, also.

6. That Sioux County residents regularly travel to Bismarck, ND, for shopping and recreational purposes.

7. That while the voters of Sioux County voted on June 13, 2000, to move Sioux County to the central time zone, the inhabitants of western Sioux County almost unanimously wish to remain on mountain time. This action would facilitate the wishes of all involved.''

In response to the Board's action, Mr. Tomac sent written comments reiterating his position and urging the Department to set the boundary at Highway 31. No other written comments have been filed to date in response to our invitation.

Under DOT procedures to change a time zone boundary, the Department will generally begin a rulemaking proceeding if the highest elected officials in the area make a *prima facie* case for the proposed change. DOT determined that the Resolution of the Chairman of the County Commissioners of Sioux County, ND made a *prima facie* case that warranted opening a proceeding to determine whether the change should be made. On September 17, 2002, DOT issued a notice of proposed rulemaking (NPRM) proposing to make the requested change and inviting additional public comment. No comments were filed. We are, therefore, adopting the proposal without change.

As proposed in the NPRM, this change will go into effect during the next changeover from daylight saving time to standard time, which is on October 26, 2003.

Impact on Observance of Daylight Saving Time

This time zone proposal does not directly affect the observance of daylight saving time. Under the Uniform Time Act of 1966, as amended, the standard time of each time zone in the United States is advanced one hour from 2 a.m. on the first Sunday in April until 2:00 a.m. on the last Sunday in October, except in any State that has, by law, exempted itself from this observance.

Regulatory Analysis & Notices

This final rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (44 FR 11040; February 26, l979). We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The rule primarily affects the convenience of individuals in scheduling activities. By itself, it imposes no direct costs. Its impact is localized in nature.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we 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, and governmental jurisdictions with populations of less than 50,000. This rule will primarily affect individuals and their scheduling of activities. Although it will affect some small businesses, not-for-profits and, perhaps, several small governmental jurisdictions, it will not be a substantial number. In addition, the change should have little, if any, economic impact.

Therefore, the Office of the Secretary certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

We have analyzed this proposed rule under E.O. 12612 and have determined that this rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) and E.O. 12875, Enhancing the Intergovernmental Partnership, (58 FR 58093; October 28, 1993) govern the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This final rule would not impose an unfunded mandate.

Taking of Private Property

This final rule would not affect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This final rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

This rulemaking is not a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act and, therefore, an environmental impact statement is not required.

Consultation and Coordination With Indian Tribal Governments

E.O. 13175 provides that government agencies consult with tribes on issues that impact the Indian community. The Department consulted with the Standing Rock Sioux before issuing the NPRM and during the comment period. We will notify the Tribe of this final rule.

List of Subjects in 49 CFR Part 71

Time zones.

■ For the reasons discussed above, the Office of the Secretary revises Title 49 CFR part 71 to read as follows:

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

Authority: Secs. 1–4, 40 Stat. 450, as amended; sec. 1, 41 Stat. 1446, as amended; secs. 2–7, 80 Stat. 107, as amended; 100 Stat. 764; Act of Mar. 19, 1918, as amended by the Uniform Time Act of 1966 and Pub. L. 97–449, 15 U.S.C. 260–267; Pub. L. 99–359; Pub. L. 106–564, 15 U.S.C. 263, 114 Stat. 2811; 49 CFR 159(a), unless otherwise noted.

■ 2. Paragraph (a) of § 71.7, Boundary line between central and mountain zones, is revised to read as follows:

§ 71.7 Boundary line between central and mountain zones.

(a) *Montana-North Dakota.* Beginning at the junction of the Montana-North Dakota boundary with the boundary of the United States and Canada southerly along the Montana-North Dakota boundary to the Missouri River; thence southerly and easterly along the middle of that river to the midpoint of the confluence of the Missouri and Yellowstone Rivers; thence southerly and easterly along the middle of the Yellowstone River to the north boundary of T. 150 N., R. 104 W.; thence east to the northwest corner of T. 150 N., R. 102 W.; thence south to the southwest corner of T. 149 N., R. 102 W.; thence east to the northwest corner of T. 148 N., R. 102 W.; thence south to the northwest corner of 147 N., R. 102 W.; thence east to the southwest corner of T. 148 N., R. 101 W., thence south to the middle of the Little Missouri; thence easterly and northerly along the middle of that river to the midpoint of its confluence with the Missouri River; thence southerly and easterly along the middle of the Missouri River to the midpoint of its confluence with the northern land boundary of Oliver County; thence west along the northern county line to the northwest boundary; thence south along the western county line to the southwest boundary; thence east along the southern county line to the northwest corner of T. 140 N., R. 83 W.; thence south to the southwest corner of T. 140 N., R. 82 W.; thence east to the southeast corner of T. 140 N., R. 83 W.; thence south to the middle of the Heart River; thence easterly and northerly along the middle of that river to the southern boundary of T. 139 N., R. 82 W.; thence east to the middle of the Heart River; thence southerly and easterly along the middle of that river to the northeast boundary of Sioux County; thence west and south along the northern boundary of Sioux County to the center of State Highway 31; thence south along the center of State Highway 31 to the state border with South Dakota; thence east along the southern boundary of Sioux County to the middle of the Missouri River.

* * * * *

Issued in Washington, DC, on July 11, 2003.

Norman Y. Mineta,

Secretary.

[FR Doc. 03–18611 Filed 7–21–03; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 71

[OST Docket No. OST–2001–10287]

RIN 2105–AD03

Relocation of Standard Time Zone Boundary in the State of North Dakota: Morton County

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Department of Transportation (DOT) is moving all of Morton County, North Dakota to the central time zone. Prior to this action, the eastern portion of the county was in central time and the western portion was in mountain time. This action is taken in response to a petition filed by the Board of County Commissioners and based on extensive comments made at a public hearing and filed in the docket.

DATES: The effective date of this rule is 2 a.m. MDT Sunday, October 26, 2003.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Office of the Assistant General Counsel for Regulation and Enforcement, U.S. Department of Transportation, Room 10424, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–9315 or by e-mail at *joanne.petrie@ost.dot.gov.*

Electronic Access

You can view and download this document by going to the webpage of the Department's Docket Management System (*http://dms.dot.gov/*). On that page, click on ''search.'' On the next page, type in the last five digits of the docket number shown on the first page of this document. Then click on ''search.'' Using a computer modem, and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661 also may download an electronic copy of this document. Internet users may reach the Office of Federal Register's home page at *http://www.nara.gov/fedreg* and the Government Printing Office's database at *http://www.access.gpo.gov/nara/index.html.*

SUPPLEMENTARY INFORMATION:

Background

Legal Requirements

Under the Uniform Time Act of 1918, as amended, (15 U.S.C. 260–264), either the Secretary of Transportation or Congress may move a time zone boundary in the United States. The current boundaries are set forth in regulations that are found in 49 CFR part 71.

DOT has issued guidance to communities concerning how to begin a rulemaking proceeding to change a time zone boundary. This guidance, which is non-binding, recommends that the highest governmental body representing the area affirmatively ask DOT to make the change. Depending on the area in question, the highest governmental body may be the town or county representatives, or the Governor or State legislature. We presume that this group represents the views of the community. We do not require that the community conduct a vote or referendum on this

issue. We solicit the views of all interested parties, not just individuals and businesses in the affected area.

15 U.S.C. 261 states that the standard for making this decision is ''regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce.'' In order to determine what decision would support ''the convenience of commerce,'' the Department looks at a wide variety of factors about how the potential change would affect the community and surrounding areas.

Time zone boundaries were originally set up in the late 1800s. Although they were based on geographic considerations (*i.e.*, the sun should be more or less overhead at noon), the exact boundary was set largely based on the convenience of commerce and the needs of the railroads. In addition, geographic boundaries, such as mountains and rivers, also play a role. Therefore, it is reasonable to expect variation in the time zone boundary alignment. In North Dakota, the western time zone boundary between central and mountain time extends to the North Dakota-Montana border in the north of the State near Williston and has largely followed natural boundaries such as Lake Sakakawea and the Missouri River. In recent years, however, there have been a number of requests by counties west of the river to change to central time. DOT changed Oliver County in 1992, and is currently considering requests from Sioux and Mercer Counties to move their time zone boundaries.

Currently, Morton County is one of the few counties in the United States split by a time zone boundary. The eastern portion of the county, which includes the county seat and largest city in the county (Mandan) is on central time. The western portion of the county, which is more rural, is on mountain time. The counties bordering Morton County are split between central and mountain time observance. Oliver County, Burleigh County (which includes the major city in the area, Bismarck), Emmons County, portions of Sioux County, and the Standing Rock Sioux Reservation all observe central time. Grant County, Hettinger County, Stark County, and Mercer County observe mountain time.

History of This Proceeding

In a petition dated April 9, 2001, the Chairman of the Board of County Commissioners for Morton County asked the Department of Transportation to move the western portion of Morton County, North Dakota, from the mountain time zone to the central time zone. In support of the petition, the Chairman noted the following factors:

''The City of Mandan is the largest city in Morton County (with over 66% of the county's population according to the 2000 Census) and operates on Central Time. Virtually all the supplies for the balance of the county come out of Mandan or Bismarck, North Dakota, which is in the central time zone.

Virtually all county residents travel to Mandan or Bismarck for medical services, shopping, entertainment, or to do business with county or state government.

Commercial airline services are based in Bismarck, North Dakota and require county residents to travel there to catch flights to other parts of the United States.

Most all television and radio stations broadcast from Mandan or Bismarck and the only daily newspaper in the area is published in Bismarck, North Dakota which is just across the Missouri River from Mandan.

The County Commissioners put the time issue to a straw vote in the June 13, 2000 Primary Election. Only the five (5) precincts that operated on mountain time voted on the time issue, Yes 625, No 572. There are twelve precincts in the county on central time. The commission held a meeting on the time issue in July 2000 and only one (1) person showed up to request the balance of the county in Mountain Time Zone. March 6, 2001 the commission held another meeting on the time issue based on the people wanting the commission to request the time change for the balance of the county. 46 persons attended the meeting with 28 expressing their opinion favoring to change the entire county to the Central Time Zone and 18 expressing their opinion that they wished to keep the balance of the county in the Mountain Time Zone. Most all the people that attended the meeting were from the precincts voting in the June 13, 2000 Primary Election.

Geographically, Morton County is well suited to be in the Central Time Zone. Oliver County directly north of us operates in Central Time Zone and Mercer County north and west of us is considering changing to Central Time zone.''

On August 3, 2001, the Department published a notice of proposed rulemaking (66 FR 40666) announcing the proposed change and inviting public comment. A DOT representative conducted a hearing in New Salem, ND, on August 28, 2001. The hearing was attended by over 100 people and lasted several hours. The DOT representative tried to gauge the position of the attendees by an informal show of hands during the hearing. By show of hands, sixty were in favor of central time and fifty-four people were in favor of mountain time.

The NPRM also invited the public to submit written comments to the docket. There were over seventy submissions to the docket. The submissions included detailed letters, one form letter submitted by twelve people, and short messages expressing a preference for either the central or mountain time zone. We appreciate the time and effort of the people who expressed their opinion at the public meeting and through written comments, and who provided the factual basis upon which to make a decision.

Comments

Those in favor of mountain time noted that, based on the sun, Morton County is appropriately in the mountain time zone. These commenters observed that if the change were made, there would be very late sunrises and sunsets, and that the sun would not be overhead at noon. Several ranchers and farmers stated their belief that mountain time made it easier to do their chores and outdoor activities.

Others stated that they were not confused or inconvenienced by the present observance and had never missed an appointment in their impressively long lives. Some said, ''if it ain't broke, don't fix it.'' A number of people that live in the far west and south of the county noted that they were more tied to neighboring counties on mountain time than areas to the east. Others noted that a change would simply shift the inconvenience of living on a time zone boundary to their neighbors to the west.

A number of parents and grandparents noted the danger of sending children to school on icy or snowy, rural schools before sunrise, and before adequate plowing or road treatment. A few anticipated that later sunsets would interfere with serving dinner and getting young children to sleep.

A number of people expected adverse impacts on education and schools, if the change were made. For example, several discussed local schools' reliance on interactive instructional television and voiced their concern that a change would adversely impact class scheduling. Others discussed school sports events and the potential difficulties in scheduling both students and parents.

Several commenters noted that they use the current time boundary to their advantage. For example, one can schedule early medical appointments in Bismarck and get home before school starts. Others are able to participate in more community or school activities because they work in central time and get home an hour earlier than they would if they also lived in central time. A number of commenters expressed a strong personal preference for mountain

time and said it just worked better for them.

Those in favor of central time had equally articulate, and passionate, reasons for their position. In general, all of these commenters stressed their reliance on services and activities located in Bismarck and Mandan. They noted the county seat is in Mandan and that one needed to go to the central time zone for most county, state, and court services. Many of these commenters noted that they generally go to the central time zone for shops, farm supplies and equipment, medical services (including the major hospital and various clinics), and entertainment. The major daily newspaper and most radio and television stations come from Bismarck. The major airport in the area is in Bismarck.

A number of commenters focused on how the current time observance impacts business. These commenters focused on problems caused by miscommunication, lost time because of different office and lunch hours across time zones, and the need to continually clarify whether appointments are on central or mountain time. One commenter noted that the de facto standard for business in the county is central time. Several ranchers and farmers stated that central time would be more convenient and efficient for their work.

Many commenters noted their personal preference for central time and gave detailed explanations about how a change would make their lives easier and less confusing. Some of these commenters live far west or south in the county, and include ranchers and farmers. Several commenters noted that, for all practical purposes, most people in Morton County already live their lives on central time.

There were several comments that central time would benefit students and schools. One commenter noted that most interactive television programming comes from Bismarck. Others noted that most higher education institutions are in the central zone. One commenter noted that the impact on sport scheduling could be beneficial if a change were made.

The Decision

We find that it would suit the ''convenience of commerce'' to move the western portion of Morton County from the mountain to the central time zone. Based on the facts presented, the county is very reliant on areas in the central time zone, especially Bismarck and Mandan to provide a majority of goods and services. Having the entire county in one time zone would reduce confusion and would make the boundary more understandable.

Other Issues

A number of commenters suggested that the time zone boundary be moved to the Montana border in order to order to end confusion over time observance in the State. Several noted that the time zone boundary between central and mountain time already extends to the Montana-North Dakota border in the northern part of the State and noted that it works well. This broader request is outside the scope of this present proceeding. In order to consider a change to additional counties, we would need an official request by the County Commissioners of the affected counties, the Governor, or the North Dakota legislature.

A few commenters also asked us to end daylight saving time observance in the State. That issue is also outside the scope of this rulemaking. Under the Uniform Time Act, a State is free to observe, or not observe, daylight saving time. If it chooses to observe, it must begin and end its observance on the federally-mandated dates. Commenters that wish to be exempted from daylight saving time should explore this option with their state representatives.

Regulatory Analysis and Notices

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and has not been reviewed by the Office of Management and Budget. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979.) We expect the economic impact of this rule to be so minimal that a full regulatory analysis is unnecessary. The rule primarily affects the convenience of individuals in scheduling activities. By itself, it imposes no direct costs. Its impact is localized in nature.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small business, 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. This rule primarily affects individuals and their scheduling of activities. Although it will affect some small businesses, not-for-profits, and perhaps, several small governmental jurisdictions, it will not be a substantial number. In addition, the change should have little, if any, economic impact. I, therefore, certify under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

We have analyzed this rule under Executive Order 12612 and have determined that this rule does not have sufficient implications for federalism to warrant consultation with State and local officials or the preparation of a federalism summary impact statement. The final rule has no substantial effects on the States, or on the current Federal-State relationship, or on the current distribution of power and responsibilities among the various local officials.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) and Executive Order 12875, enhancing the Intergovernmental Partnership, (58 FR 58093; October 28, 1993) govern the issuance of Federal regulations that may result in the expenditure by State, local, and tribal governments or the private sector of $100 million or more in any one year (adjusted annually for inflation). This rule does not impose such a mandate.

Taking of Private Property

This rule does not effect 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 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 rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

This rule is not a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act and, therefore, an environmental impact statement is not required.

List of Subjects in 49 CFR Part 71

Time zones.

■ For the reasons discussed above, the Office of the Secretary amends Title 49 part 71 to read as follows:

PART 71—[AMENDED]

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

Authority: Secs. 1–4, 40 Stat. 450, as amended; sec 1, 41 Stat. 1446, as amended; secs. 2–7, 80 Stat. 107, as amended; 100 Stat. 764; Act of Mar. 19, 1918, as amended by the Uniform Time Act of 1966 and Pub. L. 97–449, 15 U.S.C. 260–267; Pub. L. 99–359; Pub. L. 106–564, 15 U.S.C. 263, 114 Stat. 2811; 49 CFR 159(a), unless otherwise noted.

■ 2. Paragraph (a) of § 71.5, *Boundary line between central and mountain zones,* is revised to read as follows:

§ 71.5 Boundary line between eastern and central zones.

(a) Montana-North Dakota. Beginning at the junction of the Montana-North Dakota boundary with the boundary of the United States and Canada southerly along the Montana-North Dakota boundary to the Missouri River; thence southerly and easterly along the middle of that river to the midpoint of the confluence of the Missouri and Yellowstone Rivers; thence southerly and easterly along the middle of the Yellowstone River to the north boundary of T. 150 N., R. 104 W.; thence east to the northwest corner of T. 150 N., R. 102 W.; thence south to the southwest corner of T. 149 N., R. 102 W.; thence east to the northwest corner of T. 148 N., R. 102 W.; thence south to the northwest corner of 147 N., R. 102 W.; thence east to the southwest corner of T. 148 N., R. 101 W., thence south to the middle of the Little Missouri; thence easterly and northerly along the middle of that river to the midpoint of its confluence with the Missouri River; thence southerly and easterly along the middle of the Missouri River to the midpoint of its confluence with the northern land boundary of Oliver County; thence, west along the northern county line to the northwest boundary; thence south along the western county line to the southwest boundary; thence west along the northern county boundary of Morton County; thence south along the western county line and then east and south along the southern county boundary to the intersection with the middle of the Missouri River; thence south and east along the middle of the Missouri River to the northern boundary of T. 130 N., R. 80 W.; thence west to the northwest corner of T. 130 N., R. 80 W.; thence south to the North Dakota-South Dakota boundary; thence easterly along that boundary to the middle of the Missouri River.

* * * * *

Issued in Washington, DC on July 11, 2003.

Norman Y. Mineta,

Secretary.

[FR Doc. 03–18610 Filed 7–21–03; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. NHTSA—03–15366]

Consumer Information Regulations; Uniform Tire Quality Grading Standards; Correction

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Correcting Amendment.

SUMMARY: On June 12, 2003, the National Highway Traffic Safety Administration published a correction to the treadwear testing procedures of the Uniform Tire Quality Grading Standards (UTQGS) (68 FR 35184). The section heading for § 575.104 contains a typographical error.

This document corrects the typographical error in the § 575.104 section heading.

DATES: Effective on July 22, 2003.

FOR FURTHER INFORMATION CONTACT: Mr. George Feygin, Office of Chief Counsel (Telephone: 202–366–2992) (Fax: 202–366–3820), 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: On November 15, 1991, the National Highway Traffic Safety Administration (NHTSA) published a final rule amending the treadwear testing procedures of the Uniform Tire Quality Grading Standards (UTQGS) to permit the use of front-wheel drive passenger cars, as well as light trucks, and MPVs (56 FR 57988). Previously, UTQGS specified testing of tires using only rear-wheel drive passenger cars. The effective date of the amendment was December 16, 1991. However, this new language was later inadvertently deleted in an unrelated amendment. The document published on June 12, 2003 corrected NHTSA's inadvertent deletion of that regulatory language. However, the section heading for § 575.104 contained a typographical error. This document corrects the § 575.104 heading.

In FR Doc. 03–14693 published on June 12, 2003 (68 FR 35184) make the following correction. On page 35185, in the first column, the section heading is corrected to read as follows:

§ 575.104 Uniform tire quality grading standards.

Issued: July 16, 2003.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 03–18513 Filed 7–21–03; 8:45 am]

BILLING CODE 4910–59–P

Proposed Rules

Federal Register
Vol. 68, No. 140
Tuesday, July 22, 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 2003–15532; Airspace Docket No. 03–ASO–10]

Proposed Establishment of Class D Airspace; Columbus, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Class D airspace at Columbus, MS. A federal contract tower with a weather reporting system is being constructed at the Golden Triangle Regional Airport. Therefore, the airport will meet criteria for Class D airspace. Class D surface area airspace is required when the control tower is open to contain Standard Instrument Approach Procedures (SIAPs) and other Instrument Flight Rules (IFR) operations at the airport. This action would establish Class D airspace extending upward from the surface to and including 2,800 feet MSL within a 4.1-mile radius of the airport.

DATES: Comments must be received on or before August 21, 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–2003–15532/Airspace Docket No. 03–ASO–10, 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, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337.

FOR FURTHER INFORMATION CONTACT: Walter R. Cochran, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, PO Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5627.

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 notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2003–15532/Airspace Docket No. 03–ASO–10.'' The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

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 part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class D airspace at Columbus, MS. Class D airspace designations for 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 D airspace 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. It, therefore, (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).

The Proposed Amendment

In consideration of the foregoing, 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., 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 5000 Class D Airspace.

* * * * *

ASO MS D Columbus Golden Triangle, MS [NEW]

Golden Triangle Regional Airport, MS
(Lat. 33°27′01″ N, long. 88°35′29″ W)

That airspace extending upward from the surface to and including 2,800 feet MSL within a 4.1-mile radius of the Golden Triangle Regional Airport; excluding that airspace within the Columbus AFB Class C airspace area. This Class D airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continously published in the Airport/Facility Directory.

* * * * *

Issued in College Park, Georgia, on July 10, 2003.

Walter R. Cochran,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 03–18515 Filed 7–21–03; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[CO–001–0072b; FRL–7522–2]

Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Fort Collins Carbon Monoxide Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of Related Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On August 9, 2002, the Governor of Colorado submitted a request to redesignate the Fort Collins ''moderate'' carbon monoxide (CO) nonattainment area to attainment for the CO National Ambient Air Quality Standard (NAAQS). The Governor also submitted a CO maintenance plan. With the maintenance plan, the Governor submitted revisions to Colorado's Regulation No. 11 ''Motor Vehicle Emissions Inspection Program'', and Colorado's Regulation No. 13 ''Oxygenated Fuels Program''. In this action, EPA is proposing approval of the Fort Collins CO redesignation request, the maintenance plan, and the revisions to Regulation No. 11 and Regulation No. 13.

In the Final Rules Section of this **Federal Register**, EPA is approving the redesignation request and maintenance plan for the Fort Collins CO nonattainment area, along with the revisions to Regulation No. 11 and Regulation No.13, as a direct final rule without prior proposal because the Agency views this action as noncontroversial 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 proposed rule, no further activity is contemplated in relation to this rule. 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 on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by August 21, 2003.

ADDRESSES: Written comments may be mailed to: Richard R. Long, Director, Air and Radiation Program, Mailcode 8P–AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202–2466

Copies of the documents relevant to this action are available for public inspection between 8 a.m. and 4 p.m., Monday through Friday at the following office: United States Environmental Protection Agency, Region VIII, Air Program, 999 18th Street, Suite 300, Denver, Colorado 80202–2466

FOR FURTHER INFORMATION CONTACT: Tim Russ, Air and Radiation Program, Mailcode 8P–AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202–2466, Telephone number (303) 312–6479.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules Section of this **Federal Register**.

Dated: June 23, 2003.

Robert E. Roberts,

Regional Administrator, Region VIII.

[FR Doc. 03–18302 Filed 7–21–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FL–92–200324 (b); FRL–7534–1]

Approval and Promulgation of Implementation Plans Florida: Jacksonville Area Maintenance Plan Update

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve revisions to the State Implementation Plan (SIP) submitted by the Florida Department of Environmental Protection (FDEP) on December 20, 2002. This SIP revision satisfies the requirement of the Clean Air Act (CAA) for the second 10-year update for the Jacksonville area (Duval County) 1-hour ozone maintenance plan. In the Final Rules section of this **Federal Register**, the EPA is approving the State's SIP revision 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 significant, material, and adverse comments are received in response to this rule, 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 rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: Written comments must be received on or before August 21, 2003.

ADDRESSES: Comments may be submitted by mail to: Heidi LeSane, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Comments may also be submitted

electronically, or through hand delivery/courier. Please follow the detailed instructions described in the direct final rule, Supplementary Information section [Part (I)(B)(1)(i) though (iii)] which is published in the Rules section of this **Federal Register**

FOR FURTHER INFORMATION CONTACT: Heidi LeSane, Air, Pesticides & Toxics Management Division, Air Planning Branch, Regulatory Development Section, Environmental Protection Agency Region 4, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Mrs. LeSane's phone number is 404–562–9035. She can also be reached via electronic mail at *lesane.heidi@epa.gov*; or Lynorae Benjamin, Air, Pesticides & Toxics Management Division, Air Planning Branch, Air Quality Modeling & Transportation Section, Environmental Protection Agency Region 4, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Ms. Benjamin's phone number is 404–562–9040. She can also be reached via electronic mail at *benjamin.lynorae@epa.gov.*

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the Rules section of this **Federal Register**.

Dated: July 9, 2003.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 03–18501 Filed 7–21–03; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[I.D. 071603A]

RIN 0648–AR31

Fisheries of the Exclusive Economic Zone Off Alaska; Allocation of Pacific Cod Among Fixed Gear Sectors

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

ACTION: Notice of availability; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) has submitted Amendment 77 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP). This amendment would continue to apportion the Bering Sea and Aleutian Islands Management Area (BSAI) Pacific cod total allowable catch (TAC) among the fixed gear sectors. In addition, the amendment would further split the pot sector share of the TAC between pot catcher/processors and pot catcher vessels. Amendment 77 is intended to maintain the stability of the fixed gear Pacific cod fishery. Comments from the public are welcome.

DATES: Comments on Amendment 77 must be submitted by September 22, 2003.

ADDRESSES: Comments on the FMP amendments should be sent to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK, 99802, Attn: Lori Durall, or delivered to room 420 of the Federal Building, 709 West 9th Street, Juneau, AK. Comments may also be sent via facsimile (fax) to 907–586–7557. Comments will not be accepted if submitted via e-mail or Internet. Copies of Amendment 77 and the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) for the amendment may be obtained from the same address.

FOR FURTHER INFORMATION CONTACT: Nina Mollett, 907–586–7462 or *Nina.Mollett@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that each Regional Fishery Management Council submit any FMP amendment it prepares to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP amendment, immediately publish a notice in the **Federal Register** that the amendment is available for public review and comment.

Amendment 77 was adopted by the Council at its June 2003 meeting. If approved by NMFS, this amendment would replace Amendment 64, which expires on December 31, 2003. Amendment 77 would allocate the 51 percent fixed gear share of the BSAI TAC among its four components as follows:

- 80 percent to catcher/processors using hook-and-line gear;
- 0.3 percent to catcher vessels using hook-and-line gear;
- 15 percent to catcher vessels using pot gear;
- 3.3 percent to pot catcher/processors using pot gear; and
- 1.4 percent to catcher vessels under 60 ft length overall (LOA), using either pots or hook-and-line gear.

This represents a change from the status quo because the existing 18.3 percent allocation to pot vessels would be split between the two sectors of that fleet, 15 percent to pot catcher vessels and 3.3 percent to pot catcher/processor vessels. This division would be based on each sector's historical catch between 1998 and 2001, and reflects the growth in the pot catcher vessel sector in recent years.

Specific provisions for the reallocation of unharvested amounts of these allocations to other vessels using hook-and-line or pot gear would continue to be set forth in regulations.

Public comments are being solicited on the amendment through the end of the comment period stated in this NOA; a proposed rule that would implement the amendment may be published in the **Federal Register** for public comment following NMFS' evaluation under the Magnuson-Stevens Act procedures. Public comments on the proposed rule must be received by the end of the comment period on the amendment in order to be considered in the approval/disapproval decision on the amendment. All comments received by the end of the comment period on the amendment, whether specifically directed to the amendment or to the proposed rule, will be considered in the approval/disapproval decision; comments received after that date will not be considered in the approval/disapproval decision on the amendment. To be considered, comments must be received not just postmarked or otherwise transmitted by close of business on the last day of the comment period specified in this NOA.

Dated: July 17. 2003.

John H. Dunnigan,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 03–18617 Filed 7–21–03; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 68, No. 140

Tuesday, July 22, 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

Forest Service

Siuslaw Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Siuslaw Resource Advisory Committee will meet in Florence, OR. The purpose of the meeting is to determine how to spend Title II Payments to Counties Funds. The agenda includes: Finalization of FY 2004 projects and a public forum.

DATES: The meeting will be held July 31, 2003 beginning at 9 a.m.

ADDRESSES: The meeting will be held at the Siuslaw Valley Fire and Rescue Station, 2625 Hwy 101, Florence, OR 97439.

FOR FURTHER INFORMATION CONTACT: Linda Stanley, Community Development Specialist, Siuslaw National Forest, 541/750–7210 or write to Forest Supervisor, Siuslaw National Forest, PO Box 1148, Corvallis, OR 97339.

SUPPLEMENTARY INFORMATION: A public input period will begin at 12:15 p.m. The meeting is expected to adjourn at 1 p.m.

Dated: July 16, 2003.

Joni Quarnstrom,

Acting Forest Supervisor.

[FR Doc. 03–18587 Filed 7–21–03; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Task Force on Agricultural Air Quality

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Task Force on Agricultural Air Quality will meet to continue discussions on critical air quality issues in relation to agriculture. Special emphasis will be placed on obtaining a greater understanding about the relationship between agricultural production and air quality. The meeting is open to the public; a draft agenda of the meeting is attached.

DATES: The meeting will convene Thursday, August 28, 2003, at 8:30 a.m., continue until 5 p.m., and will resume Friday, August 29, 2003, from 8:15 a.m. to 1 p.m. Individuals with written materials, and those who have requests to make oral presentations, should contact the Natural Resources Conservation Service, at the address below, on or before August 19, 2003.

ADDRESSES: The meeting will be held at the Renaissance Tulsa Hotel and Convention Center, 6808 South 107th East Avenue, Tulsa, Oklahoma, telephone: (918) 307–4024. Written material and requests to make oral presentations should be sent to Dr. Beth Sauerhaft, USDA–NRCS, Post Office Box 2890, Room 6158, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Questions or comments should be directed to Dr. Beth Sauerhaft, Designated Federal Official; telephone: (202) 720–8578; fax: (202) 720–2646; e-mail: *Beth.Sauerhaft@usda.gov.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2. Additional information about the Task Force on Agricultural Air Quality, including any revised agendas for the August 28 and 29, 2003, meeting that occur after this **Federal Register** Notice is published, may be found on the World Wide Web at *http://fargo.nserl.purdue.edu/faca.*

Draft Agenda of the August 28 and 29, 2003, Meeting of the AAQTF

A. Welcome to Oklahoma
- Local and NRCS Officials

B. Discussion of May minutes

C. Discussion of National Emissions Inventory of Ammonia from Animal Husbandry

D. Discussion of USDA–NASA opportunities for collaboration

E. EPA update

F. Subcommittee Presentations
- Emerging Issues Committee
- Research Committee
- Policy Committee
- Education/Technology Transfer Committee

G. US Forest Service Healthy Forest Initiative

H. Invited Speaker

I. Next Meeting, Time/Place

G. Public Input (Time will be reserved before lunch and at the close of each daily session to receive public comment. Individual presentations will be limited to 5 minutes).

Procedural

This meeting is open to the public. At the discretion of the Chair, members of the public may give oral presentations during the meeting. Persons wishing to make oral presentations should notify Beth Sauerhaft no later than August 19, 2003. If a person submitting material would like a copy distributed to each member of the committee in advance of the meeting, that person should submit 30 copies to Beth Sauerhaft no later than August 19, 2003.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Beth Sauerhaft.

USDA prohibits discrimination in its programs and activities on the basis of race, color, national origin, gender, religion, age, sexual orientation, or disability. Additionally, discrimination on the basis of political beliefs and marital or family status is also prohibited by statutes enforced by USDA (not all prohibited bases apply to all programs). Persons with disabilities who require alternate means for communication of program information (braille, large print, audio tape, etc.) should contact the USDA's Target Center at (202) 720–2000 (voice and TDD). The USDA is an equal opportunity provider and employer.

Signed in Washington, DC, on July 10, 2003.

Bruce I. Knight,

Chief, Natural Resources Conservation Service.

[FR Doc. 03–18506 Filed 7–21–03; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: United States Patent and Trademark Office (USPTO).

Title: Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures.

Form Number(s): None.

Agency Approval Number: 0651–0024.

Type of Request: Revision of a currently approved collection.

Burden: 29,856 hours annually.

Number of Respondents: 23,750 responses per year.

Avg. Hours Per Response: The USPTO estimates that it will take the public approximately 1 hour and 20 minutes (1.33 hours) to gather the necessary information, prepare the paper sequence listing, and submit it to the USPTO. The USPTO also estimates that it will take the public approximately 1 hour to prepare and submit a sequence listing on compact disc (CD) and approximately 10 minutes (0.17 hours) to prepare and submit a sequence listing electronically over the Internet.

Needs and Uses: The guidelines for submitting sequence listing data for national and international biotechnology patent applications are outlined in 37 CFR 1.821–1.825 and World Intellectual Property Organization (WIPO) Standard ST.25 (1998). Applicants must submit a copy of the sequence listing in the prescribed standard format and another copy that is in computer-readable form. The sequence listings may be submitted on paper, CD, or electronically over the Internet. The USPTO uses the sequence listings to determine the patentability of associated applications and to support the publication of applications and issued patents. Applicants use sequence data when preparing biotechnology patent applications and may also search sequence listings after publication.

Affected Public: Individuals or households, businesses or other for-profits, not-for-profit institutions, farms, the Federal Government, and state, local, or tribal governments.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Susan K. Brown, Records Officer, Office of the Chief Information Officer, Office of Data Architecture and Services, Data Administration Division, 703–308–7400, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313, Attn: CPK 3 Suite 310; or by e-mail at *susan.brown@uspto.gov.*

Written comments and recommendations for the proposed information collection should be sent on or before August 21, 2003, to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, 725 17th Street NW., Washington, DC 20503.

Dated: July 15, 2003.

Susan K. Brown,

Records Officer, USPTO, Office of the Chief Information Officer, Office of Data Architecture and Services, Data Administration Division.

[FR Doc. 03–18585 Filed 7–21–03; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Open Meeting on Department of Defense Directive 1344.7, ''Personal Commercial Solicitation on DoD Installations''

AGENCY: Office of the Under Secretary of Defense (Personnel and Readiness), DoD.

ACTION: Notice of opportunity to comment and public meeting.

SUMMARY: The Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)) is announcing the opportunity to provide comment on the existing Department of Defense Directive (DoDD) 1344.7, ''Personal Commercial Solicitation on DoD Installations,'' dated February 13, 1986. The Department will only consider the comments submitted in writing and provided by those in attendance as it completes its review of the Directive.

DATES: August 22nd, 9 a.m.–12 p.m.

ADDRESSES: The meeting will be held at Drew Model School in the Cafeteria/Multipurpose Room, located at 3500 S. 23rd St, Arlington, VA 22206.

FOR FURTHER INFORMATION CONTACT: Colonel Michael A. Pachuta at (703) 602–4994 or Mr. James M. Ellis at (703) 602–5009.

SUPPLEMENTARY INFORMATION: The Department of Defense is in the process of rewriting the existing policy governing ''Personal Commercial Solicitation on DoD Installations,'' and is soliciting comments addressing any potential changes OSD should make to DoDD 1344.7. A copy of the existing Directive may be found at the following Web site address: *http://www.dtic.mil/whs/directives/corres/pdf/d13447wch2_021386/d13447p.pdgf.* We welcome your comments on any aspect of this document. If you recommend adding or deleting any provisions, please explain why succinctly. All oral comments at the public meeting will be limited to 5 minutes per individual/organization represented. Accompany any oral comments with a written summary to be submitted to OUSD(P&R) at the beginning of the meeting.

All written comments must be submitted no later than August 22, 2003 to be considered, and must include full name, address and telephone number of the sender or a knowledgeable point of contact. If possible, please send an electronic version of the comments either on a 3½ inch DOS format floppy disk, or by e-mail to the addresses listed below, in Adobe Acrobat Portable Document Format (PDF) or Microsoft Word. Because of staffing and resource limitations we cannot accept comments by facsimile, and all comments and content are to be limited to 8.5″ wide by 11″ high vertical page orientation. Additionally, if identical/duplicate comment submissions are submitted both electronically and in paper format, each submission should clearly indicate that it is a duplicate submission. In each comment, please specify the section of the existing DoDD 1344.7 to which the comment applies. Written comments can be addressed to either Colonel Michael A. Pachuta *(Michael.pachuta@osd.mil)* or Mr. James M. Ellis *(james.ellis@osd.mil)*, at DUSD (MC&FP), 1745 Jefferson Davis Highway, Suite 302, Arlington, VA 22202.

Dated: July 15, 2003.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03–18508 Filed 7–21–03; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Designation of Local Redevelopment Authority or Former Fort Ritchie Military Reservation

AGENCY: Office of Economic Adjustment, DOD

ACTION: Notice.

SUMMARY: This Notice provides the point of contact, address, and telephone number for the Local Redevelopment Authority (LRA) responsible for developing the redevelopment plan for the Fort Ritchie Military Reservation, Cascade, Maryland; and for directing the implementation of such plan. Representatives of state and local governments interested in reuse of the installation should contact the organization listed. The following information will be published in a newspaper of general circulation in the communities in the vicinity of Fort Ritchie.

Installation Name: Fort Ritchie Military Reservation.

LRA Name: PENMAR Development Corporation.

Point of Contact: Mr. Richard Rook, Executive Director.

Address: P.O. Box 699, Cascade, MD 21719.

Phone: (301) 241–4050.

EFFECTIVE DATE: July 22 2003.

FOR FURTHER INFORMATION CONTACT: Director, Office of Economic Adjustment, 400 Army Navy Drive, Suite 200, Arlington, VA 22202, (703) 604–6020.

Dated: July 15, 2003.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03–18507 Filed 7–21–03; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Fernald

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), Fernald. 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, August 14, 2003; 6:30 p.m.–9 p.m.

ADDRESSES: Crosby Senior Center, 8910 Willey Road, Harrison, OH.

FOR FURTHER INFORMATION CONTACT: Doug Sarno, The Perspectives Group, Inc., 1055 North Fairfax Street, Suite 204, Alexandria, VA 22314, at (703) 837–1197, or e-mail *djsarno@theperspectivesgroup.com*.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE in areas of environmental restoration, waste management, and related activities.

Tentative Agenda

6:30 p.m.—Call to Order

6:30–7 p.m.—Chair's Remarks, Ex Officio Announcements and Updates

7–7:30 p.m—Review and Approve Response to Natural Resource Damages Recommendations

7:30–8 p.m.—Review and Approve Response to Records Letter from Jessie Roberson

8–8:45 p.m.—Results of Multi-Use Educational Facility Strategic Planning

8:45–9 p.m.—Public Comment

9 p.m.—Adjourn

Public Participation: The meeting is open to the public. Written statements may be filed with the Board Chair either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact the Board Chair at the address or telephone number listed below. 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, Gary Stegner, Public Affairs Office, Ohio Field Office, U.S. Department of Energy, 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 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 by writing to the Fernald Citizens' Advisory Board, % Phoenix Environmental Corporation, MS–76, Post Office Box 538704, Cincinnati, OH 43253–8704, or by calling the Advisory Board at (513) 648–6478.

Issued at Washington, DC, on July 16, 2003.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 03–18604 Filed 7–21–03; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–70–001]

Algonquin Gas Transmission Company; Notice of Negotiated Rate Filing

July 16, 2003.

Take notice that on July 8, 2003, Algonquin Gas Transmission Company (Algonquin) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets proposed to be effective October 1, 2003:

First Revised Sheet No. 21B
Sheet Nos. 42–49
Original Sheet No. 50
Original Sheet No. 51
Original Sheet No. 52
Original Sheet No. 53
Sheet Nos. 54–88

Algonquin states that the purpose of this filing is to implement four negotiated rate agreements resulting from its open season and reverse open season (together, G System Open Season) for capacity on Algonquin's G System in southeastern Massachusetts. These tariff sheets reflect Algonquin's negotiated rate transactions with (00)New England Gas Company—Fall River; (ii) New England Gas Company—Rhode Island; (iii) Colonial Gas Company d/b/a Keyspan Energy Delivery New England; and (iv) Calpine Energy Services LP (''Calpine Energy''). Algonquin states that it is also filing a copy of the Capacity Turnback Agreement among Algonquin and Calpine Energy, Dighton Power Associates Limited Partnership, and Tiverton Power Associates Limited Partnership that resulted from the G System reverse open season.

Algonquin requests that the Commission accept this filing by August 8, 2003. In addition, Algonquin requests that the Commission grant waiver of the notice requirement in Section 154.207 of the Commission's regulations, 18 CFR 154.207, and any other waivers of the Commission's regulations to the extent necessary to permit the tariff sheets and the agreements to be made effective as proposed.

Algonquin states that copies of the filing were mailed to all affected customers of Algonquin and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document.

For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: July 21, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–18665 Filed 7–21–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–243–001]

Columbia Gas Transmission Corporation; Notice of Compliance Filing

July 16, 2003.

Take notice that on July 11, 2003, Columbia Gas Transmission Corporation (Columbia) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets, with a proposed effective date of August 15, 2003:

Fourth Revised Sheet No. 320
Second Revised Sheet No. 410
Second Revised Sheet No. 413
Second Revised Sheet No. 415
Second Revised Sheet No. 416

Columbia states that it is making this filing in compliance with an order issued on June 11, 2003 by the Commission in Nicole Gas Production Ltd. in Docket No. RP03–243 (103 FERC ¶ 61,328 (2003)). The tariff sheets in the instant filing are being filed to clarify obligations with respect to the construction and installation of meters and measuring stations and to clarify objections with respect to the responsibility for payment of the cost of the construction and installation of those facilities. Columbia is also adding tariff language that addresses the methodology for determining quantities of gas deliveries when no there is no meter.

Columbia states that copies of its filing have been mailed to all firm customers, interruptible customers and affected state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Protest Date: July 23, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–18666 Filed 7–21–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–371–001]

Destin Pipeline Company, L.L.C.; Notice of Compliance Filing

July 16, 2003.

Take notice that on July 10, 2003, Destin Pipeline Company, L.L.C. (Destin) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the revised tariff sheets as listed on Appendix A attached to the filing, to be effective July 1, 2003..

Destin states that purpose of this filing is to comply with the Commission's Letter Order issued on June 25, 2002, in Docket No. RP03–371–000.

Destin states that copies of this filing are being served on all parties to the proceeding in Docket No. RP03–371–000, affected shippers and applicable state regulatory agencies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Protest Date: July 22, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–18669 Filed 7–21–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–320–060]

Gulf South Pipeline Company, LP; Notice of Compliance Filing

July 16, 2003.

Take notice that on July 11, 2003, Gulf South Pipeline Company, LP (Gulf South) filed with the Federal Energy Regulatory Commission (Commission), an Amendment to the NNS Agreement executed between Gulf South and Willmut Gas & Oil Company to include the MDQ reduction provisions contained in Gulf South's tariff. Gulf South states that this filing is being submitted in compliance with the Commission's order issued on July 2, 2003, 104 FERC ¶61,029 (2003).

Gulf South states that it has served copies of this filing upon all parties on the official service list created by the Secretary for this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Protest Date: July 23, 2003.

Dated:

Magalie R. Salas,

Secretary.

[FR Doc. 03–18672 Filed 7–21–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–336–002]

Gulfstream Natural Gas System, L.L.C.; Notice of Negotiated Rate

July 16, 2003.

Take notice that on July 8, 2003, Gulfstream Natural Gas System, L.L.C. (Gulfstream) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Original Sheet No. 8H, reflecting an effective date of July 1, 2003.

Gulfstream states that this filing is being made to implement a Park negotiated rate transaction under Rate Schedule PALS pursuant to Section 31 of the General Terms and Conditions of Gulfstream's FERC Gas Tariff. Gulfstream also states that the tariff sheet being filed herewith identifies and describes the negotiated rate agreement, including the exact legal name of the relevant shipper, the negotiated rate, the rate schedule, the contract term, and the Maximum Park Quantity.

Gulfstream states that copies of its filing have been mailed to all affected customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: July 21, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–18668 Filed 7–21–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–337–006]

Kern River Gas Transmission Company; Notice of Compliance Filing

July 16, 2003.

Take notice that on July 10, 2003, Kern River Gas Transmission Company (Kern River) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the tariff sheets listed below:

Original Sheet No. 8
Sheet No. 9 (Reserved)
Original Sheet No. 69–B
Original Sheet No. 69–C
Original Sheet No. 69–D
Original Sheet No. 69–E
Original Sheet No. 69–F
First Revised Sheet No. 200
First Revised Sheet No. 201
First Revised Sheet No. 202
Original Sheet No. 214
Sheet Nos. 215–299 (Reserved)
Second Revised Sheet No. 305
Original Sheet No. 339
Original Sheet No. 340
Original Sheet No. 341
Original Sheet No. 342
Sheet Nos. 343–349 (Reserved)
Second Revised Sheet No. 402

Kern River states that the purpose of this filing is to comply with the Commission's June 25, 2003 Order in this proceeding (1) by submitting revised tariff sheets pertaining to Kern River's existing segmentation provisions; and (2) by submitting actual tariff sheets to implement Kern River's proposed park and loan service.

Kern River states that it has served a copy of this filing upon each person designated on the official service list compiled by the Secretary in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings.

This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Protest Date: July 22, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–18663 Filed 7–21–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–176–089]

Natural Gas Pipeline Company of America; Notice of Negotiated Rates

July 16, 2003.

Take notice that on July 11, 2003, Natural Gas Pipeline Company of America (Natural) tendered for filing with the Federal Energy Regulatory Commission (Commission), to become part of its FERC Gas Tariff, Sixth Revised Volume No. 1, Original Sheet No. 26W.31a, to be effective July 1, 2003.

Natural states that the purpose of this filing is to implement an amendment to an existing negotiated rate transaction entered into by Natural and Occidental Energy Marketing, Inc. under Natural's Rate Schedule FTS pursuant to Section 49 of the General Terms and Conditions of Natural's Tariff.

Natural states that copies of the filing are being mailed to all parties set out on the Commission's official service list in Docket No. RP99–176.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: July 23, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–18673 Filed 7–21–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER03–1055–000]

Rocky Mountain Natural Gas & Electric, LLC; Notice of Filing

July 16, 2003.

Take notice that on July 7, 2003, Rocky Mountain Natural Gas & Electric LLC tendered for filing a Notice of Cancellation of their market-based rate tariff for electricity.

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov,* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659. Protests and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Comment Date: July 21, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–18660 Filed 7–21–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–459–003]

TransColorado Gas Transmission Company; Notice of Compliance Filing

July 16, 2003.

Take notice that on July 9, 2003, TransColorado Gas Transmission Company (TransColorado) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the revised tariff sheets listed on Appendix A–1 and A–2, attached to the filing.

TransColorado states that it is filing the above-referenced tariff sheets in compliance with the Commission's Order No. 637 and with the Commission's ''Order on Rehearing and Compliance Filing'' dated June 9, 2003 in Docket No. RP00–459, *et al.*

TransColorado states that a copy of this filing has been served upon all parties on the official service list for this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For

assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Protest Date: July 21, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–18664 Filed 7–21–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–546–000]

Transwestern Pipeline Company; Notice of Tariff Filing

July 16, 2003.

Take notice that on July 10, 2003, Transwestern Pipeline Company (Transwestern) tendered for filing a letter in accordance with its FERC Gas Tariff, Second Revised Volume No. 1, to notify the Federal Energy Regulatory Commission (Commission) of changes to the Supply Pooling Points list on Transwestern's Web site.

Transwestern states that in Order 637 Compliance filings, Transwestern received Commission approval for Rate Schedule SP–1 (Supply Pooling Service) by Order dated October 10, 2002. The SP–1 Rate Schedule provides that Transwestern will post on its Web site the list of physical receipt points associated with each supply pooling point and that Transwestern will file with the Commission any additions or deletions to the list of available points of service. Transwestern states that because of operational reasons the list of receipt points submitted in this filing will no longer be included in Transwestern's Supply Pooling Points list on the Transwestern Web site.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: July 22, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–18671 Filed 7–21–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–440–001

Vector Pipeline L.P.; Notice of Compliance Filing

July 16, 2003.

Take notice that on July 10, 2003, Vector Pipeline L.P. (Vector), tendered for filing as part its FERC Gas Tariff, Original Volume No. 1, Substitute Third Revised Sheet No. 159, with an effective date of July 1, 2003.

Vector states that the filing is being made in compliance with the terms of a letter order issued June 30, 2003 in the captioned docket.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with ¶385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with ¶154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Protest Date: July 23, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–18670 Filed 7–21–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–286–004]

Williston Basin Interstate Pipeline Company; Notice of Compliance Filing

July 16, 2003.

Take notice that on July 11, 2003, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1 and Original Volume No. 2, the revised tariff sheets specified in Appendix A to the filing, to become effective on August 1, 2003.

Williston Basin states that the filing is being made in compliance with the July 3, 2003 letter order in Docket No. RP03–286–003.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Protest Date: July 23, 2003.

Magalie R. Salas,
Secretary.
[FR Doc. 03–18667 Filed 7–21–03; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–2233–006, et al.]

Ameren Services Company, et al.; Electric Rate and Corporate Filings

July 15, 2003.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Ameren Services Company, American Transmission Systems, Incorporated, Northern Indiana Public Service Company, National Grid USA, and Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–2233–006]

Take notice that on July 10, 2003, the GridAmerica Participants, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO), and the Midwest ISO Transmission Owners (jointly, the Applicants) filed a Supplemental Agreement in compliance with the Commission's May 15, 2003 Order, 103 FERC ¶ 61,178 .

The Applicants have requested waiver of the requirements set forth in 18 CFR 385.2010. The Midwest ISO states it has electronically served a copy of this filing, with attachments, upon all Midwest ISO Members, Member representatives of Transmission Owners and Non-Transmission Owners, the Midwest ISO Advisory Committee participants, Policy Subcommittee participants, as well as all state commissions within the region. In addition, the filing has been electronically posted on the Midwest ISO's Web site at *www.midwestiso.org* under the heading ''Filings to FERC'' for other interested parties in this matter.

Comment Date: July 25, 2003.

2. Sierra Pacific Resources Operating Companies, Sierra Pacific Power Company, and Nevada Power Company

[Docket Nos. ER02–2609–003 and ER03–37–003]

Take notice that on July 9, 2003, Sierra Pacific Resources Operating Companies, Sierra Pacific Power Company and Nevada Power Company (together, SPR), filed compliance tariff sheets as required by the Commission Order issued July 1, 2003, in Docket Nos. ER02–2609–000 and ER03–37–000, 104 FERC ¶ 61,003.

Comment Date: July 30, 2003.

3. Virginia Electric and Power Company

[Docket No. ER03–743–001]

Take notice that on July 9, 2003, Virginia Electric and Power Company, doing business as Dominion Virginia Power, tendered for filing a revised page in a Generator Interconnection and Operating Agreement between Dominion Virginia Power and CPV Cunningham Creek LLC, modifying a definition contained in compliance with the Commission's Order dated June 10, 2003, Virginia Electric and Power Company, 103 FERC ¶ 61,318 (Order).

Dominion Virginia Power requests that the Commission accept the Revised Page to allow it to become effective on April 15, 2003, commensurate with the effective date granted in the Order.

Comment Date: July 30, 2003.

4. AIG Energy Inc.

[Docket No. ER03–770–001]

Take notice that on July 9, 2003, AIG Energy Inc., (AIG) made a compliance filing pursuant Commission's Order issued on June 11, 2003, in Docket No. ER03–770–000. AIG states that the Commission's Order accepted the Notice of Succession and Change in Status filing, conditioned upon AIG, within 30 days of the order, changing the designation of its rate schedule to reflect the name change of the company. Seller's filing reflects this change.

Comment Date: July 30, 2003.

5. DTE East China, LLC and DTE Energy Trading, Inc.

[Docket No. ER03–931–000]

Take notice that on June 30, 2003, DTE East China, LLC and DTE Energy Trading, Inc. (collectively, the Applicants) hereby withdraw their Application for Blanket Authorizations, Certain Waivers, Order Approving Market-Based Rate Tariff and Requests for Expedited Action, filed in Docket No. ER03–931–000, June 5, 2003.

Comment Date: July 25, 2003.

6. Oncor Electric Delivery Company

[Docket No. ER03–1049–000]

Take notice that on July 9, 2003, Oncor Electric Delivery Company (Oncor), tendered for filing, First Revised Sheet Nos. 24, 37–39, 50, 54 for its FERC Electric Tariff, Eighth Revised Volume No. 1, Tariff for Transmission Service. Oncor states that the revisions are to modify its rates for transmission service increase to the Standard Allowance Factor for calculation of a customer's contribution in aid of construction for extension of facilities, and to make other minor clerical modifications.

Oncor states that this filing has been served upon each customer taking service under the tariff and the Public Utility Commission of Texas.

Comment Date: July 30, 2003.

7. Oncor Electric Delivery Company

[Docket No. ER03–1051–000]

Take notice that on July 9, 2003, Oncor Electric Delivery Company (Oncor), tendered for filing First Revised Sheet Nos. 34 and 44 for its FERC Electric Tariff, Third Revised Volume No. 2, Tariff for Transmission Service for Tex-La Electric Cooperative of Texas (Tex-La) to modify its rates for transmission service and to increase to the Standard Allowance Factor for calculation of a customer's contribution in aid of construction for extension of facilities.

Oncor states that this filing has been served upon Tex-La and the Public Utility Commission of Texas.

Comment Date: July 30, 2003.

8. Consolidated Edison Company of New York, Inc.

[Docket No. ER03–1053–000]

Take notice that on July 9, 2003, Consolidated Edison Company of New York, Inc. (Con Edison), requested that the Federal Energy Regulatory Commission discontinue a service agreement for non-firm transmission service pursuant to its Open Access Transmission Tariff to Enron Power Marketing, Inc. (Enron) as the United States Bankruptcy Court has effectively terminated the agreement.

Con Edison states that a copy of this filing has been served by mail to Enron.

Comment Date: July 30, 2003.

9. FirstEnergy Solutions Corp.

[Docket No. ER03–1054–000]

Take notice that on July 9, 2003, FirstEnergy Solutions Corp. (FE Solutions) submitted for filing the following agreements between Generation Services (BGS) and retail electric service customers that are connected to the electric distribution system of Jersey Central Power & Light Company.

(1) BGS–FP Agreement dated February 7, 2003;

(2) BGS–HEP Agreement dated February 7, 2003; and

(3) BGS-Green Energy Program Agreement dated February 24, 2003.

To the extent that these agreements are required to be filed with the

Commission, FE Solutions has asked for waiver of the advance notice requirements, the restrictions on sales of power between affiliated entities, and any other applicable requirements, in order to make each of the Supplier Master Agreements effective as of August 1, 2003.

Comment Date: July 30, 2003.

10. Tampa Electric Company

[Docket No. ER03–1057–000]

Take notice that on July 10, 2003, Tampa Electric Company (Tampa Electric) tendered for filing revised rate schedule sheets showing an amendment to Exhibit A to the contract for interchange service between Tampa Electric and Florida Power & Light Company (FPL), and a correction to the language of Service Schedule A under that contract. Tampa Electric states that the amendment reflects a sale by FPL to Tampa Electric of a segment of transmission line that interconnects their respective systems. Tampa Electric also states that it proposes that the revised rate schedule sheets containing the amendment and the correction be made effective on October 11, 2002 and July 10, 2003, respectively.

Tampa Electric states that copies of the filing have been served on FPL and the Florida Public Service Commission.

Comment Date: July 31, 2003.

11. Covanta Hennepin Energy Resource Co., Limited Partnership

[Docket No. ER03–1058–000]

Take notice that on July 10, 2003, Covanta Hennepin Energy Resource Co., Limited Partnership (Hennepin Energy) tendered for filing a Notice of Cancellation of its Rate Schedule FERC No. 1 pursuant to Section 35.15 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 35.15. Rate Schedule FERC No. 1 was filed with the Commission on May 26, 1989 and June 13, 1989 in Docket No. ER89–462–000 and consists of a power purchase agreement (PPA) between Hennepin Energy and Northern States Power Company. Hennepin Energy states that the rate schedule is to be canceled since Hennepin Energy is assigning its interest in the PPA to Hennepin County, Minnesota.

Hennepin Energy requests an effective date of July 10, 2003, for the cancellation. Hennepin Energy also states that copies of the filing were served upon NSP and the Minnesota Public Utilities Commission.

Comment Date: July 31, 2003.

Standard Paragraph

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov* , using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866)208–3676, or for TTY, contact (202)502–8659. Protests and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. 03–18659 Filed 7–21–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11887–000]

Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

July 16, 2003.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No:* 12424–000.

c. *Date Filed:* December 3, 2002 and Supplemented on March 26, 2003.

d. *Applicant:* The City of Corpus Christi (City).

e. *Name of Project:* City of Corpus Christi Hydroelectric Project.

f. *Location:* The proposed project would be located at the City's existing Wesley E. Seale Dam, on the Nueces River in Nueces County, Texas.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contacts:* David Garcia, City Manager, City of Corpus Christi, 1201 Leopard Street, Corpus Christi, TX 78401, (361) 880–3873. Nancy J. Skancke, Law Offices of GKRSE, 1500 K Street NW., Suite 330, Washington, DC, 20005, (202) 408–5400.

i. *FERC Contact:* Mr. Lynn R. Miles, (202) 502–8763.

j. Deadline for filing motions to intervene, protests and comments: 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings. Please include the project number (P–12424–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Competing Application:* Project No. 12250–000, Date Filed: June 18, 2002, Date Issued: October 7, 2002, Due Date: December 7, 2002.

1. *Description of Project:* The proposed project would consist of: (1) An existing 5,970-foot-long, gated, concrete-gravity Wesley E. Seale Dam, (2) an existing impoundment, Lake Corpus Christi, with a surface area of 18,256 acres and a storage capacity of 257,260 acre-feet at normal maximum water surface elevation 94.0 above mean sea level, (3) two 2.5 MW turbine generating units with a total installed capacity of 5 megawatts, (4) an existing 69 kV transmission line, and (5) appurtenant facilities. The project would have an average annual generation of 5.2 gigawatt hours.

m. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov*. For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h. above.

n. *Competing Applications:* Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit applications or notices of intent. Any competing preliminary permit or development application or notice of intent to file a competing preliminary permit or development application must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing applications or notices of intent to file competing applications may be filed in response to this notice. A competing license application must conform with 18 CFR 4.30 (b) and 4.36.

o. *Proposed Scope of Studies under Permit:* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

p. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

q. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and eight copies to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Compliance and Administration, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

r. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. 03–18661 Filed 7–21–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, Protests, Recommendations, and Terms and Conditions

July 16, 2003.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Conduit Exemption.

b. *Project No.:* 12459–000.

c. *Date filed:* June 16, 2003, supplemented June 25, 2003.

d. *Applicant:* Palmdale Water District.

e. *Name of Project:* Palmdale Energy Recovery Facility.

f. *Location:* The project would be located in Los Angeles County, California, on an existing 30-inch-diameter water supply pipeline between the California Aqueduct and Lake Palmdale.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791a—825r.

h. *Applicant Contact:* Mr. Matthew Huang, Montgomery Watson Harza, 301 North Lake Avenue, Suite 600, Pasadena, CA 91101, (626) 568–6292.

i. *FERC Contact:* James Hunter, (202) 502–6086.

j. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

k. *Deadline for filing responsive documents:* The Commission directs, pursuant to section 4.34(b) of the Regulations (*see* Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, motions to intervene, protests, recommendations, terms and conditions, and prescriptions concerning the application be filed with the Commission by August 18, 2003. All reply comments must be filed with the Commission by September 2, 2003.

Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Project:* The proposed project would consist of: (1) An existing 61-foot-long, 32-foot-wide building containing, (2) one generating unit with a total installed capacity of 240 kilowatts, and (3) appurtenant equipment. The average annual energy production would be 900 megawatt hours.

m. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits (P–12459) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov* . For TTY, call (202) 502–8659. A copy may also be obtained from the Applicant Contact.

n. *Development Application:* Any qualified applicant desiring to file a competing application must submit to

the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

o. *Notice of Intent:* A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. *Protests or Motions to Intervene:* Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

q. All filings must (1) bear in all capital letters the title ''PROTEST'', ''MOTION TO INTERVENE'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' ''COMPETING APPLICATION,'' ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing an original and eight copies to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Office of Energy Projects, Federal Energy Regulatory Commission, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Magalie R. Salas,

Secretary.

[FR Doc. 03–18662 Filed 7–21–03; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[OW–2003–0014; FRL–7534–3]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Surveys To Determine the Effectiveness of No-Discharge Zones (NDZ) for Vessel Sewage and Marine Sanitation Devices, EPA ICR Number 2107.01

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request for a new collection. This ICR describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before August 21, 2003.

ADDRESSES: Submit your comments, referencing docket ID number OW–2003–0014, to (1) EPA at: online using EDOCKET (our preferred method), by email to *OW-Docket@epa.gov*, or by mail to: EPA Docket Center, Environmental Protection Agency, Water Docket, EPA West, 4101T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: James Woodley, Oceans and Coastal Protection Division, Office of Water, Environmental Protection Agency, 4504T, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 566–1287; fax number: (202) 566–1546; e-mail address: *woodley.james@epa.gov*.

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On March 27, 2003, (68 FR 14975), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received 20 sets of comments and addressed them in a separate document entitled, ''Response to Comments on the March 27, 2003 Proposed Information Collection Request: Surveys to Determine the Effectiveness of No-Discharge Zones for Vessel Sewage and Marine Sanitation Devices.'' A copy of this document can be viewed or obtained from the public docket. Information pertaining to accessing the materials in the docket is explained below. None of the comments suggested that EPA not conduct the proposed surveys. The comments were from States, a U.S. Territory, non governmental organizations, trade associations, a marine sanitation device (MSD) manufacturer, a laboratory, and private citizens. The vast majority of the comments provided information regarding the potential questions that the surveys should ask. Some provided information regarding the perception of the effectiveness of the current no-discharge zones (NDZs) and MSDs, and additional comments provided recommendations on how EPA should modify the current Vessel Sewage Discharge Program. Lastly, some of the respondents offered their assistance in this effort.

EPA has established a public docket for this ICR under Docket ID No. OW–2003–0014, which is available for public viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Water Docket is (202) 566–2426. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at *http://www.epa.gov/edocket*. Use EDOCKET to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public

docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified above.

Any comments related to this ICR should be submitted to EPA and OMB within 30 days of this notice. EPA's policy is that public comments, whether submitted electronically or on paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, *see* EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May 31, 2002), or go to *http://www.epa.gov/edocket*.

Title: Surveys to Determine the Effectiveness of No-Discharge Zones for Vessel Sewage and Marine Sanitation Devices.

Abstract: This ICR is for a series of surveys to be conducted to determine the effectiveness of NDZs for vessel sewage and MSDs in removing harmful pollutants from the waste stream of the device. This ICR requests approval to collect information from boat owners and operators, marina owners and operators, and State and local government officials regarding the effectiveness of NDZs. It also requests approval to collect information regarding the effectiveness of MSDs in removing harmful pollutants from the waste stream of the device. This information will be gathered from MSD manufacturers and U.S. Coast Guard accepted independent laboratories.

A survey will be developed for boat owners and operators to address the boater's experience with using pump-out or dump facilities in NDZs. The survey will collect general information regarding the respondent's boating activity and will seek information on whether the pump-out or dump facilities were working. It will address whether the boater would use the facilities if they were available, and how often the boaters actually use the facilities. It will also seek information on the boater's knowledge about NDZs. Respondents will be selected from North-Atlantic States, Mid-Atlantic States, South-Atlantic States, California, and the Great Lakes that contain NDZs. Approximately 1,400 respondents from the geographical regions will be selected for response. EPA predicts that completed surveys from about 1,200 boat owners and operators will be received. The information collection will be voluntary and will not include CBI.

A survey will be developed for marina owners and operators located in a particular NDZ to seek general information on the pump-out and dump facilities operations, to address the downtime of these facilities, and their use by boaters. It will seek information regarding the marina owner/operator's knowledge of NDZs. Respondents will be selected from North-Atlantic States, Mid-Atlantic States, South-Atlantic States, California, and the Great Lakes that contain NDZs. Approximately 100 marina owners or operators from the geographical regions will be selected for response. EPA predicts that completed surveys from about 75 marina owners and operators will be received. The information collection will be voluntary and will not include CBI.

A survey will also be developed for State and local government officials to determine if the designation of NDZs has been effective in addressing water quality issues of the particular water body, if boaters were in compliance with NDZ requirements, and the roles and responsibilities associated with the NDZ. Respondents will be selected from North-Atlantic States, Mid-Atlantic States, South-Atlantic States, California, and the Great Lakes that contain NDZs. Approximately 80 respondents from the geographical regions will be selected for response. EPA predicts that about 54 State and local government officials will complete the survey. The information collection will be voluntary and will not include CBI. The information collected from these surveys will be used to assess the overall effectiveness of NDZs for vessel sewage established under Clean Water Act section 312(f)(3) to help determine if modifications to the program are needed.

An additional survey will be developed to review current MSD technology. The information on MSDs that will be requested includes effluent constituents and their concentrations; bacteria eradication processes and suspended solids removal; cost; and installation. This information will be used to help determine the effectiveness of current MSD technologies and will be used to collect information to assist EPA in promulgating regulations implementing Title XIV: Certain Alaskan Cruise Ship Operations. Approximately 60 MSD manufacturers and 8 U.S. Coast Guard accepted independent laboratories will be selected for response. EPA predicts that about 30 MSD manufacturers and 7 U.S. Coast Guard accepted independent laboratories will complete the survey. Responding to the collection of information will be voluntary. Information collected from these entities that may be CBI and is covered by a CBI claim will be treated in accordance with the procedures set forth in 40 CFR part 2, subpart B.

EPA estimates that the respondent total burden and cost associated with this ICR is 474 hours, reflecting $13,053. The Agency burden and cost is estimated at 6,672 hours, reflecting $282,642.

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 in 40 CFR are listed in 40 CFR part 9 and are identified on the form and/or instrument, if applicable.

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average 21 minutes per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Boat owners and operators, Marina owners and operations, State and local government officials, Marine Sanitation Device manufacturers, U.S. Coast Guard accepted independent laboratories.

Estimated Number of Respondents: 1,366.

Frequency of Response: one-time collection.

Estimated Total Annual Hour Burden: 474.

Estimated Total Annual Cost: $13,053, includes $0 annualized capital or O&M costs.

Dated: July 2, 2003.

Doreen Sterling,

Acting Director, Collection Strategies Division.

[FR Doc. 03–18613 Filed 7–21–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7534–4]

State of Wisconsin Prohibition on Marine Discharges of Vessel Sewage Into Waters of Lake Superior; Receipt of Petition and Tentative Determination

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative determination.

SUMMARY: Today's notice announces that, by letter dated June 24, 2003, the United States Environmental Protection Agency has tentatively determined that there is a reasonable availability of adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels on the waters of Lake Superior under the jurisdiction of the State of Wisconsin.

DATES: Comments and views regarding this petition and EPA's tentative determination may be filed on or before August 21, 2003.

FOR FURTHER INFORMATION CONTACT: Irvin J. Dzikowski, United States Environmental Protection Agency, Region 5, Water Division WN–16J, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6100.

SUPPLEMENTARY INFORMATION: A petition to the Regional Administrator, EPA, dated February 28, 2003, was received from the Secretary, State of Wisconsin Department of Natural Resources, requesting a determination pursuant to section 312(f)(3) of the Clean Water Act (CWA), 33 U.S.C. 1322(f)(3) and 40 CFR 140.4(a) that there is a reasonable availability of adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels on the waters of Lake Superior under the jurisdiction of the State of Wisconsin. There are 13 waterfront facilities that operate sanitary waste pumpout facilities and or dump stations in the proposed Wisconsin Waters Lake Superior No Discharge Area. In addition to the sanitary waste pumpout facilities, numerous shoreline restroom facilities are available at public boat launches, docks and parks. Commercial vessels use the facilities at the Port of Duluth Superior. On May 18, 2003, the State supplemented its petition with a ''Greater Protection and Enhancement Certification.'' Once the EPA determines that adequate facilities are available, the State of Wisconsin has the authority pursuant to section 312(f)(3) and 40 CFR 140.4(a), to completely prohibit the discharge from all vessels of any sewage, whether treated or not, into the waters of Lake Superior under its jurisdiction. The EPA hereby makes a tentative affirmative determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available in the Lake Superior area under the jurisdiction of the State of Wisconsin. A final determination on this matter will be made by the Regional Administrator following the 30 day period for public comment.

Dated: June 24, 2003.

Thomas V. Skinner,

Regional Administrator, Region 5.

[FR Doc. 03–18614 Filed 7–21–03; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

July 8, 2003.

SUMMARY: The Federal Communications Commissions (FCC), as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (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 estimate; (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.

DATES: Written comments should be submitted on or before August 21, 2003. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to *Leslie.Smith@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at *Leslie.Smith@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–XXXX.

Title: Remedial Measures for Failure to Construct Digital Television Stations (DTV Policy Statement).

Form Number: N/A.

Type of Review: New collection.

Respondents: Business and other for-profit entities; not-for-profit institutions; and individuals or households.

Number of Respondents: 400.

Estimated Time per Response: 0.5 to 1.0 hours.

Frequency of Response: On occasion reporting requirements.

Total Annual Burden: 210 hours.

Total Annual Costs: $76,000.

Needs and Uses: On April 16, 2003, the FCC released a Report and Order and Memorandum Opinion and Order on Reconsideration, *In the Matter of Remedial Steps for Failure to Comply with Digital Television Construction Schedule,* MM Docket No. 02–113, FCC 03–77, (''R&O''), in which the Commission has adopted a series of remedial measures for stations that fail to construct their digital television (DTV) facilities in a timely fashion and fail to justify an extension of their DTV construction deadline. Stations will be subject to periodic reporting requirements. Under the first step, the Commission will deny the request for an unqualified extension and admonish the station for its failure to comply with its DTV construction obligation. The station must submit a report within thirty days outlining the steps it intends to take to complete construction and the approximate date that it expects to reach each of these construction milestones. Sixty days after its initial report, the station must submit a report detailing its progress on meeting its proposed construction milestones and justifying any delays it has encountered. Under the second step in the approach, if the

station has not come into compliance with the DTV construction rule within a six-month period, then, absent extraordinary and compelling circumstances, the Commission will issue a Notice of Apparent Liability for forfeiture to the licensee and require that the station report every thirty days on its proposed construction milestones and its efforts to meet those milestones. The R&O followed the release of an *Order/Notice of Proposed Rulemaking* adopted May 16, 2002, MM Docket No. 02–113, FCC 02–150, 67 FR 38459, June 4, 2002.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 03–18511 Filed 7–21–03; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

[Petition P2–03]

Petition of Sinotrans Container Lines Co., Ltd. (SINOLINES) for a Limited Exemption From Section 9(c) of the Shipping Act of 1984; Notice of Filing

Notice is hereby given that Sinotrans Container Lines Co., Ltd. (SINOLINES) (''Petitioner'') has petitioned, pursuant to Section 16 of the Shipping Act of 1984, 46 U.S.C. app. section 1715; and 46 CFR 502.69, for a limited exemption from the tariff publishing requirements of section 9 of the 1984 Act, 46 U.S.C. app section 1708(c). Petitioner seeks an exemption so that it can lawfully reduce rates to meet or exceed the tariff rates of other ocean common carriers on one day's notice.

In order for the Commission to make a thorough evaluation of the Petition, interested persons are requested to submit views or arguments in reply to the Petition no later than August 8, 2003. Replies shall consist of an original and 15 copies, be directed to the Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573–0001, and be served on Petitioner's counsel; Robert B. Yoshitomi and Christopher J. Jackson, Nixon Peabody LLP, 2040 Main Street, Suite 850, Irvine, CA 92614. It is also requested that a copy of the reply be submitted in electronic form (WordPerfect, Word, or ASCII) on diskette, or e-mailed to *secretary@fmc.gov.* Copies of the petition are available at the Office of the Secretary of the Commission, 800 N. Capitol Street, NW., Room 1046. A copy may also be obtained by sending a request to *secretary@fmc.gov* or by calling (202) 523–5725. Parties participating in this proceeding may elect to receive service of the Commission's issuances in this proceeding through email in lieu of service by U.S. mail. A party opting for electronic service shall advise the Office of the Secretary in writing and provide an email address where service can be made. Such requests may be directed to *secretary@fmc.gov.*

By the Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 03–18576 Filed 7–21–03; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act Notice

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Notice; correction.

TIME AND DATE: 3 p.m. (EDT); correction July 24, 2003; correction.

PLACE: 4th Floor, Conference Room, 1250 H Street, NW., Washington, DC.

SUMMARY: The Federal Retirement Thrift Investment Board published a notice in the **Federal Register** on Thursday, July 17, 2003, concerning upcoming Board member meeting.

Correction

In the **Federal Register** of Thursday, July 17, 2003, Vol. 68, No. 137, page 42473, in the third column, change the time and date caption to read: 3 p.m. (EDT), July 24, 2003.

FOR FURTHER INFORMATION CONTACT: Thomas J. Trabucco, Director, Office of External Affairs, (202) 942–1640.

Dated: July 17, 2003.

Elizabeth S. Woodruff,

Secretary to the Board, Federal Retirement Thrift Investment Board.

[FR Doc. 03–18657 Filed 7–17–03; 4:54 am]

BILLING CODE 6760–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Proposed Airborne Exposure Limits for Chemical Warfare Agents H, HD, and HT (Sulfur Mustard)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of proposed worker and general population airborne exposure limits (AELs) for chemical warfare agents H, HD, and HT (sulfur mustard) to protect the health and safety of workers and the public during treatment, transport, or disposal of these agents.

Purpose: CDC presents results of its review of AELs for the chemical warfare agents H, HD and HT (collectively referred to as sulfur mustard, bis(2-chloroethyl)sulfide, CAS 505–60–2).[1] All three compounds are chemically and toxicologically related and therefore will be treated here as a single compound represented by HD. Before finalizing these proposals, CDC requests comments from the public, all interested parties, environmental and health regulators, the Department of Defense (DOD), and other organizations involved in handling or demilitarizing chemical warfare agents. More specifically, CDC seeks scientifically and professionally defensible data or information that would be helpful in this evaluation of the AELs for sulfur mustard.

Preamble: This proposal updates the sulfur mustard AELs recommended by CDC in 1988. In preparing this proposal, CDC found some evolution of the methods used to derive AELs and some additional toxicity data available for consideration. Even though no empirical evidence indicated that the existing AELs for mustard are not protective of health, CDC believed the new methods and information should be examined for potential impacts on the exposure criteria. Considerations and logic used to arrive at the proposed AELs may be requested from the contact listed at the end of this announcement.

When reviewing the methods used to derive AELs, CDC found that the Environmental Protection Agency's (EPA's) traditional ''reference concentration'' (RfC) method (based on no observed adverse effect level/lowest observed adverse effect level [NOEL/LOAEL] values) and the newer categorical regression, or ''CatReg'' method, are both undergoing internal review that could result in future variation in the way they are applied and the numeric values ultimately derived. Accordingly, CDC decided that both methods should be examined to help define a range of potential values for the proposed AELs. This announcement summarizes CDC's

[1] HD is distilled sulfur mustard that has been purified by washing and vacuum distillation, whereas Levinstein mustard (H) contains about 30 percent sulfur impurities and has stronger vesicant action. HT consists of 60 percent HD and 40 percent T (related vesicant with lower freezing point and much lower volatility), with reportedly similar characteristics to HD. T is not expected to constitute an airborne vapor hazard.

findings and the resultant AELs being proposed. The proposed values were developed in the context of applying professional judgment and did not rely exclusively on any one method. Accordingly, the proposed AELs reflect realistic risk management provisions associated with chemical demilitarization and do not necessarily apply to other purposes.

CDC believes that incorporating risk management into the risk assessment process is necessary and beneficial for the following reasons: Extensive experience has shown that any exposure would be expected to be episodic and acute; extensive air monitoring, engineering, and procedural safeguards have effectively limited exposures; and competing risks would be introduced if existing requirements were significantly changed. Consequently, this proposal is predicated on CDC's understanding of existing demilitarization safeguards and procedures.

Rather than specify an 8-hour time-weighted average, CDC proposes to designate a 5-minute ceiling level that reflects the extensive near-real-time monitoring systems associated with chemical demilitarization activities. Additionally, CDC proposes to recommend a 12-hour general population limit (GPL–12), applicable to both the general population and workers, to confirm that low-level exposure is not occurring. The time duration of the GPL–12 is consistent with the sampling period for existing air monitoring methods and the long work shifts in many demilitarization operations.

CDC recommends a GPL value to allow facility perimeter monitoring levels to be set at a concentration that ensures that carcinogenicity protection goals are met. CDC proposes to change the definition of the GPL to reflect the probable short duration of potential exposures to the general public. Further discussion of this redefinition appears in the available support documentation.

CDC believes this proposal meets the goals of protecting workers and the public at potential airborne concentration levels below those which would result in adverse health effects or irritation for acute exposures, and further protects against risk of cancer from long-term exposure. The criteria proposed in this announcement protect at a risk level below one in one million excess cancers, which is considered to be insignificant.

SUMMARY: CDC's proposals are based on comments by individual scientific experts and interested participants at a public meeting convened by CDC on September 11–12, 2001, in Atlanta, GA; the latest available scientific data and technical reviews; exposure and risk assessment approaches (*e.g.* CatReg and RfC methods); and CDC's understanding of current risk management practices associated with the U.S. Army's chemical agent demilitarization program. As a result of this re-evaluation of the data and the continuing evolution of AEL derivation methods, CDC proposes that the 1988 worker population limit (WPL) of 0.003 mg/m^3, currently an 8-hour time-weighted average (TWA), becomes a 5-minute Ceiling limit value (CEILING–5M); and the GPL of 0.0001 mg/m^3, currently a 72-hour time-weighted average (GPL–72), becomes a 12-hour TWA (GPL–12) and it is adjusted to 0.00002 mg/m^3 to meet carcinogenicity protection levels below thresholds of significant risk (Table 1). CDC also proposes that historical monitoring at the new GPL–12 be implemented where workers are assigned, if reasonable potential exists for mustard exposure. This is to ensure that undetected low-level exposure is not occurring. The proposed Immediately Dangerous to Life or Health (IDLH) value of 0.7 mg/m^3 was derived by CDC/National Institute for Occupational Safety and Health (CDC/NIOSH) in accordance with standard NIOSH protocol.

TABLE 1.—CDC PROPOSED MUSTARD AIRBORNE EXPOSURE LIMITS

[All values expressed as mg/m^3 in air]

Mustard (H, HD, HT) criteria	Existing worker population limit (WPL–8)	Proposed worker daily ceiling limit (CEILING–5M*)	Existing general population limit (GPL–72)	Proposed general population limit (includes workers) (GPL–12*)	Proposed immediately dangerous to life or health (IDLH)
Exposure Level	0.003	**0.003	0.0001	0.00002	0.7‡
Averaging Time	8 hours (TWA)	≤5 minutes	72 hours (TWA)	≤12 hours† (TWA)	≤30 minutes

* Administrative or appropriate personal protective equipment is required if mustard vapor exposure exceeds criteria.

** To be evaluated with a near real-time instrument with a cycle time of not more than 5 minutes.

† To be evaluated with historical air monitoring method with analysis within 72 hours of sampling (applicable to worker and general population to detect low-level excursions of agent). The action level is recommended to be set at the GPL for this criterion.

‡ The 30-minute period is not meant to imply that workers should stay in the work environment any longer than necessary; in fact, they should make every effort should be made to exit immediately. IDLH condition requires highly reliable dermal and respiratory protection providing maximum worker protection.

Although the proposed CEILING–5M is numerically identical to the existing 1988 CDC criteria, the averaging time has been changed to reflect actual operating conditions associated with ongoing demilitarization activities. The averaging time for the GPL similarly has been changed to reflect actual practice. As discussed in the supporting documentation, these changes reduce the potential dose associated with an exposure at each limit.

CDC believes that the proposed limits will protect workers and the public from potential acute and long-term (*e.g.*, carcinogenic) adverse health effects from exposure to H, HD, and HT. Comments are hereby sought to help CDC refine their evaluation prior to issuing final recommended AELs.

DATES: Submit comments on or before October 1, 2003.

ADDRESSES: Comments may be submitted several ways:

1. By mail. Submit your comments to Dr. Paul Joe, Centers for Disease Control and Prevention, 4770 Buford Highway, Mail Stop F–16, Atlanta, Georgia 30341.

2. In person or by courier. Deliver your comments to the address listed above.

3. Electronically. Submit your comments by e-mail to *pbj4@cdc.gov,* or submit a computer disk to the address indicated above. Electronic documents will be accepted in Corel WordPerfect® or Microsoft Word® formats.

For a Copy of CDC's Detailed Proposal: Dr. Paul Joe, Centers for Disease Control and Prevention, 4770 Buford Highway, Mail Stop F–16, Atlanta, GA 30341, Telephone number:

770–488–7091, E-mail address: *pbj4@cdc.gov.*

Dated: July 16, 2003.

Joseph R. Carter,

Associate Director for Management and Operations, Centers for Disease Control and Prevention.

[FR Doc. 03–18601 Filed 7–21–03; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: CMS–10091]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

AGENCY: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA)), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

We are, however, requesting an emergency review of the information collection referenced below. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we have submitted to the Office of Management and Budget (OMB) the following requirements for emergency review. We are requesting an emergency review because the collection of this information is needed before the expiration of the normal time limits under OMB's regulations at 5 CFR part 1320. We feel emergency approval is needed to possibly reduce the risk of public harm on beneficiaries by providing them the proper tools needed to get current information with regards to finding a Medicare participating physician who is accepting new patients.

CMS is requesting OMB review and approval of this collection by August 8, 2003, with a 180-day approval period. Written comments and recommendations will be accepted from the public if received by the individuals designated below by July 31, 2003. During this 180-day period, we will publish a separate **Federal Register** notice announcing the initiation of an extensive 60-day agency review and public comment period on these requirements. We will submit the requirements for OMB review and an extension of this emergency approval.

Type of Information Collection Request: New Collection; *Title of Information Collection:* UPIN (UPIN Physician Identification Number) Participating Directory/Accepting New Patients Indicator; *Form No.:* CMS–10091 (OMB# 0938-NEW); *Use:* In November of 2000, CMS launched the Participating Physicians Directory on *http//www.medicare.gov.* This particular directory was created to provide beneficiaries with the names, addresses, and specialties of Medicare participating physicians who have agreed to accept assignment on all Medicare claims and covered services. CMS is adding information from already existing sources; in addition, CMS wants to collect a new data element ''Accepting New Patients Indicator'' which is essential to a beneficiary's search for a physician. *Frequency:* On occasion; *Affected Public:* Business or other for-profit; *Number of Respondents:* 109,800; *Total Annual Responses:* 10,980; *Total Annual Hours:* 915.

We have submitted a copy of this notice to OMB for its review of these information collections. A notice will be published in the **Federal Register** when approval is obtained.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS's Web site address at *http://cms.hhs.gov/regulations/pra/default.asp,* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov,* or call the Reports Clearance Office on (410) 786–1326.

Interested persons are invited to send comments regarding the burden or any other aspect of these collections of information requirements. However, as noted above, comments on these information collection and recordkeeping requirements must be mailed and/or faxed to the designees referenced below, by July 31, 2003: Centers for Medicare and Medicaid Services, Office of Strategic Operations and Regulatory Affairs, Room C5–14–03, 7500 Security Boulevard, Baltimore, MD 21244–1850. Fax Number: (410) 786–0262, Attn: Melissa Musotto CMS 10091; and, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Fax Number: (202) 395–6974 or (202) 395–5167, Attn: Brenda Aguilar, CMS Desk Officer.

Dated: July 10, 2003.

Julie Brown,

Acting, Paperwork Reduction Act Team Leader, CMS Reports Clearance Officer, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development and Issuances.

[FR Doc. 03–18529 Filed 7–21–03; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[CMS–1964]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

AGENCY: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA)), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

We are, however, requesting an emergency review of the information

collection referenced below. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we have submitted to the Office of Management and Budget (OMB) the following requirements for emergency review. We are requesting an emergency review because the collection of this information is needed before the expiration of the normal time limits under OMB's regulations at 5 CFR part 1320. Emergency approval is needed because this collection's expiration inadvertently lapsed.

CMS is requesting OMB review and approval of this collection by August 8, 2003, with a 180-day approval period. Written comments and recommendations will be accepted from the public if received by the individuals designated below by July 31, 2003. During this 180-day period, we will publish a separate **Federal Register** notice announcing the initiation of an extensive 60-day agency review and public comment period on these requirements. We will submit the requirements for OMB review and an extension of this emergency approval.

Type of Information Collection Request: Reinstatement, without change, of a previously approved collection for which approval has expired; *Title of Information Collection:* Request for Review of Part B Medicare Claim and Supporting Regulations in 42 CFR Section 405.807; *Form No.:* CMS–1964 (OMB# 0938–0033); *Use:* This form is the preferred manner to enable appellants to request a Part B review by a carrier.; *Frequency:* On occasion; *Affected Public:* Individuals or Households and Not-for-profit institutions; *Number of Respondents:* 6,860,000; *Total Annual Responses:* 6,860,000; *Total Annual Hours:* 1,715,000.

We have submitted a copy of this notice to OMB for its review of these information collections. A notice will be published in the **Federal Register** when approval is obtained.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS's Web site address at *http://cms.hhs.gov/regulations/pra/default.asp,* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*, or call the Reports Clearance Office on (410) 786–1326.

Interested persons are invited to send comments regarding the burden or any other aspect of these collections of information requirements. However, as noted above, comments on these information collection and recordkeeping requirements must be mailed and/or faxed to the designees referenced below, by July 31, 2003: Centers for Medicare and Medicaid Services, Office of Strategic Operations and Regulatory Affairs, Room C5–14–03, 7500 Security Boulevard, Baltimore, MD 21244–1850. Fax Number: (410) 786–0262, Attn: Melissa Musotto CMS 10091; and, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Fax Number: (202) 395–6974 or (202) 395–5167, Attn: Brenda Aguilar, CMS Desk Officer.

Dated: July 10, 2003.

Melissa Musotto,

Acting, Paperwork Reduction Act Team Leader, CMS Reports Clearance Officer, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development and Issuances.

[FR Doc. 03–18530 Filed 7–21–03; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2003N–0302]

Agency Information Collection Activities; Proposed Collection; Comment Request; Certain Biologics Labeling

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection requirements related to certain biologics labeling requirements.

DATES: Submit written or electronic comments on the collection of information by September 22, 2003.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.fda.gov/dockets/ecomments*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: JonnaLynn Capezzuto, Office of Management Programs (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques when appropriate, and other forms of information technology.

Certain Biologics Labeling

Under the authority of section 351 of the Public Health Services Act (PHS Act) (42 U.S.C. 262), the biologics regulations require a manufacturer of a biological product to submit an application with accompanying information, including labeling information, to FDA for approval to market a product in interstate commerce part 601.2 (21 CFR part 601.2). In addition, any changes to labeling are required to be submitted to FDA for review and approval (§ 601.12). For

biological products, excluding blood and blood components for transfusion, the container and package labeling requirements subject to the PRA are provided in part 610.60 (21 CFR part 610.60) §§ 610.61, and § 610.62. The collections of information under §§ 601.2, 601.12, 610.60, 610.61, and 610.62 are approved under OMB control number 0910–0338 (expires August 31, 2005). In addition to the labeling requirements prescribed in §§ 610.60 through 610.62 or other labeling regulations (e.g., § 809.10), there are additional container and/or package labeling requirements for certain licensed biological products subject to the PRA: §§ 640.70 and 640.74 (21 CFR 640.70 and 640.74) (Source Plasma), § 640.84 (Albumin), § 640.94 (Plasma Protein Fraction), § 660.2 (Antibody to Hepatitis B Surface Antigen), § 660.28 (Blood Grouping Reagent), § 660.35 (Reagent Red Blood Cells), § 660.45 (Hepatitis B Surface Antigen), and § 660.55 (Anti-Human Globulin).

An example of an additional labeling requirement for each of the specific regulations is as follows:

• Section 640.70(a), the total volume or weight of plasma.

• Section 640.74(b)(3) and (4), the name of the manufacturer of the final blood derivative product for whom it was prepared.

• Sections 640.84(a) and (c), and 640.94(a), the osmotic equivalent.

• Section 660.2(c), name of the recommended test method(s).

• Section 660.28(a) and (b), the name of the antibody or antibodies present.

• Section 660.35(a), (c) through (g), and (i) through (m), information regarding washing of cells, percentage of red blood cells in suspension.

• Section 660.45, name of the recommended test method(s).

• Section 660.55(a) and (b), the name of the antibody or antibodies present.

Form FDA 2567 ''Transmittal of Labels and Circulars'' is used by manufacturers of licensed biological products to submit with labeling (e.g., circulars, package labels, container labels, etc.) and labeling changes for FDA review and approval. Labeling information is submitted to FDA for review in an application, supplement or, when appropriate, an annual report. Form FDA 2567 is approved under OMB control number 0910–0338.

Based on information obtained from CBER's database system, there is an estimated 350 manufacturers of licensed biological products. However, not all manufacturers will have any submissions in a given year and some may have multiple submissions. The total annual responses are based on the estimated number of submissions for a particular product (e.g., license applications and labeling supplements) received annually by FDA. No applications have been received for most of the listed products in the last couple of years, but FDA is using the estimate of one application in the event one is submitted in the future. Based on previous estimates, the rate of submissions is not expected to change significantly in the next few years.

The hours per response is based on past FDA's experience with the various submissions to FDA and includes the time estimated to prepare the various submissions for FDA review and collate the documentation. The burden associated with the additional labeling requirements for submission in a license application is minimal because the majority of the burden is associated with the requirements under §§ 610.60 through 610.62 or other labeling requirements. FDA estimates that it takes between 10 to 40 hours (average 25 hours) to complete a labeling supplement or annual report for submission to FDA.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	Type of Submission	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
640.70(a) and 640.74(b)(3) and (4)	application	5	1	5	2	10
	supplement	20	1.5	30	25	750
640.84(a) and (c)	application	1	1	1	1	1
	supplement	3	1.25	4	25	100
640.94(a)	application	1	1	1	1	1
	supplement	1	1	1	25	25
660.2(c)	application	1	1	1	3	3
	supplement	1	1	1	25	25
660.28(a) and (b)	application	1	1	1	6	6
	supplement	1	2	2	25	50
660.35(a)(c) through (a)(g) and 660.35 (a)(i) through (a)(m)	application	1	1	1	6	6
	supplement	1	1	1	25	25
660.45	application	1	1	1	3	3
	supplement	1	1	1	25	25
660.55(a) and (b)	application	1	1	1	6	6
	supplement	1	1	1	25	25
Total						1,061

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: July 15, 2003.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 03–18503 Filed 7–21–03; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Commission of Childhood Vaccines; Request for Nominations for Voting Members

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) is requesting nominations to fill three vacancies on the Advisory Commission on Childhood Vaccines (ACCV). The ACCV was established by Title XXI of the Public Health Service Act (the Act), as enacted by Public Law (Pub. L.) 99–660 and as subsequently amended, and advises the Secretary of Health and Human Services (the Secretary) on issues related to implementation of the National Vaccine Injury Compensation Program (VICP).

DATES: The agency must receive nominations on or before August 21, 2003.

ADDRESSES: All nominations are to be submitted to the Director, Division of Vaccine Injury Compensation, Office of Special Programs, HRSA, Parklawn Building, Room 16C–17, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: Ms. Cheryl A. Lee, Principal Staff Liaison, Policy Analysis Branch, Division of Vaccine Injury Compensation, at (301) 443–2124 or e-mail:*clee@hrsa.gov.*

SUPPLEMENTARY INFORMATION: Under the authorities that established the ACCV, the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463) and Section 2119 of the Act, 42 U.S.C. 300aa–19, as added by Public Law 99–660 and amended, HRSA is requesting nominations for three voting members of the ACCV.

The ACCV advises the Secretary on the implementation of the VICP. The activities of the ACCV include: Recommending changes in the Vaccine Injury Table at its own initiative or as the result of the filing of a petition; advising the Secretary in implementing section 2127 regarding the need for childhood vaccination products that result in fewer or no significant adverse reactions; surveying Federal, State, and local programs and activities related to gathering information on injuries associated with the administration of childhood vaccines, including the adverse reaction reporting requirements of section 2125(b); advising the Secretary on the methods of obtaining, compiling, publishing, and using credible data related to the frequency and severity of adverse reactions associated with childhood vaccines; and recommending to the Director of the National Vaccine Program that vaccine safety research be conducted on various vaccine injuries.

The ACCV consists of nine voting members appointed by the Secretary as follows: Three health professionals, who are not employees of the United States Government and have expertise in the health care of children, the epidemiology, etiology and prevention of childhood diseases, and the adverse reactions associated with vaccines, at least two shall be pediatricians; three members from the general public, at least two shall be legal representatives (parents or guardians) of children who have suffered a vaccine-related injury or death; and three attorneys, at least one shall be an attorney whose specialty includes representation of persons who have suffered a vaccine-related injury or death, and one shall be an attorney whose specialty includes representation of vaccine manufacturers. In addition, the Director of the National Institutes of Health, the Assistant Secretary for Health, the Director of the Centers for Disease Control and Prevention, and the Commissioner of the Food and Drug Administration (or the designees of such officials) serve as nonvoting ex officio members.

Specifically, HRSA is requesting nominations for three voting members of the ACCV representing: (1) A pediatrician with special experience in childhood diseases; (2) an attorney whose specialty includes representation of a vaccine manufacturer; and (3) a member from the general public. Nominees will be invited to serve a 3-year term beginning January 1, 2004, and ending December 31, 2006.

Interested persons may nominate one or more qualified persons for membership on the ACCV. Nominations shall state that the nominee is willing to serve as a member of the ACCV and appears to have no conflict of interest that would preclude the ACCV membership. Potential candidates will be asked to provide detailed information concerning consultancies, research grants, or contracts to permit evaluation of possible sources of conflicts of interest. A curriculum vitae or resume should be submitted with the nomination.

The Department of Health and Human Services has special interest in assuring that women, minority groups, and the physically disabled are adequately represented on advisory committees; and therefore, extends particular encouragement to nominations for appropriately qualified female, minority, or physically disabled candidates.

Dated: July 10, 2003.

Elizabeth M. Duke,

Administrator.

[FR Doc. 03–18567 Filed 7–21–03; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

[HRSA–03–039]

Fiscal Year 2003 Competitive Application Cycle for the Healthy Communities Access Program (HCAP); CFDA Number 93.252

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of availability of funds for new awards.

Legislative Authority: The ''Health Care Safety Net Amendments of 2002'' (Pub. L. 107–251) amended Part D of Title III of the Public Health Service (PHS) Act by inserting a new Subpart V, Section 340, creating the Healthy Communities Access Program (HCAP). Section 340 of the PHS Act (42 U.S.C. 256) authorizes the award of competitive grants to eligible entities to assist in the development of integrated health care delivery systems to serve communities of individuals who are uninsured and/or underinsured.

Purpose: To provide assistance to communities and consortia of health care providers and others they represent to develop or continue activities to strengthen integrated community health care delivery systems that coordinate health care services for individuals who are uninsured or underinsured, and to develop or strengthen activities related to providing coordinated care for individuals with chronic conditions who are uninsured or underinsured.

Eligibility: Tribal, faith-based and community-based organizations are encouraged to apply. For an entity to be eligible to receive a new HCAP award, the following requirements must be met:

1. The applicant entity must represent a consortium whose principal purpose

is to provide a broad range of coordinated health care services to their defined community's uninsured and underinsured populations.

2. The community-wide consortium represented by the applicant entity must include at least one of each of the following providers that serve the stated community, unless such provider does not exist, declines or refuses to participate, or places unreasonable conditions on its participation:

- A Federally qualified health center (as defined in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa));
- A hospital with a low-income utilization rate (as defined in section 1923(b)(3) of the Social Security Act (42 U.S.C. 1396r–4(b)(3)), that is greater than 25 percent;
- A public health department; and
- An interested public or private sector health care provider or an organization that has traditionally served the medically uninsured and underserved.

3. The applicant entity is neither a current nor former Community Access Program (CAP) grantee and is proposing to serve either a service area or target population of uninsured and underinsured individuals that has not been exclusively served by a previous CAP grant.

For an existing CAP grantee to be eligible to receive a completing Continuation HCAP award, the following requirements must be met.

1. The applicant entity must represent a consortium whose principal purpose is to provide a broad range of coordinated health care services to their defined community's uninsured and underinsured populations.

2. The community-wide consortium represented by the applicant entity must include at least one of each of the following providers that serve the stated community, unless such provider does not exist, declines or refuses to participate, or places unreasonable conditions on its participation:

- A Federally qualified health center (as defined in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa));
- A hospital with a low-income utilization rate (as defined in section 1923(b)(3) of the Social Security Act (42 U.S.C. 1396r–4(b)(3)), that is greater than 25 percent;
- A public health department; and
- An interested public or private sector health care provider or an organization that has traditionally served the medically uninsured and underserved.

Existing CAP grantees seeking a 4th year if funding must demonstrate extraordinary circumstances, *i.e.*, an event (or events) outside the control of the eligible entity that has prevented the eligible entity from fulfilling the objectives described by such entity in their approved grant application for the budget period for the preceding fiscal year. The event(s) and impact, or impact alone, of any of the extraordinary circumstances noted below must have occurred during the applicant's budget period (September 1, 2002—August 31, 2003) for the preceding fiscal year. Examples include: Natural disasters or other major disruptions to the security or health of the community served by the applicant that directly and adversely affect the applicant; or significant economic deteriorations in the community served by the applicant that directly and adversely affect the applicant.

DATES: The timelines for application submission and award are as follows:

Application Deadline: August 26, 2003.

Grant Awards Announced: September 28, 2003.

Applications will be considered on time if they are received by 5 p.m. eastern standard time on August 26, 2003 or before the established deadline. Applicants should obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service or request a legibly dated U.S. Postal Service postmark. Private metered postmarks will not be accepted as proof of timely mailing. Applicants sent to any address other than that specified below are subject to being returned. Applicants will receive notification of their application receipt. Applicants should note that HRSA will be accepting grant applications online in the last quarter of the fiscal year (July through September). Please refer to the HRSA grants schedule at *http://www.hrsa.gov/grants.htm* for more information.

How To Request and Submit an Application: To obtain a complete application kit (*i.e.*, application instructions, necessary forms, and application review criteria), call toll free 1–877–HRSA–123 (1–877–477–2123). When contacting the HRSA Grants Application Center (GAC) please refer to the program announcement number HRSA–03–39 and the name of this program.

An original and two copies of the application must be sent to: HRSA Grants Application Center, 901 Russell Avenue, Suite 450, Gaithersburg, Maryland 20879; FAX: 1–877–HRSA–345 (1–877–477–2345); E-mail: *hrsagac@hrsa.gov.*

Application Review and Funding Criteria: Each application received by the deadline will be screened for eligibility. An application will be considered eligible if it meets all of the specific eligibility requirements listed above. Applications that do not meet the eligibility requirements will not be accepted for processing and will be returned. An Objective Review Committee (ORC) will review all eligible applications. The review criteria used by the Objective Review Committee to assess each application (out of 100 points) will include:

- *Community Health Care Delivery System Needs Assessment (maximum 10 points):* Extent to which the applicant clearly defines the service area and target population of uninsured and underinsured individuals for the project and provides a detailed assessment of the current delivery system for the applicant's uninsured and underinsured populations so as to describe the extent of unmet need for a more coordinated system of care.
- *Consortium Organizational and Functional Structure (Maximum 15 Points):* Extent to which the applicant describes the history, membership, functional structure, accountability, and strategies of the applicant's HCAP consortium in terms of its capacity to implement an efficient, higher quality, comprehensive system of care for the stated target population of uninsured and underinsured individuals.
- *Project Work Plan (Maximum 35 Points):* Extent to which the applicant's work plan demonstrates the clarity, feasibility, and scope of proposed activities, goals, and measurable objectives which are consistent and aligned with stated needs and will develop or strengthen an integrated community health care delivery system that provides more efficient, effective, coordinated, and quality care at a lower cost for the stated population of uninsured or underinsured individuals.
- *Program Performance Plan (Maximum 15 Points):* Extent to which the applicant provides an appropriate plan for evaluation of the activities carried out under the grant that ensures monitoring and measurement of progress towards the corresponding goals and objectives as well as the use of evaluation findings to improve program performance and support sustainability.
- *Sustainability Plan (Maximum 15 Points):* Extent to which the applicant provides an appropriate plan for long-term project sustainability and community-reinvestment for HCAP

activities through decreasing dependence on Federal funds.

• *Budget (Maximum 10 Points):* Extent to which the applicant presents a detailed, clear and comprehensive budget that is appropriate and reasonable for the scope of proposed activities described in the Project Work Plan and which adequately documents and demonstrate the use of non-Federal contributions to the greatest extent possible for the proposed HCAP project.

Further evaluation/review criteria detail will be listed in the application guidance.

Funding Preference: A funding preference is defined as the funding of a specific category or group of approved applications ahead of other categories or groups of approved applications. There is one preference under this funding opportunity. A preference will be accorded to applicants that demonstrate the greatest extent of unmet need in the community involved for a more coordinated system of care.

Matching or Cost Sharing Requirement: No match or cost sharing required.

Estimated Amount of Available Funds: $35,000,000 for New Awards and $70,000,000 for Competing Continuations.

Estimated Number of Awards: Up to 35 New Awards and 100 Competing Continuations.

Estimated Average Size of Each Award: New awards will range from $800,000 to $900,000 and Competing Continuations will range from $600,000 to $700,000.

Estimated Project Period: Up to three years for new award. For competing continuations, Cap Grantees that received: (1) Their initial funding in fiscal year 2000 are eligible for a one year project period under Extraordinary Circumstances; (2) their initial funding in fiscal year 2001 are eligible for a one year project period under this announcement; and (3) their initial funding in fiscal year 2002 are eligible for up to a two year project period under this announcement.

FOR FURTHER INFORMATION CONTACT: Tracy McClintock, phone number: (301) 594–4300, e-mail:*tmcclintock@hrsa.gov*.

Paperwork Reduction Act: The application for the Healthy Communities Access Program has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. The OMB clearance number is 0920–0428.

Public Health System Reporting Requirements: Under these requirements (approved by the Office of Management and Budget under OMB number 0937–0195), a community-based non-governmental applicant must prepare and submit a Public Health System Impact Statement to the head of the appropriate State and local health agencies in the area(s) to be impacted no later than the Federal application receipt due date. This statement must include:

1. A copy of the face page of the application (SF 424) and

2. A summary of the project, not to exceed one page, which provides:

a. A description of the population to be served,

b. A summary of the services to be provided, and

c. A description of the coordination planned with the appropriate State and local health agencies.

Executive Order 12372: This program has been determined to be subject to provisions of Executive Order 12372, as implemented by 45 CFR part 100. Executive Order 12372 allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The Form PHS 5161 contains a listing of States that have set up a review system and will provide a State Point of Contact (SPOC) in the State for the review. A list of SPOC contacts is also available at *http://www.whitehouse.gov/omb/grants/spoc.html*. Applicants (other than federally-recognized Indian tribal governments) should contact their SPOCs as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State.

Except in unusual circumstances, the due date for State process recommendations is at least 60 days from the deadline date established by the Secretary. 45 CFR 100.8(a)(2). In this instance, there are less than 90 days before the end of the 2003 fiscal year (on September 30, 2003). Due to this unusual circumstance, HRSA is establishing a 30-day due date for State process recommendations to assure timely consideration of such recommendations. The HRSA does not guarantee that it will accommodate or explain its responses to State process recommendations received after the due date (*See* ''Intergovernmental Review of Federal Programs'' Executive Order 12372, and 45 CFR Part 100, for a description of the review process and requirements).

Dated: July 15, 2003.

Elizabeth M. Duke,

Administrator.

[FR Doc. 03–18632 Filed 7–21–03; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the Teleconference meeting of the Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Substance Abuse Prevention (CSAP) National Advisory Council in July 2003.

The agenda will include the review, discussion, and evaluation of individual grant applications. Therefore the Teleconference meeting will be closed to the public as determined by the Administrator, SAMHSA, in accordance with Title 5 U.S.C. 552b(c)(6) and 5 U.S.C. App.2, 10(d).

A roster of committee members and substantive program information may be obtained from Carol Watkins, Executive Secretary, Rockwall II Building, Suite 900, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443–9542.

Committee Name: SAMHSA Center for Substance Abuse Prevention National Advisory Council.

Meeting Dates: Monday, July 21, 2003, 3–5 p.m. (Closed Session).

Meeting Place: Center for Substance Abuse Prevention, 5515 Security Lane, Rockwall II Building, Conference Room I, Room 900, Rockville, Maryland, Telephone (301) 443–0365.

Contact: Carol D. Watkins, Executive Secretary, 5600 Fishers Lane, Rockwall II Building, Suite 900, Rockville, Maryland 20857, Telephone: (301) 443–9542.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

Dated: July 16, 2003.

Toian Vaughn,

Executive Secretary/Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 03–18502 Filed 7–21–03; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Citizenship and Immigration Services

Agency Information Collection Activities: Comment Request

ACTION: Request OMB emergency approval; petition for nonimmigrant worker: Form I–129.

The Department of Homeland Security, Bureau of Citizenship and Immigration Services (BCIS) has submitted the following information collection request utilizing emergency review procedures to the Office of Management and Budget (OMB) for review and clearance in accordance with section 1320.13(a)(1)(ii) and (1)(2)(iii) of the Paperwork Reduction Act of 1995. The BCIS has determined that it cannot reasonably comply with the normal clearance procedures under this part because normal clearance procedures are reasonably likely to prevent or disrupt the collection of information. Emergency review and approval of this information collection will ensure that the collection may continue. Therefore, OMB approval has been requested by July 18, 2003.

If granted, the emergency approval in only valid for 180 days. All comments and/or questions pertaining to this pending request for emergency approval must be directed to OMB, Office of Information and Regulatory Affairs, 725 17th Street, NW., Suite 10235, Washington, DC 20503; Attention: Department of Homeland Security Desk Officer. Comments regarding the emergency submission of this information collection may also be submitted via facsimile to 202–395–6974.

During the first 60 days of this same period, a regular review of this information collection is also being undertaken. During the regular review period, the BCIS requests written comments and suggestions from the public and affected agencies concerning this information collection. Comments are encouraged and will be accepted for sixty days until September 22, 2003. During the 60-day regular review, all comments and suggestions, or questions regarding additional information, to include obtaining a copy of the information instrument with instructions, should be directed to Mr. Richard A. Sloan, 202–514–3291, Director, Regulations and Forms Services Division, Bureau of Immigration and Customs Enforcement, U.S. Department of Homeland Security, Room 4034, 425 I Street, NW., Washington, DC 20536. Written comments and suggestions form the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) 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;

(2) Evaluate the accuracy of the agencies 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 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.

Overview of this information collection:

(1) *Type of Information Collection:* Reinstatement of a previously approved information collection.

(2) *Title of the Form/Collection:* Petition for Nonimmigrant Worker.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–129. Bureau of Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as brief abstract:* Primary: Individuals or households. This form is used by an employer to petition for aliens to come to the U.S. temporarily to perform services, labor, training or to request extensions of stay or changes in nonimmigrant status for nonimmigrant workers.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 368,948 responses at 2.75 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,014,607 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan, 202–514–3291, Director, Regulations and Forms Services Division, Bureau of Immigration and Customs Enforcement, U.S. Department of Homeland Security, Room 4304, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Lewis Oleinick, Department Clearance Officer, United States Department of Homeland Security, Regional Office Building 3, 7th and D Streets, SW., Washington, DC 20530.

Dated: July 16, 2003.

Richard A. Sloan,

Department Clearance Officer, U.S. Department of Homeland Security, Bureau of Immigration and Customs Enforcement.

[FR Doc. 03–18630 Filed 7–21–03; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2003–15649]

National Offshore Safety Advisory Committee; Vacancies

AGENCY: Coast Guard, DHS.

ACTION: Request for applications.

SUMMARY: The Coast Guard seeks applications for membership on the National Offshore Safety Advisory Committee (NOSAC). NOSAC provides advice and makes recommendations to the Coast Guard on matters affecting the offshore industry.

DATES: Application forms should reach us on or before September 30, 2003.

ADDRESSES: You may request an application form by writing to Commandant (G–MSO–2), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001; by calling 202–267–1181; or by faxing 202–267–4570. A copy of the application form is available from the Coast Guard's Advisory Committee Web page at: *http://www.uscg.mil/hq/g-m/advisory/index.htm* Send your application in written form to the above street address. This notice is available on the Internet at *http://dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: Captain D. L. Scott, Executive Director of NOSAC, or James M. Magill, Assistant to the Executive Director, telephone 202 267–1181, fax 202–267–4570.

SUPPLEMENTARY INFORMATION: NOSAC is a Federal advisory committee under 5 U.S.C. App. 2 (Pub. L. 92–463, 86 Stat. 770, as amended). It consists of 14 regular members who have particular knowledge and experience regarding offshore technology, equipment, safety and training and environmental expertise in the exploration or recovery of offshore mineral resources. It provides advice and makes recommendations to the Assistant Commandant for Marine Safety, Security and Environmental Protection on safety, security and rulemaking matters relating to the offshore mineral and energy industries. This advice assists us in formulating the positions of the United States in advance of meetings of the International Maritime Organization.

NOSAC meets twice a year, with one of these meetings being held at Coast Guard Headquarters in Washington, DC. It may also meet for extraordinary purposes. Its subcommittees and working groups may meet to consider specific problems as required.

We will consider applications received in response to this notice for three positions that expire or become vacant in January 2004. Applications should reach us by September 30, 2003, but we will consider applications received later if they arrive before we make our recommendations to the Secretary of Homeland Security.

To be eligible, applicants should have experience in one of the following categories: (1) Offshore operations, (2) diving services, or (3) pipelaying services. Please state on the application form which of the three categories you are applying for. Each member normally serves a term of 3 years or until a replacement is appointed. A few members may serve consecutive terms. All members serve at their own expense and receive no salary, reimbursement of travel expenses, or other compensation from the Federal Government.

In support of the policy of the Coast Guard on gender and ethnic diversity, we encourage qualified women and members of minority groups to apply.

If you are selected as a member who represents the general public, we will require you to complete a Confidential Financial Disclosure Report (OGE Form 450). We may not release the report or the information in it to the public, except under an order issued by a Federal court or as otherwise provided under the Privacy Act (5 U.S.C. 552a).

Dated: July 14, 2003.

J.G. Lantz,

Acting Director of Standards, Marine Safety, Security and Environmental Protection.

[FR Doc. 03–18520 Filed 7–21–03; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Proposed Information Collection Under the Paperwork Reduction Act; Comment Request

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of proposed collection.

SUMMARY: As required by the Paperwork Reduction Act of 1995, we are renewing the information collection found in the general Probate of Indian Decedents' Estates, Except for Members of the Five Civilized Tribes regulations. The purpose of this data collection is to ensure that Probate regulations are administered for the benefit of individual Indians and any persons having claims against an Indian decedent's estate.

DATES: Comments on this proposed information collection must be received by September 22, 2003.

ADDRESSES: Send comments to Ben Burshia, Bureau of Indian Affairs, Office of Trust Responsibilities, Real Estate Services, 1849 C Street, NW., MS 4512-MIB, Washington, DC 20240. Comments may also be faxed to (202) 219–1065. We cannot accept e-mail comments at this time.

FOR FURTHER INFORMATION CONTACT: Angela D. Pittman, (202) 208–4861.

SUPPLEMENTARY INFORMATION: The information provided through collection requirements is used by the Department of the Interior, BIA, to determine heirs and divide any funds held by the BIA for an Indian decedent and to divide the decedent's trust and restricted real property. The information is particularly used by the Bureau of Indian Affairs in:

(a) Instructing an individual in starting the probate process;

(b) Preparing a probate package for review;

(c) Filing claims;

(d) Disbursing assets; and

(e) Filing appeals for adverse decisions.

Request for Comments

The Bureau of Indian Affairs requests your comments on this collection concerning:

(a) The necessity of this information collection 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 (hours and cost) of the collection of information, including the validity of the methodology and assumptions used;

(c) Ways we could enhance the quality, utility and clarity of the information to be collected; and

(d) Ways we could minimize the burden of the collection of the information on the respondents, such as facilitating use of automation for collection techniques or other forms of information technology.

Please note that an agency may not sponsor or request, and an individual need not respond to, a collection of information unless it has a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section, room 4522, during the hours of 8:30 a.m. to 5 p.m. EST, Monday through Friday except for legal holidays. If you wish to have your name and/or address withheld, you must state this prominently at the beginning of your comments. We will honor your request according to the requirements of the law. All comments from organizations or representatives will be available for review. We may withhold comments from review for other reasons.

OMB Control Number: 1076–0156.

Type of Review: Renewal.

Title: Probate of Indian Estates, Except for Members of the Five Civilized Tribes, 25 CFR part 15.

Brief Description of Collection: Information is collected through the probate process when BIA learns of decedent's death from a neighbor, friend, or any other interested person by providing copy of decedent's obituary notice from a local newspaper; an affidavit of death prepared by someone who knows about the decedent. BIA also requires other documents to process the probate package. Interested party must inform BIA if any of the documents or information identified are not available.

Respondents: Possible respondents include: Individual tribal members, individual non-Indians, individual tribal member-owned businesses, non-Indian owned businesses, tribal governments, and land owners who are seeking a benefit.

Number of Respondents: 32,589 annually.

Annual hours: 156,407.

Estimated Time per Response: 5 hours.

Frequency of Response: As required.

Dated: July 17, 2003.

Aurene M. Martin,

Assistant Secretary, Indian Affairs.

[FR Doc. 03–18621 Filed 7–21–03; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Tribal—State Gaming Compact Amendments taking effect between the State of Wisconsin and the Lac Courte Oreilles Bank of Lake Superior Chippewa Indians, the Oneida Tribe of Indians, the Menominee Indian Tribe, and the Bad River Bank of Lake Superior Chippewa Indians.

SUMMARY: Pursuant to Section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Public Law 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of the approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Assistant Secretary—Indian Affairs, Department of the Interior, through her delegated authority, is publishing notice that the Amendment to the Gaming Compact of 1991 between the Lac Courte Oreilles Bank of Lake Superior Chippewa Indians and the State of Wisconsin executed on April 29, 2003; the Amendment to the Gaming Compact of 1991 between the Bad River Band of Lake Superior Chippewa Indians and the State of Wisconsin executed on April 25, 2003; the Amendment to the Gaming Compact of 1991 between the Oneida Tribe of Indians and the State of Wisconsin executed on April 28, 2003; and the Amendment to the Gaming Compact of 1992 between the Menominee Indian Tribe and the State of Wisconsin executed on April 29, 2003, are considered approved. By the terms of IGRA, the Amendments to the Compacts are considered approved, but only to the extent that the Amendments are consistent with the provisions of IGRA.

The Amendments expand the scope of gaming activities authorized under the Compact, remove limitations on wager limits, remove limitations on the number of permitted gaming devices, extend the term of the compact to an indefinite term, subject to re-opener clauses, institute an entirely new dispute resolution provision, replace the sovereign immunity provision, and modify the revenue-sharing provision of the Compact.

EFFECTIVE DATES: July 22, 2003.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: July 10, 2003.

Woodrow W. Hopper, Jr.,

Acting Deputy Assistant Secretary—Indian Affairs (Management).

[FR Doc. 03–18631 Filed 7–21–03; 8:45 am]

BILLING CODE 4310–4N–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK962–1410–HY–P; F–14846–F2; DYA–10]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, DOI.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: As required by 43 CFR 2650.7(d), notice is hereby given that an appealable decision approving lands for conveyance pursuant to the Alaska Native Claims Settlement Act will be issued to Chalkyitsik Native Corporation. The lands are located in T. 20 N., R. 19 E., Fairbanks Meridian, in the vicinity of Chalkyitsik, Alaska, and contain 19,915.87 acres. Notice of the decision will also be published four times in the Fairbanks Daily News-Miner.

DATES: The time limits for filing an appeal are:

1. Any party claiming a property interest which is adversely affected by the decision shall have until August 21, 2003 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

ADDRESSES: A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599.

FOR FURTHER INFORMATION CONTACT: Christy Favorite, by phone at (907) 271–5656, or by e-mail at *cfavorit@ak.blm.gov.*

Christy Favorite,

Land Law Examiner, Branch of ANCSA Adjudication.

[FR Doc. 03–18563 Filed 7–21–03; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–320/350/310–03–1610–DO]

Notice of Intent To Prepare an Environmental Impact Statement and Associated Resource Management Plans for Three Bureau of Land Management Field Offices in Northeast California and Northwest Nevada: The Eagle Lake Field Office; Alturas Field Office; the Surprise Field Office

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare an Environmental Impact Statement (EIS) and associated Resource Management Plans (RMP) for three Bureau of Land Management (BLM) field offices in Northeast California and Northwest Nevada: The Eagle Lake Field Office, the Alturas Field Office, and the Surprise Field Office.

SUMMARY: This document provides notice that the BLM intends to prepare an Environmental Impact Statement and associated Resource Management Plans for three BLM Field Offices located in Northeast California and Northwest Nevada: The Eagle Lake Field Office, the Alturas Field Office, and the Surprise Field Office. The three field offices encompass approximately 3 million acres of public lands, with the Eagle Lake Field Office headquartered in Susanville, California, the Alturas Field Office in Alturas, California, and the Surprise Field Office in Cedarville, California. New Resource Management Plans (RMPs) are needed because current management direction for the three million acres of public land managed by the Alturas, Eagle Lake, and Surprise Field Offices is contained in 18 separate land use plans and subsequent amendments. These plans, while providing a broad overview of goals, objectives, and needs associated with public lands, would benefit from updating. The RMPs will fulfill the needs and obligations set forth by the National Environmental Policy Act (NEPA), the Federal Land Policy and Management Act (FLPMA), and BLM management policies. The BLM will work collaboratively with interested

parties to identify the management decisions that are best suited to local, regional, and national needs and concerns. The public scoping process will identify planning issues and develop planning criteria.

DATES: This notice initiates the public scoping process. Comments on preliminary issues and suggestions for potential planning criteria can be submitted in writing to the address listed below and will be accepted for 30 days following the publication of this notice in the **Federal Register**. Public meetings will be held throughout the plan scoping and preparation period. In order to ensure local community participation and input, open houses will be held in locations most closely affiliated with the public lands in the planning area. Probable locations include: Cedarville, CA; Alturas, CA; Susanville, CA; Reno, NV; and Redding, CA. These public meetings are scheduled to be held throughout the month of August 2003. Specific dates and meeting locations will be announced by BLM through news releases, direct mailings or other applicable means of public notification within 15 days of the event.

ADDRESSES: Scoping comments should be sent to Jeff Fontana, Public Affairs, Bureau of Land Management, Eagle Lake Field Office, 2950 Riverside Drive, Susanville, California 96130; FAX 530.257.4831. BLM will maintain a record of public documents related to the development of the RMPs at the Eagle Lake Field Office at the address listed above. Comments, including names and street addresses of respondents will be available for public review at the Eagle Lake Field Office in Susanville, California during regular business hours, 8 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. Individuals who wish to withhold their name or street address from public review or from disclosure under the Freedom of Information Act must state this prominently at the beginning of their 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.

FOR FURTHER INFORMATION CONTACT: Jeff Fontana, Public Affairs, Bureau of Land Management, Eagle Lake Field Office, 2950 Riverside Drive, Susanville, California 96130, (530) 252–5332.

SUPPLEMENTARY INFORMATION: Preliminary issue areas and management concerns have been identified by BLM personnel in consultation with other agencies, individuals, and organizations and include: Management of special areas, riparian/wetlands health, upland ecosystems health, water quality and quantity, management and protection of sensitive, rare, threatened or endangered species, fire and fuels management, access and transportation management including OHV uses, Native American traditions and practices, social/economic considerations, acquisition/disposal of public lands, mineral extraction and energy development, communication and utility facility locations, and recreation use and visitor safety.

Disciplines involved in the planning process include specialists with expertise in wildlife and fisheries management, forestry, botany and vegetation community ecology, fire/fuels management and ecology, hydrology and watershed management, archeology, lands and realty, minerals and geology, grazing management, recreation management, sociology and economics.

Dated: June 17, 2003.

Timothy J. Burke,

Alturas Field Office Manager.

[FR Doc. 03–18562 Filed 7–21–03; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–070–1150–PG]

Notice of Public Meeting, Upper Snake River Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Upper Snake River Resource Advisory Council (RAC), will meet as indicated below.

DATES: The meeting will be held August 27 and 28, 2003 at the office of the BLM Upper Snake River District, 1405 Hollipark Drive, in Idaho Falls, Idaho. The meeting will start August 27 at 2 p.m., with the public comment period beginning at approximately 2:10 p.m. The meeting will adjourn on August 28 at about 5 p.m.

SUPPLEMENTARY INFORMATION: The 15-member Council advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of planning and management issues associated with public land management in the BLM Upper Snake River District (USRD), which covers south-central and southeast Idaho. At this meeting, topics we plan to discuss include: Updates on major planning projects in the USRD, including coordination of subgroups. A half-day discussion on the Director's Sustaining Working Landscapes policy initiative. Review of RAC feedback on BLM Idaho's statewide Off-Highway initiative. Review of Standards and Guidelines consistency. Other items of interest raised by the Council.

All meetings are open to the public. The public may present written comments to the Council. Each formal Council meeting will also have time allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special assistance, such as sign language interpretation, tour transportation or other reasonable accommodations, should contact the BLM as provided below.

A final USRD RAC meeting has been planned for November 2003, and will be announced in a future **Federal Register** Notice and through local media.

FOR FURTHER INFORMATION CONTACT: David Howell, RAC Coordinator, Upper Snake River District, 1405 Hollipark Dr., Idaho Falls, ID 83401. Telephone (208) 524–7559.

Dated: July 16, 2003.

David O. Howell,

Public Affairs Specialist.

[FR Doc. 03–18586 Filed 7–21–03; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Notice of Public Meeting: Resource Advisory Council to the Lower Snake River District

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S.

Department of the Interior, Bureau of Land Management (BLM) Lower Snake River District Resource Advisory Council (RAC), will meet as indicated below.

DATES: The meeting will be held August 26, 2003, beginning 9 a.m. at the Bureau of Land Management, Idaho State Office in the first floor Ponderosa-Sagebrush Conference Rooms, located at 11387 South Vinnell Way, Boise, Idaho 83703. Public comment periods will be held after each topic on the agenda. The meeting will adjourn at 5 p.m.

FOR FURTHER INFORMATION CONTACT: MJ Byrne, Public Affairs Officer and RAC Coordinator, Lower Snake River District, 3948 Development Ave., Boise, ID 83705, Telephone (208) 384–3393.

SUPPLEMENTARY INFORMATION: The 15-member Council advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of planning and management issues associated with public land management in southwestern Idaho. At this meeting, the following topics will be discussed:

- Subcommittee reports on Rangeland Standards and Guidelines, Sage Grouse Habitat Management, OHV and Transportation Management, River Recreation and Resource Management Plans, and Fire and Fuels Management;
- Two Resource Management Plans under development in the District—workshops for Alternatives development;
- Rangeland Standards and Guidelines analysis update;
- District wildfire activity for 2003, and District Fire Management Plan;
- Owyhee Initiative—General Overview and Progress Update;
- RAC Members will discuss what they heard from individuals at community and interest group meetings in August where the Department's Sustaining Working Landscapes Initiative (SWI), was added to agendas by the RAC's Rangeland Standards and Guidelines Subcommittee. The RAC is reserving at least two hours of their afternoon's agenda for all interested stakeholders, including Tribes, and the public, inviting their comments and participation in the discussion regarding SWI policy options and strategy for developing policy;
- Three Field Office Managers and the District Fire Manager provide updates on current activities and issues in their field office and the District.
- Idaho's Noxious Weed Program

All meetings are open to the public. The public may present written comments to the Council. Each formal Council meeting will also have time allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special assistance, such as sign language interpretation, tour transportation or other reasonable accommodations, should contact the BLM as provided below. Expedited publication is requested to give the public adequate notice.

Dated: July 16, 2003.

Glen M. Secrist,

District Manager.

[FR Doc. 03–18588 Filed 7–21–03; 8:45 am]

BILLING CODE 4310–AG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–320–1110–AE]

Notice of Closure Order for Motorized Vehicle Use, Popcorn Area of Lava Wilderness Study Area, Shasta County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of vehicle closure on Popcorn Campground access road in the Lava Wilderness Study Area, Shasta County, California.

SUMMARY: Notice is hereby given that the BLM route within the Popcorn Area is closed to motorized vehicle use within the Lava Wilderness Study Area (WSA). Approximately three tenths of a mile of road will be closed to all motorized vehicle use. The purpose of this road closure is to protect WSA values, protect sensitive species habitat, reduce vandalism, and improve public safety.

EFFECTIVE DATE: This closure is effective on July 22, 2003, and will remain in effect until this notice is rescinded.

SUPPLEMENTARY INFORMATION: The lands in this closure are located within the Mt. Diablo Meridian, Sections 15 and 22, T. 36 N., R. 5 E. This closure is made under the authority of 43 CFR 8341.2(a) and 8364.1. Any person who fails to comply with the provisions of this closure order may be subject to the penalties provided in 43 CFR 8360.0–7.

FOR FURTHER INFORMATION CONTACT: Claude Singleton at the BLM Alturas Field Office at (530) 233–4666, or by e-mail at *csinglet@ca.blm.gov.*

Dated: April 22, 2003.

Michael P. Dolan,

Acting Alturas Field Office Manager.

[FR Doc. 03–18561 Filed 7–21–03; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–030–1610–DO]

Notice of Intent To Prepare a Combined Amendment to the Carson City Field Office Consolidated Resource Management Plan and a Revision to the Naval Air Station Fallon Integrated Natural Resources Management Plan, Known as the Churchill County Plan, and Associated Environmental Impact Statement

AGENCY: Department of the Interior, Bureau of Land Management, Carson City Field Office in partnership with the Department of Defense, U.S. Naval Air Station Fallon, Nevada.

ACTION: Notice of intent to prepare a combined amendment to the Bureau of Land Management (BLM) Carson City Field Office (CCFO) Consolidated Resource Management Plan (CRMP) and a revision to the Naval Air Station Fallon (Navy) Integrated Natural Resources Management Plan (INRMP) and associated Environmental Impact Statement (EIS).

SUMMARY: This document provides notice that the BLM intends to prepare an amendment to the CRMP with an associated EIS for the Carson City Field Office to address energy resources, fire management, off-highway vehicle (OHV) use and designations, and Churchill County open space needs. The Navy intends to revise their INRMP in this plan to address the same issues stated for the BLM and new issues at the Fallon Naval Air Station related to National Security. The planning area is primarily limited to Churchill County, Nevada for all issues with the exception of energy resources, which will be addressed for all lands managed by the CCFO. The BLM and Navy will work collaboratively and cooperatively with interested parties to identify management decisions that are best suited to local, regional, and national needs and concerns.

DATES: This notice initiates the public scoping process. Comments can be submitted in writing to the address listed below and will be accepted throughout the preparation of the Draft CRMP/Draft EIS. All public meetings will be announced through the local news media, newsletters, scoping

documents, and the BLM Web site at *http://www.nv.blm.gov/carson* at least 15 days prior to the event. Public meetings will be held throughout the plan scoping and preparation period. In order to ensure the widest range of public participation and input, public open house meetings will be held, at a minimum, in Fallon and Reno, Nevada. Early participation is encouraged and will assist in determining future management of public and Navy lands. In addition to the ongoing public participation process, formal opportunities for public participation will be provided through comment on the draft and final documents.

ADDRESSES: Written comments should be sent to BLM Carson City Field Office, 5665 Morgan Mill Road, Carson City, NV 89701; Fax (775) 885–6147; email address *tknutson@nv.blm.gov.* Comments, including names and addresses of respondents, will be available for public review at the above address during regular business hours (7:30 a.m.–5 p.m.), Monday through Friday, except holidays, and may be published as part of the EIS. 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 comment. However, we will not consider anonymous comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: For additional information, write to the above address or call Gary Ryan (BLM/Navy Liaison, Project Manager) at (775) 426–4011; Terri Knutson (BLM Environmental Planner) at (775) 885–6156; or Chip Kramer (Navy Environmental Coordinator) at (775) 426–3186.

SUPPLEMENTARY INFORMATION: The BLM Carson City Field Office CRMP is a compilation of all Resource Management Plans and Amendments that have been completed for lands managed by the CCFO. Although energy resources are marginally addressed in the CRMP, site-specific suitability or non-suitability analysis is lacking and energy resources other than geothermal and oil and gas are not referenced or analyzed. The Fallon Paiute-Shoshone Tribe has expressed to BLM their concern regarding sacred or religious sites and has requested participation in any land use planning for the area. The Navy has indicated a need to revise their INRMP to address new issues relevant to the base and other Navy-controlled lands. Churchill County is updating their Master Plan to include open space designations and resource preservation. In addition to the BLM lands, Churchill County contains lands managed by the Navy, the Bureau of Reclamation (BOR), the U.S. Fish and Wildlife Service (USFWS), and the Fallon Paiute-Shoshone and Walker River Paiute Tribes. To best serve the needs of all, it was agreed that a joint planning effort addressing overall public needs would be pursued. By combining these efforts several issues such as CCFO and countywide energy development; potential Naval Air Station Fallon expansion; open space preservation; urban interface and fire management; recreational opportunities and impacts; threatened, endangered, and sensitive species protection; and the protection of lands sensitive to the Tribes will be assessed in a coordinated and comprehensive manner. It is expected that this amendment to the BLM Carson City CRMP will also serve as a revision of the Navy INRMP. An EIS will be prepared jointly and a record of decision (ROD) will be signed by both parties. Churchill County and the Fallon Paiute-Shoshone Tribe will be planning partners and formal cooperating agencies for the EIS. Federal, state, and local agencies, Tribal entities, and other individuals or organizations who may be interested in or affected by the decisions to be made in this plan amendment are invited to participate in the scoping process and, if eligible, may request, or be requested by the BLM and Navy, to participate as a cooperating agency.

Dated: June 18, 2003.

John O. Singlaub,

Manager, Carson City Field Office.

[FR Doc. 03–18560 Filed 7–21–03; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60–Day Notice of Information Collection Under Review: Extension of a currently approved collection; Application and Permit for Importation of Firearms, Ammunition and Implements of War.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until September 22, 2003. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Tom Stewart, Chief, Firearms and Explosives Imports Branch, 650 Massachusetts Avenue, NW., Washington, DC 20226.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) 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;

(2) Evaluate the accuracy of the agencies 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 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.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Application and Permit For Importation of Firearms, Ammunition and Implements of War.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the*

collection: Form Number: ATF F 6, Part II (5330.3B). Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. *Other:* Business or other for-profit, Federal Government, State, Local, or Tribal Government. The information collection is needed to determine whether firearms, ammunition and implements of war are eligible for importation into the United States. The information is used to secure authorization to import such articles. The form is used by persons who are members of the United States Armed Forces.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 9,000 respondents will complete a 30 minute form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are 4,500 annual estimated total burden hours associated with this collection.

If additional information is required contact: Brenda E. Dyer, Deputy Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street NW., Washington, DC 20530.

Dated: July 16, 2003.

Brenda E. Dyer,

Deputy Clearance Officer, Department of Justice.

[FR Doc. 03–18580 Filed 7–21–03; 8:45 am]

BILLING CODE 4410–FB–U

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: Extension of a Currently Approved Collection Police Corps Service Agreement.

The Department of Justice (DOJ), Office of Justice Programs (OJP) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 68, Number 66, page 16830 on April 7, 2003, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until August 21, 2003. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503, or facsimile (202) 395–5806.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) 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;

(2) 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;

(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 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.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Police Corps Service Agreement.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: none. The Office of Police Corps Services, Office of Justice Programs, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. The Police Corps Service Agreement is the written contract between the Office of Police Corps and Law Enforcement Education and Police Corps Participants to complete police corp training, and setting forth the participant's agreement to provide 4 years of law enforcement service at an accredited agency in exchange for scholarship or reimbursement funds for educational purposes.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 500 respondents will complete a 30 minute form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are estimated 250 annual total burden hours associated with this collection.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Policy and Planning Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street NW., Washington, DC 20530.

Dated: July 16, 2003.

Brenda E. Dyer,

Deputy Clearance Officer, Department of Justice.

[FR Doc. 03–18579 Filed 7–21–03; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of July 2003.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated; and

(2) That sales or production, or both, of the firm or sub-division have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with

articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production of such firm or subdivision.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

None

In the following case, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

The investigation revealed that criterion (a)(2)(A) (I.C.) (Increased imports) and (a) (2)(B) (II.B) (No shift in production to a foreign country) have not been met.

TA–W–51,718; LeCroy Corp., Beaverton, OR

TA–W–51,799; Plastech Corp., Amery, WI

TA–W–52,010; Imperial of Morristown, Inc., Morristown, TN

TA–W–51,780; QCR Tech LLC, Madison Heights, MI

TA–W–51,787; Production Pattern Co, Bedford, OH

TA–W–51,859; Memscap, Inc., Formerly JDS Uniphase's, Chronos Mems Business Unit, Research Triangle Park, NC

TA–W–51,870; McKenzie Forest Products, Springfield, OR

TA–W–51,969; Knaack Manufacturing Co., Payson, UT

TA–W–51,989; Coates Screen, East Rutherford, NJ

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–52,142; Covington Needleworks, Mt. Olive, MS

TA–W–52,137; Computer Sciences Corp., Customer Support Services, San Diego, CA

TA–W–52,048; Hamilton Sundstrand Corp., a wholly-owned subsidiary of United Technologies Corp., Long Beach, CA

TA–W–52,131; Motorola, Personal Communications Sector, North America Contact Center, Schaumburg, IL

TA–W–52,147; Furniture Makers Supply, Martinsville, VA

TA–W–52,153; Target.Direct, Westgate Facility, St. Paul, MN

TA–W–52,154; McDonnell Douglas Technical Services, Inc., d/b/a The Aviant Group, Long Beach, CA

TA–W–52,238; PCS Administration (USA), Inc., Northbrook, IL

The investigation revealed that criteria (a)(2)(A)(I.B) (Sales or production, or both, did not decline) and (II.B) (has shifted production to a country not under the free trade agreement with the U.S) have not been met.

TA–W–51,929; LeSportsac, Manufacturing and Distribution Division, Stearns, KY

The investigation revealed that criteria (a)(2)(A)(I.C) (increased imports) and (a)(2)(B) (II.C) (has shifted production to a country not under the free trade agreement with the U.S.) have not been met.

TA–W–51,756; Mattel, Inc., Mt. Laurel, NJ

The investigation revealed that criteria (2) has not been met. The workers firm (or subdivision) is not a supplier or downstream producer to trade-affected companies.

TA–W–52,109; K.C. Holding, Inc., formerly doing business as Crews Manufacturing, Newnan, GA

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of (a)(2)(A) (increased imports) of Section 222 have been met.

TA–W–51,321; Rome Cable Corp., a subsidiary of Rome Group, Inc., Rome, NY: March 18, 2002.

TA–W–51,674; Celeste Industries Corp., including workers of ESI, Barrett Temporaries, and A Perfect Job. Com, Easton, MD: May 1, 2002.

TA–W–51,933; Vigorelli Sportswear, including leased workers of Strategic Outsourcing, Inc., McMinnville, TN: May 22, 2002.

TA–W–51,955; Gilmour Manufacturing Co., Somerset, PA: June 4, 2002.

TA–W–51,998; Ameripol Synpol Corp., Port Neches, TX: January 26, 2003.

TA–W–52,046; Sauer-Danfoss Co., Mini Steering Units Div., Sturtevant, WI: June 10, 2002.

TA–W–52,126; Broyhill Furniture Industries, Inc., Plant 55, a wholly owned subsidiary of Furniture Brands International, Inc., Lenoir, NC: June 3, 2002.

TA–W–52,135; Ford Motor Company, Powertrain Operations, Vulcan Forging Plant, Dearborn, MI: June 23, 2002.

TA–W–52,166; Charles Komar and Sons, Oklahoma Div., McAlester, OK: June 19, 2002.

TA–W–52,225; SCI Enclosures LLC, Stanton, KY: May 12, 2002.

TA–W–51,593; Tamaqua Cable Products, Schuylkill Haven, PA: April 16, 2002.

TA–W–51,611; National Steel Corp (NSC), Corporate Headquarters, Mishakawa, IN, A; Granite City Div., Granite City, IL, B; Great Lakes Operations, Ecorse, MI, C; Midwest Operations, Portage, Inc, D; Procoil Corp., Canton, MI, E; Technical Research Center, Trenton, MI, F; National Steel Pellet Co., Keewatin, MN, G; NSL, Inc., Portage, IN, H; TMH, Portage, IN, I; Delray Connecting Railroad, Detroit, MI: April 8, 2002.

TA–W–51,877; Peak Oilfield Service Co. a subsidiary of Nabors Industries and Cook Inlet Region, Inc., Anchorage, AK: December 30, 2001.

TA–W–51,979; OH, Baby Enterprise, Ltd, New York, NY: June 3, 2002.

TA–W–51,990; Waterfront Sportswear, Inc., Fall River, MA: June 5, 2002.

TA–W–52,016; Trio Dyeing and Finishing, Paterson, NJ: May 20, 2002.

TA–W–52,079; Photocircuits Corp., including leased workers of Brookville Staffing and Sigma Staffing, Glen Cove, NY: June 9, 2002.

The following certifications have been issued. The requirements of (a)(2)(B) (shift in production) of Section 222 have been met.

TA–W–51,904; Primanex Corp., Fremont, CA: May 20, 2002.

TA–W–51,991; Gateway Hosiery Mills, Inc., North Wilkesboro, NC: June 4, 2002.

TA–W–52,014; Robert Bosch Fuel Systems Corp., formerly Diesel Technology Co., a div. of Robert Bosch North America, Kentwood, MI: June 10, 2002.

TA–W–52,091; Precision Dynamics Corp., Belleville, KS: May 23, 2002.

TA–W–52,156; DeLong Sportswear, Inc., Crowell, TX: June 25, 2002.

TA–W–52,165; Endar Corp., a div. of Blyth, Inc., Temecula, CA: June 19, 2002.

TA–W–52,185; State of Alaska Commercial Fisheries Entry Commission Permit #S04T64124J, Ekuk, AK: June 6, 2002.

TA–W–51,866; GE Transportation Systems, Global Signaling LLC, Grain Valley, MO: May 23, 2002.

TA–W–51,890; Continental Tire North America (CTNA), Mayfield, KY: May 27, 2002.

TA–W–51,948; Irwin Industrial Tool Co., a div. of Newell Rubbermaid, Beatrice, NE: June 3, 2002.

TA–W–51,966; Springs Window Fashions, 7200 Stewart Avenue, a div. of Springs Industries, including leased workers of Kelly Services, Inc., & Seek, Inc. Wausau, WI: June 4, 2002.

TA–W–51,981; Emerson Climate Technologies, Flow Controls Div., St. Louis, MO: June 5, 2002

TA–W–52,015; Baxter Healthcare Corp., Mountain Home, AR: June 10, 2002.

TA–W–52,032; Precision Interconnect, a div. of Tyco Healthcare Group, LP, Broomfield, CO: June 12, 2002.

TA–W–51,081; Flex-N-Gate Oklahoma, LLC, Ada, OK: June 2, 2002.

TA–W–52,089; Dixie Industrial Coatings, Inc., Chattanooga, TN: June 9, 2002.

TA–W–52,121; Anvil Knitwear, Inc., a div. of Anvil Holdings, Inc., Hamer, SC: June 17, 2002.

TA–W–52,125; A.O. Smith, Electrical Products Co., EPC, Ripley, TN: June 23, 2002.

TA–W–52,206; Say Cheese, Lewiston, ME: June 26, 2002.

TA–W–52,212; OBG Distribution, LLC, a div. of Oshkosh B'Gosh, Inc., Gainesboro, TN: June 30, 2002.

The following certification has been issued. The requirement of upstream supplier to a trade certified primary firm has been met.

TA–W–51,996; Border Chemical, Inc., Mount Jewett, PA: June 6, 2002.

TA–W–52,013; Shipley Company, LLC, a subsidiary of Rohm & Haas, Spartanburg, SC: May 29, 2002.

I hereby certify that the aforementioned determinations were issued during the months of July 2003. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: July 14, 2003.

Timothy Sullivan,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03–18547 Filed 7–21–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of June and July 2003.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated; and

(2) That sales or production, or both, of the firm or sub-division have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production of such firm or subdivision.

Negative Determinations For Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

None

In the following case, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

The investigation revealed that criterion (a)(2)(A) (I.C.) (Increased imports) and (a) (2)(B) (II.B) (No shift in production to a foreign country) have not been met.

TA–W–51,782; Troy Tooling, Inc., Rochester Hills, MI.

TA–W–51,910; Southwest Windpower, Inc., Duluth, MN.

TA–W–51,916; Twin City E.D.M., Inc., Fridley, MN.

TA–W–51,792; Mack Industries, Troy, MI.

TA–W–51,512; Unocal, Kenai Production/Cook Inlet Div., Anchorage, AK.

TA–W–51,400; Credence Corp. Hillsboro, OR.

TA–W–51,675; Aero-Motive Co., a wholly owned subsidiary of Woodhead Industries, Inc., Kalamazoo, MI.

TA–W–51,779; Cordis Endovascular, a wholly owned subsidiary of Johnson and Johnson, Maple Grove, MN.

TA–W–51,815; Sharon Tube Co., Sharon, PA.

TA–W–51,823; OEM Worldwide LLC, Spearfish, SD.

TA–W–51,855; Plexus Corp., Neenah Buildings 1,2,3, Plexus Electronic Assembly Corp., including Manpower and Kelly Services, Neenah, WI.

TA–W–52,059; Brown Foundry, Inc., Swanton, VT.

TA–W–52,092; General Mills Operations, Inc., Bakeries and Food Service Div., including leased workers of Masterson Personnel, Inc., Eden Prairie, MN.

TA–W–51,798 Semitool, Inc., Headquarters, Kalispell, MT; A; San Jose, CA, B; Western Region, Beaverton, OR, C; Central Region, Austin, TX, D; Dallas Office, Dallas, TX, E; Franktown, CO, F; Southwest Office, Temple, AZ, G; Eastern Region, Nashua, NH, H; Williamsburg, VA, I; Orlando, FL, J; Stroudsburg, PA, and K; Montgomery, NY.

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–52,034; Lion Bioscience, a subsidiary of Lion AG, Cleveland, OH.

TA–W–52,097; Symantec Corp., Springfield, OR.

TA–W–52,129; Hewlett-Packard Co., Personal Computing Group, Commercial Solutions Center, HP Services Div., Colorado Springs, CO.

TA–W–52,005; Reliability, Inc., Essex Junction, VT.

TA–W–51,960; Agilent Technologies, Inc., Global Infrastructure Organizations, Palo Alto, CA.

TA–W–51,901; J.J. Mac, Incorporated, d/b/a Rainbeau, San Francisco, CA.

TA–W–51,651; Solectron Global Services, a div. of Solectron Corp., Hillsboro, OR.

TA–W–51,707; Lucent Technologies, Inc., Lucent Worldwide Services, Spokane, WA.

TA–W–51,851 A, B; Northwest Airlines, Inc., Duluth, MN, Minneapolis, MN and Atlanta, GA.

TA–W–51,896; Ademco Distribution, Inc. (ADI), a subsidiary of Honeywell International, Inc., Melville, NY.

TA–W–51,932; Northwest Airlines, Inc., Ground Operations Div., Anchorage, AK.

TA–W–51,963; Nortel Networks, Department R084, Research Triangle Park, NC.

TA–W–52,050 & A; Merrill Corp., St. Paul, MN and Boston, MA.

TA–W–52,086; Stream International, a div. of Solectron Corp., Dallas, TX.

The investigation revealed that criteria (a)(2)(A)(I.B) (Sales or production, or both, did not decline) and (II.B) (has shifted production to a county not under the free trade agreement with the U.S.) have not been met.

TA–W–51,703; Meadwestvaco, Papers Group Div., Escanaba, MI.

The investigation revealed that criteria (a)(2)(A)(I.C) (increased imports) and (a)(2)(B)(II.C) (has shifted production to country not under the free trade agreement with U.S) have not been met.

TA–W–52,087; Advantek, Inc., Minnetonka, MN.

TA–W–51,875; Sony Disc Manufacturing, a div. of Sony Music Entertainment, Inc., Springfield, OR.

The investigation revealed that criteria (2) has not been met. The workers firm (or subdivision) is not a supplier or downstream producer to trade-affected companies.

TA–W–51,900; Manastrip Corp., Manufacturing Div., Rexford, NY.

Affirmative Determinations For Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of (a)(2)(A) (increased imports) of section 222 have been met.

TA–W–51,277; Houlton International Corp., Houlton, ME: February 24, 2002.

TA–W–51,607A; Torque—Traction Manufacturing Technologies, Inc., formerly known as Spicer Driveshaft Manufacturing, Inc., a div. of Dana Corp., Lima, OH: April 22, 2002.

TA–W–51,774; Pactiv Corp., Red Bluff, CA: May 2, 2002.

TA–W–51,887; Starline Manufacturing Co., Inc. div. of Chicago Faucets, Milwaukee, WI: May 23, 2002.

TA–W–51,907; Broyhill Furniture Industries, Inc., Taylorsville Upholstery Plant, Taylorsville, NC: May 29, 2002.

TA–W–51,947; Alltrista Consumer Products Co., Strong, ME: May 21, 2002.

TA–W–52,007; American London Norwood, Norwood, MA: May 29, 2002.

TA–W–51,422; Butler Manufacturing Co., Buildings Div., Galesburg, IL: April 3, 2002.

TA–W–51,657; Lucent Technologies, North Andover, MA: May 1, 2002.

TA–W–51,994; Jakel, Inc., Clinton, KY: June 3, 2002.

TA–W–51,999; Thunderbird Mining Co., a subsidiary of Eveleth Mines, LLC, Eveleth, MN: June 5, 2002.

TA–W–52,038; Sonoco Products Co., Baker Div., Granite Falls, NC: June 13, 2002.

TA–W–51,985; United States Pipe & Foundry Co., Inc., d/b/a U.S. Castings, Anniston, AL: June 2, 2002.

TA–W–51,850; American Colloid Co., a div. of Amcol International, Inc., Paris, TN: May 22, 2002.

TA–W–51,795 & A, B; International Seafoods of Alaska, Inc., a/k/a True World Foods-Alaska, Plant 2, Kodiak, AK, Seattle, WA and Astoria, OR: May 2, 2002.

TA–W–51,849; Spencer and Reynolds, Inc., Rancho Cucamonga, CA: May 5, 2002.

TA–W–51,902; River Ltd, Fall River, MA: May 27, 2002.

TA–W–51,931; New Stamco, Inc., New Bremen, OH: May 21, 2002.

TA–W–52,110; Pikeville Apparel Manufacturing, Inc., Pikeville, TN: June 17, 2002.

The following certifications have been issued. The requirements of (a)(2)(B) (shift in production) of section 222 have been met.

TA–W–51,357; Forest City Tool, a div. of Robert Bosch Tool Corp., Hickory, NC: March 20, 2002.

TA–W–51,759; Heidenhain Corp., a wholly owned subsidiary of Heidenhain Holding, Inc., Schaumburg, IL: May 6, 2002.

TA–W–51,846; Legendary Holdings, Inc., Chula Vista, CA: May 13, 2002.

TA–W–51,856; Intalco Aluminum Corp., Ferndale, WA: May 14, 2002.

TA–W–51,872; J and J Wound Management, a div. of Ethicon, Sherman, TX: May 27, 2002.

TA–W–51,961; 3M Co., Filtration Manufacturing Plant, Eagan, MN: May 30, 2002.

TA–W–51,982; General Mills Bakeries & Foodservice, Hillsdale, MI: June 4, 2002.

TA–W–51,992; American Standard, Inc., Paintsville, KY: June 6, 2002.

TA–W–52,009; AGFA Corp., Newark, DE: May 28, 2002.

TA–W–52,026; Neff Motivation, Inc., Greenville, OH: June 12, 2002.

TA–W–52,057; Kasco Corp., St. Louis, MO: June 13, 2002.

TA–W–52,075; Prescolite, Inc., a div. of Hubbell, Inc., El Dorado, AR: June 16, 2002.

TA–W–52,076; Sandicast, Inc., San Diego, CA: June 10, 2002.

TA–W–51,535; International Business Machines Corp. (IBM), IBM Systems Group, Div. 53—Integrated Supply Chain, San Jose, CA: March 15, 2002.

TA–W–51,848; WSW Company of Sharon, Inc., subsidiary of Wormser Co., Rebel Screeners, Inc., Sharon, TN: May 12, 2002.

TA–W–51,893; Ferraz Shawmut, Inc., a subsidiary of Groupe Carbone Lorraine, Newburyport, MA: May 28, 2002.

TA–W–51,914; Tecumseh Products Co., Douglas Operations, Douglas, GA: May 23, 2002.

TA–W–51,935; Corning Cable Systems, Keller, TX: May 23, 2002.

TA–W–51,956; Plexus Corp., Plexus Electronic Assembly Corp., Neenah, WI: June 4, 2002.

TA–W–51,959; Fiskars Brands, Inc., Home Leisure Div., Opelika, AL: May 29, 2002.

TA–W–51,987; EGS Electrical Group, a div. of Appleton Electric, LLC, Columbus, NE: June 6, 2002.

TA–W–52,020; Dura Automotive Systems, G.P., a div. of North American Body and Glass, a part of Dura Automotive Systems, Inc., including leased workers of Job World, Inc., Fulton, KY: June 4, 2002.

TA–W–52,021; Eagle Ottawa, LLC, Rochester Hills, MI: May 16, 2002.

TA–W–52,051; Leviton Manufacturing Co., Southern Devices Div., Morganton, NC: June 17, 2002.

TA–W–52,053; Whispering Pines Sportswear, Manufacturing Division, Pageland, SC: May 17, 2002.

TA–W–52,069; MKS Instruments, Inc., Eto, Inc., Medical Electronics Div., including leased workers of Adecco, Volt and Kelly Services, Colorado Springs, CO: June 17, 2002.

TA–W–52,073; American, Inc., Irwindale, CA: June 2, 2002.

TA–W–52,186; BASF Corp., Fenton, MO: May 18, 2002.

TA–W–51,881 & A; Centis, Inc., Consumer Products Div., Paw Paw, MI and Niles, MI: May 20, 2002.

TA–W–51,908; Lion Ribbon Co., Inc., d/b/a C.M. Offray, Inc., Hagerstown, MD: May 29, 2002.

TA–W–52,033; Images 2, Inc., Lexington, AL: May 23, 2002.

TA–W–52,085; Motorola, Inc., Broadband Communications Sector,

Digital Media Systems (DMS), San Diego, CA: June 5, 2002.
TA–W–52,102; Western Textile Products Co., Healthcare Div., Memphis, TN: June 12, 2002.
TA–W–52,122; Alden Products Co., Brockton, MA: June 10, 2002.
TA–W–52,183; Fishing Vessel (F/V) Kristi Lynn, Petersburg, AK: June 26, 2002.
TA–W–52,193; Planar Systems, Inc., Evergreen El Manufacturing Facility, Beaverton, OR: June 23, 2002.

The following certification has been issued. The requirement of upstream supplier to a trade certified primary firm has been met.

TA–W–52,179; Jim Michel Logging, Inc., Baker City, OR: June 27, 2002.
TA–W–52,111; State of Alaska Commercial Fisheries Entry Commission Permit #S04T59879T, Nuchagak, AK: June 5, 2002.
TA–W–52,063; Fishing Vessel (F/V) Elvagene, Ketchikan, AK: May 28, 2002.

I hereby certify that the aforementioned determinations were issued during the months of June and July 2003. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: July 7, 2003.

Timothy Sullivan,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03–18557 Filed 7–21–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–52,068]

Alice Manufacturing Company, Arial Plant, Easley, SC; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on June 18, 2003, in response to a petition filed by a company official on behalf of workers at Alice Manufacturing Company, Arial Plant, Easley, South Carolina (TA–W–52,068).

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 3rd day of July, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–18553 Filed 7–21–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–52,002]

Allister Fabricating, Inc., Lannon, WI; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on June 11, 2003, in response to a worker petition which was filed by a company official on behalf of workers at Allister Fabricating, Inc., Lannon, Wisconsin.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 30th day of June, 2003.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–18554 Filed 7–21–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–52, 218]

Giddings & Lewis, Fond Du Lac, WI; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on July 2, 2003 in response to a petition filed by a company official on behalf of workers at Giddings & Lewis LLC, Fond du Lac, Wisconsin.

The petitioning group of workers is covered by an active certification issued on August 14, 2001 and which remains in effect (TA–W–38826). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 7th day of July, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–18549 Filed 7–21–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–52,209]

H. Warshow And Sons, Inc., Milton, PA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on July 2, 2003, in response to a worker petition filed by a company official on behalf of workers at H. Warshow and Sons, Inc., Milton, Pennsylvania.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC this 7th day of July, 2003.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–18550 Filed 7–21–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–52,070]

Master Gear, South Beloit, IL; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on June 18, 2003, in response to a worker petition filed on behalf of workers at Master Gear, South Beloit, Illinois.

The petitioning group of workers is covered by an earlier petition filed on May 20, 2003 (TA–W–51,840) that is the subject of an ongoing investigation for which a determination has not yet been issued. Further investigation in this case would duplicate efforts and serve no purpose; therefore the investigation under this petition has been terminated.

Signed at Washington, DC, this 30th day of June, 2003.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–18552 Filed 7–21–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–52,201]

Meridian Beartrack Company, A Subsidiary of Meridian Gold, Inc., Salmon, ID; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on July 1, 2003 in response to a petition filed by a company official on behalf of workers at Meridian Beartrack Company, a subsidiary of Meridian Gold Inc., Salmon, Idaho.

The petitioning group of workers is covered by an active certification issued on August 20, 2001 and which remains in effect (TA–W–39,474). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 7th day of July, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–18551 Filed 7–21–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,770 and TA–W–51,770A]

Phantom USA, Inc., Liberty and Siler City, NC; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on May 15, 2003, in response to a worker petition which was filed by a company official on behalf of workers at Phantom USA, Inc., Liberty, North Carolina (TA–W–51,770) and Phantom USA, Inc., Siler City, North Carolina (TA–W–51,770A).

The petitioner has requested that the petitions be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 1st day of July 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–18556 Filed 7–21–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than August 15, 2003.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than August 1, 2003.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 30th day of June 2003.

Timothy Sullivan,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions instituted between 06/23/2003 and 06/27/2003]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
52,111	State of Alaska Commercial Fisheries (Comp)	Nuchagak, AK	06/23/2003	06/05/2003
52,112	Hooker Funiture Corporation (Comp)	Kernersville, NC	06/23/2003	06/20/2003
52,113	Georgetown Steel Company, LLC (Comp)	Georgetown, SC	06/23/2003	06/20/2003
52,114	Kalpak USA (Comp)	Hillside, NJ	06/23/2003	06/21/2003
52,115	Penn Iron Works, Inc. (Wkrs)	Sinking Spring, PA	06/23/2003	06/16/2003
52,116	SPI Polyeols, Inc. (USWA)	New Castle, DE	06/23/2003	06/17/2003
52,117	Johnstown America Corp. (Wkrs)	Johnstown, PA	06/23/2003	06/09/2003
52,118	ORC Plastics (Comp)	Lafayette, IN	06/23/2003	06/20/2003
52,119	Tweco Products, Inc. (Comp)	Wichita, KS	06/23/2003	06/23/2003
52,120	Maine Machine Products (Comp)	South Paris, ME	06/23/2003	06/20/2003
52,121	Anvil Knitwear, Inc. (Comp)	Hamer, SC	06/23/2003	06/17/2003
52,122	Alden Products Company (Comp)	Brockton, MA	06/23/2003	06/10/2003
52,123	Honeywell, Inc. (Comp)	Birmingham, AL	06/23/2003	06/16/2003
53,124	New England Joint Board (UNITE)	Willimantic, Ct.	06/23/2003	06/18/2003
52,125	A.O. Smith, EPC (Comp)	Ripley, TN	06/24/2003	06/23/2003
52,126	Broyhill Furniture (Wkrs)	Lenoir, NC	06/24/2003	06/03/2003
52,127	Swag-Nit, Inc. (Comp)	Mt. Holly, NC	06/24/2003	06/23/2003
52,128	Control Engineering Company (Wkrs)	Harbor Springs, MI	06/24/2003	06/16/2003
52,129	Hewlett Packward Corporation (Wkrs)	Colorado Spgs., CO	06/24/2003	06/18/2003

APPENDIX—Continued

[Petitions instituted between 06/23/2003 and 06/27/2003]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
52,130	Sherwin Williams Powder Plant (Wkrs)	Harrisburg, PA	06/24/2003	06/23/2003
52,131	Motorola (Comp)	Schaumburg, IL	06/24/2003	06/24/2003
52,132	Pennsylvania House, Inc. (Comp)	Monroe, NC	06/24/2003	06/23/2003
52,133	Auburn Machinery, Inc. (Comp)	Lewiston, ME	06/25/2003	06/16/2003
52,134	Trico Products Corporation (Comp)	Buffalo, NY	06/25/2003	06/12/2003
52,135	Vulcan Forging (UAW)	Dearborn, MI	06/25/2003	06/23/2003
52,136	Fairchild Semiconductor (Comp)	S. Portland, ME	06/25/2003	06/09/2003
52,137	Computer Science Corp. (Wkrs)	San Diego, CA	06/25/2003	06/04/2003
52,138	Agere Systems (Wkrs)	Breinigsville, PA	06/25/2003	06/21/2003
52,139	Discovery Plastics, Inc. (OR)	Albany, OR	06/25/2003	06/24/2003
52,140	North American Battery Company (Wkrs)	San Diego, CA	06/26/2003	06/17/2003
52,141	Broyhill Furniture (Comp)	Marion, NC	06/26/2003	06/15/2003
52,142	Covington Needleworks (Comp)	Mt. Olive, MS	06/26/2003	06/13/2003
52,143	Larimer and Norton, Inc.	Galeton, PA	06/26/2003	06/19/2003
52,144	Homecrest Industries, Inc. (MN)	Wadena, MN	06/26/2003	06/25/2003
52,145	Phillips Elmet (Wkrs)	Lewistown, ME	06/26/2003	06/11/2003
52,146	Bruce Furniture Industries(Comp)	Bruce, MS	06/26/2003	06/06/2003
52,147	Furniture Makers Supply (Comp)	Martinsville, VA	06/26/2003	06/12/2003
52,148	Coho Resources, Inc. (Wkrs)	Dallas, TX	06/26/2002	06/18/2003
52,149	GE–OEC Medical Systems (Wkrs)	Warsaw, IN	06/26/2003	06/25/2003
52,150	Honeywell (Comp)	Milpitas, CA	06/26/2003	06/18/2003
52,151	Portland General Electric Company (Comp)	Rainier, OR	06/26/2003	06/25/2003
52,152	Multilayer Technology, Inc. (Wkrs)	Roseville, MN	06/26/2003	06/25/2003
52,153	Target Director (Wkrs)	St. Paul, MN	06/26/2003	06/25/2003
52,154	Aviant Group (Wrks)	Mount Clemens, MI	06/26/2003	04/11/2003
52,155	SFO Apparel (Wkrs)	San Francisco, CA	06/26/2003	06/13/2003
52,156	DeLong Sportswear, Inc. (Comp)	Crowell, TX	06/26/2003	06/25/2003
52,157	Trombetta Camdel Corp. (WI)	Menomonee Falls, WI	06/26/2003	06/25/2003
52,158	CDI Corp. Northwest (OR)	Corvallis, OR	06/27/2003	06/26/2003
52,159	Milford Fabricating (MI)	Detroit, MI	06/27/2003	06/20/2003
52,160	AT&T (CA)	Pleasanton, CA	06/27/2003	06/18/2003
52,161	Progressive Screen Engraving, Inc. (Comp)	Wadesboro, NC	06/27/2003	06/26/2003
52,162	Oilgear Company (The)(Wkrs)	Longview, TX	06/27/2003	06/26/2003
52,163	General Mills, Inc. (Comp)	Mebane, NC	06/27/2003	06/26/2003
52,164	Castrol Industrial North America, Inc. (MN)	Duluth, MN	06/27/2003	06/25/2003
52,165	Endar Corporation (Comp)	Temecula, CA	06/27/2003	06/19/2003
52,166	Chas Komar and Sons (Comp)	McAlester, OK	06/27/2003	06/19/2003
52,167	General Mills, Inc. (Wkrs)	Hazelwood, MO	06/27/2003	06/21/2003
52,168	TRW Automotive (Comp)	Queen Creek, AZ	06/27/2003	06/25/2003
52,169	Allsteek, Inc. (Comp)	Milan, TN	06/27/2003	06/18/2003
52,170	Hill-Rom (Comp)	Batesville, IN	06/27/2003	06/25/2003
52,171	Read-Rite Corporation (Ca)	Fremont, CA	06/27/2003	06/19/2003

[FR Doc. 03–18548 Filed 7–21–03; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,953]

WM Jette And Sons, Inc., Providence, RI; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on June 5, 2003 in response to a worker petition which was filed by a company official on behalf of workers at WM Jette and Sons, Inc., Providence, Rhode Island (TA–W–51,953).

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 9th day of July 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–18555 Filed 7–21–03; 8:45 am]

BILLING CODE 4510–30–P

LEGAL SERVICES CORPORATION

Freedom of Information Policy—Grant Application Materials and Exemption 4

AGENCY: Legal Services Corporation.

ACTION: Notice of policy change.

SUMMARY: The Legal Services Corporation (LSC) is subject to the Freedom of Information Act (FOIA). Under FOIA and LSC regulations, a requested record may be withheld from disclosure if, inter alia, the record contains trade secrets or commercial or financial information obtained from a person and is privileged or confidential. In the past, LSC policy has been to routinely withhold application materials submitted to LSC as part of the competitive bidding process from public disclosure pursuant to this exemption. For the reasons set forth below, LSC has decided that documents submitted by applicants as part of grant applications (the Proposal Narrative (parts 1 & 2) on original grant applications and the Application Narrative (parts A & B) for grant renewal applications) are generally not entitled to protection from disclosure in response to FOIA requests

after grants have been awarded for a given application period.

EFFECTIVE DATE: This policy became effective on July 9, 2003.

FOR FURTHER INFORMATION CONTACT: Dawn M. Browning, Assistant General Counsel, Office of Legal Affairs, Legal Services Corporation, 3333 K Street, NW., Washington, DC 20007–3522; 202/295–1626 (phone); 202/337–6519 (fax); *dbrowning@lsc.gov.*

SUPPLEMENTARY INFORMATION: The Legal Services Corporation (LSC) is not a ''department, agency, or instrumentality of the Federal Government.'' 42 U.S.C. 2996(d). LSC is, however, by the terms of its organic legislation, subject to the Freedom of Information Act (FOIA). Id. LSC has issued regulations [1] governing its basic FOIA procedures. See 45 CFR part 1602.

Under FOIA and LSC regulations, a requested record may be withheld from disclosure if, inter alia, the record contains trade secrets or commercial or financial information obtained from a person and is privileged or confidential. *See* 5 U.S.C. 552(b)(4); 45 CFR 1602.9(a)(3). In the past, LSC policy has been to routinely withhold grant application materials submitted in connection with the competitive bidding process pursuant to this exemption. For the reasons set forth below, LSC has decided that documents submitted by applicants as part of grant applications (the Proposal Narrative (parts 1 & 2) on original grant applications and the Application Narrative (parts A & B) for grant renewal applications) are generally not entitled to protection from disclosure in response to FOIA requests after grants have been awarded for a given application period. LSC will continue to review each request for this information on a case by case basis to ascertain whether there is anything extraordinary in a given narrative which merits withholding and will continue to provide persons and organizations whose applications have been requested opportunity to seek protection from disclosure of some or all of the documents requested upon an individualized showing of competitive harm. However, LSC's general policy will be to release this information.

It should be noted that, since this policy change is not a ''rule, regulation, guideline or instruction,'' LSC is not required by law to publish this policy notice or seek public comment. LSC is choosing to publish this interpretive policy statement in the **Federal Register** (and has also posted it on the LSC website at *http:;www.lsc.gov*) in furtherance of LSC's interest in and policy of conducting its business in a fair and open manner.[2] LSC invites interested parties to submit written comments on this matter.

Exemption 4 of FOIA is codified at 5 U.S.C. 552(b)(4) and provides that the requirement for disclosure of most public documents ''does not apply to matters that are * * * trade secrets and commercial or financial information obtained from a person and privileged or confidential.'' According to FOIA case law, documents submitted to LSC for competitive bidding qualify as ''commercial or financial information obtained from a person.'' [3] With that threshold met, the relevant analysis upon receipt of a request for competitive grant application documents is whether the information sought is ''privileged or confidential.''

In evaluating Exemption 4 cases, the D.C. Circuit Court has established two tests for determining whether documents are ''privileged or confidential,'' identifying one test as applicable to documents which are submitted to the relevant agency pursuant to a requirement, and another test for documents which are voluntarily submitted to the relevant agency.[4] Although ''required information'' and ''voluntary information'' were never explicitly defined in the cases which articulated these tests, the Department of Justice (DOJ) has concluded that a submitter's voluntary participation in an activity—such as seeking a government contract or applying for a grant or loan—does not govern whether any submission made in connection with that activity is ''voluntary.'' DOJ has recommended that in examining the nature of a submitter's participation in an activity, agencies should focus on whether submission of the relevant information was required of those who chose to participate.

Pursuant to the DOJ guidelines and other federal case law, including federal case law from the District of Columbia,[5] it is clear that the information submitted to LSC by applicants for competitive LSC grants would be considered ''required'' information, because recipients' receipt of grants is contingent upon the provision of the relevant information to LSC. Consequently, a determination of whether this information is ''privileged or confidential'' would involve the analysis for ''required information'' which was first articulated in the case of *National Parks & Conservation Ass'n* v. *Morton,* 498 F.2d 765 (D.C. Cir. 1974), and reiterated in the case of *Critical Mass Energy Project* v. *NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992). According to this test, ''commercial or financial

[1] LSC is authorized by Congress to issue regulations as necessary to carry out its mission. *See* 42 U.S.C. 2996(e). Since LSC is not a Federal agency, however, LSC is not subject to the requirements of the Administrative Procedures Act, which governs the rulemaking activities of Federal agencies. Rather, LSC is required to ''afford notice and reasonable opportunity for comment to interested parties prior to issuing rules, regulations, and guidelines, and it shall publish in the **Federal Register** at least 30 days prior to their effective date all its rules, regulations, guidelines and instructions.'' 42 U.S.C. 2999(g).

[2] LSC originally published a notice regarding this change in policy on April 17, 2001 (66 FR 19798) and invited the public to comment prior to effectuation of the change. LSC received one comment opposing the change. The commenter expressed concern that disclosure of the proposal narrative after the close of competition will cause competitive harm by allowing persons to, essentially, copy a successful grant application for later LSC competitions or other grants. For the reasons discussed above, however, LSC believes that the type of information found in the grant narratives does not rise to the level of detail or specificity required by the Exemption 4 case law, such that it is not legally defensible under the FOIA case law for LSC to maintain a presumption against disclosure of proposal narratives. To guard against harm in specific cases, however, as discussed above, LSC will continue to make Exemption 4 determinations related to proposal narratives on a case-by-case basis, allowing submitters the opportunity to explain why their respective proposal narratives should not be released in response to a FOIA request. In fact, the submitter's rights process has recently been formally codified into the Corporation's FOIA regulations. See 68 FR 7433 (Feb. 14, 2003).

[3] The Court of Appeals for D.C. has held that ''commercial'' and ''financial'' should be given their ''ordinary meanings.'' *Public Citizen Health Research Group* v. *FDA,* 704, F.2d 1280, 1290 (DC Cir. 1983) (citing *Washington Post Co.* v. *HHS*, 690 F.2d 252, 266 (D.C. Cir. 1982)). Examples of documents which have been accepted as ''commercial or financial information'' include business sales statistics; research data; technical designs; customer and supplier lists; profit and loss data; overhead and operating costs; and information on financial conditions. See *Landfair* v. *United States Dep't of the Army,* 645 F. Supp. 325, 327 (D.D.C. 1986). The term ''person'' has been interpreted to include a wide range of entities, including private organizations such as grantees. See *e.g. Nadler* v. *FDIC,* 92 F.3d 93, 95 (2d Cir. 1996) (term 'person' includes ''an individual, partnership, corporation, association, or public or private organization other than an agency.'')

[4] *See National Parks & Conservation Ass'n* v. *Morton,* 498 F.2d 765 (D.C. Cir. 1974) (articulating test which is now applied to documents submitted pursuant to a requirement), and *Critical Mass Energy Project* v. *NRC,* 975 F.2d 871, 879 (D.C. Cir. 1992) (creating new test to be applied to documents submitted voluntarily).

[5] See, *e.g. Martin Marietta Corp.* v. *Dalton,* 974, F. Supp. 37, 39 (D.D.C. 1997); *McDonnell Douglas Corp.* v. *NASA,* 981 F. Supp. 12, 15 (D.D.C. 1997); *McDonnell Douglas Corp.* v. *NASA,* 895 F. Supp. 319, 325–26 (D.D.C. 1995); *Chemical Waste Management Inc.* v. *Leary,* 1995 WL 115894 (D.D.C. Feb. 28, 1995); *TRIFID Corp.* v. *National Imagery & Mapping Agency,* 10 F. Supp. 2d 1087, 1098–1101 (E.D. Mo. 1998); and *Source One Management* v. *U.S. Dept. of Interior,* No. 92–Z–2101, transcript at 6 (D. Colo. Nov. 10, 1993) (all holding that information submitted in application for government contract was ''required'' information).

matter is 'confidential' for purposes of Exemption 4 if disclosure of the information is likely to have either of the following effects: (1) To impair the Government's ability to obtain necessary information in the future; or (2) to cause substantial harm to the competitive process.''

Because of the large amount of money LSC distributes and the substantial reliance of many programs on LSC funds for continuation, it is unlikely that the release of the narratives of applicants in response to FOIA requests will impair LSC's ability to receive applications in the future.[6] Therefore, the next step of the analysis is whether the release of this information would ''cause substantial harm to the competitive process.''

In the case of *National Parks and Conservation Ass'n* v. *Kleepe,* 547 F.2d 673 (1973), the U.S. Court of Appeals for the DC Circuit articulated general examples of situations that might constitute ''substantial competitive harm.'' One such example would be a situation in which information disclosed pursuant to FOIA would be useful to a competitor in devising means to improve its competitive position at the expense of the business whose information was being released.[7] The court noted that in this circumstance, such disclosure would reveal that business' secrets without providing it with similar access to the books and records of its competitor.[8] ''This competitive disadvantage is fundamentally unfair and would be likely to cause harm to the (business) basic position.'' [9] The court went on to state that:

''the likelihood of substantial harm to (the applicant's) competitive positions * * * (is) virtually axiomatic * * * (where) disclosure would provide competitors with valuable insights into the operational strengths and weaknesses of (an applicant), while the (competitors) could continue in the customary manner of 'playing their cards close to their chest.' ''[10]

Because LSC only intends to release information provided in the narrative of the applications after grants have been awarded for a given application period, LSC does not believe the release will cause ''substantial competitive harm'' to applicants as defined above in most cases.

Although federal courts have identified the disclosure of various types of documents to constitute ''substantial competitive harm,'' the LSC application narratives which LSC proposes to release do not reach the level of detail and specificity of the kinds of documents for which release has been held to constitute this harm. The documents which have been identified by courts as properly cognizable under the competitive harm prong of the National Parks test include: Detailed financial information such as an organization's assets, liabilities, and net worth; a company's actual costs, break-even calculations, profits and profit rates; data describing an organization's workforce which would reveal labor expenses, profit margins and competitive vulnerability; a company's selling prices, purchase activity and freight charges; a company's purchase records, including prices paid for advertising; technical and commercial data; information constituting the ''bread and butter'' of a manufacturing company; currently unannounced and future products, proprietary technical information, pricing strategy and subcontractor information; raw research data used to support a pharmaceutical drug's safety and effectiveness information regarding an unapproved application to market the drug in a different manner, and sales and distribution data of a drug manufacturer; and technical proposals which are submitted, or could be used, in conjunction with offers on government contracts.[11]

Based on the foregoing analysis, LSC no longer considers it appropriate under FOIA to routinely withhold the information contained in the Proposal Narrative or Application Narrative of LSC competitive grant applications once the grant decisions for a given application period have been made. While, as noted above, LSC will continue to review each request for such documents on a case by case basis and will continue to provide persons and organizations whose applications have been requested the opportunity to seek protection from disclosure some or all of the documents requested, LSC anticipates that it will release this information in most cases.

LSC reserves the right to further amend this policy in the future, as appropriate.

Victor M. Fortuno,

General Counsel and Vice President for Legal Affairs.

[FR Doc. 03–18545 Filed 7–21–03; 8:45 am]

BILLING CODE 7050–01–P

[6] Courts have generally given substantial deference to agency determinations about whether such disclosures would impair the relevant agency's ability to receive applications in the future, noting that (1) Agencies have an incentive not to release information which will impair their ability to receive future applications, and (2) government contracting involves millions of dollars and the release of application information is unlikely to dissuade all potential applicants. *See e.g. Martin Marietta Corp.* v. *Dalton,* 974 F. Supp. 37, 39–40 (D.D.C. 1997); *McDonnell Douglas Corp.* v. *NASA,* 981 F. Supp. 12, 15 (1997); *C.C. Distributors* v. *Kinzinger,* 1995 WL 405445, *4 (D.D.C. 1995); *McDonnell Douglas Corp.* v. *NASA,* 895 F. Supp. 319 (1995); and *Racal-Milgo Gov't Systems, Inc.* v. *Small Business Admin.,* 559 F. Supp. 4, 6 (D.D.C. 1981).

[7] *National Parks and Conservation Ass'n v. Kleepe,* 547 F.2d 673, 678, note 18 (1973).

[8] Id.

[9] Id.

[10] Id. at page 684.

[11] Freedom of Information Act Guide & Privacy Act Overview, U.S. Department of Justice Office of Information and Privacy, May 2000 Edition, pages 208–09.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 03–081]

National Environmental Policy Act; Mars Exploration Program

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of intent to conduct scoping and to prepare a Tier 1 environmental impact statement for the Mars Exploration Program.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508), and NASA's policy and procedures (14 CFR part 1216, subpart 1216.3), NASA intends to conduct scoping and to prepare a Tier 1 Environmental Impact Statement (EIS) for the Mars Exploration Program (MEP). NASA proposes a coordinated MEP that would use robotic orbital, surface, and atmospheric missions to gather scientific data on the Martian environment and that would continue planning for a potential return of Martian surface samples to Earth. Included in the program would be U.S. missions, which may or may not include foreign participation, and foreign missions with U.S. participation. The proposed MEP would include missions where the use of radioisotope heater units and radioisotope power systems are contemplated. One or more of the MEP missions may propose returning samples from the surface of Mars or its atmosphere.

The MEP would be a science-driven, technology-enabled effort to characterize and understand Mars, including its environment, climate and geological history, and biological potential. Utilizing an exploration strategy generally known as ''Follow the Water'', scientific and engineering

measurements of Mars would be carried out using robotic assets at Mars. Central among the questions to be addressed is: ''Did life ever arise on Mars?'' Life, as is currently understood, cannot exist without liquid water. Following the water means searching for scientific evidence that liquid water was present persistently in the past or is present today. Science experiments and technology demonstrations that provide critical information for the potential human exploration of Mars would also be incorporated through an integrated planning approach.

The overall strategy of the MEP is to generate a continuous flow of information and discoveries from scientific and exploration robotic spacecraft, including orbiters, landers, mobile laboratories (rovers), and atmospheric probes through a Mars-Earth communications network. It is intended that one or more major U.S. missions would be launched at every Mars launch opportunity (approximately every 26 months) through at least the first two decades of the 21st century. Foreign participants with NASA in the MEP may include, but not necessarily limited to, the Agenzia Spaziale Italiana (ASI, the Italian space agency), the Centre National d'Etudes Spatiales (CNES, the French space agency), the Canadian Space Agency (CSA), and the European Space Agency (ESA). Launches would most likely take place from Cape Canaveral Air Force Station in Florida and, although unlikely, from Vandenberg Air Force Base in California.

DATES: Interested parties are invited to submit comments or environmental concerns in writing on or before September 5, 2003, to assure full consideration during the scoping process.

ADDRESSES: Comments should be addressed to Mr. Mark R. Dahl, NASA Headquarters, Code SM, Washington, DC 20546–0001. While hardcopy comments are preferred, comments may be sent by electronic mail to: *mep.nepa@hq.nasa.gov.*

FOR FURTHER INFORMATION CONTACT: Mark R. Dahl, 202–358–4800 or by electronic mail at *mep.nepa@hq.nasa.gov.*

SUPPLEMENTARY INFORMATION: Consistent with the NASA strategic plan, the MEP has established objectives to address the scientific questions associated with the exploration of the planet. These objectives are: (1) Seek evidence of ancient or present life on Mars, (2) understand the current state and evolution of the atmosphere, surface, and interior of Mars, (3) provide scientific support for the planning of potential human exploration of Mars.

The program would implement a series of scientific investigations and experiments, developed and prioritized by the broad planetary science community, that support the objectives of the program. It would include comprehensive Mars data analysis with the full participation and involvement of the space science community. Due to the program's broad scope and public interest, the MEP would place significant importance on education and public outreach.

As a goal, the program would launch at least one spacecraft at each opportunity, providing robotic assets that would enable a near-continuous data return from Mars. Each orbiter mission would include a communications relay capability designed to operate as part of a Mars-Earth communications network. Each mission would be designed to support the ongoing program by validating technologies and providing data and lessons learned to future missions.

Technology developments and improvements over the course of the program would enable a progressive increase in the science data returned from instruments delivered to Mars orbit and to the surface by program spacecraft, enhance the capability to safely and precisely place payloads at any desired location on the surface, and enable full access to the subsurface, surface and atmospheric regions. Technology improvements would also enable extended (one Mars year (1.88 Earth years) or more duration, as a goal) surface science investigations, and support the development of robotic assets to provide a near-continuous data return from the Mars surface. Extended duration missions to the surface are likely to include radioisotope power systems as a baseline.

The MEP missions currently contemplated for launch by 2010 are described below. As new information and techniques become available during the course of the program, the timing, focus and objectives of subsequent MEP missions could be redirected.

- The Mars Exploration Rover (MER) project will launch two identical spacecraft to Mars in 2003. The purpose of this project is to place two rovers on the surface of Mars to remotely conduct geological investigations and characterize a diversity of rocks and soils which may hold clues to past water activity. Because planning for this project began prior to final definition of the MEP, potential environmental impacts of the MER–2003 project have already been discussed in separate NEPA documentation. NASA published a notice of intent to prepare an EIS and to conduct scoping for the MER–2003 project in the **Federal Register** (FR) (66 FR 11184, February 22, 2001). A Draft EIS for the MER–2003 project was made available for public review and comment (67 FR 48894, July 26, 2002), and NASA published its Final EIS (67 FR 75863, December 10, 2002).
- The Mars Reconnaissance Orbiter (MRO) mission will be launched in 2005 to investigate global atmospheric transport processes, conduct globally distributed observations of aqueous sediments and hydrological process indicators, and collect high-resolution imagery of the surface of Mars. ASI is contributing a ground penetrating radar science instrument to MRO. No radioisotope heater units or radioisotope power systems are proposed for this mission. NASA has designated MRO as a routine payload in accordance with the Environmental Assessment (EA) for Launch of NASA Routine Payloads and Finding of No Significant Impact (FONSI) published by NASA (67 FR 41525, June 18, 2002).
- In 2007, the program would launch a continuing series of competitively selected small missions, called Scouts, which could allow the science community to design investigations that augment the objectives of the MEP from new vantage points (*e.g.*, airborne platforms, rovers, networks of landers). The Scout missions currently remaining in competition for the 2007 opportunity have not proposed the use of radioisotope heater units or radioisotope power systems.
- In 2009, the program would launch the Mars Science Laboratory (MSL), which could conduct multi-disciplinary investigations related to biology, climatology, geology, and geochemistry. The MSL could utilize a radioisotope power system to provide continuous electrical power for mobility and extended duration. A separate Tier 2 environmental document for the MSL mission may be prepared. Also in 2009, the program would launch a telecommunications orbiter (Telesat) to provide science data relay capability for multiple Mars missions. No radioisotope heater units or radioisotope power systems are proposed for the Telesat mission.

Missions to Mars in the following decade would be dependant upon the knowledge gained and the discoveries of this decade. NASA, working with the science community, has developed potential paths of scientific inquiry (called pathways) into the next decade.

The pathways include both orbital and landed missions designed to examine the global diversity of the planet, or designed to focus on exploration of surface and shallow subsurface polar ices and sediments, including the return of samples from the surface of Mars. The decision to follow a particular science pathway would be driven by the importance of prior discoveries in the MEP.

NASA plans to address the environmental impacts of the MEP through a two-tiered NEPA process. The Tier 1 EIS will discuss the overall purpose and need for the MEP. Because this Tier 1 EIS is being prepared during the planning stages for the MEP, specific proposed projects and missions within the MEP would only be addressed in terms of a broad, conceptual framework. Those missions within the MEP that do not propose the use of radioisotope heater units or radioisotope power systems would be candidate missions for routine payload designation under the EA and FONSI published by NASA (67 FR 41525, June 18, 2002). Those missions proposed within the MEP that could utilize radioisotope heater units or radioisotope power systems and those missions involving return of Martian samples to Earth would be the subject of separate Tier 2 environmental documentation, using the best available information and analysis directly related to that mission. While detailed analyses and test data for each spacecraft-launch vehicle combination is not yet available, significant safety data and experience from previous programs are available to NASA to enable consideration of whether to continue planning for the use of radioisotope heater units and radioisotope power systems for these proposed missions.

Alternatives to be considered in the Tier 1 EIS will include, but will not necessarily be limited to:

- The proposed MEP, which would include orbital and landed missions, some of which may utilize radioisotopes for heat and power, and may return Martian samples to Earth; and
- The No Action Alternative, by which NASA would not implement a coordinated MEP, but would continue to explore Mars on a less comprehensive, mission-by-mission basis.

The Tier 1 EIS will address the purpose and need for the proposed MEP and the program-level environmental impacts associated with its implementation. The environmental impacts of this program are anticipated to be those associated with the normal launch of the missions, both individually and cumulatively.

Written public input and comments on alternatives, environmental impact issues, and environmental concerns associated with the Mars Exploration Program are hereby requested.

Jeffrey E. Sutton,

Assistant Administrator for Management Systems.

[FR Doc. 03–18504 Filed 7–21–03; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency proposes to request approval of a one-time information collection, a survey of small business records centers. The survey information will be used by the NARA policy and technical staff who are conducting a review of our regulation on records center facility standards (36 CFR part 1228, subpart K). The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be received on or before September 22, 2003 to be assured of consideration.

ADDRESSES: Comments should be sent to: Regulation Comment Desk (NPOL), Room 4100, National Archives and Records Administration, 8601 Adelphi Rd. College Park, MD 20740–6001; or faxed to 301–837–0319; or electronically mailed to *comments@nara.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collection and supporting statement should be directed to Nancy Allard at telephone number 301–837–1477, or fax number 301–837–0319.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. The comments and suggestions should address one or more of the following points: (a) Whether the proposed information collection is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collection; (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 the use of information technology. In commenting on the accuracy of NARA's estimate of the burden, we also request your comments on the average hourly salary cost for the individuals who would complete the survey. The comments that are submitted will be summarized and included in the NARA request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

In this notice, NARA is soliciting comments concerning the following information collection:

Title: Records Storage Facility Survey.

OMB number: New.

Agency form number: None.

Type of review: Regular.

Affected public: Owners/operators of commercial records storage facilities that are small businesses.

Estimated number of respondents: 263.

Estimated time per response: 15 minutes.

Frequency of response: One-time.

Estimated total annual burden hours: 66 hours.

Abstract: The information collection is a survey of the characteristics of records storage facilities operated by small businesses. Respondents will be a random sample of owners/operators of such facilities. The survey information will be used by the NARA policy and technical staff to evaluate the construction materials, fire protection measures, and storage practices common in small business records centers against the existing standards in the NARA regulation on records center facility standards (36 CFR part 1228, subpart K). The information will be used in a regulatory flexibility analysis of possible alternatives to the existing standards and assessment of the ability of small business to comply with those alternatives.

Dated: July 16, 2003.

Nancy Y. Allard,

NARA Federal Register Liaison.

[FR Doc. 03–18568 Filed 7–21–03; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Combined Arts Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that four meetings of the Combined Arts Advisory Panel to the National Council on the Arts will be held at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC, 20506 as follows:

Dance: August 4–8, 2003, Room 716 (Creativity and Services to Arts Organizations and Artists categories). This meeting will be closed.

Literature: August 11–13, 2003, Room 714 (Creativity and Services to Arts Organizations and Artists category). A portion of this meeting, from 11 am. to 12 p.m. on August 13th, will be open to the public for policy discussion. The remaining portions of this meeting, from 9 a.m. to 6 p.m. on August 11th and 12th, and from 9 a.m. to 11 a.m. and 12 p.m. to 4 p.m. on August 13th, will be closed.

Theater: August 5–8, 2003, Room 730 (Creativity category—Panel B). A portion of this meeting, from 3 p.m. to 4:30 p.m. on August 7th, will be open to the public for policy discussion. The remaining portions of this meeting, from 10 a.m. to 6:30 p.m. on August 5th, from 10 a.m. to 7 p.m. on August 6th, from 10 a.m. to 3 p.m. and 4:30 p.m. to 6:30 p.m. on August 7th, and from 10 a.m. to 4:30 p.m. on August 8th, will be closed.

Musical Theater/Theater: August 19–20, 2003, Room 714 (Musical Theater Creativity and Theater Services to Arts Organizations and Artists categories). A portion of this meeting, from 1:30 p.m. to 2:30 p.m. on August 20th, will be open to the public for policy discussion. The remaining portions of this meeting, from 9:30 a.m. to 7 p.m. on August 19th and from 9:30 a.m. to 1:30 p.m. and 2:30 p.m. to 5 p.m. on August 20th, will be closed.

The closed meetings and portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of April 30, 2003, these sessions will be closed to the public pursuant to (c)(4)(6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels that are open to the public, and, if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, (202) 682–5532, TDY–TDD 202/682–5496, at least seven (7) days prior to the meeting.

FOR FURTHER INFORMATION CONTACT: Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC, 20506, or call (202) 682–5691.

Dated: July 15, 2003.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. 03–18546 Filed 7–21–03; 8:45 am]

BILLING CODE 7537–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–01295]

Notice of Finding of No Significant Impact and Availability of Environmental Assessment for License Amendment of Materials License No. 06–13022–02; University of Connecticut Health Center, Farmington, CT

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to the University of Connecticut Health Center for Materials License No. 06–13022–02, to authorize release of its facility on the Newington Veterans Administration Campus in Newington, Connecticut for unrestricted use and has prepared an Environmental Assessment (EA) in support of this action in accordance with the requirements of 10 CFR Part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate.

II. EA Summary

The purpose of the proposed action is to allow for the release of the licensee's areas of use within Building No. 5 at the Veterans Administration Medical Center in Newington, Connecticut for unrestricted use. The University of Connecticut Health Center was authorized by NRC from 1970 to use radioactive materials for research and development purposes at the site. On August 7, 2002, the University of Connecticut Health Center requested that NRC release their facilities in Building No. 5 for unrestricted use. The University of Connecticut Health Center has conducted surveys of the facility and determined that the facility meets the license termination criteria in Subpart E of 10 CFR Part 20.

III. Finding of No Significant Impact

The NRC staff has evaluated the University of Connecticut Health Center's request and the results of the surveys, and has prepared the EA (summarized above) in support of the proposed license amendment to release the University of Connecticut Health Center facility in Newington, Connecticut for unrestricted use. On the basis of the EA, the NRC has concluded that the environmental impacts from the proposed action are not expected to be significant and has determined not to prepare an environmental impact statement for the proposed action. As described in the EA, the NRC staff found no significant impacts based on its review of the adequacy of the radiation release criteria and the adequacy of the final status survey to meet NRC's unrestricted release criteria. In reviewing the amendment request the staff also determined that the environmental impacts were enveloped by the generic analysis performed in support of ''Radiological Criteria for License Termination'' (62 FR 39058).

IV. Further Information

The EA and the documents related to this proposed action, including the application for the license amendment and supporting documentation, are available for inspection at NRC's Public Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html* (ADAMS Accession Nos. ML031960106, ML022320664, ML022320354). These documents are also available for inspection and copying for a fee at the Region I Office, 475 Allendale Road, King of Prussia, PA 19406. Any questions with respect to this action should be referred to Penny Lanzisera, Nuclear Materials Safety Branch 1, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania, 19406; telephone (610) 337–5169; fax (610) 337–5269.

Dated at King of Prussia, Pennsylvania, this 15th day of July, 2003.

For the Nuclear Regulatory Commission.

Pamela J. Henderson,

Chief Nuclear Materials Safety Branch 1, Division of Nuclear Materials Safety, Region I.

[FR Doc. 03–18544 Filed 7–21–03; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of July 21, 28, August 4, 11, 18, 25, 2003.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of July 21, 2003

There are no meetings scheduled for the Week of July 21, 2003.

Week of July 28, 2003—Tentative

There are no meetings scheduled for the Week of July 28, 2003.

Week of August 4, 2003—Tentative

There are no meetings scheduled for the Week of August 4, 2003.

Week of August 11, 2003—Tentative

There are no meetings scheduled for the Week of August 11, 2003.

Week of August 18, 2003—Tentative

There are no meetings scheduled for the Week of August 18, 2003.

Week of August 25, 2003—Tentative

Wednesday, August 27, 2003

9:30 a.m.—Briefing on License Renewal Program, Power Update Activities, and High Priority Activities (Public Meeting) (Contact: Ho Nieh, 301–415–1721).

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: David Louis Gamberoni (301) 415–1651.

Additional Information

By a vote of 3-0 on July 16, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that ''Discussion of Intergovernmental Issues (Closed—Ex. 9)'' be held on July 16, and on less than one week's notice to the public.

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/what-we-do/policy-making/schedule.html.*

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to *dkw@nrc.gov.*

Dated: July 17, 2003.

D.L. Gamberoni,

Technical Coordinator, Office of the Secretary.

[FR Doc. 03–18682 Filed 7–18–03; 10:14 am]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97–415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from, June 27, 2003, through July 10, 2003. The last biweekly notice was published on July 8, 2003 (68 FR 40707).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By August 21, 2003, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and

any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714, which is available at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff, or may be delivered to the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. Because of continuing disruptions in delivery of mail to United States Government offices, it is requested that petitions for leave to intervene and requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301–415–1101 or by e-mail to *hearingdocket@nrc.gov.* A copy of the request for hearing and petition for leave to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and because of continuing disruptions in delivery of mail to United States Government offices, it is requested that copies be transmitted either by means of facsimile transmission to 301–415–3725 or by e-mail to *OGCMailCenter@nrc.gov.* A copy of the request for hearing and petition for leave to intervene should also be sent to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC web site, *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC PDR Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr@nrc.gov.*

Duke Energy Corporation, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: June 3, 2003.

Description of amendment request: Pursuant to title 10 of the Code of Federal Regulations (10 CFR), Section 50.90, Duke Energy Corporation requested an amendment to the McGuire Nuclear Station Facility Operating Licenses and Technical Specifications (TS). The proposed change would modify TS 3.6.14 to allow

a pressurizer hatch to be open for up to 6 hours, an increase from the current TS limit of 1-hour. Conforming changes would also be made to the associated Bases.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. Implementation of this amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated. Removal of the pressurizer enclosure hatch will not cause an increase in the probability of an accident which has been previously evaluated because the pressurizer enclosure hatch is not an accident initiator.

The consequences of an accident which have been previously evaluated will not be significantly increased by removal of the pressurizer enclosure hatch. As discussed in the analysis contained in the technical justification supporting this amendment request, the new containment compression peak pressure will remain well below the acceptance criteria. Additionally, the long term containment peak pressure will not be adversely affected due to the delay time in melting of the ice. The removal of the pressurizer enclosure hatch itself has been previously evaluated in Modes 1 through 4 in accordance with the analytical process described in NUREG–0612 and the NRC's December 22, 1980 letter regarding the control of heavy loads at nuclear plants. The changes proposed in this license amendment request will have no adverse effect on the procedures used for the handling of heavy loads (pressurizer enclosure hatch) at McGuire nor on the generation of internal missiles as evaluated in Section 3.5 of the McGuire Updated Final Safety Analysis Report.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. Implementation of this amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated. No new accident causal mechanisms are created as a result of the NRC approval of this license amendment request. As discussed above, extending the time that the pressurizer hatch is allowed to be open does not create any new or different accidents from those previously evaluated. Removal of the pressurizer enclosure hatch to perform inspections or maintenance inside the pressurizer cavity has been previously evaluated and determined to be acceptable. The analysis contained in the technical justification for this license amendment request provides results which conclude that the containment compression peak pressure, and the long term containment peak pressure are acceptable with the pressurizer enclosure hatch open. This amendment does not impact any plant systems that are accident initiators; therefore, no new accident types are being created.

3. Does this change involve a significant reduction in a margin of safety?

No. Implementation of this amendment would not involve a significant reduction in a margin of safety. Margin of safety is related to the confidence in the ability of the fission product barriers to perform their design functions during and following an accident situation. These barriers include the fuel cladding, the reactor coolant system, and the containment system. The pressurizer enclosure hatch and its performance have a direct impact on the containment boundary, since peak containment pressure due to an accident could be affected. However, the analysis supporting this amendment request concludes that the containment compression peak pressure and the long term containment peak pressure continue to be acceptable with the increased open time for the hatch. Thus the performance of the fission product barriers will not be significantly impacted by implementation of this amendment and no safety margin will be significantly impacted.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Lisa F. Vaughn, Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina 28201–1006.

NRC Section Chief: John A. Nakoski.

Entergy Operations, Inc., Docket No. 50–313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas

Date of amendment request: June 30, 2003.

Description of amendment request: The proposed amendment would revise the control room emergency ventilation system (CREVS) surveillance requirement (SR) by modifying an existing SR related to the makeup flow rate to show that it is applicable to the VSF–9 train and by adding a new makeup flow rate SR that is applicable to the 2VSF–9 train.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The purpose of the CREVS is to provide airborne radiological protection for operations from the control room for the design basis loss of coolant accident fission product release and for a fuel handling accident. The proposed change continues to assure that the control room operator will be protected from the dose consequences related to either of these accidents.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change will establish appropriate outside air makeup flow rates for the 2VSF–9 fan unit. This criterion has been evaluated and determined to continue to provide protection to the control room operator in accordance with General Design Criterion 19. The proposed change is not an accident initiator. No modifications to the system are proposed which would create the possibility of a new or different kind of accident.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change will establish the allowable makeup airflow into the control room when the 2VSF–9 CREVS train is in operation. Calculations have been performed which demonstrate that the proposed flow criteria provides increased protection for the control room operator.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Robert A. Gramm.

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of amendment request: June 30, 2003.

Description of amendment request: The proposed amendment would: (1) Eliminate credit for the Boraflex neutron absorbing material used for reactivity control in Region 1 of the spent fuel pool (SFP), (2) credit a combination of soluble boron and several defined fuel loading patterns within the storage racks to maintain SFP reactivity within the effective neutron multiplication factor (K_{eff}) limits of 10 CFR 50.68, (3) increase

the minimum boron concentration in the SFP to 2000 parts per million (ppm), and (4) reduce the fresh fuel assembly initial enrichment to less than or equal to 4.55 ± 0.05 weight percent uranium-235 (U–235).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The fuel handling accidents described below can be postulated to increase reactivity. However, for these accident conditions, the double contingency principle of ANS [American Nuclear Society] N16.1–1975 is applied. This states that it is unnecessary to assume two unlikely, independent, concurrent events to ensure protection against a criticality accident. Thus, for accident conditions, the presence of soluble boron in the storage pool water can be assumed as a realistic initial condition since its absence would be a second unlikely event.

Three types of drop accidents have been considered: a vertical drop accident, a horizontal drop accident, and an inadvertent drop of an assembly between the outside periphery of the rack and the pool wall.

- A vertical drop directly upon a cell will cause damage to the racks in the active fuel region. The proposed 2000 ppm soluble boron concentration will ensure that K_{eff} does not exceed 0.95.
- A fuel assembly dropped on top of the rack that comes to rest horizontally will not deform the rack structure such that criticality assumptions are invalidated. The rack structure is such that an assembly positioned horizontally on top of the rack results in a minimum separation distance from the upper end of the active fuel region of the stored assemblies. This distance is sufficient to preclude interaction between the dropped assembly and the stored fuel.
- An inadvertent drop of an assembly between the outside periphery of the rack and the pool wall is bounded by the worst case fuel misplacement accident condition.

The fuel assembly misplacement accident was considered for all storage configurations. An assembly with high reactivity is assumed to be placed in a storage location which requires a fuel assembly with a lower reactivity. The presence of soluble boron in the pool water assumed in the analysis has been shown to offset the worst case reactivity effect of a misplaced fuel assembly for any configuration. This soluble boron requirement is less than the proposed 2000 ppm that will be required by the ANO–2 [Arkansas Nuclear One, Unit No. 2] TS [Technical Specifications]. Thus, a five percent subcriticality margin can be easily met for postulated accidents, since any reactivity increase will be much less that the negative worth of the dissolved boron.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change will define several acceptable 2 x 2 loading patterns and acceptable interfaces between the patterns. In addition, the proposed change will credit soluble boron to assure a five percent subcriticality margin is maintained during normal conditions and in the event of a postulated accident. The soluble boron concentration assumed in the analyses for a postulated accident is less than the proposed TS change of 2000 ppm. Thus, a five percent subcriticality margin can easily be met for postulated accidents, since any reactivity increase will be much less than the negative worth of the dissolved boron.

No new or different types of fuel assembly drop scenarios are created by the proposed change. The presence of soluble boron in the SFP water assures a subcriticality margin is maintained in the event of fuel assembly misplacement.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

With the presence of a nominal boron concentration, the fuel storage patterns are designed to assure that fuel assemblies of less than or equal to 4.55 ± 0.05 weight percent U–235 enrichment when loaded in accordance with the proposed loading patterns will be maintained within a subcritical array with a five percent subcritical margin (95% probability at the 95% confidence level). This has been verified by criticality analyses.

Credit for soluble boron in the SFP water is permitted under accident conditions as well as in non-accident conditions. Criticality analyses have been performed to determine the required boron concentration that would ensure a subcriticality margin of at least five percent. By increasing the minimum boron concentration to greater than 2000 ppm, the margin of safety currently defined by taking credit for soluble boron will be maintained.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, NW., Washington, DC 20005–3502

NRC Section Chief: Robert A. Gramm

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of amendment request: June 30, 2003.

Description of amendment request: The proposed amendment would (1) reorganize the Arkansas Nuclear One, Unit No. 2 (ANO–2) Technical Specifications (TSs) Section 6.0, Administrative Controls, (2) modify the ANO–2 Facility Operating License, and actions and surveillance requirements (SRs) of various other TSs, to support the reorganization of Section 6.0, and (3) modify several actions and SRs that are related to systems that are shared by ANO–2 and Arkansas Nuclear One, Unit No. 1 (ANO–1). These changes are being proposed so that the philosophy and location of the TSs in Section 6.0 reflect the recently approved conversion of the ANO–1 TSs to the Improved Technical Specifications (ITS) and the subsequent amendments to the ANO–1 ITS. This amendment request supersedes the previous application related to the revision of TS Section 6.0 dated January 31, 2002, as supplemented on June 26 and July 18, 2002. The January 31, 2002, application was previously noticed in the **Federal Register** on March 19, 2002 (67 FR 12602).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

Administrative Changes

The proposed changes involve reformatting and rewording of the existing TSs. The reformatting and rewording process involves no technical changes to existing requirements. As such, the proposed changes are administrative in nature and do not impact initiators of analyzed events or assumed mitigation of accident or transient events.

Less Restrictive—Administrative Deletion of Requirements

The proposed changes relocate requirements from the TSs to other license basis documents which are under licensee control. The documents containing the relocated requirements will be maintained using the provisions of applicable regulatory requirements.

More Restrictive Changes

The proposed changes provide more stringent requirements for the ANO–2 TSs. These more stringent requirements are not assumed to be initiators of analyzed events and will not alter assumptions relative to mitigation of accident or transient events. The more stringent requirements are imposed to ensure process variables, structures, systems, and components are maintained consistent with the safety analyses and licensing basis and to provide greater consistency with the ANO–1 TS and NUREG 1432.

Less Restrictive Changes

(1) A note will be added that allows three (3) hours to perform the channel functional test on the control room radiation monitors without entering the associated Actions.

The control room area radiation monitor is used to support mitigation of the consequences of an accident; however, it is not considered the initiator of any previously analyzed accident. Also, the addition of the Note to allow time for testing reduces the potential for initiation of a previously analyzed accident due to reduced potential for shutdowns and startups due to incomplete or missed surveillances. As such, the proposed revision to include an allowance for testing does not significantly increase the probability of any accident previously evaluated. This change does not result in any hardware changes, but does allow operation for a limited time with an inoperable monitor for the purposes of testing. Since the capability of the control room area radiation monitor to provide the required information continues to be verified, and the time allowed for inoperability for testing is short, the change will not reduce the capability of required equipment to mitigate the event. Also, the consequences of an event occurring during the proposed operation of the unit during the allowed inoperability for testing are the same as the consequences of an event occurring while operating under the current TS Actions. Therefore, this change does not involve a significant increase in the consequences of any accident previously evaluated.

(2) This change will allow the control room boundary to be opened intermittently under administrative controls, and will allow both trains of the CREVS [control room emergency ventilation system] to be inoperable due to control room boundary inoperability for a period of 24'hours.

Neither CREVS nor the control room boundary is the initiator of any accident analyzed in the SAR [Safety Analysis Report]. Therefore, this change does not result in a significant increase in the probability of an accident previously evaluated.

The CREVS and the control room boundary are intended to provide a habitable environment for the control room operators in the event of an accident that results in the release of radioactivity to the environment. The allowance to open the control room boundary intermittently is acceptable, because of the administrative controls that will be implemented to ensure that the opening can be rapidly closed when the need for control room isolation is indicated, restoring the control room habitability envelope. Allowing both CREVS trains to be inoperable for 24 hours due to an inoperable control room boundary is acceptable because of the low probability of an accident requiring control room isolation during any given 24 hour period, because entry into this condition is expected to be an infrequent occurrence, and because preplanned compensatory measures to protect the control room operators from potential hazards are implemented. Therefore, this change will not result in a significant increase in the probability [consequences] of an accident previously evaluated.

(3) An allowance will be added to allow use of a ''simulated'' or ''actual'' test signal when testing the automatic isolation feature of the control room air filtration system.

The phrase ''actual or simulated'' in reference to the automatic initiation signal, has been added to the system functional test surveillance test description. This does not impose a requirement to create an ''actual'' signal, nor does it eliminate any restriction on producing an ''actual'' signal. The proposed change does not affect the procedures governing plant operations and the acceptability of creating these signals; it simply would allow such a signal to be utilized in evaluating the acceptance criteria for the system functional test requirements. Therefore, the change does not involve a significant increase in the probability of an accident previously evaluated. Since the function of the system functional test remains unaffected the change does not involve a significant increase in the consequences of an accident previously evaluated.

(4) An allowance for the diesel fuel storage tanks to contain less than 22,500 gallons of fuel for up to 48 hours as long as the individual volume is greater than 17,446 gallons will be added. The lower value when summed with the contents of the other tank ensures six days of fuel oil is available. During the 48 hours, the diesel generator is capable of performing its intended function. There is a low probability that an event would occur for which the diesel generator would be required during this short period of time when the lower fuel oil volume is allowed.

The AC Sources are used to support mitigation of the consequences of an accident and can be involved in the initiation of the accident analyzed in SAR. Equipment powered by the AC Sources, which may be considered as an initiator, continues to be assured of electrical power. The proposed increased restoration time involves parameters unrelated to initiating the failure of the AC Sources. As such the proposed time allowance for restoration of limited levels of readiness parameter degradation will not increase the probability of any accident previously evaluated. The proposed changes allow additional time for restoration of parameters that have been identified as not immediately affecting the capability of the power source to provide its required safety function. The identified parameters are capable of being replenished during operation of the diesel generators, and the short additional allowable action time continues to provide adequate assurance of operable required equipment. Therefore, this change does not involve a significant increase in the probability of or the consequences of any accident previously evaluated.

(5) Seven days will be allowed to restore the stored diesel fuel oil total particulates to within the required limits prior to declaring the associated diesel inoperable.

The testing of diesel generator fuel oil is not considered an initiator, or a mitigating factor, in any previously evaluated accident. The presence of particulates does not mean failure of the fuel oil to burn properly in the diesel engine. In addition, particulate concentration is unlikely to change significantly between surveillance intervals (31 days). Therefore, the change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(6) An allowance for the person who is satisfying the requirement of the radiation protection staff position and for the person filling the Shift Technical Advisor (STA) position to be vacant for not more than two hours in order to provide for unexpected absences is being added. This is consistent with the allowance permitted for the control room operator as reflected in existing TSs.

This change does not result in any changes in hardware or methods of operation. The change allowing the absence of the STA or the radiation protection technician is not considered in the safety analysis, and cannot initiate or affect the mitigation of an accident in any way. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(7) The STA will be allowed to support the shift crew rather than only the shift supervisor. This provides more flexibility and does not dilute the function of the STA.

This change does not result in any changes in hardware or methods of operation. The change in the support relationship between the STA and the control room staff is not considered in the safety analysis, and cannot initiate or affect the mitigation of an accident in any way. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(8) The Occupational Radiation Exposure Report will be submitted by April 30 of each calendar year instead of prior to March 1.

This change does not result in any changes in hardware or methods of operation. The change in date for submittal of ''after the fact'' information is not considered in the safety analysis, and cannot initiate or affect the mitigation of an accident in any way. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(9) An allowance is proposed that will revise the high radiation areas to include additional previously approved methods for implementation of alternatives to the ''control device'' or ''alarm signal'' requirements of 10 CFR [Part] 20. These alternatives provide adequate control of

personnel in high radiation areas as evidenced by NRC issuance of NUREG–1432.

The controls for access to a high radiation area are not considered as initiators, or as a mitigation factor, in any previously evaluated accident. Therefore, the change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(10) An allowance to require periodic testing of stored fuel for the particulates only is proposed.

The testing of diesel generator fuel oil is not considered an initiator or a mitigating factor in any previously evaluated accident. Therefore, the change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(11) The removal of the requirement to notify the Vice President, Operations ANO within 24 hours of violating a safety limit.

Notification of the Vice President, Operations ANO when a safety limit is violated is not considered an initiator or a mitigating factor in any previously evaluated accident. Therefore, the change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(12) The Radioactive Effluent Release Report will be submitted by May 1 of each calendar year instead of prior to March 1.

This change does not result in any changes in hardware or methods of operation. The change in date for submittal of ''after the fact'' information is not considered in the safety analysis, and cannot initiate or affect the mitigation of an accident in any way. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(13) A change to frequency of the integrated leak tests for each system outside containment that could contain highly radioactive fluids from ''at a frequency not to exceed refueling cycle intervals'' to ''at least once per 18 months.''

Performance of the integrated leak tests for each system outside containment that could contain highly radioactive fluids is not an initiator or a mitigating factor in any previously evaluated accident. Therefore, the change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(14) A change that allows a 25% extension of the frequency in accordance with SR 4.0.2 for the integrated leak tests of each system outside containment that could contain highly radioactive fluids.

The extension of the testing frequency, up to 25% of the test interval, is not considered an initiator or a mitigating factor in any previously evaluated accident. Therefore, the change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

Administrative Changes

The proposed changes do not necessitate a physical alteration of the plant (no new or different type of equipment will be installed) or changes in parameters governing normal plant operations. The proposed changes will not impose any different requirements.

Less Restrictive—Administrative Deletion of Requirements

The proposed change does not necessitate a physical alteration of the plant (no new or different type of equipment will be installed) or changes in parameters governing normal plant operations. The proposed changes will not impose any different requirements and adequate control of the information will be maintained.

More Restrictive Changes

The proposed change does not necessitate a physical alteration of the plant (no new or different type of equipment will be installed) or changes in parameters governing normal plant operation. The proposed changes do impose different requirements. However, these changes do not impact the safety analysis and licensing basis.

Less Restrictive Changes

(1) A note will be added that allows three (3) hours to perform the channel functional test on the control room radiation monitors without entering the associated Actions.

The proposed change does not necessitate a physical alteration of the plant (no new or different type of equipment will be installed) or changes in parameters governing normal plant operation. The proposed change will still ensure proper surveillances are required for the equipment considered in the safety analysis. Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(2) This change will allow the control room boundary to be opened intermittently under administrative controls, and will allow both trains of the control room ventilation system (CREVS) to be inoperable due to a control room boundary inoperability for a period of 24 hours.

The proposed change does not necessitate a physical alteration of the unit (no new or different type of equipment will be installed) or changes in parameters governing normal unit operation. Prompt and appropriate compensatory actions will still be taken in the event of an accident. Thus, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

(3) An allowance will be added to allow use of a ''simulated'' or ''actual'' test signal when testing the automatic isolation feature of the control room air filtration system.

The possibility of a new or different kind of accident from any accident previously evaluated is not created because the proposed change introduces no new mode of plant operation and it does not involve physical modification to the plant.

(4) An allowance for the diesel fuel storage tanks to contain less than 22,500 gallons of fuel for up to 48 hours as long as the individual volume is greater than 17,446 gallons will be added. The lower value when summed with the contents of the other tank ensures six days of fuel oil is available. During the 48 hours, the diesel generator is capable of performing its intended function. There is a low probability that an event would occur for which the diesel generator would be required during this short period of time when the lower fuel oil volume is allowed.

The proposed change does not necessitate a physical alteration of the plant (no new or different type of equipment will be installed) or changes in parameters governing normal plant operation. The proposed change will continue to ensure operable safety equipment is available. Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(5) Seven days will be allowed to restore the stored diesel fuel oil total particulates to within the required limits prior to declaring the associated diesel inoperable.

No changes are proposed in the manipulation of the plant structures, systems, or components, or in the design of the plant structures, systems, or components. The presence of particulates does not mean failure of the fuel oil to burn properly in the diesel engine. In addition, particulate concentration is unlikely to change significantly between surveillance intervals (31 days). Therefore, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(6) An allowance for the person who is satisfying the requirement of the radiation protection staff position and for the person filling the Shift Technical Advisor (STA) position to be vacant for not more than two hours in order to provide for unexpected absences is proposed. This is consistent with the allowance permitted for the control room operator as reflected in existing TSs.

The proposed change does not necessitate a physical alteration of the plant (no new or different type of equipment will be installed) or changes in parameters governing normal plant operation. The proposed change will impact only the STA and radiation protection staffing positions and does not directly impact the operation of the plant. Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(7) The STA will be allowed to support the shift crew rather than only the shift supervisor. This provides more flexibility and does not dilute the function of the STA.

The proposed change does not necessitate a physical alteration of the plant (no new or different type of equipment will be installed) or changes in parameters governing normal plant operation. The proposed change will impact only the support relationship the STA provides the control room staff and does not directly impact the operation of the plant. Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(8) The Occupational Radiation Exposure Report will be submitted by April 30 of each calendar year instead of prior to March 1.

The proposed change does not necessitate a physical alteration of the plant (no new or different type of equipment will be installed) or changes in parameters governing normal plant operation. The proposed change will impact only the administrative requirements for submittal of information and does not directly impact the operation of the plant. Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(9) An allowance is proposed that will revise the high radiation areas to include additional previously approved methods for implementation of alternates to the ''control device'' or ''alarm signal'' requirements of 10 CFR [Part] 20. These alternatives provide adequate control of personnel in high radiation areas as evidenced by NRC issuance of NUREG–1432.

No changes are proposed in the manipulation of the plant structures, systems, or components, or in the design of the plant structures, systems, or components. Therefore, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(10) An allowance to require periodic testing of stored fuel for the particulates only is proposed.

No changes are proposed in the manipulation of the plant structures, systems, or components, or in the design of the plant structures, systems, or components. Therefore, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(11) The removal of the requirement to notify the Vice President, Operations ANO within 24 hours of violating a safety limit.

No changes are proposed that result in the manipulation or the design of plant structures, systems, or components. Therefore, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(12) The Radioactive Effluent Release Report will be submitted by May 1 of each calendar year instead of prior to March 1.

The proposed change does not necessitate a physical alteration of the plant (no new or different type of equipment will be installed) or changes in parameters governing normal plant operation. The proposed change will impact only the administrative requirements for submittal of information and does not directly impact the operation of the plant. Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(13) A change to frequency of the integrated leak tests for each system outside containment that could contain highly radioactive fluids from ''at a frequency not to exceed refueling cycle intervals'' to ''at least once per 18 months.''

No changes are proposed that result in the manipulation or the design of plant structures, systems, or components. Therefore, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(14) A change that allows a 25% extension of the frequency in accordance with SR 4.0.2 for the integrated leak tests of each system outside containment that could contain highly radioactive fluids.

No changes are proposed that result in the manipulation or the design of plant structures, systems, or components. Therefore, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No.

Administrative Changes

The proposed changes will not reduce the margin of safety because they have no impact on any safety analysis assumptions. The changes are administrative in nature.

Less Restrictive—Administrative Deletion of Requirements

The proposed changes will not reduce a margin of safety because they have no impact on any safety analysis assumptions. In addition, the requirements to be transposed from the TSs to other license basis documents, which are under licensee control, are the same as the existing TSs. The documents containing the relocated requirements will be maintained using the provisions of applicable regulatory requirements.

More Restrictive Changes

The imposition of more stringent requirements prevents a reduction in the margin of plant safety by:

(a) increasing the scope of the specification to include additional plant equipment,

(b) providing additional actions,

(c) decreasing restoration times, or

(d) imposing new surveillances.

The changes are consistent with the safety analysis and licensing basis.

Less Restrictive Changes

(1) A note will be added that allows three (3) hours to perform the channel functional test on the control room radiation monitors without entering the associated Actions.

The margin of safety for the control room area radiation monitor is based on availability and capability of the instrumentation to provide the required information to the operator. The frequency is based on unit operating experience that demonstrates channel failure is rare, and on the use of less formal but more frequent checks of channels during normal operational use of the displays associated with the required channels. Therefore, the availability and capability of the control room area radiation monitor continues to be assured by the proposed Surveillance Requirements and this change does not involve a significant reduction in a margin of safety.

(2) This change will allow the control room boundary to be opened intermittently under administrative controls, and will allow both trains of the control room ventilation system (CREVS) to be inoperable due to control room boundary inoperability for a period of 24 hours.

This change does not involve a significant reduction in a margin of safety since: (1) administrative controls will be in place to ensure that an open control room boundary can be rapidly closed when a need for control room isolation is indicated; and (2) an inoperable control room boundary that renders both trains of CREVS inoperable is an infrequent occurrence, the probability of an accident requiring control room isolation during any given 24 hour period is low, and preplanned compensatory measures to protect the control room operators from potential hazards are implemented.

(3) An allowance will be added to use a simulated or actual test signal when testing the automatic isolation feature of the control room air filtration system.

Use of an actual signal instead of the existing requirement which limits use to a simulated signal, will not affect the performance of the surveillance test. OPERABILITY is adequately demonstrated in either case since the system itself can not discriminate between ''actual'' or ''simulated'' signals. Therefore, the change does not involve a significant reduction in a margin of safety.

(4) An allowance for the diesel fuel storage tanks to contain less than 22,500 gallons of fuel for up to 48 hours as long as the individual volume is greater than 17,446 gallons. The lower value when summed with the contents of the other tank ensures six days of fuel oil is available. During the 48 hours, the diesel generator is capable of performing its intended function. There is a low probability that an event would occur for which the diesel generator would be required during this short period of time when the lower fuel oil volume is allowed.

The parameter limits provide substantial margin to the parameter values that would be absolutely necessary for diesel generator operability. When the parameters are less than their limits this margin is reduced. However, the availability of AC Sources continues to be assured since the allowed time for parameters to be less than their limits is short and the allowed levels for the parameters are adequate to provide the immediately needed power availability. Further, the parameters can be restored to within limits during the proposed time provided should they be required. Therefore, this change does not result in a signification reduction in [a] margin of safety.

(5) Seven days will be allowed to restore the stored diesel fuel oil total particulates to within the required limits prior to declaring the associated diesel inoperable.

The proposed change allows the stored diesel fuel oil total particulates to be outside the required limits for seven days before declaring the associated diesel inoperable. The presence of particulates does not mean failure of the fuel oil to burn properly in the diesel engine. In addition, particulate concentration is unlikely to change

significantly between surveillance intervals (31 days). The seven day allowance provides an appropriate backstop to ensure the particulate level is restored to within limits in a reasonable time period. Since the diesel is still capable of performing its function the margin to safety is not reduced.

(6) An allowance for the person who is satisfying the requirement of the radiation protection staff position and for the person filling the Shift Technical Advisor (STA) position to be vacant for not more than two hours in order to provide for unexpected absences is proposed. This is consistent with the allowance permitted for the control room operator as reflected in existing TSs.

The margin of safety is not dependent on the presence of the STA or the radiation protection technician. Therefore, this change does not involve a significant reduction in a margin of safety.

(7) The STA will be allowed to support the shift crew rather than only the shift supervisor. This provides more flexibility and does not dilute the function of the STA.

The margin of safety is not dependent upon who the STA supports. Therefore, this change does not involve a significant reduction in a margin of safety.

(8) The Occupational Radiation Exposure Report will be submitted by April 30 of each calendar year instead of prior to March 1.

The margin of safety is not dependent on the submittal of information. Therefore, this change does not involve a significant reduction in a margin of safety.

(9) An allowance is proposed that will revise the high radiation areas to include additional previously approved methods for implementation of alternatives to the ''control device'' or ''alarm signal'' requirements of 10 CFR [Part] 20. These alternatives provide adequate control of personnel in high radiation areas as evidenced by NRC issuance of NUREG–1432.

The requirements for control of high radiation areas provide for the use of alternates to the ''control device'' or ''alarm signal'' requirements of 10 CFR 20.1601. This change provides such alternative methods for controlling access. These methods and additional administrative requirements have been determined to provide adequate controls to prevent unauthorized and inadvertent access to such areas. Therefore, this change does not involve a significant reduction in a margin of safety.

(10) An allowance to require periodic testing of stored fuel for the particulates only is proposed.

The testing of stored diesel generator fuel oil is revised to require the periodic testing of the stored fuel oil only for particulates (replacing the periodic testing per ASTM–D975) once every 31 days. The change reflects industry-standard acceptable DG fuel oil testing programs. Over the storage life of ANO–2 DG fuel oil, the properties tested by ASTM–D975 are not expected to change and performing these tests once on the new fuel oil provides adequate assurance of the proper initial quality of fuel oil. The periodic testing for particulates monitors a parameter that reflects degradation of fuel oil and can be trended to provide increased confidence that the stored DG fuel oil will support DG operability. Therefore, this change does not involve a significant reduction in a margin of safety.

(11) The removal of the requirement to notify the Vice President, Operations ANO within 24 hours of violating a safety limit.

The margin of safety is not dependent upon notification of the Vice President, Operations ANO upon the violation of a TS safety limit. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

(12) The Radioactive Effluent Release Report will be submitted by May 1 of each calendar year instead of prior to March 1.

The margin of safety is not dependent on the submittal of information. Therefore, this change does not involve a significant reduction in a margin of safety.

(13) A change to frequency of the integrated leak tests for each system outside containment that could contain highly radioactive fluids from ''at a frequency not to exceed refueling cycle intervals'' to ''at least once per 18 months.''

The current and proposed frequencies of this test are equivalent for all practical purposes. Therefore, this change does not involve a significant reduction in a margin of safety.

(14) A change that allows a 25% extension of the frequency in accordance with SR 4.0.2 for the integrated leak tests of each system outside containment that could contain highly radioactive fluids.

The proposed allowance allows a possible increase in performance interval. However, the test will still be performed at reasonable intervals to ensure the intent of the surveillance is maintained. Therefore, this change does not involve a significant reduction in a margin of safety.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Robert A. Gramm.

Entergy Nuclear Operations, Inc., Docket No. 50–286, Indian Point Nuclear Generating Unit No. 3, Westchester County, New York

Date of amendment request: May 28, 2003, as supplemented on June 24, 2003

Description of amendment request: The proposed amendment would revise Technical Specification (TS) Section 3.4.3, ''RCS Pressure and Temperature (P/T) Limits,'' and Section 3.4.12, ''Low Temperature Overpressure Protection (LTOP),'' to incorporate revised reactor pressure vessel P/T limits and overpressure protection system limits to allow operation up to 20 effective full-power years. Specifically, the proposed amendment would revise TS Figures 3.4.3–1 to 3.4.3–3 and TS Figures 3.4.12–1 to 3.4.12–4.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The probability of occurrence of an accident previously evaluated for Indian Point 3 is not altered by the proposed amendment to the technical specifications (TSs). The accidents remain the same as currently analyzed in Final Safety Analysis Report (FSAR) as a result of changes to the P/T and LTOP limits. The new P/T and LTOP limits were based on the NRC [Nuclear Regulatory Commission] approved, for Indian Point 3, Westinghouse/Combustion Engineering methodology along with American Society of Mechanical Engineers (ASME) Code (Boiler and Pressure Vessel Code) alternatives including Code Case N–640. Code Case N–640 has been accepted for use by the NRC but has not been incorporated into Reg. [Regulatory] Guide 1.147, Rev. 12, at this time. An exemption is being submitted separately for the use of Code Case N–640. The proposed changes do not impact the integrity of the reactor coolant system pressure boundary (RCPB) as a result of this change. In addition there is no increase in the potential for the occurrence of a loss of coolant accident. The probability of any design basis accident is not affected by the change, nor are the consequences of any design basis accident affected by the proposed change. The proposed P/T limit curves and LTOP limits are not considered to be an initiator or contributor to any accident currently evaluated in the Indian Point 3 FSAR. These new limits ensure the long term integrity of the RCPB.

Fracture toughness test data are obtained from material specimens contained in capsules that are periodically withdrawn from the reactor vessel. These data permit determination of the conditions under which the vessel can be operated with adequate safety margins against non-ductile fracture throughout its service life. A new reactor vessel specimen was withdrawn at the most recent refueling outage and will be analyzed over the next year to enhance the database used to predict the fracture toughness requirements using projected neutron fluence calculations. For each analyzed transient and steady state condition, the allowable pressure is determined as a function of reactor coolant temperature considering postulated flaws in the reactor vessel beltline, inlet nozzle, outlet nozzle, and closure head.

The predicted radiation induced ΔRT_{NDT} (shift in reference temperature nil-ductility

transition) was calculated using the respective reactor vessel beltline copper and nickel contents and the neutron fluence applicable to normal plant performance through the remainder of the operating license, using the most up-to-date cross sections methodologies, as documented in the recent Appendix K power uprate report.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes to the P/T and the LTOP limits will not create a new accident scenario. The requirements to have P/T and LTOP protection are part of the licensing basis of Indian Point 3. The proposed changes reflect the change in vessel material properties acknowledged and managed by regulation and the best data available in response to NRC Generic Letter 92–01, Revision 1. The approach used meets NRC and ASME regulations and guidelines. The Westinghouse/Combustion Engineering methodology has been approved for use at Indian Point 3 by the NRC. Code Case N–640 has been found acceptable by the NRC to be used at other nuclear plants. By separate letter ENO [Entergy Nuclear Operations, Inc.] is requesting an exemption to use Code Case N–640 because the Code Case has not been incorporated in Regulatory Guide 1.147, Rev. 12, at this time. The adjusted reference temperatures for fracture toughness are consistent with that previously provided to the NRC [* * *] The data analysis for the vessel specimen removed to date, confirm that the vessel materials are responding as predicted.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The existing P/T curves and LTOP limits in the technical specifications are reaching their expiration period for the number of years at effective full power operation. The revision of the P/T limits and curves will ensure that Indian Point 3 continues to operate within margins allowed by 10 CFR 50.60 and the ASME Code. The material properties used in the analysis are based on results established through Westinghouse/Combustion Engineering material reports for copper and nickel content. The material properties were evaluated in parallel using statistical methodology. The results are consistent and for conservative purposes, the more restrictive result is used. The application of Code Case N–640 presents alternative procedures for calculating P/T and LTOP temperatures and pressures in lieu of that established for ASME Section XI, Appendix G–2215. This Code alternative allows certain assumptions to be conservatively reduced. However, the procedures allowed by Code Case N–640 still provide significant conservatism and ensure an adequate margin of safety in the development of P/T operating and pressure test limits to prevent non-ductile fractures.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. John Fulton, Assistant General Counsel, Entergy Nuclear Operations, Inc., 440 Hamilton Avenue, White Plains, NY 10601.

NRC Section Chief: Richard J. Laufer.

Entergy Nuclear Operations, Inc., Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of amendment request: August 16, 2002, as supplemented June 6, 2003.

Description of amendment request: The proposed amendment would add a new Technical Specification (TS) requirement to the Pilgrim Nuclear Power Station (Pilgrim) TSs consistent with Technical Specification Task Force (TSTF)–358, Revision 5. TSTF–358 addresses modifications to requirements for missed surveillances consistent with NUREG 1433, Revision 2, ''Standard Technical Specification, General Electric Plants, BWR/4'' (STS) surveillance requirement (SR) 3.0.3. The proposed amendment to the Pilgrim TSs would be added as TS 4.0.3.

The U.S. Nuclear Regulatory Commission (NRC) staff issued a notice of opportunity for comment in the **Federal Register** on June 14, 2001 (66 FR 32400), on possible amendments concerning missed surveillances, including a model safety evaluation and model no significant hazards consideration (NSHC) determination, using the consolidated line item improvement process (CLIIP). The NRC staff subsequently issued a notice of availability of the models for referencing in license amendment applications in the **Federal Register** on September 28, 2001 (66 FR 49714). The licensee affirmed the applicability of the model NSHC determination in its application dated August 16, 2002, as supplemented on June 6, 2003.

In addition, the following statement would be added to the TS definition of Limiting Condition for Operation (LCO): ''Failure to meet a Surveillance, whether such failure is experienced during the performance of the Surveillance or between performances of the Surveillance, shall be failure to meet the LCO.'' The proposed amendment would also make administrative changes to add new TS Sections 3.0, ''Limiting Condition for Operation (LCO) Applicability,'' and 4.0, ''Surveillance Requirement (SR) Applicability,'' into the Pilgrim TSs. New TSs 3.0, 4.0.1, and 4.0.2 would be identified as ''Not Used.'' These changes are proposed to rectify the differences in the format and terminology of the current Pilgrim TSs to the STS. The associated Bases would also be implemented.

Basis for proposed no significant hazards consideration determination: As required by Title 10 of the Code of Federal Regulations (10 CFR), Section 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.

[CLIIP Changes]

The proposed change relaxes the time allowed to perform a missed surveillance. The time between surveillances is not an initiator of any accident previously evaluated. Consequently, the probability of an accident previously evaluated is not significantly increased. The equipment being tested is still required to be operable and capable of performing the accident mitigation functions assumed in the accident analysis. As a result, the consequences of any accident previously evaluated are not significantly affected. Any reduction in confidence that a standby system might fail to perform its safety function due to a missed surveillance is small and would not, in the absence of other unrelated failures, lead to an increase in consequences beyond those estimated by existing analyses. The addition of a requirement to assess and manage the risk introduced by the missed surveillance will further minimize possible concerns. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

[Additional Changes]

The proposed change involves an addition to clarify the required action when an SR is not met and new TS sections for consistency with the STS. These additions do not involve technical changes to the existing TSs. As such, these changes provide clarity and are administrative in nature and do not affect initiators of analyzed events or assumed mitigation of accident or transient events. Therefore, these changes will not increase the probability or consequences of an accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated.

[CLIIP Changes]

The proposed change does not involve a physical alteration of the plant (no new or

different type of equipment will be installed) or a change in the methods governing normal plant operation. A missed surveillance will not, in and of itself, introduce new failure modes or effects and any increased chance that a standby system might fail to perform its safety function due to a missed surveillance would not, in the absence of other unrelated failures, lead to an accident beyond those previously evaluated. The addition of a requirement to assess and manage the risk introduced by the missed surveillance will further minimize possible concerns. Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

[Additional Changes]

The proposed change involves an addition to clarify the required action when a SR is not met and new TS sections for consistency with the STS. The changes do not involve physical alterations to the plant (no new or different type of equipment will be installed) or changes in methods governing normal plant operation. The changes will not impose any new or different requirements or eliminate any existing requirements. Therefore, these changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety

[CLIIP Changes]

The extended time allowed to perform a missed surveillance does not result in a significant reduction in the margin of safety. As supported by the historical data, the likely outcome of any surveillance is verification that the LCO is met. Failure to perform a surveillance within the prescribed frequency does not cause equipment to become inoperable. The only effect of the additional time allowed to perform a missed surveillance on the margin of safety is the extension of the time until inoperable equipment is discovered to be inoperable by the missed surveillance. However, given the rare occurrence of inoperable equipment, and the rare occurrence of a missed surveillance, a missed surveillance on inoperable equipment would be very unlikely. This must be balanced against the real risk of manipulating the plant equipment or condition to perform the missed surveillance. In addition, parallel trains and alternate equipment are typically available to perform the safety function of the equipment not tested. Thus, there is confidence that the equipment can perform its assumed safety function.

Therefore, this change does not involve a significant reduction in a margin of safety.

[Additional Changes]

The proposed change involves an addition to clarify the required action when a SR is not met and new TS sections for consistency with the STS. These additions do not involve technical changes to the existing TSs. The changes will not reduce a margin of safety because they have no impact on any safety analysis assumptions. Also, since these changes provide clarity and are administrative in nature, no question of safety is involved. Therefore, there will be no reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: J. M. Fulton, Esquire, Assistant General Counsel, Pilgrim Nuclear Power Station, 600 Rocky Hill Road, Plymouth, Massachusetts, 02360–5599.

NRC Section Chief: James W. Clifford.

FirstEnergy Nuclear Operating Company, Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit 1, Ottawa County, Ohio

Date of amendment request: December 4, 2001.

Description of amendment request: The proposed amendment would change Technical Specification (TS) Section 6.9, ''Administrative Controls—Reporting Requirements,'' to eliminate the requirement to submit startup reports to the Nuclear Regulatory Commission. Under the current provisions of TS Section 6.9, the Davis-Besse Nuclear Power Station would be required to submit a startup report within 90 days.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensees have provided their analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change is administrative in nature. As such, it does not affect any accident initiators and does not affect containment isolation, plant responses to accidents, or radiological effluents. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change is administrative in nature. As such, it does not introduce any new or indifferent accident initiators. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previous evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change is administrative in nature and does not reduce or adversely affect the capabilities of any plant structures, systems, or components to perform their safety functions. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mary E. O'Reilly, Attorney, FirstEnergy Corporation, 76 South Main Street, Akron, OH 44308.

NRC Section Chief: Anthony J. Mendiola.

Nuclear Management Company, LLC, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of amendment request: June 20, 2003.

Description of amendment request: The proposed amendment would revise the Kewaunee Nuclear Power Plant (KNPP) Technical Specifications (TSs) to allow a one-time extension of the interval between integrated leakage rate tests from 10 years to 15 years.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Proposed Power Level Changes

1. Does the proposed change involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated?

Response: No

Probability of Occurrence of an Accident Previously Evaluated—

The proposed change to extend the [integrated leakage rate tests] ILRT interval from 10 to 15 years does not affect any accident initiators or precursors. The containment vessel function is purely mitigative. There is no design basis accident that is initiated by a failure of the containment leakage mitigation function. The extension of the ILRT will not create any adverse interactions with other systems that could result in initiation of a design basis accident. Therefore, the probability of occurrence of an accident previously evaluated is not significantly increased.

Consequences of an Accident Previously Evaluated—

The potential consequences of the proposed change have been quantified by analyzing the changes in risk that would result from extending the ILRT interval from

10 to 15 years. The increase in risk in terms of person rem per year within 50 miles resulting from design basis accidents was estimated to be of a magnitude that NUREG–1493 indicates is imperceptible. NMC has also analyzed the increase in risk in terms of the frequency of large early releases from accidents. The increase in the large early release frequency resulting from the proposed extension was determined to be within the guidelines published in Regulatory Guide 1.174. Additionally, the proposed change maintains defense-in-depth by preserving a reasonable balance among prevention of core damage, prevention of containment failure, and consequence mitigation. NMC has determined that the increase in conditional containment failure probability from reducing the ILRT frequency from 1 test per 10 years to 1 test per 15 years would be small. Continued containment integrity is also assured by the history of successful ILRTs, and that established programs for local leakage rate testing and in-service inspections which are unaffected by the proposed change. Therefore, the consequences of an accident previously analyzed are not significantly increased.

In summary, the probability of occurrence and the consequences of an accident previously evaluated are not significantly increased.

2. Does the proposed change create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

The proposed change to extend the ILRT interval from 10 to 15 years does not create any new or different accident initiators or precursors. The length of the ILRT interval does not affect the manner in which any accident begins. The proposed change does not create any new failure modes for the containment and does not affect the interaction between the containment and any other system. Thus, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The risk-based margins of safety associated with the containment ILRT are those associated with the estimated person-rem per year, the large early release frequency, and the conditional containment failure probability. NMC has quantified the potential effect of the proposed change on these parameters and determined that the effect is not significant. The non-risk-based margins of safety associated with the containment ILRT are those involved with its structural integrity and leak tightness. The proposed change to extend the ILRT interval from 10 to 15 years does not adversely affect either of these attributes. The proposed change only affects the frequency at which these attributes are verified. Therefore, the proposed change does not involve a significant reduction in margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: John H. O'Neill, Jr., Esq., Shaw Pittman, Potts & Trowbridge, 2300 N. Street, NW, Washington, DC 20037–1128.

NRC Section Chief: L. Raghavan.

Pacific Gas and Electric Company, Docket No. 50–323, Diablo Canyon Nuclear Power Plant, Unit No. 2, San Luis Obispo County, California

Date of amendment requests: June 26, 2003.

Description of amendment requests: The proposed license amendment would update the Diablo Canyon Power Plant (DCPP) Final Safety Analysis Report Update to use a revised steam generator voltage-based repair criteria probability of detection method for DCPP Unit 2 Cycle 12 using plant-specific inspection results.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The use of a revised steam generator (SG) voltage-based repair criteria probability of detection (POD) method, the probability of prior cycle detection (POPCD) method, to determine the beginning of cycle (BOC) indication voltage distribution for the Diablo Canyon Power Plant (DCPP) Unit 2 Cycle 12 operational assessment (OA) does not increase the probability of an accident. Based on industry and plant specific bobbin detection data for outside diameter stress corrosion cracks (ODSCC) within the SG tube support plate (TSP) region, large voltage bobbin indications which individually can challenge structural or leakage integrity can be detected with near 100 percent certainty. Since large voltage ODSCC bobbin indications within the SG TSP can be detected, they will not be left in service, and therefore these indications should not be included in the voltage distribution for the purpose of OAs. POPCD improves the estimate of potentially undetected indications for OAs, but does not directly affect the inspection results. Since large voltage indications are detected, they will not result in an increase in the probability of a steam generator tube rupture (SGTR) accident or an increase in the consequences of a SGTR or main steam line break (MSLB) accident.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The use of the POPCD method to determine the BOC voltage distribution for the DCPP Unit 2 Cycle 12 OA concerns the SG tubes and can only affect numerical predictions of probabilities for the SGTR accident. Since the SGTR accident is already considered in the Final Safety Analysis Report Update, there [is] no possibility to create a design basis accident that has not been previously evaluated.

Therefore, the proposed change does not create the possibility of a new or different accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The use of the POPCD method to determine the BOC voltage distribution for the DCPP Unit 2 Cycle 12 OA does not involve a significant reduction in a margin of safety. The applicable margin of safety potentially impacted is the Technical Specification 5.6.10, ''Steam Generator Tube Inspection Report,'' projected end-of-cycle leakage for a MSLB accident and the projected end-of-cycle probability of burst. Based on industry and plant specific bobbin detection data for ODSCC within the SG TSP region, large voltage bobbin indications that can individually challenge structural or leakage integrity can be detected with near 100 percent certainty and will not be left in service. Therefore these indications should not be included in the voltage distribution for the purpose of OAs. Since these large voltage indications are detected, they will not result in a significant increase in the actual end-of-cycle leakage for a MSLB accident or the actual end-of-cycle probability of burst. The POPCD approach to probability of detection considers the potential for missing indications that might challenge structural or leakage integrity by applying the POPCD data from successive inspections. If a large indication was missed in one inspection, it would continue to grow until finally detected in a later inspection.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Richard F. Locke, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120.

NRC Section Chief: Stephen Dembek.

PPL Susquehanna, LLC, Docket Nos. 50–387 and 50–388, Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of amendment request: July 3, 2003.

Description of amendment request: The proposed amendments would change the Technical Specifications (TSs) 3.8.1 for AC Sources—Operating,

to extend, on a one-time basis, the allowable Completion Time for Required Actions associated with one offsite circuit inoperable, from 72 hours to 10 days.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposal would change the Technical Specifications for AC Sources—Operating, to extend, on a one-time basis, the allowable Completion Times for Required Actions for one offsite circuit inoperable, from 72 hours to 10 days. The proposed change does not involve a significant increase in the probability of an accident previously evaluated because the probability increases are within the guidance provided in Regulatory Guide 1.177.

The consequence[s] of losing offsite power have been evaluated in the FSAR [Final Safety Analysis Report] and the Station Blackout evaluation. Increasing the completion time for one offsite power source from 72 hours to 10 days does not increase the consequences of a LOOP [loss of offsite power] event nor change the evaluation of LOOP events as stated in the FSAR or Station Blackout evaluation.

Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed nor will there be changes in methods governing normal plant operation).

Allowing the completion time for ST [startup transformer] No. 10 to increase from 72 hours to 10 days is a one-time change that will allow continued operation of Unit 1 while replacing Startup Transformer Number 10. The accident analyses affected by this extension are the LOOP events that are discussed in the FSAR. The potential for the loss of other plant systems or equipment to mitigate the effects of an accident is not altered.

Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change amendment involve a significant reduction in a margin of safety?

Response: No

The proposed change does not involve a significant reduction in [a] margin of safety.

The proposed change allows, on a one-time basis, ST No. 10 to be out of service for 7 days more than is allowed by Technical Specifications. This increase in completion time for ST No. 10 results in a slight decrease in the margin of safety. Implementation of the compensatory measures described in Section 4.0 mitigates the increase in the core damage frequency and large early release frequency during this time, such that the potential impact of extending the completion time is small. Therefore, this one-time exemption will not involve a significant reduction in safety margin.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Bryan A. Snapp, Esquire, Assoc. General Counsel, PPL Services Corporation, 2 North Ninth St., GENTW3, Allentown, PA 18101–1179.

NRC Section Chief: Richard J. Laufer.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application request: June 2, 2003.

Description of amendment request: The amendment would increase the value of the minimum fuel oil required in the storage tank for the emergency diesel generators in Technical Specification (TS) 3.8.3, ''Diesel Fuel Oil, Lube Oil, and Starting Air.'' The licensee stated it has implemented the change in the field. This was done because the proposed new value is higher than the current value in the TSs.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Overall protection system performance will remain within the bounds of the previously performed accident analyses since there are no hardware changes. The design of the emergency diesel engine fuel oil storage and transfer system and the function of the onsite standby power sources will be unaffected. The only physical change is to increase the [minimum] volume of fuel oil required to run the emergency diesel generators at their continuous rating for 6 days. This change has already been implemented in the field and is in the conservative direction. The fuel oil storage and transfer system will continue to function in a manner consistent with the plant design basis. All design, material, and construction standards that were applicable prior to this amendment request are maintained.

The probability and consequences of accidents previously evaluated in the FSAR [(Callaway Final Safety Analysis Report)] are not adversely affected because the change to the [minimum] volume of fuel oil required is conservative and is consistent with the safety analysis and licensing basis.

The proposed change will not affect the probability of any event initiators. There will be no degradation in the performance of, or an increase in the number of challenges imposed on, safety-related equipment assumed to function during an accident situation. There will be no change to normal plant operating parameters or accident mitigation performance.

The proposed change will not alter any assumptions or change any mitigation actions in the radiological consequence evaluations in the FSAR.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

There are no hardware changes nor are there any changes in the method by which any safety-related plant system performs its safety function. This amendment will not affect the normal method of plant operation or change any operating parameters. The proposed change does not induce a new mechanism that would result in a different kind of accident from those previously analyzed. No performance requirements or response time limits will be affected.

No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures are introduced as a result of this amendment. There will be no adverse effect or challenges imposed on any safety-related system as a result of this amendment.

This amendment does not alter the performance of the emergency diesel engine fuel oil storage and transfer system in [its] support of the onsite standby power sources.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed change does not eliminate any surveillances or alter the frequency of surveillances required by the Technical Specifications. The minimum volume of fuel oil required for a 6[-]day supply as specified in the TS has already been increased in the conservative direction. The safety analysis limits assumed in the transient and accident analyses are unchanged. None of the acceptance criteria for any accident analysis are changed.

There will be no effect on the manner in which safety limits or limiting safety system settings are determined nor will there be any effect on those plant systems necessary to assure the accomplishment of protection functions. There will be no impact on any margin of safety. The radiological dose consequence acceptance criteria listed in the [NRC] Standard Review Plan will continue to be met.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: John O'Neill, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC. 20037

NRC Section Chief: Stephen Dembek

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application request: June 6, 2003

Description of amendment request: The amendment would modify several surveillance requirements (SRs) in Technical Specifications (TSs) 3.8.1 and 3.8.4 on alternating current and direct current sources, respectively, for plant operation. The revised SRs would have notes deleted or modified to allow the SRs to be performed, or partially performed, in reactor modes that are currently not allowed by the TSs. The current SRs are not allowed to be performed in Modes 1 and 2. Several of the current SRs also cannot be performed in Modes 3 and 4.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The design of plant equipment is not being modified by the proposed changes. In addition, the DGs [diesel generators] and their associated emergency loads are accident mitigating features. As such, testing of the DGs themselves is not associated with any potential accident-initiating mechanism. Therefore, there will be no significant impact on any accident probabilities by the approval of the requested changes.

The changes include an increase in the online time that a DG under test will be paralleled to the grid (for SRs 3.8.1.10 and 3.8.1.14) or unavailable due to testing (per SR 3.8.1.13). As such, the ability of the tested DG to respond to a design basis accident [(DBA)] could be adversely impacted by the proposed changes. However, the impacts are not considered significant based, in part, on the ability of the remaining DG to mitigate a DBA or provide safe shutdown. With regard to SR 3.8.1.10 and SR 3.8.1.14, experience shows that testing per these SRs typically does not perturb the electrical distribution system. In addition, operating experience and qualitative evaluation of the probability of the DG or bus loads being adversely affected concurrent with or due to a significant grid disturbance, while the DG is being tested, support the conclusion that the proposed changes do not involve any significant increase in the likelihood of a safety-related bus blackout or damage to plant loads.

The SR changes that are consistent with TSTF [Technical Specification Task Force]—283 have been approved by the NRC for submittal by licensees. The on-line tests allowed by the TSTF are only to be performed for the purpose of establishing OPERABILITY. Performance of these SRs during restricted MODES will require an assessment to assure plant safety is maintained or enhanced.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The capability to synchronize a DG to the offsite source (via the associated plant bus) and test the DG in such a configuration is a design feature of the DGs, including the test mode override in response to a safety injection signal. Paralleling the DG for longer periods of time during plant operation may slightly increase the probability of incurring an adverse effect from the offsite source, but this increase in probability is judged to be still quite small and such a possibility is not a new or previously unrecognized consideration.

The proposed changes would not require any new or different accidents to be postulated since no changes are being made to the plant that would introduce any new accident causal mechanisms. This license amendment request does not impact any plant systems that are potential accident initiators; nor does it have any significantly adverse impact on any accident mitigating systems.

Therefore, the proposed change does not create the possibility of a new or different accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed changes do not involve a significant reduction in the margin of safety. The margin of safety is related to the confidence in the ability of the fission product barriers to perform their design [safety] functions during and following an accident situation. These barriers include the fuel cladding, the reactor coolant system, and the containment system. The proposed changes do not directly affect these barriers, nor do they involve any significantly adverse impact on the DGs which serve to support these barriers in the event of an accident concurrent with a loss of offsite power. The proposed changes to the testing requirements for the plant DGs do not affect the OPERABILITY requirements for the DGs, as verification of such OPERABILITY will continue to be performed as required (except during different allowed MODES [of operation]). The changes have an insignificant impact on DG availability, as continued verification of OPERABILITY supports the capability of the DGs to perform their required [safety] function of providing emergency power to plant equipment that supports or constitutes the fission product barriers. Only one DG is to be tested at a time, so that the remaining DG will be available to safely shut down the plant if required. Consequently, performance of the fission product barriers will not be impacted by implementation of the proposed amendment.

In addition, the proposed changes involve no changes to [safety] setpoints or limits established or assumed by the accident analys[e]s. On this and the above basis, no safety margins will be impacted.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: John O'Neill, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: Stephen Dembek.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application request: June 27, 2003.

Description of amendment request: The amendment would revise the technical specifications (TSs) in two parts. It would: (1) Revise the definition of dose equivalent radioiodine 131 (I–131) by adding the phrase ''or those derived from the data provided in International Commission on Radiological Protection Publication 30 (ICRP 30), 'Limits for Intakes of Radionuclides by Workers,' 1979'' to the current definition, and (2) increase the maximum allowed closure time of each main feedwater isolation valve (MFIV) from 5 seconds to 15 seconds in Surveillance Requirement 3.7.3.1. A plant modification would replace the electro-hydraulic MFIV actuators with system-medium actuators to improve MFIV reliability and reduce maintenance requirements. The MFIV stroke time would be increased. A plant modification would also replace swing check valves in each auxiliary feedwater (AFW) motor-driven pump discharge line with an automatic recirculation control (ARC) check valve to reduce the potential for vibration and increase AFW flow margin.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

MFIV Actuator Replacement and Increased MFIV Stroke Time

[* * *], the increase in MFIV stroke time does not adversely impact the NSSS [nuclear steam system supplier] design transients evaluated for the Callaway Plant. The increase in MFIV stroke time will result in a slightly longer normal post trip cool down. Although the plant post trip cool down is expected to be slightly longer for the increased MFIV stroke time, the plant response does not significantly deviate from its current evaluated response following a normal reactor trip.

Evaluations assessing the impact of the change in MFIV actuators and the increase in MFIV stroke time on LOCA [loss-of-coolant accident] mass and energy releases; main steamline break mass and energy releases; LOCA and LOCA[-]related transients; non-LOCA transients; LOCA hydraulic forces[;] and steam releases used for radiological consequence calculations were also performed. The increase in isolation time and change in MFIV actuators either do not provide an adverse impact or have no impact. Except for the SGTR [steam generator tube rupture)] with overfill accident, the results presented in the FSAR [Callaway Final Safety Analysis Report] remain valid. The increase in MFIV stroke time was evaluated for impact on the SGTR with overfill accident. [* * *], the results from the re-analysis of the SGTR with overfill accident confirm that there is no significant increase in the probability or consequences of an accident previously evaluated.

The replacement of the existing electro-hydraulic MFIV actuators with system-medium actuators and the increase in MFIV stroke time from 5 seconds to 15 seconds will not result in a significant increase in the probability or consequences of an accident previously evaluated.

MDAFP [Motor Driven Auxiliary Feedwater Pump] ARC Valve and Increased Maximum AFW Flow

The replacement of existing MDAFP discharge check valves with the ARC valves results in increased maximum AFW flow to the steam generators [(SGs)]. In many accident scenarios the increase in AFW flow to the SGs is beneficial to mitigation of the event. The evaluations [* * *] demonstrate that in those accident scenarios where maximum AFW flow is limiting, except for the SGTR with overfill accident, the increase in AFW flow remains bounded by FSAR analyses. The increase in maximum AFW flow was evaluated for impact on the SGTR with overfill accident. [* * *], the results from the re-analysis of the SGTR with overfill accident confirm that there is no significant increase in the probability or consequences of an accident previously evaluated. The AFW system is not the initiator of any accident and there is no possibility of a significant increase in the probability of an accident or malfunction previously evaluated.

Use of the ARC valve is an enhancement and the associated increase in the maximum AFW flow will not result in a significant increase in the probability or consequences of an accident previously evaluated.

Use of Revised Methods in Re-Analysis of SGTR With Overfill

The re[-]analysis of the design basis accident for SGTR with overfill does not significantly increase the probability or consequences of an accident previously evaluated. The re-analysis of an accident is not an initiator [of an accident]. The SGTR accident is classified as an ANS [American Nuclear Society] Condition IV Event, Limiting Faults, and is only postulated and not expected to occur. The re[-]analysis activity being evaluated does not change the ANS classification for this design basis event. The re-analysis does provide dose consequences that are minimal increases to the doses in the Analysis of Record.

However, the doses remain well below regulatory limits. In support of this methodology the proposed TS definition for DOSE EQUIVALENT I–131 will allow the use of ICRP 30 based DCFs [dose conversion factors]. Section 4.1.2 and [* * *] Appendix E of Regulatory Guide 1.195 find acceptable and recommend the [proposed] method revisions.

In summary, using the proposed revised methods for the re-analysis of the SGTR with overfill does not result in a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

MFIV Actuator Replacement and Increased MFIV Stroke Time

The change in MFIV actuators and associated increase in MFIV stroke time will not prevent the main feedwater or auxiliary feedwater systems from performing their safety functions. The proposed increase will not affect the normal method of plant operation. No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures are introduced as a result of the increase. Although the modification does alter the design of the MFIV actuators, it does not prevent the main feedwater or AFW systems from performing their safety functions.

Therefore, the proposed changes do not create a new or different kind of accident from any accident previously evaluated.

MDAFP ARC Valve and Increased Maximum AFW Flow

The new MDAFP ARC valve and associated increase in the maximum AFW flow [* * *] will not prevent the AFW system from performing its safety function. The proposed increase in AFW system flow margin will not effect the normal method of plant operation. No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures are introduced as a result of the increase in AFW system flow margin. Although the modification alters the design of the MDAFP discharge check valves, it does not prevent the AFW system from performing its safety functions.

Therefore, the proposed changes do not create a new or different kind of accident from any accident previously evaluated.

Use of Revised Methods in Re-Analysis of SGTR With Overfill

The revision to the Technical Specifications to allow the use of ICRP 30[-]based DCFs is based on methodologies found acceptable to the NRC and recommended for use as described in Section 4.1.2 of Regulatory Guide 1.195. The re[-]analysis of the design basis accident for SGTR with overfill and the use of recommended analysis methods acceptable to the NRC does not introduce the possibility of a new accident. Accident re-analysis is not an initiator of any accident and no new failure modes are introduced. In summary, there is no increase in the possibility of an accident of a different type.

Therefore, the proposed changes do not create a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

MFIV Actuator Replacement and Increased MFIV Stroke Time

The replacement of the MFIV actuator and the associated increase in the MFIV stroke time does not affect the manner in which safety limits or limiting safety system settings are determined, nor will there be any adverse effect on those plant systems necessary to assure the accomplishment of protection functions. There will be no significant impact on the overpower limit, departure from nucleate boiling ratio limits, heat flux hot channel factor (F_Q), nuclear enthalpy rise hot channel factor (F-delta-H), loss[-]of[-]coolant accident peak cladding temperature (LOCA PCT), peak local power density, or any other margin of safety. The radiological dose consequence acceptance criteria listed in the [NRC] Standard Review Plan will continue to be met.

Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

MDAFP ARC Valve and Increased Maximum AFW Flow

The use of the MDAFP ARC valve and the associated increase in AFW system flow margin does not affect the manner in which safety limits or limiting safety system settings are determined nor will there be any adverse effect on those plant systems necessary to assure the accomplishment of protection functions. There will be no significant impact on the overpower limit, departure from nucleate boiling ratio limits, heat flux hot channel factor (F_Q), nuclear enthalpy rise hot channel factor (F-delta-H), loss[-]of[-]coolant accident peak cladding temperature (LOCA PCT), peak local power density, or any other margin of safety. The radiological dose

consequence acceptance criteria listed in the Standard Review Plan will continue to be met.

Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

Use of Revised Methods in Re-Analysis of SGTR With Overfill

Use of revised methods in the re-analysis for the SGTR with overfill accident does not affect the manner in which safety limits or limiting safety system settings are determined nor will there be any adverse effect on those plant systems necessary to assure the accomplishment of protection functions. There is no significant impact on the overpower limit, departure from nucleate boiling ratio limits, heat flux hot channel factor (F_Q), nuclear enthalpy rise hot channel factor (F-delta-H), loss[-]of[-]coolant accident peak cladding temperature (LOCA PCT), peak local power density, or any other margin of safety. The radiological dose consequence acceptance criteria listed in the Standard Review Plan will continue to be met. The re-analysis of the SGTR with overfill confirms that both the thermal-hydraulic and radiological consequences are within the regulatory requirements and does not result in a significant reduction in a margin of safety.

Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: John O'Neill, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: Stephen Dembek.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application request: June 27, 2003.

Description of amendment request: The amendment would revise the Technical Specifications (TSs) to (1) extend the allowed outage time (AOT) or required action completion time (CT) for an inoperable diesel generator (DG) by adding the phrase ''*OR* 108 hours once per cycle for each DG'' to the completion time for Required Action B.4 in TS 3.8.1, ''AC Sources—Operating,'' and (2) delete the second CT given in certain required actions in TS 3.6.6, ''Containment Spray and Cooling Systems''; TS 3.7.5, ''Auxiliary Feedwater (AFW) System''; TS 3.8.1; and TS 3.8.9, ''Distribution System—Operating,'' of the TSs. The second part would also delete Example 1.3–3, delete text referring to this example, and re-number the remaining examples in TS 1.3, ''Completion Times.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

DG AOT/CT Extension

The proposed change to extend the DG AOT/CT from 72 hours to 108 hours for planned, on-line maintenance does not affect the design of the DGs, the operational characteristics or function of the DGs, the interfaces between the DGs and other plant systems, or the reliability of the DGs. The DGs mitigate the consequences of previously evaluated accidents including loss[-]of[-]offsite power, but as such are not themselves initiators of any previously evaluated accidents. DG allowed outage time is thus not associated with any initiating condition for accidents previously evaluated. The consequences of an accident are independent of the time the DGs are out of service as long as adequate DG availability is assured. The proposed changes will not result in a significant decrease in DG availability, so assumptions regarding DG availability are not impacted. Since the DGs will continue to be capable of performing their accident mitigation function as assumed in the accident analysis, the consequences of accidents previously analyzed are unchanged with respect to the proposed changes.

In addition, to fully evaluate the effect of the proposed DG completion time extension, probablistic risk assessment methods and a deterministic analysis were utilized. The results of the analyses show no significant increase in core damage frequency or large early release frequency.

Elimination of Second Completion Times

Similar to the above change, the changes to eliminate the ''second'' Completion Times from the affected Technical Specifications [(*i.e.*, the specific TS sections being changed)] do not affect the design, operational characteristics, or intended functions of the equipment addressed by those Technical Specifications. With no direct effects on that equipment (or any other plant equipment or features), allowed equipment outage times are not associated with any initiating condition for any accident previously evaluated, and therefore would not affect the probability of such accidents. Further, eliminating these Completion Times is not expected to have an adverse effect on the availability of the applicable systems or components because equipment availability performance criteria required for conformance to the Maintenance Rule impose an equivalent or acceptable level of control and management of equipment availability regardless of such Completion Times. As noted above, the consequences of evaluated accidents are independent of mitigating equipment allowed outage times as long as adequate availability of the equipment is ensured. Since elimination of the second Completion Times has no significant impact on equipment availability (in light of continued, required conformance to the Maintenance Rule), the consequences of accidents previously evaluated are unchanged.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

None of the proposed changes, *i.e.*, neither the DG AOT extension nor the elimination of [the] second Completion Times, involve a change in the design, configuration, or operational characteristics of the plant. No physical alteration of the plant is involved, as no new or different type of equipment is to be installed. The changes do not alter any assumptions made in the safety analyses, and no alteration in the procedures which ensure that the plant remains within analyzed limits is being proposed. As such, no new failure modes or mechanisms that could cause a new or different kind of accident from any previously evaluated are being introduced.

Therefore, the proposed changes do not create the possibility of a new or different accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed DG AOT extension and elimination of second Completion Times do not alter the manner in which safety limits or limiting safety system settings are determined. The safety analysis acceptance criteria are not impacted by [these] change[s], and the proposed changes will not permit plant operation in a configuration [that is] outside the design basis.

Further, with regard to plant risk, the risk assessment performed for the DG AOT extension determined that the quantifiable increase in plant risk is acceptably small. Likewise, for the elimination of [the] second Completion Times, it may be assumed that this change also involves little or no increase in risk on the basis that required, continued compliance with the Maintenance Rule provides adequate controls for maintaining equipment availability regardless of the second Completion Times [proposed to be eliminated].

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: John O'Neill, Esq., Shaw, Pittman, Potts &

Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: Stephen Dembek.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application request: June 27, 2003.

Description of amendment request: The licensee is proposing to amend the operating license for the Callaway Plant to allow plant modifications in order to facilitate maintenance on the replacement steam generators (SGs) to be installed in Refueling Outage (RO) 14 (Fall 2005). The proposed modifications (1) replace the existing sludge lance platforms with new platforms to provide a larger platform area around each SG, and (2) cut a permanent access opening through the secondary shield wall to improve access to the sludge lance platforms. They are to be done in RO 13 (Spring 2004). Dynamic effects associated with large reactor coolant system (RCS) branch line ruptures are to be excluded using a proposed leak-before-break (LBB) methodology. The amendment would authorize changes to the Callaway licensing basis to be added to the Callaway Final Safety Analysis Report (FSAR). There are no proposed changes to the Technical Specifications. Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Overall protection system performance will remain within the bounds of the previously performed accident analyses. The design of the protection systems will be unaffected. The reactor protection system and engineered safety feature actuation system will continue to function in a manner consistent with the plant design basis. All design, material, and construction standards that were applicable prior to the request are maintained.

Neither the currently intact ''C'' SG cubicle secondary shield wall, nor the proposed configuration that provides a permanent access opening, create accident initiation mechanisms that would increase the probability of an accident. There will be no change to normal plant operating parameters or accident mitigation performance.

The proposed amendment will not alter any assumptions or change any mitigation actions in the radiological consequence evaluations in the FSAR.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

There are no changes in the method by which any safety-related plant system performs its safety function. This amendment will not affect the normal method of power operation or change any operating parameters. No performance requirements will be affected, but SG maintenance access will be greatly improved.

No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures are introduced as a result of this amendment. There will be no adverse effect or challenges imposed on any safety-related system as a result of this amendment.

Presence of a permanent access opening in the ''C'' loop SG secondary shield wall does not, of itself, create the possibility of a new accident since the secondary shield walls are not used for missile protection and the high-energy line breaks (greater than 10-inches in diameter) that would generate missiles will be removed from the structural design basis after NRC's review and acceptance of the LBB topical reports.

The proposed amendment does not alter the design or performance of the 7300 Process Protection System, Nuclear Instrumentation System, or Solid State Protection System used in the plant protection systems.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

There will be no effect on the manner in which safety limits or limiting safety system settings are determined nor will there be any effect on those plant systems necessary to assure the accomplishment of protection functions. There will be no impact on the overpower limit, departure from nucleate boiling ratio (DNBR) limits, heat flux hot channel factor (F_Q), nuclear enthalpy rise hot channel factor ($F\Delta H$), loss[-]of[-]coolant accident peak cladding temperature (LOCA PCT), or peak local power density. The LBB margins discussed in NUREG–1061 Volume 3 are satisfied. The radiological dose consequence acceptance criteria listed in the [NRC] Standard Review Plan will continue to be met. The secondary shield walls are not fission product barriers. They provide radiation shielding to maintain occupational exposure ALARA [as low as is reasonably achievable] and provide structural support to primary coolant SSCs [structures, systems, and components].

The proposed amendment does not eliminate any surveillances or alter the Frequency of surveillances required by the Technical Specifications. The nominal Reactor Trip System (RTS) and Engineered Safety Features Actuation System (ESFAS) trip setpoints (TS Bases Tables B 3.3.1–1 and B 3.3.2–1), RTS and ESFAS allowable values (TS Tables 3.3.1–1 and 3.3.2–1), and the safety analysis limits assumed in the transient and accident analyses (FSAR Table 15.0–4) are unchanged. None of the acceptance criteria for any accident analysis is changed.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: John O'Neill, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: Stephen Dembek.

Virginia Electric and Power Company, Docket Nos. 50–338 and 50–339, North Anna Power Station, Units No. 1 and 2, Louisa County, Virginia

Date of amendment request: March 28, 2002, as supplemented by letters dated May 13, June 19, and November 15, 2002, and May 6, May 9, May 27, and June 11 (2 letters), 2003. This notice supersedes the notice that was published on May 14, 2002 (67 FR 34496).

Description of amendment request: The proposed amendments would permit Virginia Electric and Power Company to replace the existing Westinghouse fuel with Framatome ANP Advanced Mark-BW fuel at North Anna Power Station, Units 1 and 2. This submittal was accompanied by requested exemptions from the requirements of 10 CFR 50.44 and 10 CFR 50.46. These exemptions will be processed separately.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The probability of occurrence or the consequences of an accident previously evaluated is not significantly increased.

The proposed methodology has been generically reviewed and approved for use by the NRC for determining core operating limits prior to its use by Dominion. Analyzed events are assumed to be initiated by the failure of plant structures, systems, or components. The core operating limits developed in accordance with the new methodologies will be bounded by any limitations in the NRC safety evaluation report (SER) for the new methodologies. Application of the topical reports associated with the new methodologies will demonstrate that the integrity of the fuel will be maintained during normal operations and that design requirements will continue to be met. The proposed changes do not involve physical changes to any plant structure, system, or component. Therefore, the

probability of occurrence of any accident previously evaluated is not significantly increased.

The consequences of a previously analyzed accident are dependent on the initial conditions assumed for the analysis, the behavior of the fuel during the analyzed accident, the availability and successful functioning of the equipment assumed to operate in response to the analyzed event, and the setpoints at which these actions are initiated. The proposed changes do not affect the performance of any equipment used to mitigate the consequences of an analyzed accident. As a result, no analysis assumptions are violated and there are no adverse effects on the factors that contribute to offsite or onsite dose resulting from an accident. The proposed changes do not affect setpoints that initiate protective or mitigative actions. The proposed changes ensure that plant structures, systems, and components are maintained consistent with the safety analysis and licensing basis. Based on this evaluation, there is no significant increase in the consequences of a previously analyzed event.

2. The possibility for a new or different type of accident from any accident previously evaluated is not created.

The proposed changes do not involve any physical alteration of plant systems, structures, or components, other than allowing for fuel design in accordance with NRC-approved methodologies. The proposed methodologies continue to meet applicable criteria for LBLOCA [large-break loss-of-coolant accident] and SBLOCA [small-break loss-of-coolant accident] analyses. No new or different equipment is being installed. No installed equipment is being operated in a different manner. There is no alteration to the parameters within which the plant is normally operated or in the setpoints that initiate protective or mitigative actions. As a result, no new failure modes are being introduced. There are no changes in the methods governing normal plant operation, nor are the methods utilized in response to plant transients changed. Therefore, the possibility for a new or different kind of accident from any accident previously evaluated is not created.

3. The margin of safety is not significantly reduced.

The margin of safety is established through the design of the plant structures, systems, and components, through the parameters within which the plant is operated, through the establishment of setpoints for the actuation of equipment relied upon to respond to an event, and through margins contained within safety analyses. The proposed changes in the methodologies used in the LBLOCA and SBLOCA analyses do not impact the condition or performance of structures, systems, setpoints, and components relied upon for accident mitigation. The proposed changes in the analysis methodologies comply with the requirements of 10 CFR 50.46 paragraph (a)(1)(i) (*i.e.*, not exceeding a peak cladding temperature of 2200°F for [SB] LOCA and a high probability that peak cladding temperature will remain below 2200°F for [LB] LOCA). Therefore, the margin of safety as defined in the Bases to the North Anna Units 1 and 2 Technical Specifications is not significantly reduced.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Lillian M. Cuoco, Esq., Senior Counsel, Dominion Resources Services, Inc., Millstone Power Station, Building 475, 5th Floor, Rope Ferry Road, Rt. 156, Waterford, Connecticut 06385.

NRC Section Chief: John A. Nakoski.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC web site, *http://www.nrc.gov/reading-rm/adams.html*. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by email to *pdr@nrc.gov*.

Arizona Public Service Company, et al., Docket Nos. STN 50–528, STN 50–529, and STN 50–530, Palo Verde Nuclear Generating Station, Units Nos. 1, 2, and 3, Maricopa County, Arizona

Date of application for amendments: April 15, 2003.

Brief description of amendments: The amendments revise Sections 2.2, ''SL [Safety Limits] Violations,'' for reporting such violations to positions in the plant organization; 5.2.1, ''Onsite and Offsite Organization,'' for the position responsible for overall safe plant operation; and 5.5.1, ''Offsite Dose Calculation Manual (ODCM),'' to replace the positions of Vice President, Nuclear Production, and Director, Site Chemistry, with other positions in the plant organization. Also, there would be the format change of adding the title of Section 2.2 near the top of TS page 2.0–2.

Date of issuance: June 26, 2003.

Effective date: June 26, 2003, and shall be implemented within 30 days of the date of issuance.

Amendment Nos.: Unit 1–146, Unit 2–146, Unit 3–146.

Facility Operating License Nos. NPF–41, NPF–51, and NPF–74: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** May 27, 2003 (68 FR 28845).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 26, 2003.

No significant hazards consideration comments received: No.

Duke Energy Corporation, et al., Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of application for amendments: August 26, 2002, as supplemented by letter dated June 18, 2003.

Brief description of amendments: The amendments revise the Technical Specifications regarding the Diesel Fuel Oil Testing Program.

Date of issuance: July 10, 2003.

Effective date: As of the date of issuance and shall be implemented

within 90 days from the date of issuance.

Amendment Nos.: 206 & 200.

Facility Operating License Nos. NPF–35 and NPF–52: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** October 29, 2002 (67 FR 66008).

The supplement dated June 18, 2003, provided clarifying information that did not change the scope of the August 26, 2002, application nor the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 10, 2003.

No significant hazards consideration comments received: No.

Duke Energy Corporation, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendments: December 12, 2002, as supplemented by letters dated March 27 and April 23, 2003.

Brief description of amendments: The amendments revise the Technical Specifications (TS) regarding the reactor vessel pressure-temperature limit curves and revise the low-temperature overpressure protection limits. The licensee also requested that a change be made to TS Table 3.3.2–1, Footnote (c) to correct what was claimed to be an editorial error. This request was not supported by sufficient information and, accordingly, is denied.

Date of issuance: July 3, 2003.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment Nos.: 214 & 195.

Facility Operating License Nos. NPF–9 and NPF–17: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** January 7, 2003 (68 FR 801).

The supplement dated March 27 and April 23, 2003, provided clarifying information that did not change the scope of the December 12, 2002, application nor the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 3, 2003.

No significant hazards consideration comments received: No.

Duke Energy Corporation, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendments: August 26, 2002, as supplemented by letter dated June 18, 2003.

Brief description of amendments: The amendments revise the Technical Specifications regarding the Diesel Fuel Oil Testing Program.

Date of issuance: July 10, 2003.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment Nos.: 215 & 195.

Facility Operating License Nos. NPF–9 and NPF–17: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** October 29, 2002 (67 FR 66008).

The supplement dated August 26, 2002, provided clarifying information that did not change the scope of the June 18, 2003, application nor the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 10, 2003.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Entergy Mississippi, Inc., Docket No. 50–416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of application for amendment: March 19, 2003.

Brief description of amendment: The amendment deletes Technical Specification (TS) 5.5.3, ''Post Accident Sampling,'' and License Condition 2(C)(33)(c) from Facility Operating License NPF–29, thereby eliminating the requirement to have and maintain the post-accident sampling system at Grand Gulf Nuclear Station, Unit 1. The amendment also addresses related changes to TS 5.5.2, ''Primary Coolant Sources Outside Containment.''

Date of issuance: June 30, 2003.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment No: 158.

Facility Operating License No. NPF–29: The amendment revises the Technical Specifications and deletes License Condition 2(C)(33)(c).

Date of initial notice in ***Federal Register:*** May 13, 2003 (68 FR 25652).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 30, 2003.

No significant hazards consideration comments received: No.

Nuclear Management Company, LLC, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of application for amendment: January 13, 2003, supplements dated February 27, March 6, March 14, April 30, June 9, and June 30, 2003.

Brief description of amendment: The proposed amendment would revise the Kewaunee Nuclear Power Plant Facility Operating License and Technical Specifications to increase the licensed rated power by 1.4 percent from 1650 megawatts thermal to 1673 megawatts thermal using measurement uncertainty recapture.

Date of issuance: July 8, 2003.

Effective date: As of the date of issuance and shall be implemented within 120 days.

Amendment No.: 168.

Facility Operating License No. DPR–43: Amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** February 4, 2003 (68 FR 5679).

The supplemental letters contained clarifying information and did not change the initial no significant hazards consideration determination and did not expand the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 8, 2003.

No significant hazards consideration comments received: No.

PSEG Nuclear, LLC, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: January 29, 2003.

Brief description of amendments: The amendments revise Salem, Unit No. 1, Technical Specifications (TSs) Section 3/4.7.6, and Salem, Unit No. 2, TSs 3/4.2.2, 3/4.7.6, and Table 3.3–6. These changes are administrative and editorial in nature, and correct errors made during the implementation of previously-approved TS changes.

Date of issuance: June 26, 2003.

Effective date: As of the date of issuance, and shall be implemented within 60 days.

Amendment Nos.: 258 and 239.

Facility Operating License Nos. DPR–70 and DPR–75: The amendments revised the TSs.

Date of initial notice in ***Federal Register:*** April 15, 2003 (68 FR 18284).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 26, 2003.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 11th day of July 2003.

For the Nuclear Regulatory Commission.

Ledyard B. Marsh,

Acting Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 03–18084 Filed 7–21–03; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Fire Dynamics Tools (FDTs)—Quantitative Fire Hazard Analysis Methods for the U.S. Nuclear Regulatory Commission Fire Protection Inspection Program, Availability of NUREG

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: The Nuclear Regulatory Commission is announcing the completion and availability of Draft NUREG–1805, ''Fire Dynamics Tools (FDTs)—Quantitative Fire Hazard Analysis Methods for the U.S. Nuclear Regulatory Commission Fire Protection Inspection Program,'' dated June 30, 2003.

ADDRESSES: Draft NUREG–1805 is available for inspection and copying for a fee at the NRC Public Document Room, 11555 Rockville Pike, Rockville, Maryland. As of July 8, 2003, you may also electronically access NUREG-series publications and other NRC records at NRC's Public Electronic reading Room at *www.nrc.gov/reading-rm.html.*

A free single copy of Draft NUREG–1805, to the extent of supply, may be requested by writing to Office of the Chief Information Officer, Reproduction and Distribution Services Section, U.S. Nuclear Regulatory Commission, Printing and Graphics Branch, Washington, DC 20555–000; facsimile: 301–415–2289; e-mail: *DISTRIBUTION@nrc.gov.*

Some publications in NUREG-series that are posted at NRC's Web site address *www.nrc.gov/NRC/NUREGS/indexnum.html* are updated regularly and may differ from the last printed version.

FOR FURTHER INFORMATION CONTACT: Naeem Iqbal or Mark H. Salley, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Telephone: 301–415–3346 or 301–415–2840.

SUPPLEMENTARY INFORMATION: The U.S. Nuclear Regulatory Commission (NRC), Office of Nuclear Reactor Regulation (NRR), Division of Systems Safety and Analysis (DSSA), Plant Systems Branch (SPLB), Fire Protection Engineering and Special Projects Section has developed quantitative methods, known as ''Fire Dynamics Tools (FDTs),'' to assist regional fire protection inspectors in performing fire hazard analysis (FHA). These methods have been implemented in spreadsheets and taught at the NRC's quarterly regional inspector workshops. The goal of the training is to assist inspectors in calculating the quantitative aspects of a postulated fire and its effects on safe nuclear power plant (NPP) operation. FDTs were developed using state-of-the-art fire dynamics equations and correlations that were pre-programmed and locked into Microsoft Excel® spreadsheets. These FDTs will enable the inspector to perform quick, easy, first-order calculations for the potential fire scenarios using today's state-of-the-art principles of fire dynamics. Each FDTs spreadsheet also contains a list of the physical and thermal properties of the materials commonly encountered in NPPs.

The FDTs are intended to assist fire protection inspectors in performing risk-informed evaluations of credible fires that may cause critical damage to essential safe-shutdown equipment. This is the process required by the new reactor oversight process (ROP) in the NRC's inspection manual. In the new ROP, the NRC is moving toward a more risk-informed, objective, predictable, understandable, and focused regulatory process. Key features of the new program are a risk-informed regulatory framework, risk-informed inspections, a significance determination process (SDP) to evaluate inspection findings, performance indicators, a streamlined assessment process, and more clearly defined actions that the NRC will take for plants based on their performance.

This NUREG addresses the technical bases for FDTs, which were derived from the principles developed primarily in the Society of Fire Protection Engineers (SFPE) Handbook of Fire Protection Engineering, National Fire Protection Association (NFPA) Fire Protection Handbook, and other fire science literature. The subject matter of this NUREG covers many aspects of fire dynamics and contains descriptions of the most important fire processes. A significant number of examples, reference tables, illustrations, and conceptual drawings are presented in this NUREG to expand the inspector's appreciation in visualizing and retaining the material and understanding calculation methods.

The content of the FDTs encompasses fire as a physical phenomenon. As such, the inspector needs a working knowledge of algebra to effectively use the formulae presented in this NUREG and FDTs. Acquired technical knowledge or course background in the sciences will also prove helpful. The information contained in this NUREG is similar to, but includes less theory and detail than, an undergraduate-level university curriculum for fire protection engineering students.

The goal of this NUREG is to develop a common body of knowledge of commercial NPP fire protection and fire science to enable the inspector to acquire the understanding, skills, and abilities necessary to effectively apply principles of fire dynamics to analyze the potential effects of a fire in an NPP. The FDTs will advance the FHA process from a primarily qualitative approach to a more quantitative approach. The development of this NUREG, the FDTs, and the quarterly inspector workshops conducted in 2001–2002 are the NRC's first steps in achieving that goal.

Fire is a complex subject and transfer of its concepts to useful pursuits is a challenge. We hope that this NUREG and the FDTs can make a difference in the NRC's fire protection inspection program, specifically risk-informed fire protection initiatives such as the SDP and risk-informed inspection of associated circuits.

Dated at Rockville, Maryland, this 23 day of June, 2003.

For the Nuclear Regulatory Commission.

John N. Hannon,

Chief, Plant Systems Branch, Division of Systems Safety and Analysis, Office of Nuclear Reactor Regulation.

[FR Doc. 03–18543 Filed 7–21–03; 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 provisions 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 May 16, 2003, in Vol 68, No. 95 FR 26679, at which time a 60-day comment period was announced. This comment period ended July 17, 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 3420–0011, under review is summarized below.

DATES: Comments must be received on or before August 21, 2003.

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: Application for Political Risk Investment Insurance.

Form Number: OPIC–52.

Frequency of Use: Once per investor per project.

Type of Respondents: Business or other institution (except farms); individuals.

Standards Industrial Classification Codes: All.

Descriptions of Affected Public: U.S. companies or citizens investing overseas.

Reporting Hours: 7 hours per project.

Number of Responses: 150 per year.

Federal Cost: $28,350.

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 application is the principle document used by OPIC to determine the investor's and project's eligibility for political risk insurance, assess the environmental impact and the developmental effects of the project, measure the economic effects for the U.S. and the host country economy, and collect information for the insurance underwriting analysis.

Dated: July 17, 2003.

Eli Landy,

Senior Counsel, Administrative Affairs, Department of Legal Affairs.

[FR Doc. 03–18618 Filed 7–21–03; 8:45 am]

BILLING CODE 3210–01–M

PENSION BENEFIT GUARANTY CORPORATION

Proposed Submission of Information Collection for OMB Review; Comment Request; Qualified Domestic Relations Orders Submitted to the PBGC

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of intention to request extension of OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation (''PBGC'') intends to request that the Office of Management and Budget (''OMB'') extend approval, under the Paperwork Reduction Act, of an information collection (OMB control number 1212–0054; expires November 30, 2003) relating to model forms contained in the PBGC booklet, *Divorce Orders & PBGC*. The booklet provides guidance on how to submit a proper qualified domestic relations order (a ''QDRO'') to the PBGC. This notice informs the public of the PBGC's intent and solicits public comment on the collection of information.

DATES: Comments should be submitted by September 22, 2003.

ADDRESSES: Comments may be mailed to the Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026, or delivered to Suite 340 at that address during normal business hours. Comments also may be submitted electronically through the PBGC's Web site at *http://www.pbgc.gov/paperwork*, or by fax to 202–326–4112. The PBGC will make all comments available on its Web site, *http://www.pbgc.gov*.

Copies of the collection of information may be obtained without charge by writing to the PBGC's Communications and Public Affairs Department at Suite 240 at the above address or by visiting that office or calling 202–326–4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040.)

FOR FURTHER INFORMATION CONTACT: James L. Beller, Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026, 202–326–4020. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4020.)

SUPPLEMENTARY INFORMATION: The PBGC intends to request a three-year extension of the paperwork approval relating to model forms contained in the PBGC booklet, *Divorce Orders & PBGC*. The collection of information has been approved through November 30, 2003, by OMB under control number 1212–0054. 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.

A defined benefit pension plan that does not have enough money to pay benefits may be terminated if the employer responsible for the plan faces severe financial difficulty, such as bankruptcy, and is unable to maintain the plan. In such an event, the PBGC becomes trustee of the plan and pays benefits, subject to legal limits, to plan participants and beneficiaries.

The benefits of a pension plan participant generally may not be assigned or alienated. Title I of ERISA provides an exception for domestic relations orders that relate to child support, alimony payments, or marital property rights of an alternate payee (a spouse, former spouse, child, or other dependent of a plan participant). The exception applies only if the domestic relations order meets specific legal requirements that make it a qualified domestic relations order.

When the PBGC is trustee of a plan, it reviews submitted domestic relations orders to determine whether the order is qualified before paying benefits to an alternate payee. The requirements for submitting a QDRO are established by statute. The models and the guidance assist parties by making it easier to comply with ERISA's QDRO requirements in plans trusteed by the PBGC; they do not create any additional requirements and result in a reduction of the statutory burden.

The PBGC estimates that it will receive 664 QDROs each year from prospective alternate payees; that the average burden of preparing a QDRO with the assistance of the guidance and

model QDROs in PBGC's booklet will be 1/4 hour of the alternate payee's time and $533 in professional fees if the alternate payee hires an attorney or other professional to prepare the QDRO, or 10 hours of the alternate payee's time if the alternate payee prepares the QDRO without hiring an attorney or other professional; and that the total annual burden will be 234 hours and $350,800.

The PBGC is updating the model QDROs and accompanying guidance. In particular, the revised booklet will reflect that, since the last approval, the PBGC has amended its regulations to make changes in how it pays benefits, including giving participants more choices of annuity benefit forms.

The PBGC is soliciting public comments to—

- Evaluate whether the 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 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.

Issued in Washington, DC this 16th day of July, 2003.

Stuart Sirkin,

Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation.

[FR Doc. 03–18623 Filed 7–21–03; 8:45 am]

BILLING CODE 7708–01–P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of OPM decisions, granting authority to make appointments under Schedules A, B and C in the excepted service as required by 5 CFR 6.6 and 213.103.

FOR FURTHER INFORMATION CONTACT: Deborah Grade, Acting Director, Washington Services Branch, Center for Talent Services, Division for Human Products and Services, (202) 606–5027.

SUPPLEMENTARY INFORMATION: Appearing in the listing below are the individual authorities established under Schedule A, B and C between May 1, 2003 and May 31, 2003. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities as of June 30 is published each year.

Schedule A

No Schedule A's for May 2003.

Schedule B

No Schedule B's for May 2003.

Schedule C

The following Schedule C authorities were established during May 2003:

Department of Agriculture

Director for Tobacco Programs to the Deputy Administrator. Effective May 7, 2003.

Confidential Assistant to the Deputy Secretary. Effective May 15, 2003.

Special Assistant to the Director for Intergovernmental Affairs. Effective May 16, 2003.

Department of Commerce

Special Assistant to the Director for the Executive Secretariat. Effective May 9, 2003.

Confidential Assistant to the Director for the Executive Secretariat. Effective May 16, 2003.

Speechwriter to the Director for Speechwriting. Effective May 27, 2003.

Confidential Assistant to the Special Assistant to the Chief of Staff. Effective May 30, 2003.

Senior Counsel to the Under Secretary for Intellectual Property and Director for U.S. Patent and Trademark Office. Effective May 30, 2003.

Department of Defense

Staff Assistant to the Deputy Under Secretary for Defense (Special Plans and Near East/South Asian Affairs). Effective May 2, 2003.

Staff Assistant to the Deputy Under Secretary for Defense (Special Plans and Near East/South Asian Affairs). Effective May 7, 2003.

Administrative Assistant to the Special Assistant to the Secretary of Defense for White House Liaison. Effective May 7, 2003.

Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison. Effective May 7, 2003.

Defense Fellow to the Special Assistant to the Secretary and Deputy Secretary for Defense. Effective May 27, 2003.

Department of Education

Confidential Assistant to the Chief of Staff. Effective May 6, 2003.

Confidential Assistant to the Special Assistant (Executive Assistant). Effective May 19, 2003.

Director for White House Liaison to the Chief of Staff. Effective May 23, 2003.

Confidential Assistant to the Deputy Assistant Secretary. Effective May 27, 2003.

Department of Energy

Special Assistant to the Director for Public Affairs. Effective May 2, 2003.

Special Assistant to the Director for Scheduling and Advance. Effective May 5, 2003.

Special Assistant to the Assistant Secretary for International Affairs. Effective May 7, 2003.

Congressional Relations Specialist to the Deputy Administrator for Defense Programs, National Nuclear Security Administration. Effective May 9, 2003.

Special Assistant to the Director for Public Affairs. Effective May 9, 2003.

Director for Climate Change Policy to the Deputy Assistant Secretary for National Energy Policy. Effective May 30, 2003.

Department of Health and Human Services

Special Assistant to the Chief of Staff. Effective May 13, 2003.

Special Assistant to the Assistant Secretary for Aging (Commissioner for Aging). Effective May 14, 2003.

Department of Homeland Security Agency

Deputy Press Secretary to the Assistant Secretary for Public Affairs. Effective May 5, 2003.

Associate Executive Secretary (External Coordination) to the Executive Secretary. Effective May 9, 2003.

Deputy White House Liaison to the White House Liaison. Effective May 13, 2003.

Executive Assistant to the Executive Director for Homeland Security Advisory Council. Effective May 16, 2003.

Advance Representative to the Deputy Chief of Staff (Operations). Effective May 28, 2003.

Department of Housing and Urban Development

Staff Assistant to the Assistant Secretary for Congressional\Intergovernmental Relations. Effective May 13, 2003.

Staff Assistant to the Director for Executive Scheduling and Operations. Effective May 15, 2003.

Legislative Specialist to the Assistant Secretary for Congressional and Intergovernmental Relations. Effective May 22, 2003.

Department of Justice

Attorney Advisor (Special Assistant) to the Assistant Attorney General for the Environment and Natural Resources Division. Effective May 19, 2003.

Counsel to the Assistant Attorney General (Civil Division). Effective May 19, 2003.

Counsel to the Assistant Attorney General (Legal Policy). Effective May 19, 2003.

Department of Labor

Special Assistant to the Executive Assistant to the Secretary. Effective May 8, 2003.

Regional Representative to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective May 13, 2003.

Special Assistant to the Assistant Secretary for Employment Standards. Effective May 22, 2003.

Department of the Navy (DOD)

Confidential Assistant to the Assistant Secretary of the Navy for Research, Development and Acquisition. Effective May 7, 2003.

Department of State

Staff Assistant to the Under Secretary for Management. Effective May 6, 2003.

Senior Advisor to the Assistant Secretary for Near Eastern and South Asian Affairs. Effective May 7, 2003.

Special Assistant to the Assistant Secretary for African Affairs. Effective May 13, 2003.

Staff Assistant to the Assistant Secretary for East Indian and Pacific Affairs. Effective May 16, 2003.

Special Assistant to the Under Secretary for Economic, Business and Agricultural Affairs. Effective May 16, 2003.

Legislative Management Officer to the Assistant Secretary for Legislative and Intergovernmental Affairs. Effective May 28, 2003.

Special Advisor to the Assistant Secretary for International Organizational Affairs. Effective May 28, 2003.

Department of Transportation

Counselor to the Assistant Secretary for Aviation and International Affairs. Effective May 2, 2003.

Department of the Treasury

Senior Advisor to the Deputy Assistant Secretary for Management and Budget. Effective May 19, 2003.

Special Assistant to the Deputy Assistant Secretary and Chief Human Capital Officer. Effective May 28, 2003.

Federal Mine Safety and Health Review Commission

Confidential Assistant to the Chairman. Effective May 22, 2003.

National Endowment for the Arts

General Counsel to the Chairman of the National Endowment of the Arts. Effective May 14, 2003.

National Transportation Safety Board

Special Assistant to the Vice Chairman. Effective May 5, 2003.

Confidential Assistant to the Vice Chairman. Effective May 5, 2003.

Office of Management and Budget

Public Affairs Specialist to the Associate Director for Communications. Effective May 13, 2003.

Office of National Drug Control Policy

Associate Deputy Director to the Deputy Director for State and Local Affairs. Effective May 22, 2003.

Office of Personnel Management

Special Assistant to the Director for Communications. Effective May 15, 2003.

Confidential Assistant to the Director for Congressional Affairs. Effective May 23, 2003.

Securities and Exchange Commission

Managing Executive for External Affairs to the Chairman of Security and Exchange Commission. Effective May 2, 2003.

Small Business Administration

Director of Intergovernmental Affairs to the Associate Administrator for Communications and Public Liaison. Effective May 13, 2003.

Director, Executive Secretariat to the Chief of Staff. Effective May 28, 2003.

United States Tax Court

Secretary (Confidential Assistant) to a Chief Judge. Effective May 14, 2003.

Secretary (Confidential Assistant) to a Judge. Effective May 20, 2003.

Secretary (Confidential Assistant) to a Chief Judge. Effective May 20, 2003.

Secretary (Confidential Assistant) to a Chief Judge. Effective May 30, 2003.

United States Trade and Development Agency

Public Affairs Specialist to the Director. Effective May 19, 2003.

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954–1958 Comp., P.218.

Office of Personnel Management.

Kay Coles James,

Director.

[FR Doc. 03–18498 Filed 7–21–03; 8:45 am]

BILLING CODE 6325–38–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 26100; 812–12833]

PBHG Funds, et al.; Notice of Application

July 15, 2003.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under (a) section 6(c) of the Investment Company Act of 1940 (''Act'') granting an exemption from sections 18(f) and 21(b) of the Act; (b) section 12(d)(1)(J) of the Act granting an exemption from section 12(d)(1) of the Act; (c) sections 6(c) and 17(b) of the Act granting an exemption from section 17(a) of the Act; and (d) section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint transactions.

SUMMARY OF THE APPLICATION: Applicants request an order that would permit certain registered open-end management investment companies to participate in a joint lending and borrowing facility.

APPLICANTS: PBHG Funds, PBHG Insurance Series Fund (collectively, the ''Trusts''), and Pilgrim Baxter & Associates, Ltd. (''PBA'').

FILING DATES: The application was filed on April 16, 2002, and amended on July 10, 2003. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on August 11, 2003, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request

notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Applicants, 1400 Liberty Ridge Drive, Wayne, PA 19087–5593.

FOR FURTHER INFORMATION CONTACT: Bruce R. MacNeil, Senior Counsel at (202) 942–0634 or Nadya B. Roytblat, Assistant Director, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 (tel. (202) 942–8090).

Applicants' Representations

1. The Trusts are registered under the Act as open-end management investment companies and are organized as Delaware business trusts. The Trusts are comprised of multiple series (the ''Funds''); each series has separate investment objectives, policies and assets.[1] PBA is registered under the Investment Advisers Act of 1940. Each Fund has entered into an investment advisory agreement with PBA.

2. Some Funds may lend money to banks or other entities by entering into repurchase agreements or purchasing other short-term investments. Other Funds may borrow money from the same or other banks for temporary purposes to satisfy redemption requests or to cover unanticipated cash shortfalls such as a trade ''fail'' in which cash payment for a security sold by a Fund has been delayed. Currently, the Funds have a credit arrangement with their custodian banks (*i.e.*, overdraft protection) under which the custodian may, but is not obligated to lend money to the Funds to meet the Funds' temporary cash needs. The Funds also have also entered into committed lines of credit with various banks.

3. If the Funds were to borrow money from any bank under their line of credit or under other credit arrangements, the Funds would pay interest on the borrowed cash at a rate which would be higher than the rate that would be earned by other non-borrowing Funds on investments in repurchase agreements and other short-term instruments of the same maturity as the bank loan. Applicants believe this differential represents the bank's profit. Other bank loan arrangements, such as committed lines of credit, require the Funds to pay commitment fees in addition to the interest rate to be paid by the borrowing Fund.

4. Applicants request an order that would permit the Funds to enter into interfund lending agreements (''Interfund Lending Agreements'') under which the Funds would lend and borrow money for temporary purposes directly to and from each other through a credit facility (''Interfund Loan''). Applicants believe that the proposed credit facility would reduce the Funds' borrowing costs and enhance their ability to earn higher interest rates on short-term investments. Although the proposed credit facility would reduce the Funds' need to borrow from banks, the Funds would be free to continue committed lines of credit or other borrowing arrangements with banks.

5. Applicants anticipate that the credit facility would provide a borrowing Fund with significant savings when the cash position of the Fund is insufficient to meet temporary cash requirements. This situation could arise when redemptions exceed expected volumes and certain Funds have insufficient cash to satisfy such redemptions. When a Fund liquidates portfolio securities to meet redemption requests, it often does not receive payment in settlement for up to three days (or longer for certain foreign transactions). The credit facility would provide a source of immediate, short-term liquidity pending settlement of the sale of portfolio securities.

6. Applicants also propose using the credit facility when a sale of securities fails due to circumstances such as a delay in the delivery of cash to a Fund's custodian or improper delivery instructions by the broker effecting the transaction. Sales fails may present a cash shortfall if a Fund has purchased securities using the proceeds from the securities sold. When a Fund experiences a cash shortfall due to a sales fail, the custodian typically extends temporary credit to cover the shortfall and the Fund incurs overdraft charges. Under such circumstances, the Fund could fail on its intended purchase due to lack of funds from the previous sale, resulting in additional cost to the Fund, or sell a security on a same day settlement basis, earning a lower return on the investment. Use of the credit facility under these circumstances would enable the Fund to have access to immediate short-term liquidity without incurring custodian overdraft or other charges.

7. While bank borrowings could generally supply needed cash to cover unanticipated redemptions and sales fails, under the proposed credit facility a borrowing Fund would pay lower interest rates than those offered by banks on short-term loans. In addition, Funds making short-term cash loans directly to other Funds would earn interest at a rate higher than they otherwise could obtain from investing their cash in repurchase agreements. Thus, applicants believe that the proposed credit facility would benefit both borrowing and lending Funds.

8. The interest rate charged to a Fund on any Interfund Loan (''Interfund Loan Rate'') would be the average of the ''Repo Rate'' and the ''Bank Loan Rate,'' both as defined below. The Repo Rate for any day would be the highest rate available to the Funds from investing in overnight repurchase agreements. The Bank Loan Rate for any day would be calculated by the Credit Facility Committee (as defined below) each day an interfund loan is made according to a formula established by a Fund's board of trustees (''Board'') designed to approximate the lowest interest rate at which bank short-term loans would be available to the Funds. The formula would be based upon a publicly available rate (*e.g.*, Federal Funds plus 25 basis points) and would vary with this rate so as to reflect changing bank loan rates. The Board of each Fund would periodically review the continuing appropriateness of using the publicly available rate, as well as the relationship between the Bank Loan Rate and current bank loan rates that would be available to the Funds. The initial formula and any subsequent modifications to the formula would be subject to the approval of the Board.

9. The credit facility would be administered by PBA's fund accounting and legal departments (collectively, the ''Credit Facility Committee''). Under the proposed credit facility, the portfolio managers for each participating Fund could provide standing instructions to participate daily as a borrower or lender. The Credit Facility Committee on each business day would collect data on the uninvested cash and borrowing requirements of all participating Funds from the Funds' custodians. Once it determined the aggregate amount of cash available for loans and borrowing demand, the Credit Facility Committee would allocate loans among borrowing Funds without any further communication from portfolio

[1] Applicants request that the relief apply to any future series of the Trusts and to any other registered open-end management investment company and series thereof that are advised by PBA or a person controlling, controlled by, or under common control with PBA (included in the term ''Funds''). All existing Funds that currently intend to rely on the requested order have been named as applicants. Any Fund that relies on the order in the future will comply with the terms and conditions of the application.

managers. Applicants expect far more available uninvested cash each day than borrowing demand. After the Credit Facility Committee has allocated cash for Interfund Loans, the Credit Facility Committee would invest any remaining cash in accordance with the standing instructions of portfolio managers or return remaining amounts to the Funds.

10. The Credit Facility Committee would allocate borrowing demand and cash available for lending among the Funds on what the Credit Facility Committee believes to be an equitable basis, subject to certain administrative procedures applicable to all Funds, such as the time of filing requests to participate, minimum loan lot sizes, and the need to minimize the number of transactions and associated administrative costs. To reduce transaction costs, each loan normally would be allocated in a manner intended to minimize the number of participants necessary to complete the loan transaction. The method of allocation and related administrative procedures would be approved by each Fund's Board, including a majority of trustees who are not ''interested persons'' of the Fund, as defined in section 2(a)(19) of the Act (''Independent Trustees''), to ensure both borrowing and lending Funds participate on an equitable basis.

11. PBA and the Credit Facility Committee would (a) Monitor the interest rates charged and other terms and conditions of the Interfund Loans; (b) limit the borrowings and loans entered into by each Fund to ensure that they comply with the Fund's investment policies and limitations; (c) ensure equitable treatment of each Fund; and (d) make quarterly reports to the Board concerning any transactions by the Funds under the credit facility and the interest rates charged.

12. PBA, through the Credit Facility Committee, would administer the credit facility under its existing management or advisory agreement with each Fund and would receive no additional fee for its services. PBA or companies affiliated with it may collect fees in connection with repurchase and lending transactions generally, including transactions through the credit facility, for pricing and record keeping, bookkeeping and accounting services. Fees would be no higher than those applicable for comparable loan transactions.

13. Each Fund's participation in the credit facility is consistent with its organizational documents and its investment policies and limitations. The prospectus or statement of additional information (''SAI'') of each Fund discloses the extent to which the respective Fund is able to mortgage or pledge securities to secure permitted borrowings. If the requested order is granted, the SAI for each Fund participating in the credit facility will disclose the existence of the interfund lending arrangements.

14. In connection with the credit facility, applicants request an order under (a) Section 6(c) of the Act granting relief from sections 18(f) and 21(b) of the Act; (b) section 12(d)(1)(J) of the Act granting relief from section 12(d)(1) of the Act; (c) sections 6(c) and 17(b) of the Act granting relief from sections 17(a)(1) and 17(a)(3) of the Act; and (d) under section 17(d) and rule 17d–1 under the Act to permit certain joint arrangements.

Applicants' Legal Analysis

1. Section 17(a)(3) generally prohibits any affiliated person, or affiliated person of an affiliated person, from borrowing money or other property from a registered investment company. Section 21(b) generally prohibits any registered management company from lending money or other property to any person if that person controls or is under common control with the company. Section 2(a)(3)(C) of the Act defines an ''affiliated person'' of another person, in part, to be any person directly or indirectly controlling, controlled by, or under common control with, the other person. Applicants state that the Funds may be under common control by virtue of having PBA as their common investment advisor.

2. Section 6(c) provides that an exemptive order may be granted where an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 17(b) authorizes the Commission to exempt a proposed transaction from section 17(a) provided that the terms of the transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned, and the transaction is consistent with the policy of the investment company as recited in its registration statement and with the general purposes of the Act. Applicants believe that the proposed arrangements satisfy these standards for the reasons discussed below.

3. Applicants submit that sections 17(a)(3) and 21(b) of the Act were intended to prevent a party with strong potential adverse interests to, and some influence over the investment decisions of, a registered investment company from causing or inducing the investment company to engage in lending transactions that unfairly inure to the benefit of such party and that are detrimental to the best interests of the investment company and its shareholders. Applicants assert that the proposed credit facility transactions do not raise these concerns because: (a) PBA would administer the program as a disinterested fiduciary; (b) all Interfund Loans would consist only of uninvested cash reserves that the Funds otherwise would invest in short-term repurchase agreements or other short-term instruments; (c) the Interfund Loans would not involve a greater risk than such other investments; (d) the lending Fund would receive interest at a rate higher than they could obtain through such other investments; and (e) the borrowing Fund would pay interest at a rate lower than otherwise available to them under their bank loan agreements and avoid the up-front commitment fees associated with committed lines of credit. Moreover, applicants believe that the other conditions in the application would effectively preclude the possibility of any Fund obtaining an undue advantage over any other Fund.

4. Section 17(a)(1) generally prohibits an affiliated person of a registered investment company, or an affiliated person of an affiliated person, from selling any securities or other property to the company. Section 12(d)(1) generally makes it unlawful for a registered investment company to purchase or otherwise acquire any security issued by any other investment company except in accordance with the limitations set forth in that section. Applicants state that the obligation of a borrowing Fund to repay an Interfund Loan may constitute a security under sections 17(a)(1) and 12(d)(1). Section 12(d)(1)(J) provides that the Commission may exempt persons or transactions from any provision of section 12(d)(1) if and to the extent such exemption is consistent with the public interest and the protection of investors. Applicants contend that the standards under sections 6(c), 17(b), and 12(d)(1)(J) are satisfied for all the reasons set forth above in support of their request for relief from sections 17(a)(3) and 21(b) and for the reasons discussed below.

5. Applicants state that section 12(d)(1) was intended to prevent the pyramiding of investment companies in order to avoid imposing on investors additional and duplicative costs and fees attendant upon multiple layers of investment companies. Applicants submit that the proposed credit facility does not involve these abuses. Applicants note that there will be no

duplicative costs or fees to the Funds or shareholders, and that PBA will receive no additional compensation for its services in administering the credit facility. Applicants also note that the purpose of the proposed credit facility is to provide economic benefits for all of the participating Funds and their shareholders.

6. Section 18(f)(1) prohibits open-end investment companies from issuing any senior security except that a company is permitted to borrow from any bank; if immediately after the borrowing, there is asset coverage of at least 300 per centum for all borrowings of the company. Under section 18(g) of the Act, the term ''senior security'' includes any bond, debenture, note or similar obligation or instrument constituting a security and evidencing indebtedness. Applicants request relief from section 18(f)(1) to the limited extent necessary to implement the credit facility (because the lending Funds are not banks).

7. Applicants believe that granting relief under section 6(c) is appropriate because the Funds would remain subject to the requirement of section 18(f)(1) that all borrowings of the Fund, including combined interfund and bank borrowings, have at least 300% asset coverage. Based on the conditions and safeguards described in the application, applicants also submit that to allow the Funds to borrow from other Funds pursuant to the proposed credit facility is consistent with the purposes and policies of section 18(f)(1).

8. Section 17(d) and rule 17d–1 generally prohibit any affiliated person of a registered investment company, or affiliated persons of an affiliated person, when acting as principal, from effecting any joint transactions in which the company participates unless the transaction is approved by the Commission. Rule 17d–1 provides that in passing upon applications filed under the rule, the Commission will consider whether the participation of a registered investment company in a joint enterprise on the basis proposed is consistent with the provisions, policies, and purposes of the Act and the extent to which the company's participation is on a basis different from or less advantageous than that of other participants.

9. Applicants submit that the purpose of section 17(d) is to avoid overreaching by and unfair advantage to investment company insiders. Applicants believe that the credit facility is consistent with the provisions, policies, and purposes of the Act in that it offers both reduced borrowing costs and enhanced returns on loaned funds to all participating Funds and their shareholders. Applicants note that each Fund would have an equal opportunity to borrow and lend on equal terms consistent with its investment policies and fundamental limitations. Applicants therefore believe that each Fund's participation in the credit facility will be on terms that are no different from or less advantageous than that of other participating Funds.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. The interest rates to be charged to the Funds under the credit facility will be the average of the Repo Rate and the Bank Loan Rate.

2. On each business day, the Credit Facility Committee will compare the Bank Loan Rate with the Repo Rate and will make cash available for Interfund Loans only if the Interfund Loan Rate is (a) More favorable to the lending Fund than the Repo Rate, and (b) more favorable to the borrowing Fund than the Bank Loan Rate.

3. If a Fund has outstanding borrowings, any Interfund Loans made to the Fund (a) Will be made at an interest rate equal to or lower than any outstanding bank loan; (b) will be secured at least on an equal priority basis with at least an equivalent percentage of collateral to loan value as any outstanding bank loan that requires collateral; (c) will have a maturity no longer than any outstanding bank loan (and in any event not over seven days); and (d) will provide that, if an event of default occurs under any agreement evidencing an outstanding bank loan to the Fund, that event of default will automatically (without need for action or notice by the lending Fund) constitute an immediate event of default under the Interfund Lending Agreement entitling the lending Fund to call the Interfund Loan (and exercise all rights with respect to collateral) and that such call will be made if the lending bank exercises its right to call its loan under its agreement with the borrowing Fund.

4. A Fund may make an unsecured borrowing through the credit facility if its outstanding borrowing from all sources immediately after the interfund borrowing total 10% or less than its total assets, provided that if the Fund has a secured loan outstanding from any other lender, including but not limited to another Fund, the Fund's interfund borrowing will be secured on at least an equal priority basis with at least an equivalent percentage of collateral to loan value as any outstanding loan that requires collateral. If a Fund's total outstanding borrowings immediately after an interfund borrowing would be greater than 10% of its total assets, the Fund may borrow through the credit facility on a secured basis only. A Fund may not borrow through the credit facility or from any other source if its total borrowings immediately after the interfund borrowing would be more than 33⅓% of its total assets.

5. Before any Fund that has outstanding interfund borrowings may, through additional borrowings, cause its outstanding borrowings from all sources to exceed 10% of its total assets, the Fund must first secure each outstanding Interfund Loan by the pledge of segregated collateral with a market value at least equal to 102% of the outstanding principal value of the loan. If the total outstanding borrowings of a Fund with outstanding Interfund Loans exceed 10% of its total assets for any other reason (such as a decline in net asset value or because of shareholder redemptions), the Fund will within one business day thereafter (a) Repay all its outstanding Interfund Loans; (b) reduce its outstanding indebtedness to 10% or less of its total assets; or (c) secure each outstanding Interfund Loan by the pledge of segregated collateral with a market value at least equal to 102% of the outstanding principal value of the loan until the Fund's total outstanding borrowings cease to exceed 10% of its total assets, at which time the collateral called for by this condition (5) shall no longer be required. Until each Interfund Loan that is outstanding at any time that a Fund's total outstanding borrowings exceeds 10% is repaid or the Fund's total outstanding borrowings cease to exceed 10% of its total assets, the Fund will mark the value of the collateral to market each day and will pledge such additional collateral as is necessary to maintain the market value of the collateral that secures each outstanding Interfund Loan at least equal to 102% of the outstanding principal value of the loan.

6. No Fund may lend to another Fund through the credit facility if the loan would cause the lending Fund's aggregate outstanding loans through the credit facility to exceed 15% of its net assets at the time of the loan.

7. A Fund's Interfund Loans to any one Fund shall not exceed 5% of the lending Fund's net assets.

8. The duration of Interfund Loans will be limited to the time required to receive payment for securities sold, but in no event more than seven days. Loans effected within seven days of each other will be treated as separate loan transactions for purposes of this condition.

9. Except as set forth in this condition, no Fund may borrow through

the credit facility unless the Fund has a policy that prevents the Fund from borrowing for other than temporary or emergency purposes. In the case of a Fund that does not have such a policy, the Fund's borrowings through the credit facility, as measured on the day when the most recent loan was made, will not exceed the greater of 125% of the Fund's total net cash redemptions or 102% of sales fails for the preceding seven calendar days.

10. Each Interfund Loan may be called on one business day's notice by a lending Fund and may be repaid on any day by a borrowing Fund.

11. A Fund's participation in the credit facility must be consistent with its investment policies and limitations and organizational documents.

12. The Credit Facility Committee will calculate total Fund borrowing and lending demand through the credit facility, and allocate loans on an equitable basis among the Funds without the intervention of any portfolio manager of the Funds. The Credit Facility Committee will not solicit cash for the credit facility from any Fund or prospectively publish or disseminate loan demand data to portfolio managers. PBA will invest any amounts remaining after satisfaction of borrowing demand in accordance with the standing instructions from portfolio managers or return remaining amounts to the Funds.

13. The Credit Facility Committee will monitor the interest rates charged and the other terms and conditions of the Interfund Loans and will make a quarterly report to the Board concerning the participation of the Funds in the facility and the terms and other conditions of any extensions of credit under the credit facility.

14. The Board of each Fund, including a majority of the Independent Trustees: (a) Will review no less frequently than quarterly the Fund's participation in the credit facility during the preceding quarter for compliance with the conditions of any order permitting the transactions; (b) will establish the Bank Loan Rate formula used to determine the interest rate on Interfund Loans and review no less frequently than annually the continuing appropriateness of the Bank Loan Rate formula; and (c) will review no less frequently than annually the continuing appropriateness of the Fund's participation in the credit facility.

15. In the event an Interfund Loan is not paid according to its terms and the default is not cured within two business days from its maturity or from the time the lending Fund makes a demand for payment under the provisions of the Interfund Lending Agreement, the Credit Facility Committee will promptly refer the loan for arbitration to an independent arbitrator selected by the Board of the Funds involved in the loan who will serve as arbitrator of disputes concerning Interfund Loans.[2] The arbitrator will resolve any problems promptly, and the arbitrator's decision will be binding on both Funds. The arbitrator will submit at least annually a written report to the Boards setting forth a description of the nature of any dispute and the actions taken by the Funds to resolve the dispute.

16. Each Fund will maintain and preserve for a period of not less than six years from the end of the fiscal year in which any transaction under the credit facility occurred, the first two years in an easily accessible place, written records of all such transactions setting forth a description of the terms of the transaction, including the amount, the maturity and rate of interest on the loan, the rate of interest available at the time on short-term repurchase agreements and bank borrowings, the rate of return available from investments in overnight repurchase agreements and such other information presented to the Board in connection with the review required by conditions 13 and 14.

17. PBA will prepare and submit to the Board for review an initial report describing the operations of the credit facility and the procedures to be implemented to ensure that all Funds are treated fairly. After the commencement of operations of the credit facility, the Credit Facility Committee will report on the operations of the credit facility to the Board quarterly. In addition, for two years following the commencement of the credit facility, the independent public accountants for each Fund shall prepare an annual report that evaluates PBA's assertion that it has established procedures reasonably designed to achieve compliance with the conditions of the order. The report shall be prepared in accordance with the Statements on Standards for Attestation Engagements No. 3 and filed pursuant to Item 77Q3 of Form N-SAR. In particular, the report shall address procedures designed to achieve the following objectives: (a) That the Interfund Loan Rate will be higher than the Repo Rate, but lower than the Bank Loan Rate; (b) compliance with the collateral requirements as set forth in the Application; (c) compliance with the percentage limitations on interfund borrowing and lending; (d) allocation of interfund borrowing and lending demand in an equitable manner and in accordance with procedures established by the Board; and (e) that the interest rate on any Interfund Loan does not exceed the interest rate on any third party borrowings of a borrowing Fund at the time of the Interfund Loan. After the final report is filed, the Fund's external auditors, in connection with their Fund audit examinations, will continue to review the operation of the credit facility for compliance with the conditions of the application and their review will form the basis, in part, of the auditor's report on internal accounting controls in Form N–SAR.

18. No Fund will participate in the credit facility upon receipt of requisite regulatory approval unless it has fully disclosed in its prospectus or its SAI all material facts about its intended participation.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–18526 Filed 7–21–03; 8:45 am]

BILLING CODE 8010–01–P

[2] If the dispute involves Funds with separate Boards, the Board of each Fund will select an independent arbitrator that is satisfactory to each Fund.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–48173; File No. SR–Amex–2003–59]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto by the American Stock Exchange LLC To Renumber Commentary .02 to Rule 131 and Amend a Reference Thereto in Commentary .06 to Rule 155

July 14, 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 10, 2003, the American Stock Exchange LLC (''Amex'' or ''Exchange''), 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 by the Exchange. The Exchange filed the proposal pursuant to section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(3) thereunder,[4] which renders the proposal effective upon filing with the Commission. On June 12, 2003, the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(3).

Exchange filed Amendment No. 1 to the proposed rule change.[5] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to renumber Rule 131, Commentary .02, as approved in Release No. 34–47960,[6] as Rule 131, Commentary .03. The text of the proposed rule change is set forth below. Proposed new language is in *italics;* proposed deletions are in [brackets].

* * * * *

Types of Orders

Rule 131

* * * * *

Commentary [.02] *.03*

(a) ''Market at 4:00 p.m.'' orders. An order in Portfolio Depositary Receipts or Index Fund Shares that trade on the Exchange until 4:15 p.m. may be designated as ''market at 4 p.m.'' to denote that it is a market order which is to be executed at or as close as practicable to the close of the regular equity trading session on the exchange (normally 4 p.m. Eastern Time).

(b) Where a member is holding simultaneously both buy and sell ''market at 4 p.m.'' orders, and where there is an imbalance between the buy and sell ''market at 4 p.m.'' orders, the member shall, at 4 p.m. or as close as practicable to 4 p.m., execute the imbalance against the prevailing bid or offer on the Exchange, as appropriate. (An imbalance of buy orders would be executed against the offer. An imbalance of sell orders would be executed against the bid.) The member shall then pair off the remaining ''market at 4 p.m.'' orders at the price of the immediately preceding sale described above.

(c) Where the aggregate size of buy ''market at 4:00 p.m.'' orders equals the aggregate size of sell ''market at 4:00 p.m.'' orders in a given security, the buy and sell orders shall be paired off at the midpoint of the then prevailing bid and offer in that security on the Exchange. In the event that that midpoint consists of a number including a fraction of a cent, then the price of the transaction shall be at the next higher one cent increment above the midpoint.

* * * * *

Precedence Accorded to Orders Entrusted to Specialists

Rule 155

* * * * *

Commentary

* * * * *

.06 Notwithstanding anything in Commentaries .03 and .04 above to the contrary, ''market at 4 p.m.'' orders entered with the specialist in Portfolio Depositary Receipts and Index Fund Shares (see Rule 131, Commentary [.02] *.03*) shall be executed at one price at 4 p.m. or as close as practicable to 4 p.m. and shall have priority over limit orders priced at the execution price.

* * * * *

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 IV 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

On June 2, 2003, the Commission approved a proposed rule change in Release No. 34–47960 relating to ''market at 4 p.m.'' orders for Exchange Traded Funds that added Commentary .02 to Rule 131 and Commentary .06 to Rule 155.[7] The Exchange proposes to amend Rule 131, Commentary .02 as approved in Release No. 34–47960 to renumber it as Rule 131, Commentary .03. The Exchange also proposes to amend Rule 155, Commentary .06 to change the reference therein from Rule 131, Commentary .02 to Rule 131, Commentary .03. These changes would correct the erroneous numbering of two distinct provisions as Rule 121, Commentary .02, as approved in Release No. 34–47960 and Release No. 34–47658.[8]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of section 6(b) of the Act,[9] in general, and furthers the objectives of section 6(b)(5)[10] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change, as amended, will 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 were neither solicited nor received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action [11]

The proposed rule change has become effective pursuant to section 19(b)(3)(A)(i) of the Act [12] and subparagraph (f)(1) of Rule 19b-4 thereunder [13] because it constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the Exchange. At any

[5] In Amendment No. 1, the Exchange amended the proposal to replace Exhibit A as originally filed with a revised Exhibit A (i) to correct the text of Rule 131, Commentary .03 (as re-numbered) and (ii) to amend the text of Rule 155, Commentary .06, to change the reference therein from Rule 131, Commentary .02 to Rule 131, Commentary .03. *See* letter dated June 11, 2003, from Claire McGrath, Senior Vice President and Deputy General Counsel, Exchange, to Nancy Sanow, Assistant Director, Division of Market Regulation, Commission. For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change under section 19(b)(3)(C) of the Act, the Commission considers that the period to commence on June 12, 2003, the date the Exchange filed Amendment No. 1. *See* 15 U.S.C. 78s(b)(3)(C).

[6] *See* Securities Exchange Act Release No. 47960 (June 2, 2003), 68 FR 34440 (June 9, 2003) (SR–Amex–2003–17).

[7] *Id.*

[8] *See* Securities Exchange Act Release No. 47658 (April 10, 2003), 68 FR 19041 (April 17, 2003) (SR–Amex–2003–18).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] At the Exchange's request, the Commission corrected the rationale and the citation to the section of the Act pursuant to which the proposed rule change has become immediately effective. Telephone conversation between Michael Cavalier, Associate General Counsel, Exchange, and Ann E. Leddy, Attorney, Division of Market Regulation, Commission (July 9, 2003).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(1).

time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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. 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 filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to file number SR-Amex-2003–59 and should be submitted by August 12, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–18528 Filed 7–21–03; 8:45 am]

BILLING CODE 8010–01–P

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–48174; File No. SR–Amex–2003–56]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto by the American Stock Exchange LLC To Reestablish on a Six-Month Pilot Basis the Exchange's Odd-Lot Execution Procedures Applicable to Trading in Nasdaq Securities

July 14, 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 2, 2003, the American Stock Exchange LLC (''Amex'' or ''Exchange''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. On June 27, 2003, the Exchange amended the proposal.[3] The Exchange filed the proposal pursuant to section 19(b)(3)(A) of the Act,[4] and Rule 19b–4(f)(6) thereunder,[5] which renders the proposal effective upon filing with the Commission.[6] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to reestablish on a six-month pilot basis paragraph (j) to Amex Rule 118 (Trading in Nasdaq National Market Securities) and Commentary .05 to Rule 205 (Manner of Executing Odd-Lot Orders) to describe odd-lot execution procedures applicable to trading Nasdaq securities. The previous six-month pilot lapsed as of February 3, 2003, due to Amex's failure to request an extension before the previous pilot program expired. Amex is making no substantive changes to the pilot program, other than to reestablish it and extend its operation through December 27, 2003. The text of the proposed rule change is set forth below. Proposed new language is in *italics.*

* * * * *

Trading in Nasdaq National Market Securities

Rule 118. (a) through (i) No change.

(j) Odd-Lot Orders—Odd-lot orders in Nasdaq National Market securities shall be executed in the following manner:

(i) Market and Executable Limit Orders—A market or executable limit order shall receive automatic execution, unless otherwise provided herein, at the price of the qualified national best offer (in the case of an order to buy) or qualified national best bid (in the case of an order to sell) in the security at the time the order has been received at the trading post or through the Amex Order File.

All market and executable limit odd-lot orders entered prior to the opening of trading of Nasdaq National Market securities on the Exchange shall receive automatic execution at the price of the first round-lot or Part of Round Lot (PRL) transaction on the Exchange.

For purposes of this subparagraph (j)(i), the qualified national best bid or offer for a Nasdaq National Market security shall mean the highest bid and lowest offer, respectively, disseminated (A) by the Exchange or (B) by another market center participating in the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis (''Plan''); provided, however, that the bid and offer in another such market center will be considered in determining the qualified national best bid or offer in a stock only if (i) the quotation conforms to the requirements of Rule 127 (''Minimum Price Variations''), (ii) the quotation does not result in a locked or crossed market, (iii) the market center is not experiencing operational or system problems with respect to the dissemination of quotation information, and (iv) the bid or offer is ''firm,'' that is, members of the market center disseminating the bid or offer are not relieved of their obligations with respect to such bid or offer under paragraph (c)(2) of Rule 11Ac1–1 pursuant to the ''unusual market'' exception of paragraph (b)(3) of Rule 11Ac1–1.

(ii) Limit Orders; Stop Orders; Stop-Limit Orders; Other Order Types—Unless otherwise provided herein, non-executable limit, stop, and stop-limit orders shall be executed in accordance with Rule 205, Parts A (2), A(3), and A(4), respectively. Orders to buy or sell ''at the close'' shall be filled at the price of the closing round-lot sale on the Exchange. An odd-lot order received prior to the close but not filled either before the close or on the close may be filled after the close in accordance with the provisions of Rule 205, Part C (1).

(iii) Non-Regular Way Trades—Non-regular way trades shall be effected in accordance with the provisions of Rule 205, Part C (2).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter dated June 27, 2003, from Geraldine M. Brindisi, Vice President and Corporate Secretary, Exchange, to Nancy Sanow, Assistant Director, Division of Market Regulation, Commission (''Amendment No. 1''). In Amendment No. 1, the Amex added language to clarify the proposed rule change.

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4(f)(6).

[6] The Amex provided the Commission with written notice of its intent to file the proposed rule change on May 27, 2003. The Exchange asked the Commission to waive the 30-day operative delay. *See* Rule 19b–4(f)(6)(iii). 17 CFR 240.19b–4(f)(6)(iii). For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change under Section 19(b)(3)(C) of the Act, the Commission considers the period to have commenced on June 27, 2003, the date the Exchange filed Amendment No. 1. *See* 15 U.S.C. 78s(b)(3)(C).

(iv) Locked and Crossed Market Conditions

(a) For market and executable limit orders entered after the opening, when the national best bid and offer is in a locked market condition (i.e., the bid and offer are the same), odd-lot buy and sell orders will be executed at that locked market price.

(b) Crossed Market Condition—When a crossed market condition exists (i.e., bid higher than offer) and the national best displayed bid is higher than the national best displayed offer by $.05 or less, market and executable limit orders will receive automatic execution at the mean of the bid and offer prices. If the mean is in a subpenny increment, the price of execution would be rounded up to the nearest $.01. When the national best displayed bid is higher than the offer by more than $.05, an odd-lot order will not receive automatic execution and is to be executed manually at the time a crossed market condition no longer exists, in accordance either with subparagraph (i) or (iv)(a) of this paragraph (j), as appropriate.

(v) No odd-lot differential may be charged on any odd-lot orders, except for non-regular way trades effected under Rule 118 (j)(iii).

(vi) Odd-lot orders in Nasdaq National Market securities are permitted to be marked (''short'') and are acceptable for all order types, and Rule 7, Commentary .02 shall apply to such orders.

* * * * *

Manner of Executing Odd-Lot Orders

Rule 205

Commentary

.01 through .04 No Change.

.05 Odd-lot orders in Nasdaq National Market securities shall be executed in accordance with Rule 118(j).

* * * * *

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 IV 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

On August 2, 2002, the Commission approved the Exchange's proposed rule change establishing odd-lot execution procedures with respect to Nasdaq National Market securities pursuant to unlisted trading privileges on a six-month pilot basis.[7] The proposed rule change revised Amex Rule 118 to add paragraph (j) to describe procedures applicable to the execution of odd-lot orders. The Exchange modified its systems in order to provide automatic execution of market and executable limit orders in Nasdaq National Market securities of less than 100 shares in a manner generally consistent with procedures set forth in Amex Rule 205. (Round lot orders (*e.g.*, 100 shares) and Part of Round Lot (''PRL'') orders (*e.g.*, 175 shares) are not subject to the automatic execution procedures applicable to odd-lots.) The Exchange's previous pilot program was approved on August 2, 2002 for a six-month period expiring February 3, 2003.[8] The Exchange inadvertently failed to request an extension of the pilot beyond that date, and now proposes to reestablish these procedures on a six-month pilot basis. The Exchange believes that these procedures have operated efficiently and has received no complaints from members or the public regarding odd-lot executions. Therefore, the Exchange is requesting that the program be reestablished on a six-month pilot basis while the Exchange assesses whether to request that the procedures be permanently approved.

Under this program, market and executable odd-lot limit orders to buy (sell) would be executed at the price of the qualified national best offer (bid) at the time the order is received at the trading post or through the Amex Order File (''AOF''). Market and executable limit orders entered before the opening of trading in Nasdaq securities on the Exchange would receive an execution at the price of the first reported round-lot or PRL on the Amex.

For purposes of this provision, the qualified national best bid or offer would be the highest bid and lowest offer disseminated by the Amex or by another market center that is a participant in the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis. The bid or offer of such other market center would be considered in determining the qualified national best bid or offer only if it met the conditions specified in proposed Rule 118(j)(i), including (i) that the quotation conform to Amex Rule 127 (Minimum Price Variations), that is, the bid or offer be in a one cent increment; (ii) that the quotation not result in a locked or crossed market; (iii) that the market center not be experiencing operational or system problems affecting quotation dissemination; and (iv) that members of the other market center disseminating the quotations not be relieved of their obligations with respect to their quotations pursuant to the ''unusual market'' exception of Commission Rule 11Ac1–1.[9] These exceptions are similar to those applied to execution of odd-lots in Amex-listed securities under Amex Rule 205, Commentary .04.

Procedures for the execution of non-executable limit orders, stop orders, stop limit orders, other order types, orders filled after the close and non-regular way trades would be similar to existing odd-lot execution procedures under Amex Rule 205 A(2)-A(4), B and C. Such orders would be processed manually and would not be automatically executed.

Locked and Crossed Market Conditions

The proposed rule change, as amended, would implement specific procedures for automatically executing market and executable limit odd-lot orders entered after the opening of Amex trading in Nasdaq securities when the national best bid and offer is in a locked market condition (*i.e.*, bid is equal to the offer) or a crossed market condition (*i.e.*, bid is higher than the offer). In the case of a locked market, market orders and executable buy and sell limit orders would be executed at the same price as the locked price. In the case of a crossed market in which the bid is higher than the offer by $.05 or less, market and executable limit orders would be executed at the mean of the crossed bid and offer. If the mean resulted in less than $.01, the execution would be rounded up to the nearest $.01.

Examples:

(1) BBO is $10.04 to $10.00, Market odd lot order to buy or sell arrives, Execute at $10.02

[7] *See* Securities Exchange Act Release No. 46304 (August 2, 2002), 67 FR 51903 (August 9, 2002) (SR–Amex–2002–56).

[8] *Id.*

[9] 17 CFR 240.11Ac1–1.

(2) BBO is $10.05 to $10.00, Market odd lot order to buy or sell arrives, Execute at $10.03 ($10.025 is rounded to $10.03)

In the case of a crossed market in which the bid is higher than the offer by more than $.05, an odd-lot order would not be executed automatically, but would be executed manually in accordance with, as appropriate, either proposed Rule 118(j)(i) (*i.e.*, filled at the price of the next uncrossed qualified national bid or offer), or proposed Rule 118(j)(iv)(a) (*i.e.*, at the locked market price, when the national best bid and offer is in a locked market condition).

Commentary .05 to Amex Rule 205 would be added to reference the Rule 118(j) odd-lot procedures.

2. Statutory Basis

The Exchange believes that the proposed rule change, as amended, is consistent with the provisions of section 6(b) of the Act,[10] in general, and furthers the objectives of section 6(b)(5)[11] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change, as amended, will 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 were neither solicited nor received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change, as amended, does not:

(i) Significantly affect the protection of investors or the public interest;

(ii) Impose any significant burden on competition; and

(iii) Become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to section 19(b)(3)(A) of the Act[12] and Rule 19b-4(f)(6) thereunder.[13] At any time within 60 days of the filing of the proposed rule change, as amended, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

The Amex has requested that the Commission waive the 30-day operative delay. The Commission believes waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Acceleration of the operative date will allow the Exchange to reestablish its odd-lot execution procedures applicable to trading in Nasdaq securities without delay. For these reasons, the Commission designates the proposal to be effective and operative upon filing with the Commission.[14]

In addition, the Commission requests that the Exchange report any problems or complaints from members and the public regarding odd-lot execution procedures applicable to trading Nasdaq securities, and that the Amex submit any proposal to extend, or permanently approve, the pilot at least two months before the expiration of the six-month pilot.

IV. 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 filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to file number SR-Amex-2003–56 and should be submitted by August 12, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–18616 Filed 7–21–03; 8:45 am]

BILLING CODE 8010–01–P

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6).

[14] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–48161A; File No. SR–NASD–2003–57]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc; Order Granting Approval of Proposed Rule Change and Amendment Nos. 1 and 2 Thereto, and Notice of Filing and Order Granting Accelerated Approval To Amendment No. 3 to the Proposed Rule Change Relating to Revisions to the Uniform Application for Securities Industry Registration or Transfer (Form U–4) and Uniform Termination Notice for Securities Industry Registration (Form U–5)

July 16, 2003.

Correction

In Release No. 34–48161, issued on July 10, 2003 (''Approval Order''), an inaccurate reference to Question 14J of the Uniform Application for Securities Industry Registration or Transfer (''Form U4'') appeared. The Approval Order's Purpose Section contained the inaccurate reference due to a typographical, non-substantive error on the part of the National Association of Securities Dealers, Inc. (''NASD'') in the third amendment to the proposed rule change.[1] Specifically, in footnote 11 of the Approval Order, Question 14J is inaccurately referenced in three instances, rather than Question 14M. The corrected text of footnote 11 of the

[1] *See* letter from Patrice M. Gliniecki, Vice President and Deputy General Counsel, NASD, to Katherine A. England, Assistant Director, Division, Commission (July 1, 2003) (''Amendment No. 3'') (The Commission notes that the NASD inadvertently numbered Amendment No. 3 as Amendment No. 1). In Amendment No. 3, the NASD responded to comments submitted by the Association of Registration Management (''ARM'') arguing, primarily, that the information being sought by the additional questions being added to the Form U4 was already captured by pre-existing questions on the Form U4 and that the addition of such questions would create a monumental administrative burden for member firms.

Approval Order appears below. Additions are in italics and deletions are in brackets.

* * * * *

Footnote 11:

The CRD system will process such Form U4 filings as follows. If a registered person has a ''yes'' answer to any question in Questions 14A through [J]*M* in the Disclosure Section of the Form U–4 on or after July 14, the CRD system will require that the firm filing an amended Form U–4 enter a response (by selecting the appropriate ''yes'' or ''no'' radio button) to new disclosure Question 14D(2) and also obtain a completed Section 15D. If those questions are not answered, the filing will fail the CRD system completeness check. For the sake of clarity, NASD notes that an amendment to a Form U–4 filing on or after July 14, for the purpose of adding a ''yes'' answer to Questions 14A through [J]*M*, when previously there had been no ''yes'' answers, would require the firm filing the amendment to answer new disclosure Question 14D(2) and obtain a completed Section 15D.

If a registered person does not have a ''yes'' answer to Questions 14A through [J]*M* in the Disclosure Section of the Form U–4, the CRD system will default new disclosure Question 14D(2) with a ''no'' response for any filings prepared for submission after implementation of the new questions, and the firm will not be required to obtain a completed Section 15D for the purposes of answering Question 14D(2). Form U–4 amendments filed by the firm for such individuals will not fail the completeness check due to these new questions; however, by submitting the filing, firms will be representing that they are filing ''no'' answers to the new questions, unless they affirmatively change the ''no'' answer to ''yes'' before submitting the filing. Similarly, as discussed above, registered persons who have not filed an amended Form U–4 reporting credit union regulatory proceedings within the specified 30-day period will be deemed to have represented that they have not been the subject of any such proceedings.

* * * * *

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[2]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–18527 Filed 7–21–03; 8:45 am]

BILLING CODE 8010–01–P

[2] 17 CFR 200.30–2(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3525]

State of Florida

Sarasota County and the contiguous counties of Charlotte, DeSoto, and Manatee in the State of Florida constitute a disaster area due to damages caused by severe storms and flooding that occurred June 19 through June 30, 2003. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on September 15, 2003 and for economic injury until the close of business on April 15, 2004 at the address listed below or other locally announced locations:

U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	5.625
Homeowners without credit available elsewhere	2.812
Businesses with credit available elsewhere	5.906
Businesses and non-profit organizations without credit available elsewhere	2.953
Others (including non-profit organizations) with credit available elsewhere	5.500
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	2.953

The number assigned to this disaster for physical damage is 352511. For economic injury, the number is 9W2800.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: July 15, 2003.

Hector V. Barreto,

Administrator.

[FR Doc. 03–18582 Filed 7–21–03; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3523]

State of North Carolina

Mecklenburg County and the contiguous counties of Cabarrus, Gaston, Iredell, Lincoln, and Union in the State of North Carolina, and Lancaster and York in the State of South Carolina constitute a disaster area due to damages caused by severe storms and flooding that occurred on June 7–8, 2003. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on September 15, 2003 and for economic injury until the close of business on April 15, 2004 at the address listed below or other locally announced locations:

U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	5.625
Homeowners without credit available elsewhere	2.812
Businesses with credit available elsewhere	5.906
Businesses and non-profit organizations without credit available elsewhere	2.953
Others (including non-profit organizations) with credit available elsewhere	5.500
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	2.953

The numbers assigned to this disaster for physical damage are 352311 for North Carolina and 352411 for South Carolina. For economic damage, the numbers are 9W2600 for North Carolina and 9W2700 for South Carolina.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: July 15, 2003.

Hector V. Barreto,

Administrator.

[FR Doc. 03–18583 Filed 7–21–03; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3528]

State of Ohio

As a result of the President's major disaster declaration on July 15, 2003, I find that Auglaize, Darke, Logan, Mercer, Shelby, and Van Wert Counties in the State of Ohio constitute a disaster area due to damages caused by severe storms and flooding occurring on July 4, 2003 and continuing. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on September 15, 2003 and for economic injury until the close of business on April 15, 2004 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area

2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Allen, Champaign, Hardin, Miami, Montgomery, Paulding, Preble, Putnam, and Union in the State of Ohio; and Adams, Allen, Jay, Randolph, and Wayne in the State of Indiana.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	5.625
Homeowners without credit available elsewhere	2.812
Businesses with credit available elsewhere	5.906
Businesses and non-profit organizations without credit available elsewhere	2.953
Others (including non-profit organizations) with credit available elsewhere	5.500
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	2.953

The number assigned to this disaster for physical damage is 352811. For economic injury, the numbers are 9W4200 for Ohio and 9W4300 for Indiana.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: July 16, 2003.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 03–18581 Filed 7–21–03; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3512, Amdt. #4]

State of West Virginia

In accordance with the notice received from the Department of Homeland Security, Federal Emergency Management Agency, effective July 14, 2003, the above numbered declaration is hereby amended to include Monongalia County in the State of West Virginia as a disaster area due to damages caused by severe storms, flooding, and landslides that occurred June 11, 2003, and continuing.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the previously designated location: Marion, Preston, Taylor, and Wetzel Counties in the State of West Virginia; and Fayette and Greene Counties in the Commonwealth of Pennsylvania.

The economic injury number for Pennsylvania is 9W4000.

All other information remains the same, *i.e.,* the deadline for filing applications for physical damage is August 20, 2003, and for economic injury the deadline is March 22, 2004.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: July 15, 2003.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 03–18584 Filed 7–21–03; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

Protocol to the Agreement Between the United States and the Netherlands on Social Security; Entry Into Force

AGENCY: Social Security Administration.

ACTION: Notice.

SUMMARY: The Commissioner of Social Security gives notice that on May 1, 2003, a protocol entered into force which amends the Social Security agreement between the United States and the Netherlands that has been in effect since November 1, 1990. The protocol, which was signed on August 30, 2001, was concluded pursuant to requirements in 42 U.S.C. 433.

The protocol updates and clarifies several provisions in the original U.S.-Netherlands Social Security agreement to take account of changes in Dutch law. Its primary purpose, however, is to permit payment of the Netherlands children's allowance while the qualified recipient or the child lives in or visits the United States.

Individuals who wish to obtain copies of the protocol and the revised agreement or want general information about the protocol's provisions may write to the Social Security Administration, Office of International Programs, Post Office Box 17741, Baltimore, Maryland 21235–7741. The Social Security Web site at *http://www.socialsecurity.gov/international* also includes the text of the revised agreement. Anyone who wants information about the Netherlands children's allowance should write to Sociale Verzekeringsbank, Postbus 576, 9700 AN Groningen, The Netherlands.

Dated: July 15, 2003.

Jo Anne B. Barnhart,

Commissioner of Social Security.

[FR Doc. 03–18559 Filed 7–21–03; 8:45 am]

BILLING CODE 4191–02–U

DEPARTMENT OF STATE

[Public Notice 4355]

Notice of Meeting; United States International Telecommunication Advisory Committee; Preparations for ITU Development Meetings

The Department of State announces meetings of the U.S. International Telecommunication Advisory Committee (ITAC). The purpose of the Committee is to advise the Department on policy, technical and operational issues with respect to international telecommunications development bodies such as the International Telecommunication Union.

The ITAC will meet to prepare for the September 2–11 meeting of the ITU–D, Study Groups 1 and 2, Geneva, Switzerland. Schedule meeting date is Tuesday August 5, 10am–1200 noon at the Department of State in Room 2533–A.

Members of the public will be admitted to the extent that seating is available, and may join in the discussions, subject to the instructions of the Chair. Entrance to the Department of State is controlled. People intending to attend the meeting should send their clearance data by fax to (202) 647–7407 or email to *worsleydm@state.gov* not later than 24 hours before the meeting. Please include the name of the meeting, your name, social security number, date of birth and organizational affiliation. One of the following valid photo identifications will be required for admittance: U.S. driver's license with your picture on it, U.S. passport, or U.S. Government identification. Directions to the meeting location and on which entrance to use may be determined by calling the ITAC Secretariat at 202 647–2592 or e-mail to *worsleydm@state.gov.*

Dated: July 15, 2003.

Doreen McGirr,

Director, Telecommunication Development, Department of State.

[FR Doc. 03–18622 Filed 7–21–03; 8:45 am]

BILLING CODE 4710–45–P

DEPARTMENT OF STATE

[Public Notice #4405]

Notice of Meetings: United States International Telecommunication Advisory Committee Preparations for Various Telecommunication Standardization Meetings Second Half of 2003

The Department of State announces meetings of the U.S. International Telecommunication Advisory Committee (ITAC). The purpose of the Committee is to advise the Department on policy, technical and operational issues with respect to international telecommunications standardization bodies such as the International Telecommunication Union (ITU).

The ITAC will meet periodically throughout the second half of 2003 to prepare for various ITU Telecommunication Standardization Study Group meetings. Times and locations of these meetings will be announced via the e-mail reflectors (list servers) identified below. People may join these reflectors by sending a message identifying the list they wish to join to *itac@state.gov.*

TSAG Preparations: The ITAC will meet July 31, September 3, September 30 and October 22 to prepare for the November 10–14 meeting of the ITU–T Telecommunication Sector Advisory Group (TSAG). Location and times for these meetings will be announced on the reflector list *itac-t@almsntsa.lmlist.state.gov*.

ITU–T Study Group 2 preparations: The ITAC will meet October 7, 2003 in the Washington, DC area to prepare for the next ITU–T Study Group 2 meeting, which is to be held from October 21–31. Location and time for this ITAC meeting will be announced on the reflector list *sganumberingadhoc@almsntsa.lmlist.state.gov*.

ITU–T Study Group 3 preparations: The ITAC will meet on August 6, September 10, October 8 and October 29 to prepare for the next ITU–T Study Group 3 meeting which is to be held from November 17–21. Location and time for these ITAC meetings will be announced on the reflector list *sga@almsntsa.lmlist.state.gov*.

ITU–T Study Group 9 preparations: The ITAC will meet December 9 to prepare for the next ITU–T Study Group 9 meeting, which is to be held from January 15–24, 2004. Location and time for this ITAC meeting will be announced on the reflector list *sgd@almsntsa.lmlist.state.gov*.

ITU–T Study Group 11 and 15 preparations: The ITAC will meet on August 8, 2003 at the Sheraton Colorado Springs Hotel, 2886 S. Circle Drive, Colorado Springs, Colorado 90906, telephone (719) 576–5900 to prepare for the ITU Study Group 11 meeting to be held September 1–12, 2003 and for the ITU–T Study Group 15 meeting to be held October 21–31, 2003. The U.S. ITAC meeting will begin 30 minutes after closure of the T1A1/T1P1/T1S1 Plenaries. Persons planning to attend the August 8 U.S. ITAC meeting should give their names and organization not later than August 4 to Marcie Geissinger, marciegeissinger@msn.com or (303) 499–2145. The agenda for the August 8, 2003 meeting will be announced on the reflector list *sgb@almsntsa.lmlist.state.gov*.

ITU–T Study Group 15 and 4 preparations: The ITAC will meet on September 19, 2003 at the Marriott Hartford Farmington, 15 Farm Springs Road, Farmington, Connecticut 06032, telephone (860) 678–1000 or (800) 228–9290 to prepare for the ITU–T Study Group 15 meeting to be held from October 21–31, 2003 and the ITU–T Study Group 4 meeting to be held from October 27–November 7, 2003. The ITAC meeting will begin 30 minutes after the closure of the T1X1 Plenary. Persons planning to attend the September 19 U.S. ITAC meeting should give their name and organization not later than September 16 to Marcie Geissinger, *marciegeissinger@msn.com* or at (303) 499–2145. The agenda for the September 19 meeting will be announced on the reflector list *sgb@almsntsa.lmlist.state.gov*.

ITU–T Study Group 12 preparations: The ITAC will meet August 27 to September 8, 2003 via e-mail on the reflector list *sga@almsntsa.lmlist.state.gov* to prepare for the ITU–T Study Group 12 meeting to be held from September 22–30. Originators must post their contributions to the reflector by August 27, 2003; comments on the documents must be posted to the same address by September 2; originators' responses must be posted by September 4, and final action will be posted by the Department of State no later than September 8, 2003. If necessary, this meeting may be continued through a later date via e-mail or conference call, as announced on the reflector.

ITU–T Study Group 17 preparations: The ITAC will meet August 14–27 via e-mail on the reflector list *sgd@almsntsa.lmlist.state.gov* to prepare for the ITU-T Study Group 17 meeting to be held from September 10–19. Originators must post their contributions to the reflector by August 14, 2003; comments on the documents must be posted to the same address by August 21; originators' responses must be posted by August 25, and final action will be posted by the Department of State no later than August 27. If necessary, this meeting may be continued through a later date via e-mail or conference call, as announced on the reflector.

ITU–T Special Study Group preparations: The ITAC will meet October 6–17, 2003 via e-mail on the reflector list ''sgd-ssg@almsntsa.lmlist.state.gov'' to prepare for the ITU–T Special Study Group (IMT2000 and beyond) meeting to be held from November 17–21, 2003. Originators must post their documents to the reflector by October 6; comments on the documents must be posted to the same address by October 10; originators' responses must be posted by October 15, and final action will be posted by the Department of State no later than October 17. If necessary, this meeting may be continued through a later date via e-mail or conference call, as announced on the reflector.

CITEL PCC I Group Preparations: The ITAC will meet on August 7, 2003, and September 9, 2003 to prepare for the next CITEL PCC I meeting. Location and times for these meetings will be announced on the reflector list *PCCI–CITEL@almsntsa.lmlist.state.gov.*

Members of the public will be admitted to the meetings to the extent that seating is available, and may join in the discussions, subject to the instructions of the Chair. Entrance to the Department of State is controlled; people intending to attend a meeting at the Department of State should send their clearance data by fax to (202) 647–7407 or e-mail to *worsleydm@state.gov* not later than 24 hours before the meeting. Please include the name of the meeting, your name, social security number, date of birth and organizational affiliation. One of the following valid photo identifications will be required for admittance: U.S. driver's license with your picture on it, U.S. passport, or U.S. Government identification. Directions to the meeting location may be obtained by calling the ITAC Secretariat at 202 647–2592 or e-mail to *worsleydm@state.gov.*

Dated: July 17, 2003.

Marian Gordon,

Director, Telecommunication & Information Standardization, Department of State.

[FR Doc. 03–18721 Filed 7–21–03; 8:45 am]

BILLING CODE 4710–45–P

STATE JUSTICE INSTITUTE

Notice of Public Meeting; State Justice Institute Board of Directors Meeting

Date: Saturday, July 26, 2003, 9 a.m.–5 p.m.

Place: El Caribe Room, Ritz Carlton San Juan, 6961 Avenue of the Governors, Carolina, Puerto Rico.

Matters to be Considered: Consideration of proposals submitted for Institute funding and internal Institute business.

Portions Open to the Public: All portions other than personnel matters and Board committee meetings.

Portions Closed to the Public: Discussion of internal personnel matters and Board committee meetings.

Contact Person: David Tevelin, Executive Director, State Justice Institute, 1650 King Street, Suite 600, Alexandria, VA 22314, (703) 684–6100 x214.

David I. Tevelin,

Executive Director.

[FR Doc. 03–18681 Filed 7–18–03; 10:06 am]

BILLING CODE 6820–SC–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Senior Executive Service Performance Review Boards Membership

AGENCY: Office of the Secretary, Department of Transportation (DOT).

ACTION: Notice of Performance Review Board (PRB) Appointments.

SUMMARY: DOT publishes the names of the persons selected to serve on the various Departmental PRBs as required by 5 U.S.C. 4314(c)(4).

FOR FURTHER INFORMATION CONTACT: Mari Barr Santangelo, Deputy Assistant Secretary for Administration, (202) 366–2332.

SUPPLEMENTARY INFORMATION: The persons named below have been selected to serve on one or more Departmental PRBs.

Issued in Washington, DC, on July 15, 2003.

Mari Barr Santangelo,

Deputy Assistant Secretary for Administration.

Federal Railroad Administration

Jane H. Bachner, Deputy Associate Administrator for Industry and Intermodal Policy, Federal Railroad Administration.

Mark Yachmetz, Associate Administrator for Railroad Development, Federal Railroad Administration.

Margaret Reid, Associate Administrator for Administration and Finance, Federal Railroad Administration.

Christopher W. Strobel, Assistant to the Secretary for Policy, Office of the Secretary.

Judy Kaleta, Senior Counsel for Dispute Resolution, Office of the Secretary.

Delmas Johnson, Associate Administrator for Administration, National Highway Traffic Safety Administration.

Jerry Hawkins, Director, Office of Human Resources, Federal Highway Administration.

Federal Transit Administration

Barbara A. Sisson, Associate Administrator for Research, Demonstration and Innovation, Federal Transit Administration.

Drucella A. Andersen, Deputy Assistant Administrator for Public Affairs, Federal Aviation Administration.

Thomas Herlihy, Assistant General Counsel for Legislation, Office of the Secretary.

Linda J. Washington, Deputy Assistant Secretary for Administration, Office of the Secretary.

Office of the Inspector General

Thomas J. Bondurant, Assistant Inspector General for Investigations, Department of Justice.

Michael Phelps, Deputy Assistant Inspector General for Auditing, Department of Housing and Urban Development.

Judith J. Gordon, Assistant Inspector General for Systems Evaluation, Department of Commerce.

Dennis Duquette, Deputy Inspector General for Audit Services, Department of Health and Human Services.

Adrienne Rish, Assistant Inspector General for Investigations, Agency for International Development.

Joseph R. Willever, Deputy Inspector General, Office of Personnel Management.

Elissa Karpf, Assistant Inspector General for Planning, Analysis, & Results, Environmental Protection Agency.

Gregory S. Seybold, Assistant Inspector General for Investigations, Department of Agriculture.

Carol L. Levy, Assistant Inspector General for Investigations, Defense Criminal Investigative Service.

National Highway Traffice Safety Administration

Marilena Amoni, Associate Administrator for Program Development and Delivery, National Highway Traffic Safety Administration.

Joseph Kanianthra, Associate Administrator for Applied Research, National Highway Traffic Safety Administration.

Noble Bowie, Director, Office of Planning and Consumer Standards, National Highway Traffic Safety Administration.

Susan McLaughlin, Director, Office of Communications and Consumer Information, National Highway Traffic Safety Administration.

Neil Eisner, Assistant General Counsel for Regulation and Enforcement, Office of the Secretary.

Federal Highway Administration

Arthur Hamilton, Associate Administrator for Federal Lands Highway, Federal Highway Administration.

Charles Nottingham, Associate Administrator for Policy, Federal Highway Administration.

Gene Fong, Director of Field Services—East, Federal Highway Administration.

Michael J. Vecchietti, Associate Administrator for Administration, Federal Highway Administration.

Charlotte Adams, Associate Administrator for Planning, Federal Transit Administration.

Kenneth Weinstein, Associate Administrator for Enforcement, National Highway Traffic Safety Administration.

Maritime Administration

Robert B. Ostrom, Chief Counsel, Maritime Administration.

Eileen Roberson, Associate Administrator for Administration, Maritime Administration.

James E. Caponiti, Associate Administrator for National Security, Maritime Administration.

Jean E. McKeever, Associate Administrator for Shipbuilding, Maritime Administration.

Jerry A. Hawkins, Director, Office of Human Resources, Federal Highway Administration.

Office of the Secretary, Bureau of Transportation Statistics

Sean M. Moss, Director, Office of Small and Disadvantaged Business Utilization, Office of the Secretary.

William J. Chang, Associate Director for Information Systems, Bureau of Transportation Statistics.

Phyllis F. Scheinberg, Deputy Assistant Secretary for Budget and Programs, Office of the Secretary.

Paul Gretch, Director, Office of International Aviation, Office of the Secretary.

Randall Bennett, Director, Office of Aviation and International Economics, Office of the Secretary.

Roberta D. Gabel, Assistant General Counsel for Environmental, Civil Rights, and General Law, Office of the Secretary.

Patricia A. Prosperi, Director, Office of Transportation and Facilities, Office of the Secretary.

Delmas Johnson, Associate Administrator for Administration, National Highway Traffic Safety Administration.

Jean E. McKeever, Associate Administrator for Shipbuilding, Maritime Administration.

Research and Special Programs Administration

Stacy L. Gerard, Associate Administrator for Pipeline Safety, Research and Special Programs Administration.

Sean M. Moss, Director, Office of Small and Disadvantaged Business Utilization, Office of the Secretary.

Patricia A. Prosperi, Director, Office of Transportation and Facilities, Office of the Secretary.

Roberta D. Gabel, Assistant General Counsel for Environmental, Civil Rights, and General Law, Office of the Secretary.

James J. Zok, Associate Administrator for Financial Approvals and Cargo Preference, Maritime Administration.

Federal Motor Carrier Safety Administration

Terry T. Shelton, Director, Office of Information Management, Federal Motor Carrier Safety Administration.

Brian McLaughlin, Senior Associate Administrator for Traffic Injury Control, National Highway Traffic Safety Administration.

Jackie Glassman, Chief Counsel, National Highway Traffic Safety Administration.

Marilena Amoni, Associate Administrator for Program Development and Delivery, National Highway Traffic Safety Administration.

Arthur Hamilton, Associate Administrator for Federal Lands Highway, Federal Highway Administration.

Bruce J. Carlton, Associate Administrator for Policy and International Trade, Maritime Administration.

[FR Doc. 03–18609 Filed 7–21–03; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2003–42]

Petitions for Exemption; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains the dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

FOR FURTHER INFORMATION CONTACT: Vanessa Wilkins, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. Tel. (202) 267–8029.

This notice is published pursuant to 14 CFR sections 11.85 and 11.91.

Issued in Washington, DC, on July 17, 2003.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: FAA–2002–12734.

Petitioner: Aerovias Nacionales De Columbia SA.

Section of 14 CFR Affected: 14 CFR part 145.47(b).

Description of Relief Sought/Disposition: To permit Avianca to substitute the calibration standards of the Physikalish-Technische Bundesanstalt, the national standards organization of Germany, for the calibration standards of the U.S. National Institute of Standards and Technology when testing its Hocherl and Hackl GmbH electronic load testing equipment. *Grant, 7/01/2003, Exemption No. 8082.*

Docket No.: FAA–2003–14893.

Petitioner: Mr. Michael Dickerson, Jr.

Section of 14 CFR Affected: 14 CFR part 65.71(a)(2).

Description of Relief Sought/Disposition: To permit the eligibility for a mechanic certificate and associated ratings, even though the petitioner is hearing impaired and unable to speak the English language. *Grant, 6/24/2003, Exemption No. 8079.*

Docket No.: FAA–2003–14797.

Petitioner: Kawasaki Heavy Industries, Ltd.

Section of 14 CFR Affected: 14 CFR part 145.47(b).

Description of Relief Sought/Disposition: To permit Kawasaki to use the measurement standards of the National Research Laboratory of Metrology and the Electrotechnical Laboratory, Japan's national standards organizations, instead of the measurement standards of the U.S. National Institute of Standards and Technology to calibrate its test and inspection equipment. *Grant, 7/01/2003, Exemption No. 8081.*

Docket No.: FAA–2003–14756.

Petitioner: Capitol Wings Airline, Inc.

Section of 14 CFR Affected: 14 CFR part 145.37(b).

Description of Relief Sought/Disposition: To permit Capitol Wings Airline, Inc., doing business as Bergstrom Airmotive, Inc., to qualify for a part 145 repair station certificate without having suitable permanent housing for at least one of the heaviest aircraft within the weight class for the rating it seeks. *Grant, 7/01/2003, Exemption No. 8083.*

[FR Doc. 03–18626 Filed 7–21–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 195: Flight Information Services Communications (FISC)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 195 meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 195: Flight Information Services Communications (FISC).

DATES: The meeting will be held August 12–14, 2003, starting at 8:30 a.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1828 L Street NW., Suite 805, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street NW., Washington, DC 20036; telephone (202) 833–9339; fax (202) 833–9434; Web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–

463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 195 meeting. The agenda will include:

- August 12:
- Opening Plenary Session (Welcome and Introductory Remarks, Approval of Agenda, Approval of Minutes, Review of Action Items)
- Review and Disposition—Final Review and Comment (FRAC) comments on draft DO–267A, Minimum Aviation System Performance Standards, (MASPS) for Flight Information Services—Broadcast (FIS–B) Data Link
- August 13:
- Continue Review and Disposition of FRAC Comments on draft DO–267A
- August 14:
- Continue Review and Disposition of FRAC comments on draft DO–267A
- Approve final draft DO–267A and forward to RTCA Program Management Committee
- Closing Plenary Session (Review Action Items; Discussion of Future Workplan, Other Business, Date and Place of Next Meeting, Adjourn)

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on July 11, 2003.

Janice L. Peters,

FAA Special Assistant, RTCA Advisory Committee.

[FR Doc. 03–18629 Filed 7–21–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Use the Revenue From a Passenger Facility Charge (PFC) at Hartsfield Atlanta International Airport, Atlanta GA

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 use the revenue from a PFC at Hartsfield Atlanta International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before August 21, 2003.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Atlanta District Office, Campus Building, 1701 Columbia Avenue, Suite 2–260, College Park, Georgia 30337–2747.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Art Bacon, Aviation Business Manager of the City of Atlanta's Department of Aviation at the following address: Art Bacon, Aviation Business Manager, City of Atlanta, Department of Aviation, P.O. Box 20509, Atlanta, GA 30320–2509.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Atlanta under section 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Terry Washington, P.E., Program Manager, Atlanta Airports District Office, Campus Building, 1701 Columbia Avenue, Suite 2–260, College Park, Georgia 30337–2747, Telephone Number: 404–305–7143. 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 use the revenue from a PFC at ATL under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 if the Federal Aviation Regulations (14 CFR part 158).

On Tuesday, July 15, 2003, the FAA determined that the application to use the revenue from a PFC submitted by the City of Atlanta was substantially complete within the requirements of section 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than October 14, 2003.

The following is a brief overview of the application.

PFC Application No.: 03–05–U–00–ATL.

Level of the PFC: $3.00.

Charge effective date: May 1, 2005.

Proposed charge expiration date: October 1, 2013.

Total estimated PFC revenue: $353,487,490.

Brief description of proposed project(s): Airport Access Roadway; Consolidated Rental Car Facility (CONRAC) Automated People Mover System.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/Commercial Operators (ATCO) when enplaning revenue passengers in limited, irregular, special service operations.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the City of Atlanta's Department of Aviation.

Issued in Atlanta, Georgia on Tuesday, July 15, 2003.

Scott L. Seritt,

Manager, Atlanta Airports District Office, Southern Region.

[FR Doc. 03–18627 Filed 7–21–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Southwest International Airport, Fort Myers, 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 Southwest Florida Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before August 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 Dr., Suite 400, Orlando, Florida 32822–5024.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Ms. Debra Lemke, Senior Manager—Governmental Affairs of the Lee County Port Authority at the following address: 16000

Chamberlain Parkway, Suite 8671, Ft. Myers, Florida 33913–8899.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Lee County Port Authority under section 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Juan C. Brown, Program Manger, Orlando Airports District Office, 5950 Hazeltine National Dr., Suite 400, Orlando, Florida 32822–5024, (407) 812–6331 ext 18. 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 a PFC at Southwest Florida International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On July 14, 2003, the FAA determined that the application to impose and use the revenue from a PFC submitted by Lee County Port Authority was substantially complete within the requirements of section 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than October 29, 2003.

The following is a brief overview of the application.

PFC Application No.: 03–05–C–00–RSW.

Level of the proposed PFC: $4.50.

Proposed charge effective date: March 1, 2011.

Proposed charge expiration date: April 1, 2017.

Total estimated net PFC revenue: $104,801,531.

Brief description of proposed project(s):

Design and Construction of new Midfield Terminal.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/Commercial Operators (ATCO).

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Lee County Port authority.

Issued in Orlando, Florida on July 14, 2003.

W. Dean Stringer,

Manager, Orlando Airports District Office, Southern Region.

[FR Doc. 03–18628 Filed 7–21–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Using SAE ARP5526, Aircraft Seat Design Guidance and Clarifications, in Seat Design Approvals

AGENCY: Federal Aviation Administration (DOT).

ACTION: Notice of availability of final policy.

SUMMARY: The FAA announces the availability of the final policy explaining how the Society of Automotive Engineers' (SAE) Aerospace Recommended Practice (ARP) 5526, Aircraft Seat Design Guidance and Clarifications, can be used in seat design approvals.

DATE: The Aircraft Engineering Division and the Transport Airplane Directorate's seat design policy memorandum referencing SAE ARP5526 approval date is June 26, 2003.

FOR FURTHER INFORMATION CONTACT: Hal Jensen, FAA, Aircraft Certification Service, Aircraft Engineering Division, Technical Programs Branch, Room 835, 800 Independence Avenue, SW., Washington DC 20591; telephone: (202) 267–8807; fax: (202) 267–5340; e-mail: *hal.jensen@faa.gov,* or contact Jeff Gardlin, FAA, Transport Airplane Directorate, Transport Standards Staff, Airframe and Cabin Safety Branch, ANM–115, 1601 Lind Avenue SW., Renton, WA 98055–4056; telephone (425) 227–2136; fax (415) 227–1149; e-mail: *jeff.gardlin@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

Recently the SAE published ARP5526, Aircraft Seat Design Guidance and Clarifications. In an effort to streamline the certification of aircraft seats, the Aircraft Engineering Division, in concert with the Transport Airplane Directorate, issued a June 26, 2003, policy memorandum recommending seat suppliers and seat installers use SAE ARP5526 to the maximum extent possible in the design and approval of aircraft seats. SAE ARP5526 provides clarification and documents existing guidance and practice for complying with some of the requirements of the Technical Standard Orders (TSO), and the applicable certification airworthiness requirements for aircraft seat approvals. Note that SAE ARP5526 does not impose additional criteria to show compliance to the aircraft seat TSOs or the applicable certification requirements.

How To Obtain Copies

A copy of the policy memorandum may be obtained via the Internet at, *http://www.airweb.faa.gov/RGL,* or by contacting either person listed in the section titled **FOR FURTHER INFORMATION CONTACT.**

You can buy copies of SAE ARP5526 from SAE World Headquarters, 400 Commonwealth Drive, Warrendale, PA 15096–0001; telephone (877) 606–7323 (United States and Canada only), or (724) 776–4970 (outside the United States and Canada), fax (724) 776–0790. You can also get copies through the SAE Internet Web site at, *http://www.sae.org.*

Issued in Washington, DC, on July 14, 2003.

David W. Hempe,

Manager, Aircraft Engineering Division, Aircraft Certification Service.

[FR Doc. 03–18516 Filed 7–21–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Policy Statement No. ANM–03–115–31]

Conducting Component Level Tests To Demonstrate Compliance

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed policy; request for comments.

SUMMARY: The Federal Aviation Administration (FAA) announces the availability of proposed policy on conducting component level tests in order to demonstrate compliance with the requirements of § 25.785(b) and (d).

DATES: Send your comments on or before August 21, 2003.

ADDRESSES: Address your comments to the individual identified under **FOR FURTHER INFORMATION CONTACT.**

FOR FURTHER INFORMATION CONTACT: Jim Cashdollar, Federal Aviation Administration, Transport Airplane Directorate, Transport Standards Staff, Airframe and Cabin Safety Branch, ANM–115, 1601 Lind Avenue SW., Renton, WA 98055–4056; telephone (425) 227–2785; fax (425) 227–1149; e-mail: *jim.cashdollar@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The proposed policy is available on the Internet at the following address: *http://www.airweb.faa.gov/rgl.* If you do not have access to the Internet, you can obtain a copy of the policy by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.**

The FAA invites your comments on this proposed policy. We will accept your comments, data, views, or arguments by letter, fax, or e-mail. Send your comments to the person indicated in **FOR FURTHER INFORMATION CONTACT.** Mark your comments, ''Comments to Policy Statement No. ANM–03–115–31.''

Use the following format when preparing your comments:

- Organize your comments issue-by-issue.
- For each issue, state what specific change you are requesting to the proposed policy.
- Include justification, reasons, or data for each change you are requesting.

We also welcome comments in support of the proposed policy.

We will consider all communications received on or before the closing date for comments. We may change the proposed policy because of the comments received.

Background

The policy memorandum provides FAA certification policy on conducting compliance level tests in order to demonstrate compliance with the requirements of § 25.785(b) and (d). The tests described herein provide a standardized approach by which each potentially injurious item located within the headstrike zone can be assessed for occupant injury potential. These test methods are the product of an Aviation Rulemaking Advisory Committee recommendation and are harmonized with the Joint Aviation Authorities (JAA) and Transport Canada.

Issued in Renton, Washington, on July 7, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–18517 Filed 7–21–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Policy Statement No. ANM–03–115–05]

No Smoking Placards and Signs

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of final policy.

SUMMARY: The Federal Aviation Administration (FAA) announces the availability of final policy on no-smoking placards.

DATES: This final policy was issued by the Transport Airplane Directorate on July 7, 2003.

FOR FURTHER INFORMATION CONTACT: Michael T. Thompson, Federal Aviation Administration, Transport Airplane Directorate, Transport Standards Staff, Airframe and Cabin Safety Branch, ANM–115, 1601 Lind Avenue SW., Renton, WA 98055–4056; telephone (425) 227–1157; fax (425) 227–1149; e-mail: *michael.t.thompson@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion of Comments

A notice of proposed policy as published in the **Federal Register** on March 17, 2003 (68 FR 12735). No comments were received.

Background

The policy further simplifies the certification process pertaining to the requirement for no-smoking placards legible to each occupant seated in compartments where smoking is prohibited. The FAA has determined that a lighted sign can be considered a placard if it is continuously illuminated for the occupants. These signs should illuminate without the cockpit or cabin crew having to turn the signs on, which the airplane's normal electrical power is on or by providing equivalent control of the signs by software. The policy allows the signs to not be operable by the crew by documenting an equivalent safety finding.

The final policy is available on the Internet at the following address: *http://www.airweb.faa.gov/rgl.* If you do not have access to the Internet, you can obtain a copy of the policy by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.**

Issued in Renton, Washington, on July 7, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–18519 Filed 7–21–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–03–15687; Notice 1]

Ford Motor Company; Receipt of Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 103

We are asking for comments on the application by Ford Motor Company (''Ford'') of Dearborn, Michigan, for a temporary exemption from Motor Vehicle Safety Standard (FMVSS) No. 103, Defrosting and Defogging Systems. Ford asserted that compliance would prevent it from selling a motor vehicle whose overall level of safety is at least equal to that of a non-exempted vehicle.

We are publishing this notice of receipt of the application in accordance with our regulations on the subject. This action does not mean that we have made a judgment yet about the merits of the application.

The Motor Vehicle for Which a Temporary Exemption Is Sought

Ford is the manufacturer of the Lincoln Town Car. This motor vehicle is planned to be made available in a ''Ballistic Protection Series (BPS).'' It will be equipped with a windshield that is 40.68 mm thick, as contrasted with the standard Town Car's windshield of 4.9 mm thickness. The company related that ''this thickness and the associated heat transfer properties are engineered to provide protection from impacts by certain rifle rounds * * * Ford does not envision producing more than 300 Town Car BPS Series in any calendar year.

How the Town Car BPS Fails To Comply With FMVSS No. 103

Paragraph S4.2 of FMVSS No. 103 establishes defrosting requirements for passenger car windshields. Ford related that ''At this time clearance of the windshield in the time required under FMVSS 103 S4.2 can only be met with the usage of the washer fluid.''

Arguments Presented by Ford Demonstrating That the Town Car BPS Provides an Overall Level of Safety at Least Equal to a Non-Exempted Motor Vehicle

To maximize the defroster performance, the special windshield of the BPS is equipped with an embedded electrical grid. Ford's laboratory tests show that the windshield can, in fact, be cleared within the time required by S4.2 ''by using both the defroster (including the hot air system and the embedded electrical grid in the windshield) and the windshield washer system.'' The information provided with the vehicle will advise the vehicle operator to use the combined approach in defrosting the windshield. However, Ford anticipates that these special purpose vehicles are more likely to be garaged than parked in the open, and that the need to operate the defroster system will be minimal.

Arguments Presented by Ford as to Why a Temporary Exemption Would Be in the Public Interest and Consistent With Objectives of Motor Vehicle Safety

The windshield of the Lincoln Town Car BPS differs from those of armored vehicles produced by other manufacturers in that it will provide ''a bullet resistant environment against rifle level threats,'' as contrasted with ''handgun level'' threats. According to Ford, ''Customers, including certain agencies of the U.S. Government, have expressed a need for vehicles with this level of protection for vehicle occupants.'' Ford argued that its product will enhance the safety ''for those individuals that are either government officials or certain other high profile individuals that are at a higher level of risk for terrorist attacks or assassination attempts.'' Orders have already been placed by the General Services Administration (GSA) on behalf of two government entities. To emphasize the minimal nature of the noncompliance, Ford enclosed a copy of its test report indicating passage of S4.2 using washer fluid, which has been placed in the docket.

How You May Comment on Ford's Application

If you would like to comment on the application, please do so in writing, in duplicate, referring to the docket and notice number, and mail to: Docket Management, National Highway Traffic Safety Administration, room PL–401, 400 Seventh Street, SW, Washington, DC 20590.

We shall consider all comments received before the close of business on the date indicated below. Comments are available for examination in the docket in room PL–401 both before and after that date, between the hours of 10 a.m. and 5 p.m. To the extent possible, we also consider comments filed after the closing date. We will publish our decision on the application, pursuant to the authority indicated below.

Comment closing date: August 21, 2003.

Authority: 49 U.S.C. 30113; delegations of authority at 49 CFR 1.50 and 501.4.

Issued on July 16, 2003.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 03–18512 Filed 7–21–03; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety, Notice of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before August 21, 2003.

ADDRESS COMMENTS TO: Records Center, Research and Special Programs, Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption application number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications (See Docket Number) are available for inspection at the New Docket Management Facility, PL–401, at the U.S. Department of Transportation, Nassif Building, 400 75h Street, SW., Washington, DC 20590 or at *http://dms.dot.gov.*

This notice of receipt of applications for new exemptions is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on July 15, 2003.

R. Ryan Posten,

Exemptions Program Officer, Office of Hazardous Materials, Exemptions and Approvals.

NEW EXEMPTIONS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
13262–N	.....	Symmetricom, Inc., Beverly, MA.	49 CFR 172.400(a), 172.500, 173.211(a), 175.3.	To authorize the transportation in commerce of certain cesium devices consisting of an inner cylinder enclosed within an outer stainless steel, welded, hermetically sealed cylinder containing Division 4.3 hazardous materials. (modes 1, 2, 3, 4, 5)
13263–N	.....	Air Products & Chemical, Inc., Allentown, PA.	49 CFR 173.192, 173.201, 173.202, 173.203, 173.226, 173.227, 173.301(f), 173.302(a), 173.304a(a)(2).	To authorize the manufacture, mark, sale and use of non-DOT specification, full removable head salvage cylinders for use in overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (mode 1)
13264–N	.....	Trinity Manufacturing, Inc., Hamlet, NC.	49 CFR 172.101, Col 7, SP B14, 173.244.	To authorize the transportation in commerce of non-DOT specification portable tank mounted in an ISO frame that complies with the IMO Type 5 specification and built to ASME Code for use in transporting chloropicrin, Division 6.1. (modes 1, 3)
13265–N	.....	Aeropres Corporation Shreveport, LA.	49 CFR 173.315	To authorize the transportation in commerce of dimethyl ether, in MC–331 cargo tanks with a minimum design pressure of 175 psig. (mode 1)
13266–N	.....	Luxfer Gas Cylinders Riverside, CA.	49 CFR 173.301(h), 173.302(a), 178.46(a)(4), 178.46(c)(i).	To authorize the manufacture, marking, sale and use of non-DOT specification hoop wrapped composite cylinder conforming to DOT FRP–2 for use in storing medical gases. (mode 1)

NEW EXEMPTIONS—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
13268–N		Ciba Speciality Chemicals McIntosh, AL.	49 CFR 177.834(i)(3)	To authorize an alternative attendance requirement of cargo tanks during loading and unloading of various classes of hazardous materials. (mode 1)
13269–N		Brenntag Mid-South, Inc., Henderson, KY.	49 CFR 173.301(f)	To authorize the one-way transportation in commerce of anhydrous amonia in DOT specification cylinders equipped with emergency kits to prevent leakage during transportation. (mode 1)

[FR Doc. 03–18607 Filed 7–21–03; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemption

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications for modification of exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Requests for modifications of exemptions (e.g., to provide for additional hazardous materials, packaging design changes, additional mode of transportation, *etc.*) are described in footnotes to the application number. Application numbers with the suffix ''M'' denote a modification request. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments must be received on or before August 6, 2003.

Address Comments To: Records Center, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, Nassif Building, 400 7th Street SW., Washington, DC or at *http://dms.dot.gov.*

This notice of receipt of applications for modification of exemptions is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC on July 15, 2003.

R. Ryan Posten,

Exemptions Program Officer, Office of Hazardous Materials, Exemptions and Approvals.

Application No.	Docket No.	Applicant	Modification of exemption
7041–M		Albemarle Corporation, Baton Rouge, LA (*See* Footnote 1)	7041
8723–M		Dyno Nobel, Inc., Salt Lake City, UT (*See* Footnote 2)	8723
8815–M		Austin Powder Company, Cleveland, OH (*See* Footnote 3)	8815
10880–M		Austin Powder Company, Cleveland, OH (*See* Footnote 4)	10880
10996–M		Kosdon Enterprises, Ventura, CA (*See* Footnote 5)	10996
11494–M		Atlantic Research Corp. (Auto Products Group), Knoxville, TN (*See* Footnote 6)	11494
12122–M	RSPA–98–4313	Atlantic Research Corp. (Auto Products Group), Knoxville, TN (*See* Footnote 7)	12122
12622–M	RSPA–01–8831	Atlantic Research Corp. (Auto. Products Group), Knoxville, TN (*See* Footnote 8)	12622
12677–M	RSPA–01–9375	Austin Powder Company, Cleveland, OH (*See* Footnote 9)	12677
12698–M	RSPA–01–9652	Integrated Environmental Services, Inc., Atlanta, GA (*See* Footnote 10)	12698

[1] To modify the exemption to authorize the transportation of a Division 4.2 and 4.3 material in non-DOT specification cargo tanks.

[2] To modify the exemption to authorize the transportation of an additional Division 5.1 material in motor vehicles and cargo tanks.

[3] To modify the exemption to authorize transportation by common or contract carrier of certain Division 1.5D explosives in a cement mixer type motor vehicle.

[4] To modify the exemption to authorize transportation by common or contract carrier of certain Division 1.1, 1.4 and 1.5 explosive materials in dedicated loads.

[5] To modify the exemption to authorize the transportation of a Division 1.4S material, when shipped in quantities and packagings authorized by the exemption.

[6] To modify the exemption to authorize the transportation of a Class 9 material in a non-DOT specification cylinder (pressure vessel) for use as a component of an automobile vehicle safety system.

[7] To modify the exemption to authorize transportation of a Class 9 material in a non-DOT specification cylinder (pressure vessel) for use as a component of an automobile vehicle safety system.

[8] To modify the exemption to authorize the transportation of a Class 9 material by contract carrier motor vehicle without the required shipping papers and placarding.

[9] To modify the exemption to authorize transportation by private carriage or contract carrier of certain Division 1.1, 1.4, 1.5, 5.1 and Class 8 materials.

[10] To modify the exemption to authorize transportation of a Class 4 material in a non-DOT specification salvage cylinder for overpacking damaged or leaking cylinders.

[FR Doc. 03–18608 Filed 7–21–03; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34076]

Los Angeles to Pasadena Blue Line Construction Authority d/b/a Los Angeles to Pasadena Metro Construction Authority—Acquisition Exemption—Los Angeles County Metropolitan Transportation Authority

Los Angeles to Pasadena Blue Line Construction Authority d/b/a Los Angeles to Pasadena Metro Construction Authority (Authority),[1] a noncarrier, has filed a notice of exemption under 49 CFR 1150.31 to acquire a rail line from the Los Angeles County Metropolitan Transportation Authority (LACMTA).[2] The line consists of 20.0 miles of rail line between milepost 104.2 and milepost 124.2 on the Pasadena Subdivision of The Burlington Northern and Santa Fe Railway Company (BNSF), in Los Angeles County, CA. Authority certifies that its projected revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier.

Authority indicates that it does not intend to conduct freight or commuter rail operations on the rail line,[3] that those operations will be conducted or otherwise provided by third parties,[4] and that all rights and obligations related to both freight and passenger service were reserved to LACMTA.

Authority states in its notice that the transaction was consummated on September 1, 1999, when it acquired the line from LACMTA. However, Authority did not seek regulatory authorization from the Board until the filing of this notice on June 24, 2003. Thus, the exemption became effective on July 1, 2003 (7 days after the notice was filed).

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34076, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Charles A. Spitulnik, McLeod, Watkinson & Miller, One Massachusetts Avenue, NW., Suite 800, Washington, DC 20001.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: July 15, 2003.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 03–18578 Filed 7–21–03; 8:45 am]

BILLING CODE 4915–00–P

[1] Authority is a public agency existing under the authority of the laws of the State of California.

[2] LACMTA is the successor in interest to the former Los Angeles County Transportation Commission.

[3] Authority simultaneously filed a motion to dismiss this notice of exemption, arguing that it has purchased only physical assets associated with the line. The motion will be handled in a separate decision.

[4] BNSF will conduct the freight operations and the Southern California Regional Rail Authority will conduct the commuter operations.

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network; Proposed Collection; Comment Request; Money Services Business Survey

AGENCY: Financial Crimes Enforcement Network, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, Financial Crimes Enforcement Network (''FinCEN''), has been engaged in a multi-year education program to disseminate information to the Money Services Business (''MSB'') industry regarding regulations that require MSBs to register with FinCEN, and to file Suspicious Activity Reports. MSBs include money transmitters, issuers, sellers, and redeemers of money orders, traveler's checks, and stored value, check cashers, and currency exchangers. FinCEN places a high priority on effective and broad-reaching initiatives to facilitate the education of MSBs and their agents in their responsibilities under the Bank Secrecy Act. FinCEN proposes to conduct a survey that is intended to provide data that can be used to evaluate the success of the MSB education program, and to measure the extent to which the MSB industry's knowledge and understanding of the new regulations has changed since an initial survey was conducted in September, 2001. The survey will consist of questions contained in the September 2001 survey, as well as additional questions designed to gauge perceptions of the MSB education program and its overall effectiveness. This request for comments is being made pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13, 44 U.S.C. 3506(c)(2)(A).

DATES: Written comments are welcome and must be received on or before September 22, 2003.

ADDRESSES: Written comments should be submitted to: Office of Chief Counsel, Financial Crimes Enforcement Network, Department of the Treasury, PO Box 39, Vienna, Virginia 22183, *Attention:* PRA Comments—MSB Survey. Comments also may be submitted by electronic mail to the following Internet address: *regcomments@fincen.treas.gov,* with a caption in the body of the text, ''*Attention:* PRA Comments—MSB Survey.''

Inspection of comments. Comments may be inspected, between 10 a.m. and 4 p.m., in the FinCEN reading room in Washington, DC. Persons wishing to inspect the comments submitted must request an appointment by telephoning (202) 354–6400.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or requests for copies of the September 2001 survey and the additional questions to be asked in the survey that is the subject of this notice should be directed to: Anna Fotias, Senior Regulatory Compliance Specialist, MSB/Casino/IRS Program Office, FinCEN, at (202) 354–6400; Christine L. Schuetz, Attorney-Advisor, FinCEN, at (703) 905–3590.

SUPPLEMENTARY INFORMATION:

Title: Money Services Business Program Response.

OMB Number: New Collection.

Abstract: Telephone survey to be conducted with business owners and managers in the Money Services Business industry. Survey asks respondents to report on awareness of Bank Secrecy Act recordkeeping and reporting requirements and awareness of anti-money laundering basics, including how to identify suspicious activity.

Type of Review: New information collection.

Affected public: Business or other for-profit institutions.

Frequency: One time.

Estimated number of respondents: 600.

Estimated time per respondent: Fifteen minutes.

Request for Comments:

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected: (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance and purchase of services to provide information.

Dated: July 10, 2003.

James F. Sloan,

Director, Financial Crimes Enforcement Network.

[FR Doc. 03–18605 Filed 7–21–03; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Alcohol and Tobacco Tax and Trade Bureau within the Department of the Treasury is soliciting comments concerning the Alcohol Fuel Plants (AFP) Records, Reports and Notices.

DATES: Written comments should be received on or before September 22, 2003 to be assured of consideration.

ADDRESSES: Direct all written comments to Linda Barnes, Alcohol and Tobacco Tax and Trade Bureau, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Kristy Colon, Regulations and Procedures Division, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8210.

SUPPLEMENTARY INFORMATION:

Title: Alcohol Fuel Plants (AFP) Records, Reports and Notices.

OMB Number: 1513–0052.

Form Number: TTB F 5110.75.

Recordkeeping Requirement ID Number: TTB REC 5110/10.

Abstract: The data for this information collection is necessary to determine what persons are qualified to produce alcohol for fuel purposes and to identify such persons. It is also needed to account for distilled spirits produced, verify its proper disposition, keep registrations current and evaluate permissible variations from prescribed procedures. The record retention requirement for this information collection is 3 years.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 871.

Estimated Total Annual Burden Hours: 871.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: July 15, 2003.

William H. Foster,

Chief, Regulations and Procedures Division.

[FR Doc. 03–18569 Filed 7–21–03; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Alcohol and Tobacco Tax and Trade Bureau within the Department of the Treasury is soliciting comments concerning the Importer's Records and Reports.

DATES: Written comments should be received on or before September 22, 2003 to be assured of consideration.

ADDRESSES: Direct all written comments to Linda Barnes, Alcohol and Tobacco Tax and Trade Bureau, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Kristy Colon, Regulations and Procedures Division, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8210.

SUPPLEMENTARY INFORMATION:

Title: Importer's Records and Reports.

OMB Number: 1513–0064.

Recordkeeping Requirement ID Number: TTB REC 5170/1.

Abstract: This recordkeeping requirement concerns the records which must be maintained by the importer. The records are used by TTB to verify that operations are being conducted in compliance with the law and to ensure that all taxes and duties have been paid on imported spirits, thus protecting the revenue. The record retention requirement for this information collection is 3 years.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Federal Government.

Estimated Number of Respondents: 500.

Estimated Total Annual Burden Hours: 251.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: July 15, 2003.

William H. Foster,

Chief, Regulations and Procedures Division.

[FR Doc. 03–18570 Filed 7–21–03; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Alcohol and Tobacco Tax and Trade Bureau within the Department of the Treasury is soliciting comments concerning the Tobacco Export Warehouse, Records of Operations.

DATES: Written comments should be received on or before September 22, 2003 to be assured of consideration.

ADDRESSES: Direct all written comments to Linda Barnes, Alcohol and Tobacco Tax and Trade Bureau, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Kristi Colon, Regulations and Procedures Division, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8210.

SUPPLEMENTARY INFORMATION:

Title: Tobacco Export Warehouse, Record of Operations.

OMB Number: 1513–0070.

Recordkeeping Requirement ID Number: TTB REC 5220/1.

Abstract: The records are maintained at the premises of the regulated individual and are routinely used by TTB personnel during field tax compliance examinations to verify that untaxpaid tobacco products are not being diverted to domestic consumption. This ensures that tax revenues are protected. The record retention requirement for this information collection is 3 years.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 221.

Estimated Total Annual Burden Hours: One (1).

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: July 15, 2003.

William H. Foster.

Chief, Regulations and Procedures Division.

[FR Doc. 03–18571 Filed 7–21–03; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Alcohol and Tobacco Tax and Trade Bureau within the Department of the Treasury is soliciting comments concerning the Applications and Notices, Manufacturers of Nonbeverage Products.

DATES: Written comments should be received on or before September 22, 2003 to be assured of consideration.

ADDRESSES: Direct all written comments to Linda Barnes, Alcohol and Tobacco Tax and Trade Bureau, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Kristy Colon, Regulations and Procedures Division, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202) 927–8210.

SUPPLEMENTARY INFORMATION:

Title: Applications and Notices, Manufacturers of Nonbeverage Products.

OMB Number: 1513–0072.

Recordkeeping Requirement ID Number: TTB REC 5530/1.

Abstract: The reports are used by TTB district personnel to ensure that the regulated individuals will conduct operations in compliance with the law and regulations. The applications and notices serve to protect the revenue by helping TTB personnel in determining if spirits on which drawback has been claimed have been diverted to beverage use. The record retention requirement for this information collection is 3 years.

Current Actions: There are no changes to this information collection and it has been submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 640.

Estimated Total Annual Burden Hours: 640.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: July 15, 2003.

William H. Foster,

Chief, Regulations and Procedures Division.

[FR Doc. 03–18572 Filed 7–21–03; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Alcohol and Tobacco Tax and Trade Bureau within the Department of the Treasury is soliciting comments concerning the Records of Things of Value to Retailers and Occasional Letter Reports From Industry Members Regarding Information on Sponsorships, Advertisements, Promotions, etc., Under the Federal Alcohol Administration Act.

DATES: Written comments should be received on or before September 22, 2003 to be assured of consideration.

ADDRESSES: Direct all written comments to Linda Barnes, Alcohol and Tobacco Tax and Trade Bureau, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Kristy Colon, Regulations and Procedures Division, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8210.

SUPPLEMENTARY INFORMATION: *Title:* Records of Things of Value to Retailers and Occasional Letter Reports From Industry Members Regarding Information on Sponsorships, Advertisements, Promotions, etc., Under the Federal Alcohol Administration Act.

OMB Number: 1513–0077.

Recordkeeping Requirement ID Number: TTB REC 5190/1.

Abstract: These records and occasional letter reports are used to show compliance with the provisions of the Federal Alcohol Administration Act which prevents wholesalers, producers, or importers from giving things of value to retail liquor dealers, and prohibits industry members from conducting certain types of sponsorships, advertising, promotions, etc. The retention requirement for this information collection is 3 years.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 12,665.

Estimated Total Annual Burden Hours: 51.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: July 15, 2003.

William H. Foster,

Chief, Regulations and Procedures Division.

[FR Doc. 03–18573 Filed 7–21–03; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Alcohol and Tobacco Tax and Trade Bureau within the Department of the Treasury is soliciting comments concerning the Application For Extension of Time For Payment of Tax.

DATES: Written comments should be received on or before September 22, 2003 to be assured of consideration.

ADDRESSES: Direct all written comments to Linda Barnes, Alcohol and Tobacco Tax and Trade Bureau, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Kristi Colon, Regulations and Procedures Division, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8210.

SUPPLEMENTARY INFORMATION:

Title: Application For Extension of Time For Payment of Tax.

OMB Number: 1513–0093.

Form Number: TTB F 5600.38.

Abstract: TTB uses this information to determine if a taxpayer is qualified to extend payment of tax based on circumstances beyond the taxpayer's control. The record retention requirement for this information collection is 3 years.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 12.

Estimated Total Annual Burden Hours: 3.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: July 15, 2003.

William H. Foster,

Chief, Regulations and Procedures Division.

[FR Doc. 03–18574 Filed 7–21–03; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Alcohol and Tobacco Tax and Trade Bureau within the Department of the Treasury is soliciting comments concerning the Supporting Data For Nonbeverage Drawback Claims.

DATES: Written comments should be received on or before September 22, 2003 to be assured of consideration.

ADDRESSES: Direct all written comments to Linda Barnes, Alcohol and Tobacco Tax and Trade Bureau, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Kristy Colon, Regulations and Procedures Division, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8210.

SUPPLEMENTARY INFORMATION:

Title: Supporting Data For Nonbeverage Drawback Claims.

OMB Number: 1513–0098.

Form Number: TTB F 5154.2.

Abstract: The form substantiates nonbeverage drawback claims by showing the use of taxpaid distilled spirits to manufacture nonbeverage products. The form is used in TTB district offices which verify that all distilled spirits can be accounted for and that drawback is paid only in the amount for the purposes authorized by law.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 590.

Estimated Total Annual Burden Hours: 3,540.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: July 15, 2003.

William H. Foster,

Chief, Regulations and Procedures Division.

[FR Doc. 03–18575 Filed 7–21–03; 8:45 am]

BILLING CODE 4810–31–P

Corrections

Federal Register

Vol. 68, No. 140

Tuesday, July 22, 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.

ENVIRONMENTAL PROTECTION AGENCY

[OEI–2003–0026; FRL–7521–4]

Toxic Chemical Release Reporting; Alternate Threshold for Low Annual Reportable Amounts; Request for Comment on Renewal Information Collection

Correction

In notice document 03–16584 beginning on page 39071 in the issue of Tuesday, July 1, 2003, make the following correction:

On page 39072, in the first column, under the heading **DATES**, in the third and fourth lines, ''July 31, 2003'' should read, ''September 2, 2003''.

[FR Doc. C3–16584 Filed 7–21–03; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No.FAA–2003–15299; Airspace Docket No. 03–AWP–9]

Modification of Class E Airspace; Window Rock, AZ

Correction

In rule document 03–15526 beginning on page 36743 in the issue of Thursday, June 19, 2003 make the following correction:

§ 71.1 [Corrected]

On page 36744, in § 71.1, in the first column, under the heading ''**AWP AZ E5 Window Rock, AZ [Revised]** '' in the tenth line, ''VARTAC'' should read ''VORTAC''.

[FR Doc. C3–15526 Filed 7–21–03; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Tuesday,
July 22, 2003

Part II

Department of Housing and Urban Development

Homeless Management Information Systems (HMIS) Data and Technical Standards Notice; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR 4848–N–01]

Homeless Management Information Systems (HMIS) Data and Technical Standards Notice

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice states the intent of HUD to implement Homeless Management Information Systems (HMIS).

DATES: *Comment Due Date:* September 22, 2003.

ADDRESSES: Interested persons are invited to submit comments regarding this notice to Michael Roanhouse, Office of Special Needs Assistance Programs, Office of the Assistant Secretary for Community Planning and Development, Room 7262, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–7000. Comments should refer to the above docket number and title.

FOR FURTHER INFORMATION CONTACT: Michael Roanhouse, Office of Special Needs Assistance Programs, Office of the Assistant Secretary for Community Planning and Development, Room 7262, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–7000; telephone (202) 708–1226, ext. 4482 (this is not a toll-free number). Hearing- or speech-impaired individuals may access this number by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

1. Introduction

This notice sets forth the Department's intention to implement Homeless Management Information Systems (HMIS). An HMIS is a computerized data collection application designed to capture client-level information over time on the characteristics and service needs of homeless persons. This notice presents background information on Congressional direction on improving homeless data collection and analysis at the local and national levels and specific statutorily based programmatic and planning requirements for addressing homeless needs. The notice also describes the benefits of developing an HMIS for: Homeless persons; local homeless assistance providers; local bodies that plan for and coordinate homeless services, known as Continuums of Care (CoC); and national policy makers. The notice provides detailed guidance on the development of data and technical standards that will allow local CoC to generate consistent reports so that the characteristics of homeless populations across the United States can be determined. The notice also describes how data are to be collected and safeguarded.

This notice is being published as a draft to permit CoC planning bodies, homeless service providers, local and state governments, advocates, and homeless clients an opportunity to review and comment on the proposed standards. The next two sections lay out Congressional direction to HUD on HMIS specifically and then on homelessness-related data collection generally.

It has been determined in concert with the Office of Management and Budget (OMB) that the information collection implicit in this notice requires OMB clearance. For purposes of the OMB clearance, this notice will serve as the 60-day **Federal Register** Notice under the Paperwork Reduction Act of 1995, as amended. The final report based on the public comments received on this draft version will include an estimate of burden for all potential users of the Notice. As an interim step, this draft version sets out below the existing HUD information collection requirements that HMIS will support when fully operational in American communities and the proposed paperwork burden already submitted to OMB for each:

Information collection*	Annual burden hours	Support entire collection	Support part of collection
Annual Performance Report (Competitive Programs)	200,000	X	
Application/Competitive Homeless Programs	203,280		X
Application/HOPWA	28,625		X
Consolidated Plan	549,925		X

Paperwork Reduction Act

The information collection requirements in this notice have been approved by the Office of Management and Budget (OMB) and assigned OMB control numbers 2506–0145, 2106–0112, 2506–0133, and 2506–0117, respectively. In accordance with the Paperwork Reduction Act of 1995 U.S.C. (44 U.S.C. 3501–3520), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

1.1. Congressional Direction on Homeless Management Information Systems

Expressions of Congressional concern for better homeless data collection and analysis at both the local and national levels has resulted in Congressional direction in conference and committee reports over the past several years. The Omnibus Appropriations Act of 2003 (Pub. L. 108–7, approved February 20, 2003), provides money to HUD to implement these responsibilities. The Act appropriated $1,225,000,000 to HUD for Homeless Assistance Grants and specifically provided ''[t]hat $11,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project.'' The Conference Report provided guidance as to some of the steps that HUD should take in implementing this project. Specifically, the report stated as follows:

> The conferees are concerned that the Department is not taking the proper steps to determine the extent to which HUD's homeless assistance programs are meeting the needs of chronically homeless people. Therefore, HUD is directed to begin collecting data on the percentage and number of beds and supportive services programs that are serving people who are chronically disabled and/or chronically homeless.
>
> The conferees reiterate the direction and reporting requirement included in the Senate report regarding the collection and analysis of data to assess the effectiveness of the homeless system, and direct that such report also include HUD's timeline for finalizing data requirements for the Homeless Management Information Systems.

The Senate Report referenced above states that:

> The Committee remains supportive of the Department's ongoing work on data collection and analysis within the homeless programs. HUD should continue its collaborative efforts with local jurisdictions to collect an array of data on homelessness in order to analyze patterns of use of assistance, including how people enter and exit the homeless assistance system, and to

assess the effectiveness of the homeless assistance system. The Committee directs HUD to take the lead in working with communities toward this end, and to analyze jurisdictional data within one year. The Committee directs HUD to report on the progress of this data collection and analysis effort by no later than May 12, 2003. The Conference Report (H.R. Report 106–988) for Fiscal Year (FY) 2001 HUD.

Appropriations Act (Pub. L. 106–377, approved October 27, 2000), stated:

The conferees reiterate and endorse language included in the Senate report regarding the need for data and analysis on the extent of homelessness and the effectiveness of McKinney Act programs * * *. The conferees concur with the importance of developing unduplicated counts of the homeless at the local level, as well as taking whatever steps are possible to draw inferences from this data about the extent and nature of homelessness in the nation as a whole.

Likewise, the conferees agree that local jurisdictions should be collecting an array of data on homelessness in order to prevent duplicate counting of homeless persons, and to analyze their patterns of use of assistance, including how they enter and exit the homeless assistance system and the effectiveness of the systems. HUD is directed to take the lead in working with communities toward this end, and to analyze jurisdictional data within three years. Implementation and operation of Management Information Systems (MIS), and collection and analysis of MIS data, have been made eligible uses of Supportive Housing Program funds. The conferees direct HUD to report to the Committees within six months after the date of enactment of this Act on its strategy for achieving this goal, including details on financing, implementation, and maintaining the effort.

Congress directed HUD to take the lead in requiring every jurisdiction to have unduplicated client-level data within three years. The reasons for the emphasis and the specific directives on encouraging these systems were articulated in FY 2001 Senate Report 106–410:

The Committee believes that HUD must collect data on the extent of homelessness in America as well as the effectiveness of the McKinney homeless assistance programs in addressing this condition. These programs have been in existence for some 15 years and there has never been an overall review or comprehensive analysis on the extent of homelessness or how to address it. The Committee believes that it is essential to develop an unduplicated count of homeless people, and an analysis of their patterns of use of assistance (HUD McKinney homeless assistance as well as other assistance both targeted and not targeted to homeless people), including how they enter and exit the homeless assistance system and the effectiveness of assistance.

Previously, in the FY 1999 HUD Appropriations Act, Congress had directed HUD to collect data from a representative sample of existing local HMIS. Specifically, House Report 105–610 states that HUD should:

* * * collect, at a minimum, the following data: The unduplicated count of clients served; client characteristics such as age, race, disability status, units [days] and type of housing received (shelter, transitional, permanent); and services rendered. Outcome information such as housing stability, income, and health status should be collected as well.

In the FY 2001 HUD appropriations process, Senate Report 106–410 directed HUD to build on its earlier preliminary work with communities with an advanced HMIS and continue assessing data from these communities:

* * * to continue on an annual basis to provide a report on a nationally representative sample of jurisdictions whose local MIS data can be aggregated yearly to document the change in demographics of homelessness, demand for homeless assistance, to identify patterns in utilization of assistance, and to demonstrate the effectiveness of assistance.

* * * The Committee instructs HUD to use these funds to contract with experienced academic institutions to analyze data and report to the agency, jurisdictions, providers, and the Committee on findings.

1.2. Statutory Direction to HUD and Other Federal Agencies on Homeless Data Collection

Section 1.1 outlined Congressional direction relating to Homeless Management Information Systems—a subset of the more general Congressional mandates for homeless data collection. HUD, other federal agencies, and the Interagency Council on the Homeless are required under various statutory authorities and Congressional direction to collect extensive information about the nature and extent of homelessness. In addition, individual programs authorized under the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 *et seq.*) require the assessment of homeless needs, the provision of services to address those needs, and reporting on the outcomes of federal assistance in helping homeless people to become more independent. The major Congressional imperatives in HUD's McKinney-Vento Act programs are:

- Assessing the service needs of homeless persons;
- Ensuring that services are directed to meeting those needs;
- Assessing the outcomes of the services in nurturing efforts by homeless persons to become more self-sufficient; and
- Reporting to Congress on the characteristics and effectiveness of federal efforts to address homelessness.

Both individually and as a whole, these provisions provide statutory imperatives for collecting data on homeless individuals and their needs. This section progresses from the most general of the statutory authorities to the most specific programmatic authorities.

Interagency Council on the Homeless

The McKinney-Vento Homeless Assistance Act directs the Interagency Council on the Homeless (ICH) to undertake a number of tasks on interagency coordination, evaluation, and reporting that mandate the collection and dissemination of information on homeless individuals and their needs:

(a) Duties.

The Council shall—

(1) Review all federal activities and programs to assist homeless individuals;

(2) Take such actions as may be necessary to reduce duplication among programs and activities by federal agencies to assist homeless individuals;

(3) Monitor, evaluate, and recommend improvements in programs and activities to assist homeless individuals conducted by federal agencies, state and local governments, and private voluntary organizations;

* * * * *

(5) Collect and disseminate information relating to homeless individuals;

(6) Prepare the annual reports required in subsection (c)(2) of this section; (Section 203(a), McKinney-Vento Homeless Assistance Act).

Each federal agency is required to report to the Council a description of each program to assist homeless individuals and the number of homeless individuals served by the program, impediments to the use of the program by homeless individuals and to obtain services and benefits and efforts by the agency to increase homeless assistance services. The Council, in turn, is required to submit an annual report to the President and Congress that:

(A) Assesses the nature and extent of the problems relating to homelessness and the needs of homeless individuals;

(B) Provides a comprehensive and detailed description of the activities and accomplishments of the Federal Government in resolving the problems and meeting the needs assessed pursuant to subparagraph (A); (Section 203(a), McKinney-Vento Homeless Assistance Act)

In the following excerpt from the 2001 Senate Report on the HUD Appropriations Act, at page 53, Congress further directed the revitalized Council to assess how mainstream programs can prevent homelessness.

The committee also recognizes that homelessness cannot be ended by homeless assistance providers alone—it requires the involvement of a range of federal programs. Accordingly it has included $500,000 for the staffing of the Interagency Council on the Homeless. It instructs the Council specifically to require HUD, HHS, Labor, and VA to quantify the number of their program participants who become homeless, to address ways in which mainstream programs can prevent homelessness among those they serve, and to describe specifically how they provide assistance to people who are homeless * * *

Comprehensive Housing Affordability Strategy/Consolidated Plan

Every jurisdiction that receives funding from certain HUD programs (HOME, Community Development Block Grant, Housing Opportunities for Persons with AIDS, Emergency Shelter Grants) must submit a comprehensive housing strategy that includes a section dealing with homeless needs. Every jurisdiction is required to:

describe the nature and extent of homelessness, including rural homelessness, within the jurisdiction, providing an estimate of the special needs of various categories of persons who are homeless or threatened with homelessness, including tabular presentation of such information; and a description of the jurisdiction's strategy for (A) helping low-income families avoid becoming homeless; (B) addressing the emergency shelter and transitional housing needs of homeless persons (including a brief inventory of facilities and services that meet such needs within that jurisdiction); and (C) helping homeless persons make the transition to permanent housing and independent living. (Section 105(a)(2), Cranston-Gonzalez National Affordable Housing Act (42 U. S. C. 12701 *et seq.*)

The implementing regulations and administrative directions detail how the 50 States, Puerto Rico, the territories, and over 1000 metropolitan cities and urban counties present narratives and data tables on homeless needs, current services, and the plans to address and prevent homelessness.

HUD'S McKinney-Vento Act Program Requirements

The McKinney-Vento Act contains a consistent philosophy and an accompanying set of statutory mandates concerning the framework for assessing homeless needs and addressing them with appropriate services. The McKinney-Vento Act also recognizes the importance of ensuring confidentiality in recordkeeping and public disclosure of information concerning homeless persons seeking domestic violence shelter and services. In addition, all of HUD's McKinney-Vento Act assistance must be consistent with the local jurisdiction's Consolidated Plan.

Emergency Shelter Grant (ESG) Program

Each governmental and nonprofit recipient of Emergency Shelter Grant (ESG) funds is required to certify to HUD that it will undertake certain responsibilities regarding the provision of services, including that:

* * * * *

(3) It will assist homeless individuals in obtaining—

(A) Appropriate supportive services, including permanent housing, medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living; and

(B) Other federal, state, local, and private assistance available for such individuals;

* * * * *

(5) It will develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under this subtitle and that the address or location of any family violence shelter project assisted under this subtitle will, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public;

(6) activities undertaken by the recipient with assistance under this subtitle are consistent with any housing strategy submitted by the grantee in accordance with Section 105 of the Cranston-Gonzalez National Affordable Housing Act (Sections 415(c)(3), (5) and (6), McKinney-Vento Homeless Assistance Act).

Supportive Housing Program

The Supportive Housing Program (SHP) funds transitional and permanent supportive housing and supportive services only projects that require grant recipients to collect specific information from clients concerning their qualification for services, their service needs, and progress toward assisting clients to independent living. HUD requires projects to report on the number and characteristics of clients served and their outcomes.

The statute provides that—

(a) IN GENERAL—To the extent practicable, each project shall provide supportive services for residents of the project and homeless persons using the project, which may be designed by the recipient or participants.

(b) REQUIREMENTS—Supportive services provided in connection with a project shall address the special needs of individuals (such as homeless persons with disabilities and homeless families with children) intended to be served by a project (Section 425 (a) and (b), McKinney-Vento Homeless Assistance Act).

The McKinney-Vento Act requires every project in the Supportive Housing Program to conduct an on-going assessment of client needs for services and their availability for the client. This information is necessary to assess the progress of the project in moving clients to independent living and to report to HUD. In addition, special protections on confidentiality of recordkeeping involving persons provided domestic violence services are specified.

Section 426 of the McKinney-Vento Homeless Assistance Act provides that—

(c) REQUIRED AGREEMENTS—The Secretary may not provide assistance for any project under this subtitle unless the applicant agrees—

(1) To operate the proposed project in accordance with the provisions of this subtitle;

(2) To conduct an ongoing assessment of the supportive services required by homeless individuals served by the project and the availability of such services to such individuals;

(3) To provide such residential supervision as the Secretary determines is necessary to facilitate the adequate provision of supportive services to the residents and users of the project;

(4) To monitor and report to the Secretary on the progress of the project;

(5) To develop and implement procedures to ensure (A) the confidentiality of records pertaining to any individual provided family violence prevention or treatment services through any project assisted through this subtitle, and (B) that the address or location of any family violence shelter project assisted under this subtitle will not be made public, except with written authorization of the person or persons responsible for the operation of such project;

* * * * *

(7) To comply with such other terms and conditions as the Secretary may establish to carry out this subtitle in an effective and efficient manner.

Shelter Plus Care Program

The Shelter Plus Care (SPC) Program funds tenant-, sponsor-, and project-

based rental assistance and rental assistance in connection with moderate rehabilitation for single room occupancy units in conjunction with supportive services funded from other sources for homeless persons with disabilities. Specific information is required to establish both the initial disability status of the client to enter the program and to ensure that appropriate supportive services are provided during the full term of the program to address the needs of the client and to meet the match requirement of the program.

* * * * *

Section 454(b) of the McKinney-Vento Homeless Assistance Act provides in part that—

(b) MINIMUM CONTENTS—The Secretary shall require that an application identify the need for the assistance in the community to be served and shall contain at a minimum—

* * * * *

(2) A description of the size and characteristics of the population of eligible persons;

* * * * *

(4) The identity of the proposed service provider or providers * * *;

(5) A description of the supportive services that the applicant proposes to assure will be available for eligible persons;

(6) A description of the resources that are expected to be made available to provide the supportive services required by section 453;

(7) A description of the mechanisms for developing a housing and supportive services plan for each person and for monitoring each person's progress in meeting that plan * * *

The McKinney-Vento Act also requires recipients to provide for ongoing client assessments and provision of needed services. Section 456 states that the Secretary may not approve assistance under this subtitle unless the applicant agrees—

(1) To operate the proposed program in accordance with the provisions of this subtitle;

(2) To conduct an ongoing assessment of the housing assistance and supportive services required by the participants in the program;

(3) To assure the adequate provision of supportive services to the participants in the program.

1.3 The Vision and the Development of a Local HMIS

The development of a local HMIS is about: (1) Bringing the power of computer technology to the day-to-day operations of individual service providers; (2) knitting together service providers in a more coordinated and effective service delivery system for the benefit of homeless clients; and (3) obtaining and reporting critical aggregate information about the characteristics and service needs of homeless persons. While some sophisticated service providers have developed in-house management information systems using technology of the time, many providers have not been able or willing to do so. Even those with working systems have not always been able to keep up with the latest technology. A number of communities have developed computer systems to manage large government programs (*e.g.*, New York, Philadelphia). Others have pioneered systems linking decentralized service providers around a centralized bed-registry (St. Louis) or other services, such as emergency utility assistance (Kansas City) or an information and referral system. In the mid-1990s, HUD and HHS supported a comprehensive planning effort to develop comprehensive intake and assessment software. While the Automated National Client-specific Homeless services Recording (ANCHoR) software developed as a result of that initiative did not meet expectations, much was learned from that effort.

Reflecting experiences at both local and national levels to develop and test first-generation HMIS software, today's most advanced HMIS software combines a number of functionalities to enhance individual service provider operations and to link providers together into a broader CoC data-sharing system. These functionalities include:

Client Profile: Client demographic data obtained at intake and exit.

Client Assessment: Information on clients' needs and goals, as well as case management or treatment plans.

Service Outcomes: Client-level data on services provided, progress, outcomes, and follow-up.

Information and Referral/Resource Directories: Timely data on the network of available services within the Continuum to determine eligibility and provide referrals. Some systems provide documentation and tracking of a referral from one provider to the next and messaging capability.

Operations: Operational functionality that permits staff to manage day-to-day activities, including bed availability, and incident reporting.

Accounting: Traditional accounting tools and special components to record service activity/expenditures against specific grants. Some systems have donor and fundraising elements.

All these functionalities provide local providers and agencies with the ability to generate reports on their internal operations and for various funders. Because each agency agrees to share certain information with the HMIS, there is also the ability to generate reports on the operations of the Continuum of Care system as a whole.

One of HUD's major goals in this HMIS initiative is to help individual homeless service providers access the very best computer technology to assist them in their day-to-day operations and to help increase the effective coordination of services in the Continuum of Care. To this end, HUD has developed several publications to assist local jurisdictions including: Homeless Management Information System Consumer Guide: A Review of Available HMIS Solutions, January 2003; and Homeless Management Information Systems: Implementation Guide, September 2002. These guides can be found at *http://www.hud.gov/offices/cpd/homeless/hmis/guide.*

The Benefits of an HMIS

An HMIS provides significant opportunities to improve access to, and delivery of, services for people experiencing homelessness. An HMIS can accurately describe the scope of homelessness and the effectiveness of efforts to ameliorate it. An HMIS can strengthen community planning and resource allocation.

Homeless Clients

An HMIS offers many benefits to persons seeking and receiving homeless assistance services. Homeless clients can benefit from more effective and streamlined referrals from on-line information and referral and service directories. Clients can benefit from enhanced intra-agency coordination. For example, advanced HMIS software has been developed that both calculates client eligibility for multiple programs and generates ready-to-sign applications for those programs.

If information about clients is shared across providers, these systems can be used to reduce the number of times that clients are required to complete intake forms and assessments. They also allow providers to coordinate and track activities and services more effectively within a locality, streamline the referral process, and improve case management services for homeless clients. Finally, homeless persons benefit from the Continuum of Care's ability to better understand their characteristics and needs as well as the system's effectiveness in responding to homelessness in general and the unique

needs of various homeless subpopulations.

Service Providers

An HMIS offers front-line service staff tools for providing more effective client services through improved referrals, interagency case management, and service coordination. At local discretion, an HMIS can be used as an operational tool to share assessments of client needs, to link clients to needed services from multiple providers, to track the provision of services across providers, and to determine the current location of clients within the service system. Many communities have already used HMIS in this way, and many more are likely to do so. Agency administrators can better manage operational information through ready access to a variety of agency, program, and client reports.

Through funding and technical assistance, HUD intends to help communities develop HMIS to facilitate service delivery.

The Local Continuum of Care

Policy makers and advocates benefit from access to CoC data that describe the extent and nature of homelessness and provide a greater understanding of service usage, effectiveness, and gaps. This information can be used to target limited resources and inform planning and policy decisions. Local CoCs can use HMIS to demonstrate the size and characteristics of their homeless population and current patterns of service use by that population, including access to mainstream services. CoCs can and should use analysis of HMIS data to demonstrate the need for additional resources to public and private funding sources. HMIS data can also be used to understand how to realign housing resources and service delivery within the CoC and how to create the links to mainstream programs that are essential to the prevention of homelessness and to sustaining formerly homeless people in permanent housing. Compared to other commonly used methods for gathering information on homeless persons, notably point-in-time census counts, HMIS present local CoCs with the opportunity to obtain significantly better data about homelessness in their communities and to analyze that information over time.

National Policy Makers

HMIS will also help national policy makers and advocates more effectively address homelessness. Congress has charged HUD with producing an Annual Homeless Assessment Report (AHAR) based on HMIS data. To carry out that responsibility, HUD is developing the national HMIS data and technical standards described in this notice. In addition, HUD will develop a representative sample of 80 jurisdictions and will help those jurisdictions develop their HMIS, collect good quality data, and conduct analysis to support unduplicated counts of homeless service users and their characteristics at the local level. Analysis of HMIS data from the 80-jurisdiction sample will form the core of the AHAR and will enable Congress and HUD to better understand the needs of homeless persons and target federal resources accordingly.

HUD also has responsibility for funding and monitoring several McKinney-Vento Act programs. HMIS will make it possible for HUD to request—and grantees to provide—information for Annual Progress Reports that will enable HUD to report program results to Congress and the American public as required by the Government Performance Results Act and to meet its administrative and program responsibilities.

1.4 Major HMIS Policy Decisions

A National Client—Level HMIS or Annual Progress Report (APR) Database Will Not Be Created

The HMIS initiative will include no federal effort to track homeless people and their identifying information beyond the local level. HUD has no plans to develop a national client-level database with personal identifiers of homeless service users, having concluded that such plans would create serious impediments to provider participation in local HMIS and to client recourse to local services. This consideration was weighed against the advantages of a national database with personal identifiers that could be used to more accurately identify mainstream service use by homeless persons and analyze data on the characteristics of homeless persons nationwide. It was decided that these objectives can be accomplished through analysis of de-identified HMIS data compiled from CoCs across the country.

Certain Data Must Be Collected by CoCs To Obtain an Unduplicated Count of Homeless Persons and To Fulfill Program Requirements

In order to obtain an unduplicated count of homeless persons at the CoC level, a data standard is proposed for all local HMIS that requires homeless clients be asked for personal identifying information, including name, date of birth, and Social Security number, when seeking housing or services. At the time that personal identifying information is collected from each client, he or she must be given an explanation of how the information will be used, how it will be protected, and the advantages of providing accurate information. Standards for notification about the purposes of data collection, non-disclosure, and protection of data are discussed in Part 4 of this notice.

Providers will be required to report the client-level data specified in this notice on a regular basis to a central data storage facility. The CoC will be responsible for aggregating the data and preparing an unduplicated local count of homeless persons. This body must also retain the data for a period of five years adhering to the security provisions set forth in Part 4 of this notice.

In addition to data required for creating unduplicated counts, HUD, other federal agencies, state and local governments, and private funders of homeless services often require certain information to determine eligibility for housing or services or to assess needed services. This eligibility-related information is often statutory and/or regulation-based and is contained in provider agreements. Therefore, some providers are required to obtain certain information from homeless persons as a condition for receiving services. (See HUD's McKinney-Vento Act client-eligibility and assessment program requirements above.) Exceptions to this requirement may occur in outreach programs to the street homeless or other nonresidential-based services such as soup kitchens. In such cases, an intake is often not taken, or even possible, and no information is required to access the service. It is not HUD's intention that clients be denied service if they refuse to supply identifying information.

Sharing of HMIS Data Among Providers Is Encouraged But Not Required

While local providers will be required to report a limited amount of client-level data to a CoC's central data storage facility on a regular basis, sharing of HMIS data among providers within the CoC is not required by HUD and is at the discretion of each CoC. CoCs that share data may choose to share all of the information that is collected about clients or limit that information to a small number of data elements. If the CoC decides to share limited data among providers, it should allow access to at least the name, Social Security number, and birthdate of the persons served in order to determine whether the individual who is applying for services was previously served within the CoC.

Sharing of HMIS information among providers within a CoC allows local providers and clients to obtain maximum benefits from such systems. From an operational perspective, it improves the ability of service provider staff to coordinate and deliver services to homeless clients. From a policy and research perspective, sharing enables the CoC to obtain most efficiently and accurately an unduplicated count of homeless persons at the CoC level, analyze its needs and service patterns, and determine the extent to which mainstream programs are serving homeless persons.

Regardless of whether sharing among providers occurs or not, protected personal identifiers must be encrypted within the HMIS using the highest current standards. Unencrypted data should only be accessible through the local HMIS application at the site. Encryption standards are discussed in Part 4 of this notice.

Special Provisions for Domestic Violence Shelters

Domestic violence shelters and other programs targeting victims of domestic violence play an important role in many CoCs and have received significant funding through local Continuums. Domestic violence victims are also served in many general purpose emergency and transitional facilities funded by HUD. HUD is aware of, and is sensitive to, the data confidentiality and security concerns that many domestic violence shelters have with respect to their participation in a local HMIS. HUD is also aware of a range of provider practices and protocols for collecting intake and other information from clients who are victims of domestic violence.

As mentioned in Section 1.2, the ESG and SHP programs have specific domestic shelter/victims protections. These programs must still aggregate basic demographic and other information to submit to the ESG Integrated Disbursement and Information System (IDIS) and/or the SHP Annual Progress Report. The key to many domestic shelters' participation in existing HMIS hinges on the availability of sophisticated specific HMIS software that addresses data security issues and the protocols for data security, confidentiality, and sharing developed at the local level.

At a minimum, HUD will not expect a domestic violence shelter it funds to participate in a local HMIS where HMIS software or data protocols raise a significant risk to its clients. In addition, providers of homeless assistance services will not be required to report personal identifying information for victims of domestic violence or for people in witness protection programs to a central storage facility given the unique concerns about personal safety for these populations. However, providers will be expected to provide unduplicated project-level data about participant characteristics without personal identifiers.

It should be emphasized that HMIS have the potential for providing valuable data concerning domestic violence victims' needs at the local and national levels. HUD invites continued dialogue with domestic violence shelters and advocates concerning appropriate national data and technology standards to protect domestic violence victims and encourage participation in local HMIS, thus extending HMIS benefits to victims of domestic violence.

1.5 Who Must Participate in Homeless Management Information Systems

Given the benefits of an HMIS for improving housing and service provision at the local level and providing accurate estimates of the homeless population and its needs, all recipients of HUD McKinney-Vento Act program funds are expected to participate in an HMIS. The HUD McKinney-Vento Act programs include Emergency Shelter Grants, Supportive Housing Program, Shelter Plus Care, and Section 8 Moderate Rehabilitation for Single Room Occupancy (SRO). In the FY 2003 funding notices for the Supportive Housing, Shelter Plus Care, and Section 8 SRO Moderate Rehabilitation programs, HUD announced that providing data to an HMIS is a condition of funding for grantees. It is expected that all recipients of Housing Opportunities for Persons with AIDS (HOPWA) funding whose projects intentionally target assistance, conduct outreach, and/or conduct other specialized efforts to serve HOPWA eligible persons who are homeless, should ensure that reporting on assistance to these persons is integrated within the area's HMIS efforts. HOPWA projects that serve homeless persons are expected to, and strongly encouraged to, participate in the area's HMIS.

The annual CoC application requires information about a CoC's progress in developing and implementing its HMIS. This information is used to rank CoCs in order to determine annual program funding. The application questions will be more detailed in the future to make possible an accurate determination of the extent of coverage and stage of implementation of each HMIS.

Recipients of funds under most HUD McKinney-Vento Act programs and HOPWA are required to submit Annual Progress Reports (APRs) to HUD. In the future, much of the information to be included in APRs will be derived from HMIS data. This will be possible since guidelines for reporting to the APR will reflect the data standards set forth in this notice and used in the HMIS. HUD will also be considering the value of automatic submission of aggregate APR data. For ESG and HOPWA grantees and recipients who are covered under the area's Consolidated Plan, performance reporting involves the annual submission of a Comprehensive Annual Performance Evaluation Report (CAPER) along with the use of the Department's Integrated Disbursement and Information System (IDIS). HMIS will also provide a valuable tool to communities to provide the basic data that will be used to inform the performance reports used for these formula programs.

HUD may at some point use an APR driven by HMIS data to measure the performance of both McKinney-Vento Act program grantees and CoC more generally. Should that occur, performance indicators would be developed through a process of consultation with providers of services to homeless persons. Performance indicators would need to be carefully designed to include appropriate adjustments for the characteristics of the population served by a CoC and individual providers and the nature of the services provided. CoC grantees and software developers would be given sufficient time to adopt enhancements to their systems to accommodate these new outcome indicators.

1.6 Staging of Local HMIS Implementation

HUD recognizes that developing and implementing an HMIS is a difficult and time-consuming process and must necessarily be done in stages. A CoC's first priority is to bring on board the emergency shelters and transitional housing programs that receive HUD McKinney-Vento Act funding. However, HUD also encourages CoCs to actively recruit providers that receive HUD funding through sources other than the McKinney-Vento Act. These providers should be included in the HMIS as early as possible.

Other federal agencies that fund McKinney-Vento Act programs have their own data collection and reporting requirements. Key federal agency representatives were invited and participated in consideration of proposed HMIS data elements for this

notice. HUD continues to work with those agencies to maximize standardization of McKinney-Vento Act reporting requirements and to broaden adoption of HMIS-based data.

The inclusion of any other local homeless assistance programs in an HMIS is encouraged, but it is a matter of local choice and will depend on the nature of the local service system. The decision to include other programs may require local HMIS designers to make trade-offs between the desirability of including as many homeless service providers as possible and the feasibility of obtaining high quality data. At the same time, given the benefits of HMIS to clients, service providers, and the larger CoC system, a high degree of coverage is both desirable and advantageous.

As the later standards indicate, HUD does not expect every CoC to implement the widest range of functionality for every homeless shelter and service provider in the short-run. HUD encourages CoCs to focus initially on developing demographic information about homeless clients. However, it should be noted that client assessment and service outcome modules are valuable tools to track client needs and progress. This greater level of data collection will enhance the ability of individual providers and CoCs to document client needs and ensure program requirements are met.

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Priority Participation* in HMIS

By Program Type

		Residential				
		Emergency	Transitional	Permanent Supportive Housing	Homeless Prevention	Outreach To Street
McKinney Vento HUD Programs	Supportive Housing	1	1	2	NA	1
	Shelter Plus Care	NA	NA	2	NA	NA
	Section 8 Single Room Occupancy	NA	NA	2	NA	NA
	Emergency Shelter Grants	1	1	NA	3	NA
Other HUD Homeless Programs	Housing Opportunities for Persons with AIDS	1	1	2	NA	1
	Community Development Block Grants	1	1	NA	NA	1
	HOME	NA	1	2	NA	NA
Other Federal Programs	Emergency Food and Shelter (FEMA)	1	1	NA	3	NA
	Runaway and Homeless Youth (HHS)	1	1	NA	NA	1
	Projects for Assistance in Transition from Homelessness (PATH)(HHS)	1	1	NA	NA	1
	Traditional Living for Homeless Youth (HHS)	NA	1	NA	NA	NA
	Family Violence Prevention and Services (HHS)	1	1	NA	NA	1
	Health Center Grants for Homeless Persons (Health Care for the Homeless)(HHS)	NA	NA	NA	NA	1
	Violence Against Women Grants (DOJ)	1	1	NA	NA	1
	VA Homeless Providers Grants and Per Diem	1	1	NA	NA	1
	Non Federally Funded Service Providers	1	1	3	NA	1

*** The Department expects that communities will set priorities for HMIS participation by beginning with activities designated as "1", then "2" and finally "3"**

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1.7 Why Uniform Data Standards Are Necessary

Uniform data standards are needed so that CoCs across the country can generate HMIS-based reports with comparable data elements, definitions, and comprehensiveness. The consistency of the HMIS reports will make it possible to compare the characteristics of homeless populations and the services provided both within and across CoCs. The data collection methods specified in the data standards also provide safeguards to the vulnerable populations that are the subjects of an HMIS.

To advise HUD in developing the data standards set forth in Parts 2 and 3 of this notice, HUD assembled a group of experts on August 27 and 28, 2002. The experts included representatives from CoCs with more advanced HMIS systems, experts from federal agencies that collect data on vulnerable populations, researchers on homelessness, advocacy organizations, and providers of technical assistance to communities that have developed HMIS.

Based on the advice provided in those meetings and following further consultations with those experts and other homelessness specialists, HUD has determined that there are three levels of data that may be included in an HMIS: Universal data elements, program-level data elements, and elective data elements. Only the universal and program-level data elements are discussed in the sections of the notice (Parts 2 and 3) that describe data standards.

- Universal data elements are to be collected from all clients served by all programs reporting to the HMIS. These data elements are needed for CoCs to understand the basic dynamics of homelessness on the local level and for HUD to meet the Congressional direction for an unduplicated count of homeless service users at the local level and a description of their characteristics. Any personal identifiers collected in accordance with these standards shall be encrypted and subject to severely restricted access.
- Program-level data elements are elements to be collected from clients served by programs—federal, state, or local—that include an assessment of the client's needs as a basic element in their provision of service. That assessment elicits key information used to plan service delivery (in some cases), determine eligibility for services, track the provision of services, and record outcomes. Program funders may require the collection of certain program-level data elements as part of their annual reporting requirements. Several projects under HUD's McKinney-Vento Act programs, including the Supportive Housing Program, Shelter Plus Care, and Section 8 Moderate Rehabilitation for Single Room Occupancy Dwellings, and for Housing Opportunities for Persons with AIDS (HOPWA), intentionally target assistance, conduct outreach, and/or conduct other specialized efforts to serve HOPWA eligible persons who are homeless. For these projects, program participants should ensure that reporting on assistance to persons who are homeless is integrated within the area's HMIS efforts. HOPWA projects that serve homeless persons are expected to, and encouraged to, participate in the area's HMIS. This is discussed in more detail in Part 3 of this notice.

Program-level data elements include private or sensitive information on topics such as income, physical disabilities, behavioral health status, and whether the client is currently at risk of domestic violence. At the time this information is collected, the client will be told the purpose for which the question is being asked and the way in which the client may benefit from answering the question (for example, by suggesting need or eligibility for a particular service). Local CoCs will have to establish firm policies and procedures to protect against unauthorized disclosure of personal information. This will be discussed in more detail in Part 4 of this notice.

- Elective data elements are any data elements not specified as universal or program-level. Some HMIS, particularly those used directly as a tool in the provision of services, may be very complex. Particular programs (or the entire local CoC) may wish to collect assessment, service tracking, and outcome information in more detail than required by the uniform HMIS standards. For example, with regard to behavioral health, a program may wish to capture significantly more information about a client's psychiatric history or current status than is specified under the program-level data elements. Such elective data elements and response categories are developed at the discretion of each CoC. However, if the CoC or a local provider collects more information than is required by the HMIS data standards, the CoC or provider must be able to transform the more detailed data into the broader data elements and response categories of HMIS data standards.

Furthermore, HMIS are not limited to the topics covered by the data elements in this notice. Local patterns for delivery of services and local decisions on the scope of participation in the HMIS may call for additional data collection modules that are entirely different from the data elements that are the subject of this notice.

The next two parts of the notice set forth the HMIS data standards. Part 2 presents the universal data elements to be collected from all clients. Part 3 presents program-level data elements to be collected from clients in certain types of programs. Recommended data collection guidelines, question wording, and required response categories are provided for each data element, and, when appropriate, there is a discussion of special issues. Part 4 of this notice describes in more detail the standards for data confidentiality and security to which an HMIS will be expected to adhere. Finally, Part 5 addresses technical standards for the creation of data systems.

2. Data Standards for Universal Data Elements

HUD has determined that some data elements should be collected by all agencies serving homeless persons. HUD carefully weighed the reporting burden of the universal data elements against the importance of the information for producing meaningful reports. Of special concern to HUD was the reporting burden for shelters that register large numbers of applicants on a nightly basis, with little time to collect information from each applicant. As a result, the number of universal data elements was kept to a minimum, and the ease of providing the information requested was considered for each element.

The Department is inviting comments on how Homeless Management Information Systems can be used to measure chronic homelessness. At present, the universal data standards will provide information on the month and year a homeless individual left his or her last permanent address. Further, HMIS will generate information on shelter stays and homelessness episodes over time. However, given shelter worker demands and other considerations, a determination of disability is currently outside the scope of what is collected as part of the universal data elements.

The universal data elements include:

- 2.1: Name
- 2.2: Social Security Number
- 2.3: Date of Birth
- 2.4: Ethnicity and Race
- 2.5: Gender
- 2.6: Veteran Status
- 2.7: Residence Prior to Program Entry

- 2.8: Zip Code of Last Permanent Address
- 2.9: Month and Year Person Left Last Permanent Address
- 2.10: Program Entry Date
- 2.11: Program Exit Date
- 2.12: Unique Person Identification Number
- 2.13: Program Identification Number
- 2.14: Program Event Number
- 2.15: Household Identification Number
- 2.16: Children's Questions

Data elements 2.1 through 2.11 require that staff from a homeless assistance agency enter information provided by a client into the HMIS database. For each of these data elements one or more questions and multiple response categories are provided. There is no requirement that the questions appear on the computer screens generated by the HMIS application. At the same time, staff are highly encouraged to use them.

The response categories are required and the HMIS application must include these responses exactly as they are presented in this section. Part 5 of this notice, Technical Standards, discusses approaches for handling missing response categories throughout the HMIS application.

The universal data questions must be asked of each adult who applies for a homeless assistance service. Where a group of persons apply for services together (as a household or family), the intake worker will first ask for information from the household head who is applying for services and then request information from him/her about any children under the age of 18 who are applying for services with the household head. (The children do not need to be present at the time the household head applies for services.) Any other adults (18 years of age or older) who are applying for services with this group of persons will be interviewed separately. One adult should not provide information for another adult.

Because this section follows an interview format, all of the data elements that are asked of an adult are presented first in this section, followed by the data elements that are required for any children (presented in 2.16).

Elements 2.12 to 2.15 are automatically generated by the data collection software, although staff inquiries are essential for the proper generation of these elements.

All protected personal information, including data elements 2.1, 2.2, 2.3, 2.8, 2.10, 2.11, 2.12, and 2.13 will be encrypted using at least 128-bit encryption standards. This will render the data unusable to any casual viewer, as the information will not be able to be unencrypted and viewed except through the local HMIS application. Jurisdictions must have the capacity to unencrypt HMIS data at the local level. HMIS user access to this information will be highly restricted in accordance with Part 4 of this notice.

2.1 Name

Rationale: The first, middle, and last names should be collected to support the unique identification of each person served.

Data Collection Methods: Interview or self-administered form.

When Data Are Collected: Upon initial program entry or as soon as possible thereafter.

Subjects: All adults and children served.

Recommended Interview Questions and Required Response Categories:

Q: ''What is your first, middle, and last name?'' (legal names only; avoid aliases or nicknames)

_____

(example: John David Doe, Jr.)

88—Don't know
99—Refused

Q: ''Have you ever received services under a different name?''

0—No
1—Yes
88—Don't know
99—Refused

If yes:

Q: ''What was the other name under which you received services?''

_____

Special Issues: Four fields should be created in the HMIS database to capture suffixes such as ''Junior'' or ''II'' in addition to their full first, middle, and last names. Part 5 of this notice discusses how to treat missing information for open-ended questions.

This data standard should be treated as a protected personal identifier and is subject to the security standards for personal identifiers set forth in Part 4 of this notice.

2.2 Social Security Number

Rationale: The Social Security number should be collected to support the unique identification of each person served.

Data Collection Methods: Interview or self-administered form.

When Data Are Collected: Upon initial program entry or as soon as possible thereafter.

Subjects: All adults and children served.

Recommended Interview Questions and Required Response Categories:

Q: ''What is your Social Security number?'' (use ''X'' for missing numbers) [If client declines to provide his/her SSN, he/she cannot be declined services on that basis].

_____/____/____ ____ (example: 123 45 6789, or 123 45 XXXX)

77—Does not have a Social Security number
88—Don't know
99—Refused

Special Issues: Clients cannot be denied services if they refuse to provide their Social Security number.

Although the HMIS application's data entry form may include hyphens within the SSN to improve readability, one alphanumeric field without hyphens should be created within the HMIS database.

This data standard should be treated as a protected personal identifier, and is subject to the security standards for personal identifiers set forth in Part 4 of this notice.

2.3 Date of Birth

Rationale: The date of birth can be used to calculate the age of persons served at time of program entry or at any point in receiving services. It will also support the unique identification of each person served.

Data Collection Methods: Interview or self-administered form.

When Data Are Collected: Upon initial program entry or as soon as possible thereafter.

Subjects: All adults and children served.

Recommended Interview Questions and Required Response Categories:

Q: ''What is your birth date?'' (use ''X'' for missing numbers)

____/____/_____(example: 01/31/2002, or 01/XX/2002)(Month) (Day) (Year)

If complete birth date is not known:

Q: ''In what year were you born?''

_____
88—Don't know
99—Refused

Q: ''In what month were you born?''

_____
88—Don't know
99—Refused

If neither year nor month of birth is known:

Q: ''What is your age?''

_____ years old
88—Don't know
99—Refused

Special Issues: One date-format field for complete birth dates should be created in the HMIS database.

This data standard should be treated as a protected personal identifier, and is subject to the security standards for personal identifiers set forth in Part 4 of this notice.

2.4 Ethnicity and Race

Rationale: Ethnicity and race can be used to count the number of homeless persons who identify themselves as Hispanic and to count the number of homeless persons who identify themselves within five different racial categories. In the October 30, 1997, issue of the **Federal Register** (62 FR 58782), the Office of Management and Budget (OMB) published ''Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity.'' All existing federal recordkeeping and report requirements must be in compliance with these Standards as of January 1, 2003.

Data Collection Methods: Interview or self-administered form. Staff observations should not be used to collect information on ethnicity and race.

When Data Are Collected: Upon initial program entry or as soon as possible thereafter.

Subjects: All adults and children served.

Recommended Interview Questions and Required Response Categories:

Ethnicity

Q: ''Are you Hispanic or Latino?''

0—No (Non-Hispanic/Non-Latino)
1—Yes (Hispanic or Latino)
88—Don't know
99—Refused

Race

Q: ''What is your race (you may name more than one race)?''

1—American Indian or Alaska Native (A person having origins in any of the original peoples of North and South America—including Central America—and who maintains tribal affiliation or community attachment.)
2—Asian (A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.)
3—Black or African American (A person having origins in any of the black racial groups of Africa. Terms such as ''Haitian'' or ''Negro'' can be used in addition to ''Black or African American''.)
4—Native Hawaiian or Other Pacific Islander (A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.)
5—White (A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.)
88—Don't know
98—Not applicable
99—Refused

Special Issues: The HMIS should treat race as five separate fields to account for multiple race responses. For instance, if a respondent identifies herself as White and Asian, code ''5'' is recorded in the first data field, ''2'' is recorded in the second data field, and ''98'' (Not applicable) in the remaining data fields.

2.5 Gender

Rationale: To create separate counts of homeless men and homeless women served.

Data Collection Methods: Interview, observation, or self-administered form.

When Data Are Collected: Upon initial program entry or as soon as possible thereafter.

Subjects: All adults and children served.

Recommended Interview Questions and Required Response Categories:

Q: ''Are you male or female?''

0—Male
1—Female
88—Don't know
99—Refused

Special Issues: The gender questions are meant to capture the self-perceived sexual identity of the person interviewed and the caregiver's perception of the children who are with him/her. If the person replies that he/she is unsure of gender for any member of the household, the interviewer should record ''Don't know.''

Programs may add a ''transgender'' category as needed. However, for reporting purposes this category will be represented as ''Don't know.''

2.6 Veteran Status

Rationale: To determine the number of homeless veterans.

Data Collection Methods: Interview or self-administered form.

When Data Are Collected: Upon initial program entry or as soon as possible thereafter.

Subjects: All adults served.

Recommended Interview Question and Required Response Categories:

Q: ''Have you ever served on active duty in the Armed Forces of the United States?''

0—No
1—Yes
88—Don't know
99—Refused

Special Issues: The ''Armed Forces'' do not include inactive military reserves or the National Guard unless the person has been called up to active duty.

2.7 Residence Prior to Program Entry

Rationale: To identify the type of residence experienced just prior to program admission.

Data Collection Methods: Interview or self-administered form.

When Data Are Collected: Upon initial program entry or as soon as possible thereafter.

Subjects: All adults and, if necessary, children served.

Recommended Interview Questions and Required Response Categories:

Q: ''Where did you stay last night?''

1—Emergency shelter
2—Transitional housing for homeless persons
3—Permanent housing for formerly homeless persons
4—Psychiatric facility
5—Substance abuse treatment facility
6—Hospital
7—Jail
8—Prison
9—Hotel or motel
10—Foster care home
11—Own room, apartment, or house
12—Living with someone else (family and friends)
13—A car or other vehicle
14—An abandoned building
15—At a transportation site (bus station, airport, subway station, etc.)
16—Anywhere outside (streets, parks, campgrounds, cardboard boxes, etc.)
17—Other
88—Don't know
99—Refused

Q: ''How long did you stay at that place?''

1—Less than one week
2—One to two weeks
3—Three weeks to one month
4—Two to three months
5—Four to six months
6—Seven months to one year
7—More than one year
88—Don't know
99—Refused

Special Issues: This standard does not preclude the collection of residential history information beyond the residence experienced the night prior to program admission.

2.8 Zip Code of Last Permanent Address

Rationale: To identify the former geographic location of persons experiencing homelessness.

Data Collection Methods: Interview or self-administered form.

When Data Are Collected: Upon initial program entry or as soon as possible thereafter.

Subjects: All adults and, if necessary, children served.

Recommended Interview Questions and Required Response Categories:

Q: ''What is the zip code of the apartment, room, or house where you last lived for six consecutive months or more?''

_____(5 digits)
88—Don't know
99—Refused

If zip code is unknown, ask:

Q: ''What was the street address?''

_____ _____ __
(Number and Street) (City) (State)

Special Issues: If the last permanent address was institutional (*e.g.*, prison, psychiatric hospital), ask for its address. If a street address is provided, three separate fields for number/street, city, and state should be generated. Use standard state abbreviations for the state data field. Part 5 of this notice discusses how to treat missing information for open-ended questions.

This data standard should be treated as a protected personal identifier and is subject to the security standards for personal identifiers set forth in Part 4 of this notice.

2.9 Month and Year Person Left Last Permanent Address

Rationale: To estimate the amount of time a person has been homeless or unstably housed.

Data Collection Methods: Interview or self-administered form.

When Data Are Collected: Upon initial program entry or as soon as possible thereafter.

Subjects: All adults and, if necessary, children served.

Recommended Interview Question and Required Response Categories:

Q: ''What month and year did you leave the last apartment, room, or house where you lived for six months or more?'' (use ''X'' for missing numbers)

____/_____ (example: 01/2002, or XX/2002) (Month) (Year)
88—Don't know
99—Refused

2.10 Program Entry Date

Rationale: To calculate the length of stay in a homeless residential program or the amount of time spent participating in a services-only program.

Data Collection Methods: Recorded by the staff responsible for registering program entrants.

When Data Are Collected: Upon any program entry (whether or not it is an initial program entry).

Subjects: All adults and children served.

Recommended Interview Question and Required Response Categories:

____/____/_____(example: 01/31/2002) (Month) (Day) (Year)

Special Issues: For a shelter visit, this date would represent the first day of residence in a shelter program following residence outside of the shelter or in another program. For example, the first date of service may be the date a person is admitted into a shelter, after residing in an abandoned building or with relatives the night before. It may also represent the first date of residence in a transitional program after transferring from an emergency shelter program. For services, this date may represent the day a service was provided, or the first date of a period of continuous service. For example, if a person receives daily counseling as part of an ongoing treatment program, the first date of service could be the date of enrollment in the treatment program.

Any return to a program one day or more after the last date of utilization must be recorded as a new program entry date.

This data standard should be treated as a protected personal identifier and is subject to the security standards for personal identifiers set forth in Part 4 of this notice.

2.11 Program Exit Date

Rationale: To calculate the length of stay in a homeless residential program or the amount of time spent participating in a services-only program.

Data Collection Methods: Recorded by the staff responsible for monitoring program utilization or conducting exit interviews.

When Data Are Collected: Upon any program exit.

Subjects: All adults and children served.

Recommended Interview Question and Required Response Categories:

____/____/_____ (example: 01/31/2002) (Month) (Day) (Year)

Special Issues: For a shelter visit, this date would represent the last day of residence in a shelter program before the day that the client transfers to another residential program or otherwise leaves the shelter. For example, the last date of service would be the last night the person stayed at the shelter prior to moving into permanent or transitional housing, or failing to return to the shelter. For services, this date may represent the day a service was provided or the last date of a period of continuous service. For example, if a person has been receiving daily counseling as part of an ongoing treatment program and either formally terminates their involvement or fails to return for counseling, the last date of service could be the date of termination or date of the last counseling session.

If a client has not utilized a program for one day or more, the last day of utilization must be recorded as the program exit date.

This data standard should be treated as a protected personal identifier and is subject to the security standards for personal identifiers set forth in Part 4 of this notice.

2.12 Unique Person Identification Number

Rationale: Every client receiving homeless assistance services within a CoC is assigned a Personal Identification Number (PIN), which is a permanent and unique number generated by the HMIS application. The PIN is used to obtain an unduplicated count of persons served within a CoC.

Data Collection Methods: Where data are shared across programs in a CoC, staff will determine at intake whether a client has been previously assigned a PIN. To make this determination, the staff enters personal identifying information (Name, Social Security Number, Date of Birth, and Gender) into the HMIS application. The application then searches a CoC's centralized database for matching records. If a match is found and a PIN is retrieved, the same PIN will be assigned to the client. If no matches are found, a new randomly generated PIN is assigned to the client.

Where data are not shared across programs, programs will provide client-level information on a regular basis to the CoC system administrator. The CoC administrative staff are responsible for assigning PINs by searching and matching client records using personal identifying information.

When Data Are Collected: When data are shared across programs, upon program entry or as soon as possible thereafter. When data are not shared across programs, the assignment of PINs occurs after client records are submitted to the CoC system administrator.

Subjects: All adults and children served.

Recommended Interview Question and Required Response Categories:

The following question may facilitate the search for an existing Personal Identification Number:

Q: ''Have you ever been served by this [name of facility or program] before?''

0—No
1—Yes
88—Don't know
99—Refused

Special Issues: The PIN is a random number automatically generated by the

HMIS application (see Part 5 of this notice).

This data standard should be treated as a protected personal identifier and is subject to the security standards for personal identifiers set forth in Part 4 of this notice.

2.13 Program Identification Number

Rationale: Program identification numbers will indicate the geographic location of a program, its facility and CoC affiliation, and whether the program is a street outreach, emergency shelter, transitional housing, permanent supportive housing, or services-only type of program.

Data Collection Methods: Selected by staff from a list of programs available within a particular agency or the CoC. Upon selection of a program from the list, the HMIS application will assign the program identification number to the client's record.

When Data Are Collected: Upon any program entry (whether or not it is an initial program entry).

Subjects: All adults and children served.

Special Issues: The program identification number will be constructed in a way that identifies the geographic location of a program, its facility and CoC affiliation, and whether it is a street outreach, emergency shelter, transitional housing, permanent supportive housing, or services-only type of program. On an HMIS data entry screen, program staff may view and select from a listing of programs. The HMIS application then generates the program identification number. For more information, see Part 5 of this notice. This data standard should be treated as a protected personal identifier and is subject to the security standards for personal identifiers set forth in Part 4 of this notice.

2.14 Program Event Number

Rationale: To distinguish the unique episodes of program service utilization.

Data Collection Methods: A Program Event Number is automatically generated for each episode of service by the HMIS application. The number is generated from program entry and exit dates, program identifier numbers, and Personal Identification Numbers.

Subjects: All adults and children served.

Special Issues: This number is necessary for identifying unique episodes of program service utilization. It is particularly useful when a client has received multiple services from a single program or provider on the same day. For example, if a client receives mental health counseling and general medical services from a single provider on the same day, separate program event numbers will be generated for each service. For more information, see Part 5 of this notice.

2.15 Household Identification Number

Rationale: To count the number of households served.

Data Collection Methods: Interview or staff observation that client is participating in a program with other members of a household.

When Data Are Collected: Upon any program entry (whether or not it is an initial program entry) or as soon as possible thereafter. Persons can join a household with members who have already begun a program event, or leave a program although other members of the household remain in the program.

Subjects: All adults and children served.

Recommended Interview Questions and Required Response Categories:

If it is not evident that others are applying for or receiving assistance with the client, then ask:

Q: ''Who else is applying for (or receiving) assistance with you?''

Q ''What is their first, middle, and last name?'' (legal names only; avoid aliases and nicknames)

_____

(example: John David Doe, Jr.)

88—Don't know

99—Refused

Special Issues: A household is a group of persons who together apply for and/or receive a specific homeless assistance service.

A common household identification number should be assigned to each member of the same household. Individuals in a household (adults and/or children) who are not present when the household initially applies for assistance and later join the household should be assigned the same household identification number that links them to the rest of the persons in the household. Part 5 of this notice discusses how to treat missing information for open-ended questions.

See section 2.16 for questions that may be asked about household members under 18 years of age.

2.16 Children's Questions

Recommended Interview Questions and Required Response Categories:

Name

Q. ''Do you have any children under 18 years of age with you?''

0—No

1—Yes

88—Don't know

99—Refused

If yes,

Q: ''What is (are) the first, middle, and last name(s) of the child(ren) with you?''

_____

(example: Jane Mary Doe)

88—Don't know

99—Refused

Social Security Number

Q: ''What is (are) the Social Security number(s) for [name of child]?'' (use ''X'' for missing numbers)

_____ ____ _____ (example: 123 45 6789 or 123 45 XXXX)

77—Does not have a Social Security number

88—Don't know

99—Refused

Date of Birth

Q: ''What is the birth date of [name of child]?'' (use ''X'' for missing numbers)

____/____/_____ (example: 01/31/2002 or 01/XX/2002) (Month) (Day) (Year)

If complete birth date(s) is(are) not known:

Q: ''What year was [name of child] born in?''

_____

88—Don't know

99—Refused

Q: ''What month was [name of child] born in?''

_____

88—Don't know

99—Refused

If neither year nor month of birth is known:

Q: ''What is the age of [name of child]?''

_____years old

88—Don't know

99—Refused

Ethnicity

Q: ''Is [name of child] Hispanic or Latino?''

0—No (Non-Hispanic/Non-Latino)

1—Yes (Hispanic or Latino)

88—Don't know

99—Refused

Race

Q: ''What is the race of [name of child] (you may name more than one race)?''

1—American Indian or Alaska Native (A person having origins in any of the original peoples of North and South America—including Central America—and who maintains tribal affiliation or community attachment.)

2—Asian (A person having origins in any of the original peoples of the Far

East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.)

3—Black or African American (A person having origins in any of the black racial groups of Africa. Terms such as ''Haitian'' or ''Negro'' can be used in addition to ''Black or African American''.)

4—Native Hawaiian or Other Pacific Islander (A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.)

5—White (A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.)

88—Don't know

98—Not applicable

99—Refused

Gender

Q: ''Is [name of child] male or female?''

0—Male

1—Female

88—Don't know

99—Refused

Residence Prior to Program Entry

Q: ''Where did [name of child] stay last night?''

1—Emergency shelter

2—Transitional housing for homeless persons

3—Permanent housing for formerly homeless persons

4—Psychiatric facility

5—Substance abuse treatment facility

6—Hospital

7—Jail

8—Prison

9—Hotel or motel

10—Foster care home

11—Own room, apartment, or house

12—Living with someone else (family and friends)

13—A car or other vehicle

14—An abandoned building

15—At a transportation site (bus station, airport, subway station, etc.)

16—Anywhere outside (streets, parks, campgrounds, cardboard boxes, etc.)

17—Other

Q: ''How long did [name of child] stay at that place?''

1—Less than one week

2—One to two weeks

3—Three weeks to one month

4—Two to three months

5—Four to six months

6—Seven months to one year

7—More than one year

8—Don't know

9—Not applicable

10—Refused

Zip Code of Last Permanent Address

Q: ''Was [name of child] living with you at the last place you lived for six consecutive months or more?''

0 —No

1—Yes

88—Don't know

99—Refused

Month and Year Child Left Last Permanent Address

If response to ''Was [name of child] living with you at the last place you lived for six consecutive months or more'' question is ''No,'' ask:

Q: ''What month and year did [name of child] leave the last place where [he or she] lived for six months or more?'' (use ''X'' for missing numbers)

____/____/_____ (example: 01/2002, or XX/2002) (Month) (Year)

88—Don't know

99—Refused

SUMMARY OF UNIVERSAL DATA ELEMENTS

Data standards	Subjects	Protected personal information	Data entry or computer-generated
Name	Adults and Children	Protected	Data Entry.
SSN	Adults and Children	Protected	Data Entry.
Date of Birth	Adults and Children	Protected	Data Entry.
Ethnicity and Race	Adults and Children		Data Entry.
Gender	Adults and Children		Data Entry.
Veteran Status	Adults		Data Entry.
Residence Prior to Program Entry	Adults and Children		Data Entry.
Zip Code of Last Permanent Address.	Adults and Children	Protected	Data Entry.
Month and Year Left Last Permanent Address.	Adults and Children		Data Entry.
Program Entry Date	Adults and Children	Protected	Data Entry.
Program Exit Date	Adults and Children	Protected	Data Entry.
Unique Personal Identification Number.	Adults and Children	Protected	Computer-Generated.
Program Identification Number	Adults and Children	Protected	Computer-Generated.
Program Event Number	Adults and Children		Computer-Generated.
Household Identifier Number	Adults and Children		Computer-Generated.

3. Data Standards for Program-Level Data Elements

Program-level data elements are to be collected from all clients served by some types of programs. These are programs that include as a basic element in their provision of service an assessment of the client's needs. That assessment elicits key information used to plan service delivery, determine eligibility for services (in some cases), track the provision of services, and record outcomes.

The program-level data elements are to be completed as required by a locality or funder. They are provided as part of this notice so that consistent information can be obtained from programs that collect this type of data from homeless persons. For the Supportive Housing Program, Shelter Plus Care, Section 8 Moderate Rehabilitation for Single Room Occupancy Dwellings (SRO) Program, and the Housing Opportunities for Persons with HIV/AIDS (HOPWA) Program, the following program-level data elements and definitions are needed to complete Annual Progress Reports: 3.1 (Income and Sources) through 3.4 (Developmental Disability), 3.7 (HIV/AIDS Status), 3.8 (Behavioral Health Status), 3.9 (Domestic Violence), 3.11 (Employment), 3.13 (Services Received), 3.14 (Destination), and 3.15 (Follow-up After Program Exit).

The program-level data elements include:

- 3.1: Income and Sources

- 3.2: Non-Cash Benefits
- 3.3: Physical Disability
- 3.4: Developmental Disability
- 3.5: General Health Status
- 3.6: Pregnancy Status
- 3.7: HIV/AIDS Status
- 3.8: Behavioral Health Status
- 3.9: Domestic Violence
- 3.10: Education
- 3.11: Employment
- 3.12: Veterans
- 3.13: Services Received
- 3.14: Destination
- 3.15: Follow-up After Program Exit
- 3.16: Children's Education
- 3.17. Other Children's Questions

Most of the data elements require that staff from a homeless assistance agency enter information provided by the client into the HMIS database. For each data element one or more questions and multiple response categories are provided. As with the universal data elements, there is no requirement that the questions appear on the computer screens generated by the HMIS application. At the same time, staff are highly encouraged to use them. For APR-required data elements, the response categories are required and the HMIS application must include these responses exactly as they are presented in this section.

The program-level data questions are asked of each adult who applies for a homeless assistance service. Where a group of persons apply for services together (as a household or family), the intake worker will first ask for information from the household head who is applying for services and then request information from him/her about any children under 18 years of age who are applying for services with the household head. (The children do not need to be present at the time the household head applies for services.) Any other adults who are applying for services with this group of persons should be interviewed separately, unless an adult is unable to provide information for himself/herself.

Because these standards are presented in an interview format, all of the data elements that are asked of an adult are presented first in this section, followed by the data elements that are required for any children.

Since many program-level data elements include private or sensitive information, HUD requires that the client be told the purpose for which the question is being asked and the ways in which the client may benefit from answering the question (*e.g.,* by suggesting need or eligibility for a particular service). Local CoCs will have to establish firm policies and procedures to protect against unauthorized disclosure of, or misuse of, personal information. These issues will be discussed in more detail in Part 4 of this notice.

3.1 Income and Sources

Rationale: Income and sources of income are important for determining service needs of people at the time of program entry, determining whether they are accessing all income sources for which they are eligible, assessing their degree of vulnerability to chronic homelessness, and describing the characteristics of the homeless population. Capturing the amount of cash income from various sources will help to: Assure all income sources are counted in the calculation of total income; enable program staff to take into account the composition of income in determining needs; determine if people are receiving the mainstream program benefits to which they may be entitled; help clients apply for benefits assistance; and allow analysis of changes in the composition of income between entry and exit from the program.

Data Collection Method: Interview or self-administered form.

When Data Are Collected: Upon initial program entry (or as soon as possible thereafter), at program exit and during periodic follow-up. Needed to complete Annual Progress Reports for certain HUD McKinney-Vento Act programs.

Subjects: All adults served by the program.

Recommended Questions and APR-Required Response Categories:

Earned Income

Q: ''Have you [and/or the children who are coming into this program with you] received money from working in the last month?''

0—No
1—Yes
88—Don't know
99—Refused

If yes, then ask the following question:

Q: ''Over the last month, how much money did you [and/or the children who are coming to this program with you] receive from working?''

$__ __ __ __00
88—Don't know
99—Refused

Income from Other Sources

Q: Have you [and/or the children who are coming to this program with you] received money from any other sources in the last month?''

0—No
1—Yes
88—Don't know
99—Refused

If yes, then ask the following questions:

Q: ''Over the last month, how much money did you [and/or the children who are coming into this program with you] receive from the following sources?''

Q: ''Unemployment Insurance?''

$__ __ __ __.00
88—Don't know
99—Refused

Q: ''Supplemental Security Income or SSI?''

$__ __ __ __.00
88—Don't know
99—Refused
(For household head with children)

Q: ''Was this SSI for you or for a child who is with you?''

1—Self
2—A child

Q: ''Over the last month, how much money did you [and/or the children who are coming into this program with you] receive from the following sources?'' (Ask each)

$__ __ __ __.00
88—Don't know
99—Refused
a—Social Security Disability Income (SSDI)
b—A veteran's disability payment
c—Private disability insurance
d—Worker's compensation
e—Temporary Assistance for Needy Families (TANF) (or replace with local name)
f—General Assistance (GA) (or replace with local name)
g—Retirement income for Social Security
h—Veteran's pension
i—Pension from a former job
j—Child support
k—Alimony or other spousal support
l—Any other sources

If the client reported any sources of income as ''Don't Know'' or ''Refused,'' then ask:

Q: ''Over the last month, what was your total income? Please do not include the income of any persons in your household who are 18 years of age or older.''

$__ __ __ __.00
88—Don't know
99—Refused

Special Issues: Note that this is the only data element that combines information for an adult and his or her children under 18 years of age who are participating in a program. Income for any other adult members of the household should be reported separately. Programs may choose to

disaggregate the sources of income into more detailed categories as long as these categories can be aggregated into the above stated sources of income.

3.2 Non-Cash Benefits

Rationale: Non-cash benefits are important to determine whether people are accessing all mainstream program benefits for which they may be eligible and to ascertain a more complete picture of their situation.

Data Collection Method: Interview or self-administered form.

When Data Are Collected: Upon initial program entry or as soon as possible thereafter, at program exit, and during periodic follow-up. Needed to complete Annual Progress Reports for certain HUD McKinney-Vento Act programs.

Subjects: All adults served by program.

Recommended Questions and APR-Required Response Categories:

Q: ''Have you [and/or the children who are coming into this program with you] received food stamps or money for food on a benefits card in the past month?''

0—No
1—Yes
88—Don't know
99—Refused

Q: ''Do you participate in the MEDICAID health insurance program?'' (or replace with local name)

0—No
1—Yes
88—Don't know
99—Refused

Q: ''Do you participate in the MEDICARE health insurance program?'' (or replace with local name)

0—No
1—Yes
88—Don't know
99—Refused

Q: ''Do you participate in the State Children's Health Insurance Program (SCHIP)?'' (or replace with local name)

0—No
1—Yes
88—Don't know
99—Refused

Q: ''Do you participate in WIC?''

0—No
1—Yes
88—Don't know
99—Refused

Q: ''Do you receive Veteran's Administration (VA) Medical Services?''

0—No
1—Yes
88—Don't know
99—Refused

Q: ''Do you receive TANF Child Care services?'' (or replace with local name)

0—No
1—Yes
88—Don't know
99—Refused

Q: ''Do you receive TANF transportation services?'' (or replace with local name)

0—No
1—Yes
88—Don't know
99—Refused

Q: ''Do you receive any other TANF-funded services?'' (or replace with local name)

0—No
1—Yes
88—Don't know
99—Refused

Q: ''Do you receive help paying for your rent, for instance, Section 8, public housing, or a housing voucher?''

0—No
1—Yes
88—Don't know
99—Refused

Special Issues: Programs may choose to disaggregate the non-cash sources of income into more detailed categories as long as these categories can be aggregated into the above-stated non-cash sources of income. Programs may also choose to ask additional questions about non-cash sources of income, including: information related to benefit eligibility (*e.g.*, if a person is not receiving a service is it because they are not eligible or eligibility has not yet been determined); and start and stop dates for receipt of benefits.

3.3 Physical Disability

Rationale: To count the number of physically disabled persons served by homeless programs, and to determine eligibility for disability benefits.

Data Collection Methods: Interview or self-administered form.

When Data Are Collected: Upon program entry or as soon as possible thereafter. Needed to complete Annual Progress Reports for certain HUD McKinney-Vento Act programs.

Subjects: All adults and children served.

Recommended Question and APR-Required Response Categories:

Q: ''Do you consider yourself to have a physical disability? By physical disability, I mean that you have a physical problem that is not temporary and that limits your ability to get around or work, or your ability to live on your own.''

0—No
1—Yes
88—Don't know
99—Refused

3.4 Developmental Disability

Rationale: To count the number of developmentally disabled persons served by homeless programs, and to determine eligibility for disability benefits.

Data Collection Methods: Interview or self-administered form.

When Data Are Collected: Upon program entry or as soon as possible thereafter. Needed to complete Annual Progress Reports for certain HUD McKinney-Vento Act programs.

Subjects: All adults and children served.

Recommended Question and APR-Required Response Categories:

Q: ''Have you ever received benefits or services (such as an income supplement or special education classes) for a developmental disability?''

0—No
1—Yes
88—Don't know
99—Refused

Special Issues: Those with developmental disabilities may include persons who have a severe, chronic disability that is attributed to a mental or physical impairment (or combination of physical and mental impairments) that occurs before 22 years of age and limits the capacity for independent living and economic self-sufficiency.

3.5 General Health Status

Rationale: Information on general health status is a first step to identifying what types of health services a client may need. Changes in health status between intake and exit can be a valuable outcome measure. This data element permits the self-reported health status of homeless persons to be compared with the self-reported health status of the U.S. population in general.

Data Collection Method: Interview or self-administered form.

When Data are Collected: Upon initial program entry (or as soon as possible thereafter), program exit, and during periodic follow-up.

Subjects: All adults and children served by the program.

Recommended Questions and Response Categories:

Q: ''Compared to other people your age, would you say your health is excellent, very good, good, fair, or poor?''

1—Excellent
2—Very Good
3—Good
4—Fair
5—Poor
88—Don't know
99—Refused

3.6 Pregnancy Status

Rationale: To determine eligibility for benefits and need for services, and to determine the number of women entering programs for homeless persons while pregnant.

Data Collection Method: Interview or self-administered form.

When Data are Collected: Upon initial program entry or as soon as possible thereafter.

Subjects: All adult females served by the program.

Recommended Questions and Response Categories:

Q: ''Are you pregnant?''

0—No
1—Yes
88—Don't know
98—Not applicable
99—Refused

If yes, then ask the following question:

Q: ''What is your due date?'' (use ''X'' for missing numbers)

____/____/_____ (example: 01/31/2002, or 01/XX/2002) (Month) (Day) (Year)

3.7 HIV/AIDS Status

Rationale: To count the number of persons who have been diagnosed with AIDS or have tested positive for HIV.

Data Collection Methods: Interview or self-administered form.

When Data are Collected: Upon program entry or as soon as possible thereafter. Needed to complete Annual Progress Reports for certain HUD McKinney-Vento Act programs.

Subjects: All adults served.

Recommended Questions and APR-Required Response Categories:

Q: ''Have you been diagnosed with AIDS or have you tested positive for HIV?''

0—No
1—Yes
88—Don't know
99—Refused

Special Issue: It is only appropriate to ask these questions if the program is prepared to help persons, in a confidential manner, in order to assess the need for service and/or for programmatic reporting purposes. This assessment process should result in enhanced provision and coordination of both specific HIV-related services and/or other general services addressing a client's needs. As in other areas involving sensitive client information, these questions should be asked and recorded when a program has adequate data confidentiality protections, including adequate training of staff, to ensure that HIV-related information on this person, such as their HIV status or their participation in related care, cannot be learned by anyone whom they themselves do not voluntarily provide or give permission to have this information. For more information on security and confidentiality, see Part 4 of this notice.

3.8 Behavioral Health Status

Rationale: To count the number of persons served with substance abuse and mental illness problems, and to assess the need for treatment.

Data Collection Methods: Interview or self-administered form.

When Data are Collected: Upon program entry or as soon as possible thereafter. Needed to complete Annual Progress Reports for certain HUD McKinney-Vento Act programs.

Subjects: All adults served.

Recommended Questions and APR-Required Response Categories:

Q: ''Have you ever been in a residential, day, or outpatient treatment program (detox) or hospitalized for the treatment of alcoholism?''

0—No
1—Yes
88—Don't know
99—Refused

Q: ''Do you feel that you have a problem with alcohol?''

0—No
1—Yes
88—Don't know
99—Refused

Q: ''Have you ever been in a residential, day, or outpatient treatment program (detox) or hospitalized for treatment of drug dependency?''

0—No
1—Yes
88—Don't know
99—Refused

Q: ''Do you feel that you have a problem with drugs?''

0—No
1—Yes
88—Don't know
99—Refused

Q: ''Have you ever been treated or hospitalized for a psychiatric problem?''

0—No
1—Yes
88—Don't know
99—Refused

Q: ''Do you feel that you have any current psychiatric or emotional problem(s) such as serious depression, serious anxiety, hallucinations, violent behavior, thoughts of suicide?''

0—No
1—Yes
88—Don't know
99—Refused

3.9 Domestic Violence

Rationale: Ascertaining whether a person is a victim of domestic violence is necessary to provide the person with the appropriate services to prevent further abuse and to treat the physical and psychological injuries from prior abuse. Also, ascertaining that a person may be experiencing domestic violence may be important for the safety of program staff and other clients. At the aggregate level, knowing the size of the homeless population that are victims of domestic violence can provide information needed for determining the resources needed to address the problem in this population.

Data Collection Method: Interview or self-administered form.

When Data are Collected: Upon initial program entry or as soon as possible thereafter or during assessment phase. Needed to complete Annual Progress Reports for certain HUD McKinney-Vento Act programs.

Subjects: All adults, except those who are entering domestic violence shelters.

Recommended Questions and APR-Required Response Categories:

Q: ''Have you experienced domestic or intimate partner violence?''

0—No
1—Yes
88—Don't know
99—Refused

If yes, ask the following question:

Q: ''How long ago did you have this experience?''

1—within the past three months
2—three to six months ago
3—from six to twelve months ago
4—more than a year ago
88—Don't know
99—Refused

Special Issues: First, it is only appropriate to ask these questions if the program is prepared to help the person, either by directly providing necessary support services or providing a referral to a program that can provide these services. Second, these questions are screening questions for identifying potential victims of domestic violence. Local programs have to decide what additional information is needed to assess the appropriate course of treatment or referral. Third, it is paramount that collecting information on domestic violence does not put the person at risk of suffering further abuse. Thus, these questions should only be asked and recorded when a program has adequate data confidentiality protections to ensure that this person or their location cannot be learned by anyone whom they themselves do not voluntarily provide or give permission

to have this information. For more information on security and confidentiality, see Part 4 of this notice.

3.10 Education

Rationale: To assess the program participant's readiness for employment and need for education or employment services. It can also serve as an important outcome measure.

Data Collection Methods: Interview or self-administered form.

When Data are Collected: Upon initial program entry or as soon as possible thereafter, program exit, and during periodic follow-up.

Subjects: All adults served.

Recommended Question and Response Categories:

Q: ''Are you in school now, or working on any degree or certificate?''

1—Yes
0—No
88—Don't know
98—Not applicable
99—Refused

Q: ''Have you received any vocational training or apprenticeship certificates?''

1—Yes
0—No
88—Don't know
98—Not applicable
99—Refused

Q: ''What is the highest level of school that you have completed?''

0—No schooling completed
1—Nursery school to 4th grade
2—5th grade or 6th grade
3—7th grade or 8th grade
4—9th grade
5—10th grade
6—11th grade
7—12th grade, No diploma
8—High school diploma
9—GED
10—More than twelve years
88—Don't know
99—Refused

If client has received a high school diploma or GED, ask the following questions:

Q: ''Have you received any of the following degrees?''

[Ask about each degree until the client answers ''no.''] Code each response as: 0—No; 1—Yes; 88—Don't know; 98—Not applicable; 99—Refused]

a—Bachelors
b—Masters
c—PhD
d—Other graduate degree

3.11 Employment

Rationale: To assess the program participant's employment status. This can serve as an important outcome measure.

Data Collection Methods: Interview or self-administered form.

When Data are Collected: Upon initial program entry or as soon as possible thereafter, program exit, and during periodic follow-up. Needed to complete Annual Progress Reports for certain HUD McKinney-Vento Act programs.

Subjects: All adults served

Recommended Questions and APR-Required Response Categories:

Q: ''Are you currently employed?''

1—Yes
0—No
88—Don't know
99—Refused

If yes, ask the following questions:

Q: ''How many hours did you work last week?''

_____ hours of work last week
88—Don't know
99—Refused

Q: ''Was this permanent, temporary, or seasonal work?''

1—Permanent
2—Temporary
3—Seasonal
88—Don't know
99—Refused

If client reports that he/she is not working, ask the following question:

Q: ''Are you currently looking for work?''

1—Yes
0—No
2—Disabled
3—Retired
88—Don't know
99—Refused

Special Issues: Programs may choose to ask additional information about benefits received through employment.

3.12 Veterans

Rationale: To collect a more detailed profile of the homeless veteran's experience and to determine eligibility for Department of Veterans Affairs programs and benefits. These questions were developed in consultation with the Department of Veterans Affairs.

Data Collection Methods: Interview or self-administered form.

When Data are Collected: Upon program entry or as soon as possible thereafter.

Subjects: All persons who answered ''Yes'' to Veterans Status data element.

Recommended Question and Response Categories:

Q: ''In which military service eras did you serve (choose all that apply)?''

[Ask each. Code each response as: 1—Yes; 0—No; 88—Don't know; 99—Refused]

a. World War I (April 1917—November 1918)
b. Between WWI and WWII (December 1918—August 1940)
c. World War II (September 1940—July 1947)
d. Between WWII and Korean War (August 1947—May 1950)
e. Korean War (June 1950—January 1955)
f. Between Korean and Vietnam War (February 1955—July 1964)
g. Vietnam Era (August 1964—April 1975)
h. Post Vietnam (May 1975—July 1991)
i. Persian Gulf Era (August 1991—Present)

Q: ''How many months did you serve on active duty in the military?''

_____ months

Q: ''Did you serve in a war zone?''

1—Yes
0—No
88—Don't know
99—Refused

If served in a war zone, then ask:

Q: ''What war zone(s) (choose all that apply)?''

[Ask each. Code each response as: 1—Yes; 0—No; 88—Don't know; 99—Refused]

a. Europe
b. North Africa
c. Vietnam
d. Laos and Cambodia
e. South China Sea
f. China, Burma, India
g. Korea
h. South Pacific
i. Persian Gulf
j. Other

Q: ''What was the number of months served in a war zone?''

_____ months

Q: ''Did you ever receive hostile or friendly fire in a war zone?''

1—Yes
0—No
88—Don't know
99—Refused

Q: ''What branch of the military did you serve in?''

1—Army
2—Air Force
3—Navy
4—Marines
5—Other
88—Don't know
99—Refused

Q: ''What type of discharge did you receive?''

1—Honorable
2—General
3—Medical
4—Bad Conduct
5—Dishonorable
6—Other
88—Don't know

99—Refused

3.13 Services Received

Rationale: To determine the services provided during a program stay and their outcomes. Some funders may want information on service receipt as a performance measure, and service receipt may also be useful to CoCs to identify service gaps.

Data Collection Methods: Recorded by staff.

When Data are Collected: At or immediately after an assessment interview, at appropriate points during the program stay, and at program exit. Needed to complete Annual Progress Reports for certain HUD McKinney-Vento Act programs.

Subjects: All adults and children served.

APR-Required Response Categories:

For each service encounter, the following information should be recorded:

1. Date of Service

____/____/_____ (example: 01/31/2002)(Month) (Day) (Year)

2. Encounter Type

1—Referral
2—Service Provided

3. Type of Service Provided

Use service codes from: A Taxonomy of Human Services: A Conceptual Framework with Standardized Terminology and Definitions for the Field, 1994.

Special Issues: The Taxonomy is a classification system for human services that has been adopted by information and referral programs, libraries, crisis lines, and other programs throughout the United States. It features a five-level hierarchical structure that contains 4,300 terms that are organized into 10 basic service categories and a separate target group section. The Taxonomy provides a common language for human services, ensuring that people have common terminology for naming services, agreements regarding definitions for what a service involves, and a common way of organizing service concepts. The taxonomy is co-published by the Alliance of Information and Referral Systems (AIRS) and INFO LINE of Los Angeles. For more information visit *http://www.airs.org.*

3.14 Destination

Rationale: Destination is an important outcome measure.

Data Collection Method: Interview or self-administered form.

When Data Are Collected: At program exit. Needed to complete Annual Progress Reports for certain HUD McKinney-Vento Act programs.

Subjects: All adults and children served by the program.

Recommended Questions and APR-Required Response Categories:

Q: ''After you leave this program, where will you be living?''

1—Emergency shelter
2—Transitional housing for homeless persons
3—Permanent housing for formerly homeless persons
4—Psychiatric facility
5—Substance abuse treatment facility
6—Hospital
7—Jail
8—Prison
9—Hotel or motel
10—Foster care home
11—Own room, apartment, or house
12—Living with someone else (family and friends)
13—A car or other vehicle
14—An abandoned building
15—At a transportation site (bus station, airport, subway station, *etc.*
16—Anywhere outside (streets, parks, campgrounds, cardboard boxes, *etc.*)
17—Other
88—Don't know
99—Refused

Q: ''Is this move permanent (more than 90 days) or temporary?''

1—Permanent
2—Temporary
88—Don't know
99—Refused

Q: [*For staff only*]: Did your agency provide assistance for this move?

0—No
1—Yes
88—Don't know

Special Issues: Programs may choose to ask additional questions such as the reason for the client's departure, or whether upon leaving the program the client will be reuniting with other family members who have not been with them during the program stay.

3.15 Follow-Up After Program Exit

Rationale: Follow-up after program exit provides for important outcome measurements.

Data Collection Method: Interview or self-administered form.

When Data are Collected: Timing of follow-up is at the discretion of the local program. Needed to complete Annual Progress Reports for certain HUD McKinney-Vento Act programs.

Subjects: All adults served by the program.

Questions and Response Categories: Obtain follow-up information on six data elements previously described in this notice:

- 3.1 Income and Sources
- 3.2 Non-Cash Benefits
- 3.10 Education
- 3.11 Employment

The system should provide for changes in household composition at the time of the follow-up data collection—in particular, for dropping individuals from the household record or recording the addition of adults or children to the household. Changes in household composition can lead to changes in several of the required follow-up data elements, particularly a household's income and types of income sources.

Read names of members of household at exit and then ask:

Q: ''Are they all living with you now?''

0—No
1—Yes
88—Don't know
98—Not applicable
99—Refused

If not all living with person, ask:

Q: ''Who is not?'' (list all separately)

_____

(example: John David Doe, Jr.)

88—Don't know
99—Refused

Q: ''Does anyone else live with you now?''

0—No
1—Yes
88—Don't know
99—Refused

If there are additional members, ask:

Q: ''How many new additional adults?''

_____

Q: ''How many new additional children?''

_____

Staff: For each time a follow-up interview occurs, when did the interview happen?

____/____/_____(example: 01/31/2002) (Month) (Day) (Year)

88—Don't know

3.16 Children's Education

Rationale: To determine if homeless children and youth have the same access to free, public education, including public preschool education, that is provided to other children and youth. It can also serve as an important outcome measure. These questions were developed in consultation with the U.S. Department of Education.

Data Collection Methods: Interview or observations of program staff.

When Data are Collected: Upon initial program entry or as soon as possible thereafter, program exit, and during periodic follow-up.

Subjects: All children between 5 and 17 years of age.

Question and Response Categories:

Q: ''Is [name of child] currently enrolled in school?''

1—Yes
0—No
88—Don't know
98—Not applicable
99—Refused

If child is currently enrolled in school, ask:

Q: ''What is the name of the child's school(s)?''

_____

88—Don't know
98—Not applicable
99—Refused

Q: ''What type of school is it? Is it a public or private school?'

1—Public school
2—Parochial or other private school
88—Don't know
98—Not applicable
99—Refused

If child is currently not enrolled in school, ask:

Q: ''When was [name of child] last enrolled in school?'' (use ''X'' for missing numbers)

____/____/_____(example: 01/31/2002, or 01/XX/2002) (Month) (Day) (Year)

88—Don't know
98—Not applicable
99—Refused

If child is currently not enrolled in school, ask:

Q: ''I'm going to read a list of problems that you may have had getting your child into a school. Please tell me if you have experienced any of these problems for [name of child].''

[Ask each. Code each response as: 0—No; 1—Yes; 88—Don't know; 98—Not applicable; 99—Refused]

a. Residency requirements
b. Availability of school records
c. Birth certificates
d. Legal guardianship requirements
e. Transportation
f. Lack of available preschool programs
g. Immunization requirements
h. Physical examination records
i. Other

Special Issues: If only the month and year of the last enrollment date is known, the HMIS application should record the day as ''01.'' One date-format field for last enrollment date should be created by the HMIS application.

Programs may choose to obtain additional information related to children's education, such as the number of school days missed over a specific period of time and the barriers to school attendance.

3.17 Other Children's Questions

Child's Physical Disability

Q: ''Do you consider [name of child] to be physically disabled?''

0—No
1—Yes
88—Don't know
99—Refused

Child's Developmental Disability

Q: ''Has [name of child] ever received benefits or services (such as an income supplement or special education classes) for a developmental disability?''

0—No
1—Yes
88—Don't know
99—Refused

Child's General Health Status

Q: ''Compared to other children [name of child's] age, would you say [name of child's] health is excellent, very good, good, fair, or poor?''

1—Excellent
2—Very Good
3—Good
4—Fair
5—Poor
88—Don't know
99—Refused

Services Received

Record all services received by children, including the date and type of service (see 3.13 above).

Destination

Upon leaving the program, the following question should be asked about each child who has been with the adult client in the program.

Q: ''Will [name of child] be staying with you?''

0—No
1—Yes
88—Don't know
98—Not applicable
99—Refused

If child will not be staying with the person, then ask:

Q: ''In what kind of place will [name of child] be staying?''

1—Residence of other parent
2—Residence of friends or family (excluding other parent)
3—Foster care home
4—Child care residential institution
5—Runaway facility
6—Substance abuse treatment facility
7—Psychiatric facility
8—Juvenile detention center
9—Hospital
10—Anywhere outside (streets, parks, campgrounds, cardboard boxes, *etc.*)
11—Other

SUMMARY OF PROGRAM—LEVEL DATA ELEMENTS

Data standards	Subjects	Required for APR?	Data entry or computer-generated
Income and Sources	Adults and Children	Yes	Data Entry.
Non-Cash Benefits	Adults and Children	Yes	Data Entry.
Physical Disability	Adults and Children	Yes	Data Entry.
Developmental Disability	Adults and Children	Yes	Data Entry.
General Health Status	Adults and Children	No	Data Entry.
Pregnancy Status	All Adult Females	No	Data Entry.
HIV/AIDS Status	Adults	Yes	Data Entry.
Behavioral Health Status	Adults	Yes	Data Entry.
Domestic Violence	Adults	Yes	Data Entry.
Education	Adults	No	Data Entry.
Employment	Adults	Yes	Data Entry.
Veterans	Adults	No	Data Entry.
Services Received	Adults and Children	Yes	Data Entry.
Destination	Adults and Children	Yes	Data Entry.
Follow-up After Program Exit	Adults and Children	Yes	Data Entry.
Children's Education	Children	No	Data Entry.
Other Children's Questions	Children	No	Data Entry.

4. Standards for Data Confidentiality and Security

This section describes standards for the security of data collected and stored in HMIS at a local program or at a central storage facility, and the rights of individuals who are participating in the HMIS to have personal information kept secure. The intent of this section is to ensure the privacy and confidentiality of information collected by HMIS, while allowing for the use of data as needed by homeless assistance programs, CoCs and researchers. The information contained in this section of the notice is based upon common practice and standards within the information technology community, as well as in large measure upon the HIPAA (Health Insurance Portability and Accountability Act of 1996) standards for securing and protecting private medical information.

This section describes the minimum standards required by federal law. State and local laws may require confidentiality and security standards beyond those described in this notice. Local CoCs may also develop additional protocols or policies to further ensure the privacy and confidentiality of information collected through HMIS.

4.1 Protected Personal Information

This section identifies specific types of information that are considered protected personal information.

Any information that can be used to identify a particular individual is protected personal information. An HMIS user for these purposes is defined as program staff (or trained volunteers) and CoC system administrators who use the HMIS. A developer is defined for these purposes as both the individuals and organization responsible for developing the HMIS and any functionality that is built into HMIS. HMIS users and developers should consider the following to be protected personal information of an individual and his or her relatives, employers, or household members:

- Names.
- All geographic subdivisions smaller than a state, including street address, city, county, precinct, zip code, and their equivalent geocodes.
- All elements of dates (except year) directly related to an individual, including birth date, admission date, discharge date, and date of death.
- Telephone numbers.
- Social Security numbers.
- Medical record numbers.
- Vehicle identifiers and serial numbers, including license plate numbers.
- Device identifiers and serial numbers.
- Any other unique identifying number, characteristic, or code.

The HMIS user or developer must not use any other data element to identify an individual. Any other data element that can be used to identify an individual is considered protected personal information.

4.2 Securing HMIS and Data

This section describes the standards for system and application security.

System Security

Applicability. These system security provisions apply to the systems where the HMIS application is installed (networks, desktops, laptops, mini-computers, mainframes and servers).

User authentication. HMIS workstations and server shall be secured with, at a minimum, a user authentication system consisting of a username and a password. Passwords shall be at least eight characters long and meet industry standard complexity requirements, including, but not limited to, the use of at least one of each of the following kinds of characters in the passwords: Upper and lower-case letters, and numbers and symbols. Passwords shall not be, or include, the username, the HMIS name, or the HMIS vendor's name. In addition, passwords should not consist entirely of any word found in the common dictionary or any of the above spelled backwards. The use of default passwords on initial entry into the HMIS application is allowed so long as the application requires that the default password be changed on first use.

Written information specifically pertaining to user access (*e.g.*, username and password) shall not be stored or displayed in any publicly accessible location.

Virus protection. HMIS workstations and server shall be protected from viruses by commercially available virus protection software. Virus protection must include automated scanning of files as they are accessed by users on the system where the HMIS application is housed.

Firewalls. HMIS workstations and server shall be protected from malicious intrusion behind a secure firewall.

Public access. HMIS data shall not be housed on computers with public access to any part of the computer through the Internet, modems, bulletin boards, public kiosks, or similar arenas. HMIS that use such public forums for data collection or reporting must be secured to allow only connections from previously approved computers and systems through Public Key Infrastructure (PKI) certificates, extranets that limit access based on the Internet Provider (IP) address, or similar means. Further information on these tools can be found in the HMIS Consumer Guide and the HMIS Implementation Guide, both available on HUD's website.

Physical Access to Systems With Access to HMIS Data

Computers that are used to collect and store HMIS data shall be staffed at all times when in public areas. When workstations are not in use and staff are not present, steps should be taken to ensure that the computers and data are secure and not publicly accessible. These steps should minimally include: Logging off the data entry system, shutting down the computer, and storing the computer and data in a locked room.

Disaster Protection and Recovery

HMIS data shall be copied on a regular basis to another medium (*e.g.*, tape) and stored in a secure off site location where these same standards would apply. Ideally, off site storage shall include fire and water protection for the storage medium.

HMIS that store data in a central server, mini-computer, or mainframe shall store the central hardware in a secure room with appropriate temperature control and fire suppression systems.

Surge suppressors shall protect physical systems for collecting and storing the HMIS data.

Application Security

Applicability. These application security provisions apply to how the data are secured by the HMIS application itself, during entry, storage and review, or any other HMIS function.

User authentication. HMIS workstations and server shall be secured with, at a minimum, a user authentication system consisting of a username and a password. Passwords shall be at least eight characters long and meet industry standard complexity requirements, including, but not limited to, the use of at least one of each of the following kinds of characters in the passwords: Upper and lower-case letters, and numbers and symbols. Passwords shall not be, or include, the username, the HMIS name, or the HMIS vendor's name. In addition, passwords should not consist entirely of any word found in the common dictionary or any of the above spelled backwards. The use of default passwords on initial entry into the HMIS application is allowed so

long as the application requires that the default password be changed on first use.

Written information specifically pertaining to user access (*e.g.*, username and password) shall not be stored or displayed in any publicly accessible location.

Electronic data transmission. MIS data that are electronically transmitted over publicly accessible networks or phone lines shall be encrypted to at least 128-bit encryption. Unencrypted data may be transmitted over secure direct connections between the two systems. A secure direct connection is one that can only be accessed by users who have been authenticated on at least one of the systems involved and does not utilize any tertiary systems to transmit the data.

Electronic data storage. HMIS data shall be stored in a binary, not text, format. Protected personal information shall be stored in an encrypted format using at least a 128-bit key. This encryption must be done within the HMIS so that the data are not readable from outside the local HMIS application.

Hard Copy Security

Applicability. This section is intended to provide standards for securing any hard copy that is either generated by or for HMIS, such as reports, data entry forms, and signed consents.

Any paper or other hard copy generated by or for HMIS that contain individually identifiable information as defined in this standard must be under constant supervision by an HMIS user or developer when in a public area. When staff are not present, the information shall be secured in areas that are not publicly accessible.

Written information specifically pertaining to user access (*e.g.*, username and password) shall not be stored or displayed in any publicly accessible location.

4.3 Privacy of Protected Personal Information

An HMIS user or developer may not use or disclose protected personal information except to the individual whose information it is or as permitted or required by this standard or by law.

Uses and Disclosures of Protected Personal Information Assumed by Entry Into the HMIS

By providing data to HMIS user or developer for entry into HMIS, an individual provides oral assent to the uses described in the following section. Such assent should only be assumed if the individual has been advised how he or she could benefit by providing the requested information, how the data will be protected, and how the data will be used.

An HMIS user or developer may use or disclose protected personal information without the written consent of the individual in situations specified in this notice, subject to the notice's applicable requirements. When the HMIS user or developer is required to inform the individual of, or when the individual may agree to a permitted use or disclosure, oral announcement is sufficient.

Uses and disclosures for administrative purposes. A CoC system administrator or developer may use or disclose protected personal information to program staff within the same program so they may perform necessary administrative functions (*e.g.*, ensure data integrity and create an unduplicated count of homeless persons). For the purpose of creating an unduplicated count within a CoC in which data are accessible across programs, the CoC may decide that oral consent is not sufficient. This notice neither requires nor prohibits the sharing of client information among programs in the CoC, but does require that local policy regarding information sharing be established and that either client notification or written consent be provided for in the event that information is shared.

Uses and disclosures for academic research purposes. An HMIS user or developer may use or disclose protected personal information to individuals performing academic research who have a formal relationship with a local program or CoC. Such research would be conducted either by an individual employed by the program, so long as the research has been approved by a program administrator, or by an outside institution that has entered into a research agreement with the program or CoC. Such data are to be used within the boundaries set by an approved research agreement. Such approvals do not substitute for Institutional Review Board (IRB) approvals, and researchers should seek appropriate IRB approvals.

Use for creating de-identified information. An HMIS user or developer may use protected personal information to create information that is not individually identifiable or disclose protected personal information to a third party to be used only for such purpose, whether or not the de-identified information is to be used by the HMIS user or developer.

Uses and disclosures required by law. An HMIS user or developer may use or disclose protected personal information to the extent that law requires such use or disclosure and the use or disclosure complies with and is limited to the relevant requirements of such law.

Disclosures about victims of abuse, neglect, or domestic violence. Consistent with applicable law and standards of ethical conduct, an HMIS user or developer may disclose protected personal information about an individual who is reasonably believed to be a victim of abuse, neglect, or domestic violence to a government authority (including a social service or protective services agency) authorized by law to receive reports of such abuse, neglect, or domestic violence. Disclosures to other entities are permissible only if the individual agrees to such disclosure.

Uses and disclosures to avert a serious threat to health or safety. An HMIS user or developer may, consistent with applicable law and standards of ethical conduct, use or disclose protected personal information if the HMIS user or developer, in good faith, believes the use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public and is made to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat.

Uses and disclosures about decedents.

- Coroners and medical examiners. An HMIS user or developer may disclose protected personal information to a coroner or medical examiner for the purpose of identifying a deceased person, determining a cause of death, or other duties as authorized by law.
- Funeral directors. An HMIS user or developer may disclose protected personal information to funeral directors, consistent with applicable law, as necessary to carry out their duties with respect to a decedent. If necessary for funeral directors to carry out their duties, the HMIS user or developer may disclose the protected personal information prior to, and in reasonable anticipation of, the individual's death.

Disclosures for law enforcement purposes. An HMIS user or developer may, consistent with applicable law and standards of ethical conduct, disclose protected personal information for a law enforcement purpose to a law enforcement official. Such disclosure should meet only the minimum standards necessary for the law enforcement official's immediate purpose and not disclose information about other individuals within the program or CoC not specifically required by that purpose. A court order or search warrant may be required for

the disclosure of information about an individual in an HMIS. Such orders are restricted only to the individual(s) identified in the court order.

Disclosures for national security and intelligence activities. An HMIS user or developer may disclose protected personal information to authorized federal officials for the conduct of lawful intelligence, counter-intelligence, and other national security activities authorized by the National Security Act (50 U.S.C. 401, *et seq.*) and implementing authority (*e.g.*, Executive Order 12333).

Disclosures for protective services for the President and others. An HMIS user or developer may disclose protected personal information to authorized federal officials for the provision of protective services to the President or other persons authorized by 18 U.S.C. 3056, or to foreign heads of state or other persons authorized by 22 U.S.C. 2709(a)(3), or for the conduct of investigations authorized by 18 U.S.C. 871 and 879.

Uses and Disclosures of De-Identified Protected Personal Information

Information that meets the standard and implementation specifications for de-identification or has been aggregated is considered not to be individually identifiable information and, therefore, is not protected personal information. In order to meet this standard, none of the information listed in this notice as being part of the protected personal information may be included in the de-identified data. The restrictions concerning disclosure in this notice do not apply to information that has been de-identified in accordance with the applicable requirements, provided that there is no disclosure of a code or other means of record identification designed to enable coded or otherwise de-identified information to be re-identified. If de-identified information is re-identified, an HMIS user or developer may use or disclose such protected personal information only as permitted or required by this notice.

Re-Identification

An HMIS user or developer may assign a code or other means of record identification to allow information de-identified under this notice to be re-identified by the HMIS user or developer, provided that: The code or other means of record identification is not derived from or related to information about the individual and is not otherwise capable of being translated so as to identify the individual; and the HMIS user or developer does not use or disclose the code or other means of record identification for any other purpose, and does not disclose the mechanism for re-identification.

Consent for Other Uses or Disclosures of Private Information

An HMIS user or developer must obtain the individual's consent prior to using or disclosing protected personal information. A consent form must:

- Be stated in plain language;
- Include full disclosure of all the ways in which otherwise protected personal information might be used;
- State that the terms of its notice may change and describe how the individual may obtain a revised notice;
- State that the HMIS user or developer is not required to agree to additional restrictions that may be requested by the individual;
- Indicate that if the HMIS user or developer agrees to a requested restriction, the restriction is binding on the HMIS user or developer;
- State that the individual has the right to revoke the consent in writing, except to the extent that the HMIS user or developer has taken action in reliance thereon; and,
- Be signed and dated by the individual.

1.1 Notice of Privacy Practices for Protected Personal Information

An individual has a right to adequate notice of the uses and disclosures of protected personal information that may be made by the HMIS user or developer, and of the individual's rights and the HMIS user or developer's legal duties with respect to protected personal information.

The notice should be prominently displayed in the program offices where intake occurs.

The HMIS user or developer must promptly revise and distribute its notice whenever there is a substantive change to the uses or disclosures, the individual's rights, the HMIS user or developer's legal duties, or other privacy practices stated in the notice. Except when required by law, a substantive change to any term of the notice may not be implemented before the effective date of the notice in which a substantive change is reflected.

An HMIS user or developer must maintain documentation of compliance with the notice requirements by retaining copies of the notices issued by the HMIS user or developer.

The individual has the right to obtain a paper copy of the notice from the HMIS user or developer upon request.

An inmate does not have a right to notice, and the requirements of this notice do not apply to a correctional institution that is an HMIS user.

Content of Notice

The HMIS user or developer must provide a notice that is written in plain language and that contains the elements required by this section. These elements are not exclusive, and either oral or written notice may inform the individual of the uses of information that may help provide service or otherwise benefit the individual.

- The following statement as a header or otherwise must be prominently displayed: ''THIS NOTICE DESCRIBES HOW INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.''
- A description of each of the purposes for which the HMIS user or developer is permitted or required by this notice to use or disclose protected personal information without the individual's written consent or authorization. These include administrative, programmatic, and academic research purposes.
- If a use or disclosure is prohibited or materially limited by other applicable law, the description of such use or disclosure must reflect the more stringent law.
- A statement that other uses and disclosures will be made only with the individual's written authorization and that the individual may revoke such authorization.
- A statement of the individual's rights with respect to protected personal information and a brief description of how the individual may exercise these rights.
- A statement that the HMIS user or developer is required by law to maintain the privacy of protected personal information and to provide individuals with notice of its legal duties and privacy practices with respect to protected personal information.
- A statement that the HMIS user or developer is required to abide by the terms of the notice currently in effect.
- A statement that reserves the right to change the terms of this notice and to make the new notice provisions effective for all protected personal information that it maintains. The statement must also describe how it will attempt to provide individuals with a revised notice.
- A statement that individuals may complain to the HMIS user or developer if they believe their privacy rights have been violated.

• A brief description of how the individual may file a complaint with the HMIS user or developer.

• A statement that the individual will not be retaliated against for filing a complaint.

• The name, or title, and telephone number of a person or office to contact for further information.

• The date on which the notice is first in effect, which may not be earlier than the date on which the notice is printed or otherwise published.

4.5 Rights To Request Privacy Protection for Protected Personal Information

Access of Individuals to Protected Personal Information

An individual has a right of access to inspect and obtain a copy of his/her own protected personal information in a record set, for as long as the protected personal information is kept, except for information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding. The individual also has the right to correct protected personal information (such as name and date of birth) when that information is inaccurate.

An HMIS user or developer must permit individuals to request and must accommodate reasonable requests by individuals to receive communications of protected personal information from the HMIS user or developer by alternative means or at alternative locations.

Accounting of Disclosures of Protected Personal Information

An individual has a right to receive an accounting of disclosures of protected personal information made by an HMIS user or developer in the six years prior to the date on which the accounting is requested, except for disclosures for national security or intelligence purposes or to correctional institutions or law enforcement officials.

The HMIS user or developer must temporarily suspend an individual's right to receive an accounting of disclosures to a health oversight agency or law enforcement official, for the time specified by such agency or official, if the agency or official provides the HMIS user or developer with a written statement confirming that such an accounting would impede the agency's activities. The notification should specify the time for which such a suspension is required.

4.6 Administrative Requirements

Local Protocol

A CoC system administrator is required to have a written policy governing its use and disclosure of information collected by HMIS. This policy should address the specifics of how use and disclosure decisions will be made and who will make them and with what documentation, as well as the specifics of how the data security standard will be met. These decisions should include who will have access to HMIS data and the level of access granted to each user. The policy should also address grievance procedures and penalties for non-compliance. Examples of such policies are discussed in the HMIS Implementation Guide available on HUD's Web site.

To test system and application security, a CoC system administrator is encouraged to periodically conduct penetration testing, a procedure which is also described in the Implementation Guide.

Local Policies

A CoC system administrator or developer who has instituted policies in addition to those listed in this notice must maintain a written copy detailing any and all additions and specifications beyond the content of this notice. Such written policy must be distributed to all staff and included as an additional notice for individuals affected.

Safeguards

A CoC system administrator or developer must have in place appropriate administrative, technical, and physical safeguards to protect the privacy of protected personal information including, but not limited to, those described in this notice and required by law.

Training

A CoC system administrator user or developer must provide orientation and ongoing training to all of its staff on the policies and procedures relating to protected personal information sufficient for staff to carry out their functions.

5. Technical Standards

This section presents the technical standards that will be required for HMIS applications and for the CoCs responsible for storing HMIS data. Except as otherwise provided, these standards do not specify or recommend any particular operating system, development environment, networking environment, database, hardware, or other aspect of the HMIS application. This part of the notice is primarily directed to HMIS developers and CoC system administrators.

5.1 Required HMIS Capabilities

Automatic Generation of Identification Numbers and Information

Based on the data collected through program staff interviews or self-administered forms, the HMIS application must be capable of automatically generating data for each record. This capability includes the automatic generation of:

(1) Unique personal identification numbers (PINs) for persons who have not been previously served within the CoC, and re-assignment of PINs for persons who have been served previously within the CoC;

(2) Household identification numbers for persons who have been identified as members of a household that participated in the same program event;

(3) Program identification information that is uniquely associated with each program within a CoC and is assigned to every program event; and,

(4) A program event number that distinguishes each episode of program utilization.

Personal Identification Numbers (PINs)

PIN is a number randomly and automatically generated by the HMIS application. All records associated with the same person should be assigned the same PIN. The PIN is used to produce an unduplicated count of all persons within a CoC.

HMIS must be capable of searching the entire CoC database (whether or not data are shared across programs within a CoC) to determine if clients have been previously served. The search must involve the matching of client records using personal identifier fields (*e.g.*, Name, Social Security Number, Date of Birth, and Gender) to retrieve a record(s) with identical or similar values in each of these fields.

Household Identification Numbers

HMIS must generate the same household identification number for every person designated by program staff as being together for an episode of service (*i.e.*, program event). The household identification numbers assigned will be maintained in each person's permanent record and will be unique for each program event experienced by the client.

As discussed in Parts 2 and 3 of this notice, when a group of persons apply for services together (as a household or family), information is first asked of the household head who is applying for services and then information is

requested from him/her about any children under 18 years of age who are applying for services with the household head. The children do not need to be present at the time the household head applies for services. The same household identification number is assigned to the adult head of household and any children who have been identified as applying for services with the head. If there are other adult members of the household (over 18 years of age) who are reported to be part of this household, a separate intake is conducted. As part of this intake, this individual is assigned the same household identification number as the other household members.

Program Identification Information

Program identification information for every program offered in a CoC consists of the following four fields:

• Federal Information Processing System (FIPS) Code. To find the 10-digit FIPS code consisting of 2-digit state code, 3-digit county code, and 5-digit place code: (1) Go to website *http://geonames.usgs.gov/fips55.html;* (2) Click on ''Search the FIPS55 Data Base''; (3) Click on state from ''State Number Code'' pull down menu (this also tells you 2-digit state code); (4) Type town or city name in ''Fips55 Feature Name'' box; and (5) Click on ''Send Query'', and 3-digit county code and 5-digit place code will be shown.

• Facility Code (to be locally determined)

• Continuum of Care (CoC) Code (HUD-assigned)

• Program Type Code:

0—Not applicable
1—Street outreach
2—Emergency shelter (*e.g.*, facility or vouchers)
3—Transitional housing
4—Permanent supportive housing
5—Homeless prevention (*e.g.*, security deposit or one month's rent)
6—Services-only type of program
7—Other

The FIPS code, facility code, CoC code, and program type code may be separate fields in the HMIS application. There is no requirement to merge them into a single field.

For each client intake, staff are only required to enter the program type code. Programs may choose to provide more detailed response categories for the services-only type program response. However, staff must be able to collapse these detailed categories into a single service-only type category. A corresponding FIPS code, facility code, and CoC code should be automatically generated by the HMIS. Once program identification information has been created, the HMIS must ensure that the information is associated with every program event recorded within the CoC.

Program Event Numbers

The HMIS application should generate unique codes for every program event occurring within the CoC. This will enable the system to distinguish episodes of service that occur on the same date and within the same program (*e.g.*, two counseling sessions conducted on the same day).

Missing Value Categories

Don't know, not applicable, and refused response categories specified for close-ended questions should appear on the same list as the valid responses. For open-ended questions (*e.g.*, name or the name of the child's school), the HMIS application should include the don't know, not applicable, and refused response categories for each field in the data element (*e.g.*, first name, last name, middle initial, and suffix).

Other Response Categories

Certain data elements may contain a response category labeled ''other.'' When a data element contains such an option, there should also be, within the same database table, a separate alphanumeric field where the other value may be entered by program staff. For instance, a coded field that accepts the values 0–Red, 1–Yellow, 9–Other should have an accompanying field that accepts open-ended answers such as tangerine, blue, or magenta. The analysis of such data will allow the standard to adapt to include codes for common answers to questions that may not have been anticipated within the current standard.

Data Export

Although a standard environment is not specified, any HMIS application must be capable of exporting any and all data collected into a comma-separated values text file using the following format:

• All fields in a given record are separated by a comma;

• All records within a given text file contain the same fields;

• Blank fields are signified by the comma ending the previous field (or the beginning of the line if the field is the first in the record) followed by a comma indicating the end of the empty field;

• Fields containing text information (as opposed to numeric) will be surrounded by double quotes whenever the field includes blank spaces, commas, or other symbols not part of the standard alphabet;

• The first line of the file shall be a list of the field names included in every record in the file; and

• The list of field names shall be in the same format described above.

5.2 Continuum of Care Requirements

Storage Requirements

The CoC must have or designate a central coordinating body that will be responsible for centralized collection and storage of HMIS data.

HMIS data must be collected to a central location at least once a year from all HMIS users within the CoC.

HMIS data must be stored at the central location for a minimum of seven years after the date of collection by the central coordinating body or designee of the CoC.

5.3 Anonymous Data Collection

An anonymous data record is a record that does not provide sufficient (or any) of the protected personal identifiers to uniquely identify the individual in the record. Certain types of service providers, especially those dealing with victims of domestic violence, occasionally use anonymous records to protect a client's privacy and safety. Some HMIS collect anonymous data and assign a system-generated ID to the individual for the purposes of tracking a client's history of services. Other HMIS simply accept anonymous data and do not attempt to associate previously collected data with the data from the current event.

This notice does not preclude the collection of anonymous data within HMIS. It is important to note, however, that there are several important shortcomings associated with the collection of anonymous data. Anonymous data are nearly impossible to be-duplicated at any level. Also, depending on the amount of data collected for the anonymous client, there may be little practical use for the data, except to count intakes within a particular program.

Dated: July 16, 2003.

William H. Eargle,

Deputy Assistant Secretary for Operations, Office of Community, Planning and Development.

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S. 709/P.L. 108–60
To award a congressional gold medal to Prime Minister Tony Blair. (July 17, 2003; 117 Stat. 862)
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