AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Federal Register

9–18–03 Thursday
Vol. 68 No. 181 Sept. 18, 2003

Pages 54651–54796

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *http://www.nara.gov/fedreg.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** *www.access.gpo.gov/nara,* available through GPO Access, is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

For more information about GPO Access, contact the GPO Access User Support Team, call toll free 1-888-293-6498; DC area 202-512-1530; fax at 202-512-1262; or via email at *gpoaccess@gpo.gov.* The Support Team is available between 7:00 a.m. and 5:30 p.m. Eastern Time, Monday–Friday, except official holidays.

The annual subscription price for the **Federal Register** paper edition is $699, or $764 for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $264. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $10.00 for each issue, or $10.00 for each group of pages as actually bound; or $2.00 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 40% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, *bookstore@gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 68 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC	
Subscriptions:	
Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**
General online information	**202–512–1530; 1–888–293–6498**
Single copies/back copies:	
Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**
FEDERAL AGENCIES	
Subscriptions:	
Paper or fiche	**202–741–6005**
Assistance with Federal agency subscriptions	**202–741–6005**

What's NEW!

Federal Register Table of Contents via e-mail

Subscribe to FEDREGTOC, to receive the **Federal Register** Table of Contents in your e-mail every day.

If you get the HTML version, you can click directly to any document in the issue.

To subscribe, go to **http://listserv.access.gpo.gov** and select:

Online mailing list archives
FEDREGTOC-L
Join or leave the list

Then follow the instructions.

Printed on recycled paper.

Contents

Federal Register

Vol. 68, No. 181

Thursday, September 18, 2003

Agriculture Department
See Forest Service
See Natural Resources Conservation Service

Alcohol and Tobacco Tax and Trade Bureau
PROPOSED RULES
Alcohol; viticultural area designations:
Douglas, Jackson, and Josephine Counties; OR, 54696–54700

Centers for Disease Control and Prevention
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 54732–54733

Coast Guard
RULES
Regattas and marine parades:
Chesapeake Challenge, Choptank River, MD, 54662–54664
James River Cancer Swim, 54660–54662
PROPOSED RULES
Ports and waterways safety:
San Francisco Bay, CA; regulated navigation area, 54700–54704

Commerce Department
See Economics and Statistics Administration
See Foreign-Trade Zones Board
See Industry and Security Bureau
See National Oceanic and Atmospheric Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 54715–54716

Comptroller of the Currency
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 54785–54787

Economics and Statistics Administration
NOTICES
Meetings:
Economic Analysis Bureau Advisory Committee, 54716–54717

Education Department
NOTICES
Grants and cooperative agreements; availability, etc.:
Postsecondary Education—
Fund for Improvement of Postsecondary Education Comprehensive Program (2004 FY), 54719–54722

Employee Benefits Security Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 54742

Energy Department
See Federal Energy Regulatory Commission

Environmental Protection Agency
RULES
Air pollutants, hazardous; national emission standards:
Asbestos, 54789–54793
Air programs:
Stratospheric ozone protection—
Refrigerant recycling; correction, 54677–54678
Air quality implementation plans; approval and promulgation; various States; air quality planning purposes; designation of areas:
New Mexico, 54672–54677
PROPOSED RULES
Air pollutants, hazardous; national emission standards:
Asbestos, 54793–54796
Air quality implementation plans; approval and promulgation; various States; air quality planning purposes; designation of areas:
New Mexico, 54705
NOTICES
Meetings:
Water-efficient products; market enhancement opportunities; stakeholders, 54728

Executive Office of the President
See National Drug Control Policy Office

Federal Aviation Administration
RULES
Airworthiness directives:
Eurocopter France, 54653–54654
Turbomeca S.A.; correction, 54653
PROPOSED RULES
Airworthiness directives:
Airbus, 54691–54696
Boeing, 54680–54682, 54684–54686
Eurocopter France, 54686–54690
McDonnell Douglas, 54682–54684, 54690–54691
NOTICES
Administrative regulations:
Aviation Safety Action Program information; protection from disclosure, 54767–54771
Advisory circulars; availability, etc.:
Certification of Part 23 airplanes; flight test guide, 54771
Passenger facility charges; applications, etc.:
MBS International Airport, MI, 54771–54772
Tulsa International Airport, OK, 54772
Reports and guidance documents; availability, etc.:
Aircraft rescue and fire fighters; mobile live fire training, 54772–54774

Federal Communications Commission
RULES
Radio services, special:
Private land mobile services—
150-170 and 421-512 MHz frequencies; transition to narrowband technology; correction, 54678–54679
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 54728–54729

Federal Deposit Insurance Corporation
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 54785–54787

Federal Energy Regulatory Commission
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 54722–54723
Electric utilities (Federal Power Act):
Undue discrimination; remedying through open access transmission service and standard electricity market design; technical conferences, 54725–54726
Hydroelectric applications, 54726–54727
Meetings:
El Paso Natural Gas Co.; tariff compliance filing; technical conference, 54728
Applications, hearings, determinations, etc.:
ANR Pipeline Co., 54723
Dominion Cove Point LNG, LP, 54723–54724
Georgia Strait Crossing Pipeline LP, 54724
Tennessee Gas Pipeline Co., 54724–54725
TransColorado Gas Transmission Co., 54725
Williston Basin Interstate Pipeline Co., 54725

Federal Highway Administration
NOTICES
Environmental statements; notice of intent:
Placer and Sutter Counties, CA, 54774–54775

Federal Maritime Commission
NOTICES
Casualty and nonperformance certificates:
American West Steamboat Co. LLC et al., 54729–54730
Discovery World Cruises Inc. et al., 54730
Ocean transportation intermediary licenses:
Cargo Carriers Ltd. et al., 54730
Caribbean Cold Storage, Inc, et al., 54730–54731
United Global Services (NY) Corp. et al., 54731

Federal Motor Carrier Safety Administration
NOTICES
Motor carrier safety standards:
Driver qualifications—
Black, Grady L., Jr., et al.; vision requirement exemption applications, 54775–54776

Federal Railroad Administration
NOTICES
Exemption petitions, etc.:
Michigan State Trust Railway Preservation, Inc., 54776–54777
Railroad Safety Advisory Committee; working group activity update, 54777–54779

Federal Reserve System
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 54785–54787
Banks and bank holding companies:
Change in bank control, 54731
Formations, acquisitions, and mergers, 54731–54732

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
Ractopamine, 54658–54660
Sponsor name and address changes—
Delmarva Laboratories, Inc., 54658
NOTICES
Meetings:
Biological Response Modifiers Advisory Committee, 54733–54734
Veterinary Medicine Advisory Committee, 54734
Reports and guidance documents; availability, etc.:
Donor suitability and blood product safety in cases of suspected severe acute respiratory syndrome or exposure to SARS; assessment recommendations, 54734–54735

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
Indiana, 54717

Forest Service
NOTICES
Environmental statements; notice of intent:
Daniel Boone National Forest, KY, 54706–54707
Huron-Mainstee National Forests et al., MI, 54707–54715
Umpqua National Forest, OR; canceled, 54715

Health and Human Services Department
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Substance Abuse and Mental Health Services Administration

Homeland Security Department
See Coast Guard

Housing and Urban Development Department
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 54736–54737
Organization, functions, and authority delegations:
Public Housing Hub Directors et al.; supersedure and redelegation of authority, 54737–54739

Industry and Security Bureau
RULES
Export administration regulations:
Revisions based on 2002 missile technology control regime plenary agreements, 54655–54658

Interior Department
See Land Management Bureau
See Minerals Management Service

Internal Revenue Service
RULES
Income taxes, etc.:
Automatic time extension to file certain information returns and exempt organization returns; correction, 54660
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 54787–54788

International Trade Commission
NOTICES
Import investigations:
Plastic grocery and retail bags, 54740
Senior Executive Service:
Performance Review Board; membership, 54740

Justice Department
NOTICES
Pollution control; consent judgments:
Bollman Trucking Co. et al., 54740–54741
Madison County Executive Airport Authority, 54741

Labor Department
See Employee Benefits Security Administration
See Labor Statistics Bureau
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 54741–54742

Labor Statistics Bureau
NOTICES
Meetings:
Federal Economic Statistics Advisory Committee, 54743

Land Management Bureau
NOTICES
Public land orders:
Colorado, 54739

Merit Systems Protection Board
RULES
Practice and procedure:
Expeditious adjudication of appeals, 54651–54652

Minerals Management Service
NOTICES
Royalty management:
Audit, inspection, and investigation delegation to States—
Alaska, 54739–54740

National Aeronautics and Space Administration
RULES
Grants and cooperative agreements:
NASA Grant and Cooperative Agreement Handbook; format and numbering scheme, 54654–54655

National Drug Control Policy Office
NOTICES
Meetings:
New England Governor's Summit, 54743
Senior Executive Service:
Performance Review Board; membership, 54743

National Highway Traffic Safety Administration
NOTICES
Motor vehicle safety standards:
Nonconforming vehicles—
Defect and noncompliance decisions; annual list, 54779–54784
Motor vehicle safety standards; exemption petitions, etc.:
Mazda North American Operations, 54784–54785

National Oceanic and Atmospheric Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 54717–54718
Permits:
Scientific research, 54718–54719

National Science Foundation
NOTICES
Environmental statements; notice of intent:
High-energy neutrino telescope, South Pole, Antarctica, 54743–54745

Natural Resources Conservation Service
NOTICES
Field office technical guides; changes:
Louisiana, 54715

Nuclear Regulatory Commission
NOTICES
Operating licenses, amendments; no significant hazards considerations; biweekly notices, 54747–54757
Petitions; Director's decisions:
FirstEnergy Nuclear Operating Co., 54757–54758
Applications, hearings, determinations, etc.:
Carolina Power & Light Co., 54745
Tennessee Valley Authority, 54745–54747

Office of National Drug Control Policy
See National Drug Control Policy Office

Postal Service
RULES
Domestic Mail Manual:
Parcel return services experiment, 54664–54672

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
American Stock Exchange LLC, 54758–54761
Emerging Markets Clearing Corp., 54761–54762
National Association of Securities Dealers, Inc., 54762–54763

State Department
NOTICES
Grants and cooperative agreements; availability, etc.:
Middle East and North Africa—
Educational Advising Program, 54764–54766

Substance Abuse and Mental Health Services Administration
NOTICES
Meetings:
Substance Abuse Prevention Center National Advisory Council, 54735–54736
Substance Abuse Treatment Center National Advisory Council, 54736

Thrift Supervision Office
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 54785–54787

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Federal Motor Carrier Safety Administration
See Federal Railroad Administration
See National Highway Traffic Safety Administration
NOTICES
Aviation proceedings:
Agreements filed; weekly receipts, 54766
Certificates of public convenience and necessity and foreign air carrier permits; weekly applications, 54766–54767

Treasury Department
See Alcohol and Tobacco Tax and Trade Bureau
See Comptroller of the Currency
See Internal Revenue Service

See Thrift Supervision Office

Veterans Affairs Department
PROPOSED RULES
Freedom of Information Act; implementation; withdrawn, 54704–54705

Separate Parts In This Issue

Part II
Environmental Protection Agency, 54789–54796

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

5 CFR
1201.....54651

14 CFR
39 (2 documents) 54653
1260.....54654

Proposed Rules:
39 (8 documents) 54680, 54682, 54684, 54686, 54688, 54690, 54691, 54694

15 CFR
772.....54655
774.....54655

21 CFR
520.....54658
556.....54658
558.....54658

26 CFR
602.....54660

27 CFR

Proposed Rules:
9.....54696

33 CFR
100 (2 documents) 54660, 54662

Proposed Rules:
165.....54700

38 CFR

Proposed Rules:
1.....54704
2.....54704

39 CFR
111.....54664

40 CFR
52.....54672
61.....54790
81.....54672
82.....54677

Proposed Rules:
52.....54705
61.....54794
81.....54705

47 CFR
90.....54678

Rules and Regulations

Federal Register

Vol. 68, No. 181

Thursday, September 18, 2003

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Practices and Procedures

AGENCY: Merit Systems Protection Board.

ACTION: Interim rule.

SUMMARY: The Merit Systems Protection Board (MSPB or the Board) is amending several provisions of its practices and procedures regulations to improve the agency's service to its customers by facilitating the expeditious adjudication of appeals. The amendments allow the judge to grant a joint or unilateral request for suspension of a case for only one 30-day period rather than two 30-day periods. Moreover, the amended regulations no longer provide for the automatic granting of such requests; instead, requests for the suspension of a case may be granted at the discretion of the judge. As a result of these amendments, the maximum amount of time that a case may be suspended has been reduced from 60 to 30 days.

The amended regulations also impose a condition on the judge's exercise of discretion in granting unilateral requests for an additional suspension period. Such requests may be granted for good cause shown pursuant to the amended regulations. The amended regulations also specify a 30-day limit on the amount of time the judge may grant for a unilateral request.

Two new subsections have also been added to the regulations governing discovery procedures. These subsections permit the administrative judge to impose limits on the frequency or extent of the use of discovery methods and the number of discovery requests. The Board has decided to follow the guidance of the Federal Rules of Civil Procedure in adopting these changes to its discovery procedures. The regulations governing discovery procedures have also been amended to reduce the number of days for filing subsequent discovery requests from 10 days to 7 days.

DATES: Effective date: September 18, 2003. Submit written comments on or before October 20, 2003.

ADDRESSES: Send comments to Bentley M. Roberts, Jr., Clerk of the Board, Merit Systems Protection Board, 1615 M Street, NW., Washington, DC 20419; (202) 653–7200, fax: (202) 653–7130 or e-mail: *mspb@mspb.gov.*

FOR FURTHER INFORMATION CONTACT: Bentley M. Roberts, Jr., Clerk of the Board, Merit Systems Protection Board, 1615 M Street, NW., Washington, DC 20419; (202) 653–7200, fax: (202) 653–7130 or e-mail: *mspb@mspb.gov.*

SUPPLEMENTARY INFORMATION: These changes in the Board's rules of practice and procedure respond in part to the directives contained in the President's Management Agenda (2002). The President's management reform initiative directs agencies to ''reshape their organizations to meet a standard of excellence in attaining the outcomes important to the nation.'' Among other actions, agencies are directed to reduce the time they take to make decisions.

Both appellants and agencies have also expressed concern about the amount of time it takes to adjudicate or otherwise process a case through the Board. As a result, the Board has reviewed its practice and procedure regulations and determined that certain timelines affecting the adjudication process could be shortened without adverse effects on the rights of the parties to a fair and impartial adjudication of appeals before the Board.

List of Subjects in 5 CFR Part 1201

Administrative practice and procedure, Civil rights, Government employees.

■ Accordingly, the Board amends 5 CFR part 1201 as follows:

PART 1201—[AMENDED]

■ 1. The authority citation for part 1201 continues to read as follows:

Authority: 5 U.S.C. 1204 and 7701, unless otherwise noted.

■ 2. Revise § 1201.28 to read as follows:

§ 1201.28 Case suspension procedures.

(a) *Joint requests.* The parties may submit a joint request for additional time to pursue discovery or settlement. Upon receipt of such request, an order suspending processing of the case for a period up to 30 days may be issued at the discretion of the judge.

(b) *Unilateral requests.* In lieu of participating in a joint request, either party may submit a unilateral request for additional time to pursue discovery as provided in this subpart. Unilateral requests for additional time of up to 30 days may be granted for good cause shown at the discretion of the judge.

(c) *Time for filing requests.* The parties must file a joint request that the adjudication of the appeal be suspended within 45 days of the date of the acknowledgment order (or within 7 days of the appellant's receipt of the agency file, whichever date is later).

(d) *Untimely requests.* The judge may consider requests for suspensions that are filed after the time limit set forth in paragraph (c) of this section. Such requests may be granted at the discretion of the judge.

(e) *Early termination of suspension period.* The suspension period may be terminated prior to the end of the agreed upon period if the parties request the judge's assistance relative to discovery or settlement during the suspension period and the judge's involvement pursuant to that request is likely to be extensive.

(f) *Limitation on suspension period.* No case may be suspended for more than a total of 30 days under the provisions of this section.

■ 3. Revise §§ 1201.72 and 1201.73 to read as follows:

§ 1201.72 Explanation and scope of discovery.

(a) *Explanation.* Discovery is the process, apart from the hearing, by which a party may obtain relevant information, including the identification of potential witnesses, from another person or a party, that the other person or party has not otherwise provided. Relevant information includes information that appears reasonably calculated to lead to the discovery of admissible evidence. This information is obtained to assist the parties in preparing and presenting their cases. The Federal Rules of Civil Procedure may be used as a general guide for

discovery practices in proceedings before the Board. Those rules, however, are instructive rather than controlling.

(b) *Scope.* Discovery covers any nonprivileged matter that is relevant to the issues involved in the appeal, including the existence, description, nature, custody, condition, and location of documents or other tangible things, and the identity and location of persons with knowledge of relevant facts. Discovery requests that are directed to nonparties and nonparty Federal agencies and employees are limited to information that appears directly material to the issues involved in the appeal.

(c) *Methods.* Parties may use one or more of the methods provided under the Federal Rules of Civil Procedure. These methods include written interrogatories, depositions, requests for production of documents or things for inspection or copying, and requests for admission.

(d) *Limitations.* The judge may limit the frequency or extent of use of the discovery methods permitted by these regulations. Such limitations may be imposed if the judge finds that the discovery sought is:

(1) Cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive;

(2) The party seeking discovery has had sufficient opportunity by discovery in the action to obtain the information sought; or

(3) The burden or expense of the proposed discovery outweighs its likely benefit.

§ 1201.73 Discovery procedures.

(a) *Discovery from a party.* A party seeking discovery from another party must start the process by serving a request for discovery on the representative of the other party or the party if there is no representative. The request for discovery must state the time limit for responding, as prescribed in § 1201.73(d), and must specify the time and place of the taking of the deposition, if applicable. When a party directs a request for discovery to an officer or employee of a Federal agency that is a party, the agency must make the officer or employee available on official time to respond to the request, and must assist the officer or employee as necessary in providing relevant information that is available to the agency.

(b) *Discovery from a nonparty, including a nonparty Federal agency.* Parties should try to obtain voluntary discovery from nonparties whenever possible. A party seeking discovery from a nonparty Federal agency or employee must start the process by serving a request for discovery on the nonparty Federal agency or employee. A party may begin discovery from other nonparties by serving a request for discovery on the nonparty directly. If the party seeking the information does not make that request, or if it does so but fails to obtain voluntary cooperation, it may obtain discovery from a nonparty by filing a written motion with the judge, showing the relevance, scope, and materiality of the particular information sought. If the party seeks to take a deposition, it should state in the motion the date, time, and place of the proposed deposition. An authorized official of the Board will issue a ruling on the motion, and will serve the ruling on the moving party. That official also will provide that party with a subpoena, if approved, that is directed to the individual or entity from which discovery is sought. The subpoena will specify the manner in which the party may seek compliance with it, and it will specify the time limit for seeking compliance. The party seeking the information is responsible for serving any Board-approved discovery request and subpoena on the individual or entity, or for arranging for their service.

(c) *Responses to discovery requests.* (1) A party, or a Federal agency that is not a party, must answer a discovery request within the time provided under paragraph (d)(2) of this section, either by furnishing to the requesting party the information or testimony requested or agreeing to make deponents available to testify within a reasonable time, or by stating an objection to the particular request and the reasons for the objection. Non-parties may respond to discovery requests by electronic mail if authorized by the requesting party.

(2) If a party fails or refuses to respond in full to a discovery request, or if a nonparty fails or refuses to respond in full to a Board-approved discovery order, the requesting party may file a motion to compel discovery. The requesting party must file the motion with the judge, and must serve a copy of the motion on the other party and on any nonparty entity or person from whom the discovery was sought. The motion must be accompanied by:

(i) A copy of the original request and a statement showing that the information sought is relevant and material; and

(ii) A copy of the response to the request (including the objections to discovery) or, where appropriate, a statement that no response has been received, along with an affidavit or sworn statement under 28 U.S.C. 1746 supporting the statement. (*See* appendix IV to part 1201.)

(3) The other party and any other entity or person from whom discovery was sought may respond to the motion to compel discovery within the time limits stated in paragraph (d)(4) of this section.

(d) *Time limits.* (1) Parties who wish to make discovery requests or motions must serve their initial requests or motions within 25 days after the date on which the judge issues an order to the respondent agency to produce the agency file and response.

(2) A party or nonparty must file a response to a discovery request promptly, but not later than 20 days after the date of service of the request or order of the judge. Any discovery requests following the initial request must be served within 7 days of the date of service of the prior response, unless the parties are otherwise directed. Deposition witnesses must give their testimony at the time and place stated in the request for deposition or in the subpoena, unless the parties agree on another time or place.

(3) Any motion to depose a nonparty (along with a request for a subpoena) must be submitted to the judge within the time limits stated in paragraph (d)(1) of this section or as the judge otherwise directs.

(4) Any motion for an order to compel discovery must be filed with the judge within 10 days of the date of service of objections or, if no response is received, within 10 days after the time limit for response has expired. Any pleading in opposition to a motion to compel discovery must be filed with the judge within 10 days of the date of service of the motion.

(5) Discovery must be completed within the time the judge designates.

(e) *Limits on the number of discovery requests.* (1) Absent prior approval by the judge, interrogatories served by parties upon another party or a nonparty may not exceed 25 in number, including all discrete subparts.

(2) Absent prior approval by the judge, parties may not take more than 10 depositions.

(3) Requests to exceed the limitations set forth in paragraphs (a) and (b) of this section may be granted at the discretion of the judge. In considering such requests, the judge shall consider the factors identified in § 1201.72(d) of this part.

Dated: September 15, 2003.

Bentley M. Roberts, Jr.,

Clerk of the Board.

[FR Doc. 03–23857 Filed 9–17–03; 8:45 am]

BILLING CODE 7400–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–ANE–08–AD; Amendment 39–13256; AD 2003–16–03]

RIN 2120–AA64

Airworthiness Directives; Turbomeca Arriel 1 Series Turboshaft Engines; Correction

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document makes a correction to Airworthiness Directive (AD) 2003–16–03 applicable to Turbomeca Arriel 1 Series turboshaft engines that was published in the **Federal Register** on August 8, 2003 (68 FR 47208). Turbomeca Arriel turboshaft engine 1 C1 was omitted from the Applicability. This document corrects that omission. In all other respects, the original document remains the same.

EFFECTIVE DATE: Effective September 18, 2003.

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

SUPPLEMENTARY INFORMATION: A final rule AD, FR Doc. 03–19836, applicable to Turbomeca Arriel 1 Series turboshaft engines, was published in the **Federal Register** on August 8, 2003 (68 FR 47208). The following correction is needed:

PART 39—AIRWORTHINESS DIRECTIVES

§ 39.13 [Corrected]

■ On page 47209, in the third column, in the Applicability Section, the first sentence ''This airworthiness directive (AD) applies to Turbomeca turboshaft engine models Arriel 1 A, 1 A1, 1 A2, 1 B, 1 C, 1 C2, 1 D, 1 D1, 1 E2, 1 K, 1 K1, 1 S, and 1 S1 that have not incorporated modification TU 202'' is corrected to read, ''This airworthiness directive (AD) applies to Turbomeca turboshaft engine models Arriel 1 A, 1 A1, 1 A2, 1 B, 1 C, 1 C1, 1 C2, 1 D, 1 D1, 1 E2, 1 K, 1 K1, 1 S, and 1 S1 that have not incorporated modification TU 202''.

Issued in Burlington, MA, on September 11, 2003.

Francis A. Favara,

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

[FR Doc. 03–23816 Filed 9–17–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–SW–61–AD; Amendment 39–13303; AD 2003–19–01]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model AS 365 N3 and EC 155B Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Eurocopter France (Eurocopter) Model AS 365 N3 and EC 155B helicopters, that requires replacing each Fenestron pitch change control rod (control rod) with an improved reinforced steel airworthy control rod. This amendment is prompted by a failure of a control rod on a prototype helicopter and by the manufacturer making available a newly-designed reinforced steel control rod. The actions specified by this AD are intended to prevent failure of the control rod, loss of control of the tail rotor, and subsequent loss of control of the helicopter.

DATES: Effective October 23, 2003.

FOR FURTHER INFORMATION CONTACT: Gary Roach, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations and Guidance Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5130, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that is applicable to Eurocopter Model AS 365 N3 and EC 155B helicopters was published in the **Federal Register** on October 2, 2002 (67 FR 61843). That action proposed to require replacing the affected control rod every 300 hours time-in-service (TIS). However, before the final rule was published, the manufacturer made available a redesigned control rod to replace the affected control rod and issued new service information. Therefore, since we decided to require replacing the affected control rod with the redesigned control rod, we reopened the comment period by publishing a supplemental notice of proposed rulemaking on April 1, 2003 (68 FR 15687). That action proposed to require removing the control rod, P/N 365A33–6161–21, and replacing it with a reinforced steel control rod, P/N 365A33–6214–20.

The Direction Generale De L'Aviation Civile (DGAC), the airworthiness authority for France, notified the FAA that an unsafe condition may exist on Eurocopter Model AS 365 N and Model EC 155B helicopters. The DGAC advises that a control rod failure occurred on a prototype aircraft and mandates removing control rod, P/N 365A33–6161–21, at certain times depending on the number of helicopter flight hours, and replacing it with a reinforced steel control rod, P/N 365A33–6214–20.

Eurocopter has issued Alert Telex No. 04A005 for Model EC 155B helicopters, and Alert Telex No. 01.00.55 for Model AS 365 N3 helicopters, both dated July 4, 2002. The alert telexes specify removing the control rod, P/N 365A33–6161–21, and replacing it with a reinforced steel control rod, P/N 365A33–6214–20. The DGAC classified these alert telexes as mandatory and issued AD No. 2002–472–057(A) for Model AS 365 N3 helicopters, and AD No. 2002–473–006(A) for Model EC 155B helicopters to ensure the continued airworthiness of these helicopters in France. Both AD's are dated September 18, 2002.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's AD system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. However, for clarity and consistency in this final rule, we have retained the language of the NPRM regarding that material.

The FAA estimates that 3 helicopters of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per helicopter to remove and replace the control rod, and that the average labor rate is $60 per work hour. Required parts will cost approximately $2,677. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $8,391.

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2003–19–01 Eurocopter France: Amendment 39–13303. Docket 2001–SW–61–AD.

Applicability: Model AS 365 N3 helicopters with MOD 0764B39 (Quiet Fenestron) and Model EC 155B helicopters with tail rotor pitch change control rod (control rod), part number (P/N) 365A33–6161–21, installed, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the control rod, loss of control of the tail rotor, and subsequent loss of control of the helicopter, accomplish the following:

(a) Remove the control rod, P/N 365A33–6161–21, and replace it with a reinforced steel control rod, P/N 365A33–6214–20, in accordance with the following table:

Remove the control rod:	For control rods with:
Before further flight.	700 or more hours TIS.
Within 20 hours TIS.	500 or more hours TIS but less than 700 hours TIS.
Within 30 hours TIS.	More than 270 hours TIS and less than 500 hours TIS.

Note 2: Eurocopter Alert Telex No. 04A005, for Model EC 155B helicopters, and Alert Telex No. 01.00.55, for Model AS 365 N3 helicopters, both dated July 4, 2002, pertain to the subject of this AD.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Safety Management Group, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Safety Management Group.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Safety Management Group.

(c) Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the requirements of this AD can be accomplished.

(d) This amendment becomes effective on October 23, 2003.

Note 4: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD No. 2002–472–057(A) for Model AS 365 N3 helicopters, and AD No. 2002–473–006(A) for Model EC 155B helicopters. Both AD's are dated September 18, 2002.

Issued in Fort Worth, Texas, on September 9, 2003.

Scott A. Horn,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 03–23830 Filed 9–17–03; 8:45 am]

BILLING CODE 4910–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1260

RIN 2700–AC62

NASA Grant and Cooperative Agreement Handbook—Format and Numbering

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This final rule amends the NASA Grant and Cooperative Agreement Handbook by revising the format and numbering scheme used to identify NASA's grants and cooperative agreements. This change is required to maintain the traditional alignment between NASA's grant and contract numbering schemes.

EFFECTIVE DATE: October 1, 2003.

FOR FURTHER INFORMATION CONTACT: Suzan P. Moody, NASA Headquarters, Code HK, Washington, DC, (202) 358–0503, e-mail: *Suzan.P.Moody@nasa.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

The General Services Administration (GSA) has established new requirements for unique numbering within an agency and between agencies for award instruments reported to the Federal Procurement Data System—Next Generation (FPDS-NG). This new requirement is effective no later than October 1, 2003. On May 21, 2003, the Assistant Administrator for Procurement approved a new numbering scheme to be used by NASA to comply with the GSA requirement. Although assistance agreements are not reported to the FPDS, NASA has always used the same numbering scheme for assistance agreements and contracts, as a matter of simplicity and efficiency. This final rule implements the revised numbering scheme.

B. Regulatory Flexibility Act

NASA certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because the changes primarily modify existing internal operational practices.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this final rule does not impose any new recordkeeping or information collection requirements, or collection of information from offerors, contractors, or members of the public that require the approval of the Office of

Management and Budget under 44 U.S.C. 3501, *et. seq.*

List of Subjects in 14 CFR Part 1260

Grant Programs—Science and Technology.

Tom Luedtke,

Assistant Administrator for Procurement.

■ Accordingly, 14 CFR Part 1260 is amended as follows:

■ 1. The authority citation for 14 CFR 1260 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1) and Pub. L. 97–258, 96 Stat. 1003 (31 U.S.C. 6301, *et seq.*)

PART 1260—GRANTS AND COOPERATIVE AGREEMENTS

■ 2. Amend section 1260.15 by revising paragraph (c) to read as follows:

§ 1260.15 Format and numbering.

* * * * *

(c) Grants and cooperative agreements will be sequentially numbered. The Identification Numbering System to be used for all types of NASA grants and cooperative agreements will be applied as follows:

(1) *Agency prefix.* NASA's agency prefix shall be represented by the characters ''NN''.

(2) *Center.* The Center Identification Number shall conform to NASA FAR Supplement (NFS) 48 CFR 1804.7102(a).

(3) *Fiscal year.* The fiscal year shall be represented as two digits.

(4) *Action number.* The action number shall be identified using a two digit alpha and two digit numerical character from AA01 through ZZ99.

(5) *Procurement code.* Cooperative Agreements will be identified using ''A'' as the procurement code. Grants (other than training grants) will be identified using ''G'' as the procurement code. Training Grants will be identified using ''H'' as the procurement code.

(6) As an example of the above set forth methodology, the first two training grants awarded by Glenn Research Center in Fiscal Year 2004 would be NNC04AA01H and NNC04AA02H.

(7) The Catalog of Federal Domestic Assistance (CFDA) Numbers does not apply to NASA grants.

[FR Doc. 03–23862 Filed 9–17–03; 8:45 am]

BILLING CODE 7510–01–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 772 and 774

[Docket No. 030825213–3213–01]

RIN 0694–AC76

Revisions to the Export Administration Regulations Based on the 2002 Missile Technology Control Regime Plenary Agreements

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security (BIS) is amending the Commerce Control List (CCL) to reflect changes to the Missile Technology Control Regime (MTCR) Annex that were agreed to by MTCR member countries at the September 2002 Plenary in Warsaw, Poland. BIS is also amending certain entries on the CCL to clarify the scope of and jurisdiction for controls on global navigation satellite receiving equipment.

EFFECTIVE DATE: This rule is effective: September 18, 2003.

FOR FURTHER INFORMATION CONTACT: Steven B. Clagett, Director, Nuclear and Missile Technology Controls Division, Bureau of Industry and Security, Telephone: (202) 482–1641.

SUPPLEMENTARY INFORMATION:

Background

The Missile Technology Control Regime (MTCR) is an export control arrangement among 33 nations including the world's most advanced suppliers of ballistic missiles and missile-related materials and equipment. The regime is designed to stem the spread of rockets and unmanned air vehicles systems capable of delivering weapons of mass destruction by establishing a common export control policy (the Guidelines) and a shared list of controlled items (the Annex) that each country implements with its own national legislation.

While the MTCR was originally meant to prevent the spread of missiles capable of carrying a nuclear warhead, it was expanded in January 1993 to also cover delivery systems for chemical and biological weapons. The only absolute prohibition in the regime's Guidelines is on the transfer of complete ''production facilities'' specially designed for items in the MTCR Annex.

This rule amends part 772 of the Export Administration Regulations to add the definitions for ''Range (MTCR)'' and ''Payload (MTCR)'' to the list of terms and revises the Commerce Control List (CCL) to reflect changes to the MTCR Annex that were agreed to by MTCR members at the September 2002 Plenary in Warsaw, Poland. In addition, this rule amends certain entries on the CCL to clarify the scope of and jurisdiction for controls on global navigation satellite receiving equipment (Export Control Classification Numbers (ECCNs) 7A005, 7A105 and 7A994).

The following ECCNs are amended as described:

1C111: Mixed Oxides of Nitrogen added (MTCR Annex change).

7A005: Cross-reference to 7A105 and 7A994 added (clarification).

7A103: Integrated Navigation Systems added (MTCR Annex change).

7A105: Entry reformatted to clarify description of items covered (MTCR Annex change). Cross-reference to 7A005 and 7A994 added (clarification).

7A994: Related controls paragraph deleted (clarification).

9A106: Flight Control Servo valves added (MTCR Annex change).

Saving Clause

Shipments of items removed from eligibility for a License Exception or export without a license (NLR) as a result of this regulatory action that were on dock for loading, on lighter, laden aboard an exporting carrier, or en route aboard a carrier to a port of export, on September 18, 2003, pursuant to actual orders for export to a foreign destination, may proceed to that destination under the previous eligibility for a License Exception or export without a license (NLR) so long as they have been exported from the United States before October 20, 2003. Any such items not actually exported before midnight, on October 20, 2003, require a license in accordance with this regulation.

Although the Export Administration Act expired on August 20, 2001, Executive Order 13222 of August 17, 2001 (66 FR 44025, August 22, 2001), as extended by the Notice of August 7, 2003 (68 FR 47833, August 11, 2003), continues the Regulations in effect under the International Emergency Economic Powers Act.

Rulemaking Requirements

1. This final rule has been determined to be not significant for purposes of E.O. 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act, unless that collection of

information displays a currently valid Office of Management and Budget Control Number. This rule involves a collection of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget under control number 0694–0088, ''Multi-Purpose Application,'' which carries a burden hour estimate of 45 minutes for a manual submission and 40 minutes for an electronic submission.

3. This rule does not contain policies with Federalism implications as that term is defined under E.O. 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this interim rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Matthew Blaskovich, Office of Exporter Services, Bureau of Industry and Security, Department of Commerce, PO Box 273, Washington, DC 20044.

List of Subjects

15 CFR Parts 772 and 774

Exports, Foreign trade.

■ Accordingly, parts 772 and 774 of the Export Administration Regulations (15 CFR parts 730–799) are amended as follows:

PART 772—[AMENDED]

■ 1. The authority citations for 15 CFR part 772 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 7, 2003, 68 FR 47833, August 11, 2003.

■ 2. Section 772.1 is amended by adding definitions for ''Payload'' and ''Range'' (MTCR) in alphabetical order as follows:

§ 772.1 Definitions of terms as used in the Export Administration Regulations (EAR).

* * * * *

''Payload'' (MTCR). The total mass that can be carried or delivered by the specified rocket system or unmanned aerial vehicle (UAV) system that is not used to maintain flight.

Note: The particular equipment, subsystems, or components to be included in the payload depends on the type and configuration of the vehicle under consideration.

Technical Notes:

a. Ballistic Missiles

1. ''Payload'' for systems with separating re-entry vehicles (RVs) includes:

i. The RVs, including:

A. Dedicated guidance, navigation, and control equipment;

B. Dedicated countermeasures equipment;

ii. Munitions of any type (*e.g.*, explosive or non-explosive);

iii. Supporting structures and deployment mechanisms for the munitions (*e.g.* hardware used to attach to, or separate the RV from, the bus/post-boost vehicle) that can be removed without violating the structural integrity of the vehicle;

iv. Mechanisms and devices for safing, arming, fuzing, or firing;

v. Any other countermeasures equipment (*e.g.*, decoys, jammers, or chaff dispensers) that separate from the RV bus/post-boost vehicle;

vi. The bus/post-boost vehicle or attitude control/velocity trim module not including systems/subsystems essential to the operation of other stages.

2. ''Payload'' for systems with non-separating re-entry vehicles includes:

i. Munitions of any type (*e.g.*, explosive or non-explosive);

ii. Supporting structures and deployment mechanisms for the munitions that can be removed without violating the structural integrity of the vehicle;

iii. Mechanisms and devices for safing, arming, fuzing or firing;

iv. Any countermeasures equipment (*e.g.*, decoys, jammers, or chaff dispensers) that can be removed without violating the structural integrity of the vehicle.

b. Space Launch Vehicles—''Payload'' includes:

1. Satellites (single or multiple);

2. Satellite-to-launch vehicle adapters including, if applicable, apogee/perigee kick motors or similar maneuvering systems;

c. Sounding Rockets—''Payload'' includes:

1. Equipment required for a mission, such as data gathering, recording or transmitting devices for mission-specific data;

2. Recovery equipment (*e.g.*, parachutes) that can be removed without violating the structural integrity of the vehicle.

d. Cruise Missiles—''Payload'' includes:

1. Munitions of any type (*e.g.*, explosive or non-explosive);

2. Supporting structures and mechanisms for the munitions that can be removed without violating the structural integrity of the vehicle;

3. Mechanisms and devices for safing, arming, fuzing or firing;

4. Countermeasures equipment (*e.g.*, decoys, jammers or chaff dispensers) that can be removed without violating the structural integrity of the vehicle;

5. Signature alteration equipment that can be removed without violating the structural integrity of the vehicle;

e. Other UAVs—''Payload'' includes:

1. Munitions of any type (*e.g.*, explosive or non-explosive);

2. Mechanisms and devices for safing, arming, fuzing or firing;

3. Countermeasures equipment (*e.g.*, decoys, jammers or chaff dispensers) that can be removed without violating the structural integrity of the vehicle;

4. Signature alteration equipment that can be removed without violating the structural integrity of the vehicle;

5. Equipment required for a mission such as data gathering, recording or transmitting devices for mission-specific data;

6. Recovery equipment (*e.g.*, parachutes) that can be removed without violating the structural integrity of the vehicle.

* * * * *

''Range'' (MTCR). The maximum distance that the specified rocket system or unmanned aerial vehicle (UAV) system is capable of traveling in the mode of stable flight as measured by the projection of its trajectory over the surface of the Earth.

Technical Notes:

a. The maximum capability based on the design characteristics of the system, when fully loaded with fuel or propellant, will be taken into consideration in determining range.

b. The range for both rocket systems and UAV systems will be determined independently of any external factors such as operational restrictions, limitations imposed by telemetry, data links or other external constraints.

c. For rocket systems, the range will be determined using the trajectory that maximizes range, assuming ICAO standard atmosphere with zero wind.

d. For UAV systems, the range will be determined for a one-way distance using the most fuel-efficient flight profile (*e.g.*, cruise speed and altitude), assuming ICAO standard atmosphere with zero wind.

* * * * *

PART 774—[AMENDED]

■ 3. The authority citation for 15 CFR part 774 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*, 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; Sec. 901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 7, 2003, 68 FR 47833, August 11, 2003.

■ 4. Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Materials, Chemicals, ''Microorganisms'' & ''Toxins'', Export Control Classification Number (ECCN) 1C111, List of Items Controlled Section is amended by revising the ''Related Controls'' and ''Items'' paragraphs to read as follows:

1C111 Propellants and constituent chemicals for propellants, other than those specified in 1C011, as follows (*see* List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: Butacene as defined by 1C111.c.1 is subject to the export licensing authority of the U.S. Department of State, Office of Defense Trade Controls (*See* 22 CFR 121.12.b(6), other ferrocene derivatives)

Related Definitions: * * *

Items

a. Propulsive substances:

a.1. Spherical aluminum powder, other than that specified on the U.S. Munitions List, with particles of uniform diameter of less than 200 micrometer and an aluminum content of 97% by weight or more, if at least 10 percent of the total weight is made up of particles of less than 63 micrometer, according to ISO 2591:1988 or national equivalents such as JIS Z8820.

Technical Note: A particle size of 63 micrometer (ISO R–565) corresponds to 250 mesh (Tyler) or 230 mesh (ASTM standard E–11).

a.2. Metal fuels, other than that controlled by the U.S. Munitions List, in particle sizes of less than z60 $\times 10^{-6}$ m (60 micrometers), whether spherical, atomized, spheroidal, flaked or ground, consisting 97% by weight or more of any of the following:

a.2.a Zirconium;

a.2.b Beryllium;

a.2.c Magnesium; or

a.2.d Alloys of the metals specified by a.2.a to a.2.c above.

Technical Note: The natural content of hafnium in the zirconium (typically 2% to 7%) is counted with the zirconium.

a.3. Liquid oxidizers, as follows:

a.3.a. Dinitrogen trioxide;

a.3.b. Nitrogen dioxide/dinitrogen tetroxide;

a.3.c. Dinitrogen pentoxide;

a.3.d.. Mixed Oxides of Nitrogen (MON)

Technical Note: Mixed Oxides of Nitrogen (MON) are solutions of Nitric Oxide (NO) in Dinitrogen Tetroxide/Nitrogen Dioxide (N_2O_4/NO_2) that can be used in missile systems. There are a range of compositions that can be denoted as MONi or MONij, where i and j are integers representing the percentage of Nitric Oxide in the mixture (*e.g.*, MON3 contains 3% Nitric Oxide, MON25 25% Nitric Oxide. An upper limit is MON40, 40% by weight).

b. Polymeric substances:

b.1. Carboxy-terminated polybutadiene (CTPB);

b.2. Hydroxy-terminated polybutadiene (HTPB), other than that controlled by the U.S. Munitions List;

b.3. Polybutadiene-acrylic acid (PBAA);

b.4. Polybutadiene-acrylic acid-acrylonitrile (PBAN);

c. Other propellant additives and agents:

c.1. Butacene ;

c.2. Triethylene glycol dinitrate (TEGDN);

c.3. 2-Nitrodiphenylamine;

c.4. Trimethylolethane trinitrate (TMETN);

c.5. Diethylene glycol dinitrate (DEGDN).

■ 5. Supplement No. 1 to Part 774 (the Commerce Control List), Category 7—Navigation and Avionics, ECCN 7A005 is amended by adding a Note to read as follows:

7A005 Global navigation satellite systems (i.e. GPS or GLONASS) receiving equipment, and specially designed components therefor. (These items are subject to the export licensing authority of the U.S. Department of State, Office of Defense Trade Controls. See 22 CFR part 121.)

Note to 7A005: *See* also 7A105 and 7A994.

■ 6. Supplement No. 1 to Part 774 (the Commerce Control List), Category 7—Navigation and Avionics, ECCN 7A103, List of Items Controlled Section, is amended by revising the ''Items'' paragraph to read as follows:

7A103 Instrumentation, navigation equipment and systems, other than those controlled by 7A003, and specially designed components therefor.

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: * * *

Items:

a. Inertial or other equipment using accelerometers or gyros controlled by 7A001, 7A002, 7A101 or 7A102 and systems incorporating such equipment;

Note: 7A103.a does not control equipment containing accelerometers specially designed and developed as MWD (Measurement While Drilling) sensors for use in down-hole well services operations.

b. Integrated flight instrument systems, which include gyrostabilizers or automatic pilots, designed or modified for use in ''missiles''.

c. Integrated Navigation Systems, designed or modified for use in ''missiles'' and capable of providing a navigational accuracy of 200m Circular Error Probable (CEP) or less.

Technical Note: An 'integrated navigation system' typically incorporates the following components:

1. An inertial measurement device (*e.g.*, an attitude and heading reference system, inertial reference unit, or inertial navigation system);

2. One or more external sensors used to update the position and/or velocity, either periodically or continuously throughout the flight (*e.g.*, satellite navigation receiver, radar altimeter, and/or Doppler radar); and

3. Integration hardware and software.

■ 7. Supplement No. 1 to Part 774 (the Commerce Control List), Category 7—Navigation and Avionics, ECCN 7A105 is revised to read as follows:

7A105 Receiving equipment for Global Navigation Satellite Systems (GNSS) (e.g. GPS, GLONASS, or Galileo) having any of the following characteristics, and specially designed components therefor. (These items are subject to the export licensing authority of the U.S. Department of State, Office of Defense Trade Controls. See 22 CFR part 121.)

1. Designed or modified for use in ''missiles''; or

2. Designed or modified for airborne applications and having any of the following:

a. Capable of providing navigation information at speeds in excess of 600 m/s (1,165 nautical mph).

b. Employing decryption, designed or modified for military or governmental services, to gain access to GNSS secured signal/data; or

c. Being specially designed to employ anti-jam features (*e.g.* null steering antenna or electronically steerable antenna) to function in an environment of active or passive countermeasures.

Note to 7A105: *See* also 7A005 and 7A994.

■ 8. Supplement No. 1 to Part 774 (the Commerce Control List), Category 7—Navigation and Avionics, ECCN 7A994, List of Items Controlled Section is amended by revising the ''Related Controls'' paragraph to read as follows:

7A994 Other navigation direction finding equipment, airborne communication equipment, all aircraft inertial navigation systems not controlled under 7A003 or 7A103, and other avionic equipment, including parts and components, n.e.s.

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: N/A.
Related Definitions: * * *
Items: * * *

* * * * *

■ 9. Supplement No. 1 to Part 774 (the Commerce Control List), Category 9—Propulsion Systems, Space Vehicles, and Related Equipment, ECCN 9A106, List of Items Controlled Section is amended by revising the ''Items'' paragraph to read as follows:

9A106 Systems or components, other than those controlled by 9A006, usable in ''missiles'', as follows (see List of Items Controlled), and specially designed for liquid rocket propulsion systems.

* * * * *

List of Items Controlled

Unit: * * *
Related Controls: * * *
Related Definitions: * * *
Items:

a. Ablative liners for thrust or combustion chambers;

b. Rocket nozzles;

c. Thrust vector control sub-systems;

Technical Note: Examples of methods of achieving thrust vector control controlled by 9A106.c includes:

1. Flexible nozzle;
2. Fluid or secondary gas injection;
3. Movable engine or nozzle;
4. Deflection of exhaust gas steam (jet vanes or probes); or
5. Thrust tabs.

d. Liquid and slurry propellant (including oxidizers) control systems, and specially designed components therefor, designed or modified to operate in vibration environments of more than 10 g rms between 20 Hz and 2000 Hz.

Note: The only servo valves and pumps controlled by 9A106.d, are the following:

a. Servo valves designed for flow rates of 24 liters per minute or greater, at an absolute pressure of 7 Mpa or greater, that have an actuator response time of less than 100 ms;

b. Pumps, for liquid propellants, with shaft speeds equal to or greater than 8,000 rpm or with discharge pressures equal to or greater than 7 Mpa.

e. Flight control servo valves designed or modified for use in ''missiles'' and designed or modified to operate in a vibration environment of more than 10g RMS over the entire range between 20Hz and 2KHz.

Dated: September 12, 2003.

Matthew Borman,

Acting Assistant Secretary for Export Administration.

[FR Doc. 03–23888 Filed 9–17–03; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for two approved new animal drug applications (NADAs) from Teva Pharmaceuticals USA to Delmarva Laboratories, Inc.

DATES: This rule is effective September 18, 2003.

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

SUPPLEMENTARY INFORMATION: Teva Pharmaceuticals USA, 650 Cathill Rd., Sellersville, PA 18960, has informed FDA that it has transferred ownership of, and all rights and interest in, the following two approved NADAs to Delmarva Laboratories, Inc., 1500 Huguenot Rd., suite 106, Midlothian, VA 23113:

NADA No.	Trade Name
65–492	ROBAMOX V (amoxicillin trihydrate) Tablets
65–495	ROBAMOX V (amoxicillin trihydrate)

Accordingly, the agency is amending the regulations in 21 CFR 520.88b and 520.88f to reflect the transfer of ownership.

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.

§ 520.88b [Amended]

■ 2. Section 520.88b *Amoxicillin trihydrate for oral suspension* is amended in paragraph (c) by removing ''*Sponsor*. See Nos. 000093 and 000856'' and by adding in its place ''*Sponsors*. See Nos. 000856 and 059079''.

§ 520.88f [Amended]

■ 3. Section 520.88f *Amoxicillin trihydrate tablets* is amended in paragraph (b) by removing ''*Sponsor*. See Nos. 000093 and 000856'' and by adding in its place ''*Sponsors*. See Nos. 000856 and 059079''.

Dated: August 28, 2003.

Steven D. Vaughn,

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

[FR Doc. 03–23779 Filed 9–17–03; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 556 and 558

New Animal Drugs; Ractopamine

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Elanco Animal Health. The NADA provides for use of ractopamine hydrochloride Type A medicated articles to make Type B and Type C medicated feeds used for increased rate of weight gain, improved feed efficiency, and increased carcass leanness in cattle fed in confinement for slaughter.

DATES: This rule is effective September 18, 2003.

FOR FURTHER INFORMATION CONTACT: Eric S. Dubbin, Center for Veterinary

Medicine (HFV–126), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0232, e-mail: *edubbin@cvm.fda.gov.*

SUPPLEMENTARY INFORMATION: Elanco Animal Health, A Division of Eli Lilly & Co., Lilly Corporate Center, Indianapolis, IN 46285, filed NADA 141–221 that provides for use of OPTAFLEXX 45 (ractopamine hydrochloride) Type A medicated article to make dry and liquid Type B and dry Type C medicated feeds used for increased rate of weight gain, improved feed efficiency, and increased carcass leanness in cattle fed in confinement for slaughter during the last 28 to 42 days on feed. The NADA is approved as of June 13, 2003, and the regulations in 21 CFR 556.570 and 558.500 are 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 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 Division of Dockets Management (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.

The agency has carefully considered the potential environmental impact of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. FDA's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(ii)), this approval qualifies for 3 years of marketing exclusivity beginning June 13, 2003 .

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

21 CFR Part 556

Animal drugs, Foods.

21 CFR Part 558

Animal drugs, Animal feeds.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 556 and 558 are amended as follows:

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

■ 1. The authority citation for 21 CFR part 556 continues to read as follows:

Authority: 21 U.S.C. 342, 360b, 371.

■ 2. Section 556.570 is revised to read as follows:

§ 556.570 Ractopamine.

(a) *Acceptable Daily Intake (ADI).* The ADI for total residues of ractopamine hydrochloride is 1.25 micrograms per kilogram of body weight per day.

(b) *Tolerances* —(1) *Cattle*—(i) *Liver (the target tissue).* The tolerance for ractopamine hydrochloride (the marker residue) is 0.09 parts per million (ppm).

(ii) *Muscle.* The tolerance for ractopamine hydrochloride (the marker residue) is 0.03 ppm.

(2) *Swine*—(i) *Liver (the target tissue).* The tolerance for ractopamine hydrochloride (the marker residue) is 0.15 ppm.

(ii) *Muscle.* The tolerance for ractopamine hydrochloride (the marker residue) is 0.05 ppm.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 3. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

■ 4. Section 558.500 is amended by adding paragraphs (d)(3) and (e)(2) to read as follows:

§ 558.500 Ractopamine.

* * * * *

(d) * * *

(3) Ractopamine liquid Type B cattle feeds may be manufactured from dry ractopamine Type A articles. The liquid Type B feeds must be maintained at a pH of 4.5 to 7.5. Mixing directions for liquid Type B feeds requiring recirculation or agitation: Recirculate immediately prior to use for not less than 10 minutes, moving not less than 1 percent of the tank contents per minute from the bottom of the tank to the top. Recirculate daily as described even when not used.

(e) * * *

(2) *Cattle*—

Ractopamine in grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
(i) 8.2 to 24.6		Cattle fed in confinement for slaughter: For increased rate of weight gain and improved feed efficiency during the last 28 to 42 days on feed.	Feed continuously as sole ration during the last 28 to 42 days on feed. Not for animals intended for breeding.	000986
(ii) 9.8 to 24.6		Cattle fed in confinement for slaughter: For increased rate of weight gain, improved feed efficiency, and increased carcass leanness during the last 28 to 42 days on feed.	Feed continuously as sole ration during the last 28 to 42 days on feed. Not for animals intended for breeding.	000986

Dated: September 9, 2003.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 03–23892 Filed 9–17–03; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 602

[TD 9061]

RIN 1545–BB55

Automatic Extension of Time To File Certain Information Returns and Exempt Organization Returns; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final and temporary regulations.

SUMMARY: This document contains corrections to final and temporary regulations that were published in the **Federal Register** on June 11, 2003 (68 FR 34797), regarding an automatic extension of time to file certain information returns and exempt organization returns under section 6081 of the Internal Revenue Code.

DATES: This correction is effective June 11, 2003.

FOR FURTHER INFORMATION CONTACT: Charles A. Hall (202) 622–4940 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final and temporary regulations that are the subject of these corrections are under section 6081 of the Internal Revenue Code.

Need for Correction

As published, these final and temporary regulations (TD 9061) contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

■ Accordingly, the publication of the final and temporary regulations (TD 9061), which were the subject of FR Doc. 03–14603, is corrected to read as follows:

■ On page 34799, column 3, § 602.101(b), the entries in the table are corrected to read as follows:

§ 602.101 OMB Control numbers

* * * * *

(b)* * *

CFR part or section where identified and described	Current OMB control No.
* * * * *	
1.6081–8T	1545–1840
1.6081–9T	1545–1840
* * * * *	

Cynthia E. Grigsby,

Acting Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedures and Administration).

[FR Doc. 03–23876 Filed 9–17–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[CGD05–03–129]

RIN 1625–AA08

Special Local Regulations for Marine Events; James River, Jamestown Beach to First Colony Beach, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary special local regulations during the ''James River Cancer Swim'', a marine event to be held September 21, 2003 on the waters of the James River, between Jamestown Beach and First Colony Beach, Virginia. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to temporarily restrict vessel traffic in a portion of the James River between Jamestown Beach and First Colony Beach, Virginia during the event.

DATES: This rule is effective from 12:45 p.m. to 3:45 p.m. on September 21, 2003.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of docket CGD05–03–129 and are available for inspection or copying at Commander (oax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: S. L. Phillips, Project Manager, Auxiliary and Recreational Boating Safety Branch, at (757) 398–6204.

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. The event will take place on September 21, 2003. There is not sufficient time to allow for a notice and comment period, prior to the event. Because of the danger posed to the swimmers competing within a confined area, special local regulations are necessary to provide for the safety of event participants, support craft and other vessels transiting the event area.

For the same reasons, 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**. Delaying the effective date would be contrary to the public interest, since immediate action is needed to ensure the safety of participants, support craft, spectator craft and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event. However, advance notifications will be made to affected users of the waterway via marine information broadcasts and area newspapers.

Background and Purpose

On September 21, 2003, the College of William and Mary will sponsor the ''James River Cancer Swim''. The event will consist of approximately 60 swimmers competing across a portion of the James River between Jamestown Beach and First Colony Beach, Virginia. The competition will begin at the southern shoreline. The participants will swim across to the northern shore, and then return to the finish line on the southern shore. Approximately 10 support vessels will accompany the swimmers. Due to the need for vessel control during the swimming event, the Coast Guard will temporarily restrict vessel traffic in the event area to provide for the safety of participants, support craft and other transiting vessels.

Discussion of Rule

The Coast Guard is establishing temporary special local regulations on specified waters of the James River between Jamestown Beach and First Colony Beach, Virginia. The temporary special local regulations will be in effect from 12:45 p.m. to 3:45 p.m. on September 21, 2003. The effect will be to restrict general navigation in the regulated area during the event. Except for persons or vessels authorized by the

Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area. Vessel traffic will be allowed to transit the regulated area at slow speed as the swim progresses, when the Coast Guard Patrol Commander determines it is safe to do so. These regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

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 temporary final rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

Although this regulation restricts vessel traffic transiting a portion of the James River during the event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect. Extensive advance notifications will be made to the maritime community via marine information broadcasts and area newspapers so mariners can adjust their plans accordingly. In addition, vessel traffic will be allowed to transit the regulated area at slow speed as the swim progresses, when the Coast Guard Patrol Commander determines it is safe to do so.

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 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 will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit or anchor in the effected portion of the James River during the event.

This rule will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be in effect for only a short period, from 12:45 p.m. to 3:45 p.m. on September 21, 2003. Vessels desiring to transit the event area will be able to transit the regulated area at slow speed as the swim progresses, when the Coast Guard Patrol Commander determines it is safe to do so. Before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

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 temporary rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the address listed under **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 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 will not create an environmental risk to health or risk to safety that might 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 and direct effect on one or more Indian tribes, on the relationship between the Federal Governments 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 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 M16475.1D, 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)(h), of the Instruction, from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit are specifically excluded from further analysis and documentation under those sections. Under figure 2–1, paragraph (34)(h), of the Instruction, an ''Environmental Analysis Check List'' and a ''Categorical Exclusion Determination'' are not required for this rule.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 100.35–T05–129 to read as follows:

§ 100.35–T05–129 James River, Jamestown Beach to First Colony Beach, VA.

(a) *Definitions.*

Coast Guard Patrol Commander means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Hampton Roads.

Official Patrol means any vessel assigned or approved by Commander, Coast Guard Group Hampton Roads with a commissioned, warrant, or petty officer of the Coast Guard on board and displaying a Coast Guard ensign.

Regulated Area includes all waters of the James River enclosed by a line drawn southerly from a point on the shoreline at latitude 37° 12′ 33′ N, longitude 076° 46′ 52′ W, thence to latitude 37° 10′ 58′ N, longitude 076° 47′ 06′ W, thence easterly along the shoreline to latitude 37° 10′ 35′ N, longitude 076° 46′ 42′ W, thence northerly to latitude 37° 12′ 22′ N, longitude 076° 46′ 27′ W, thence returning westerly along the shoreline to latitude 37° 12′ 33′ N, longitude 076° 46′ 52′ W. All coordinates reference Datum NAD 1983.

(b) *Special Local Regulations.* (1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any official patrol.

(ii) Proceed as directed by any official patrol.

(c) *Enforcement period.* This section will be enforced from 12:45 p.m. to 3:45 p.m. on September 21, 2003.

Dated: September 8, 2003.

Sally Brice-O'Hara,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 03–23778 Filed 9–17–03; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[CGD05–03–124]

RIN 1625–AA08

Special Local Regulations for Marine Events; Choptank River, Cambridge, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary special local regulations during the ''Chesapeake Challenge'', a marine event to be held September 28, 2003 on the waters of the Choptank River at Cambridge, Maryland. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in the Choptank River during the events.

DATES: This rule is effective from 11:30 a.m. through 4:30 p.m. on September 28, 2003.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of docket CGD05–03–124 and are available for inspection or copying at Commander (oax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: S. L. Phillips, Project Manager, Auxiliary and Recreational Boating Safety Branch, at (757) 398–6204.

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. The event will take place on September 28, 2003. There is not sufficient time to allow for a notice and comment period, prior to the event. Because of the danger posed by high-speed power boats competing within a confined area, special local regulations are necessary to provide for the safety of event participants, support craft, spectators and other vessels transiting the event area.

For the same reasons, 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**. Delaying the effective date would be contrary to the public interest, since immediate action is needed to ensure the safety of participants, spectator craft and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event. However, advance notifications will be made to affected users of the waterway via marine information broadcasts and area newspapers.

Background and Purpose

On September 28, 2003, the Chesapeake Bay Powerboat Association will sponsor the ''Chesapeake Challenge'', on the waters of the Choptank River at Cambridge, Maryland. The event will consist of approximately 30 offshore powerboats conducting high-speed competitive races between the Rt. 50 bridge and Oystershell Point. A fleet of approximately 250 spectator vessels is expected to gather nearby to view the competition. Due to the need for vessel control during the event, vessel traffic will be temporarily restricted to provide for the safety of participants, spectators and transiting vessels.

Discussion of Rule

The Coast Guard is establishing temporary special local regulations on specified waters of the Choptank River. The temporary regulations will be enforced from 11:30 a.m. to 4:30 p.m. on September 28, 2003, and will restrict general navigation in the regulated area during the event. Except for participants and vessels authorized by the Coast

Guard Patrol Commander, no person or vessel will be allowed to enter or remain in the regulated area. These regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

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 rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. Although this regulation will prevent traffic from transiting a portion of the Choptank River during the event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly. Additionally, the regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary. Vessel traffic will be able to transit the regulated area between heats, when the Coast Guard Patrol Commander deems it is safe to do so.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule will 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 will 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 Choptank River during the event.

This rule will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be in effect for only a limited period. Vessel traffic will be able to transit the regulated area between heats, when the Coast Guard Patrol Commander deems it is safe to do so. Before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

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. If the rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the address listed under **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 will call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and will 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 will not create an environmental risk to health or risk to safety that might 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 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.

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 will 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)(h), of the Instruction, from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit are specifically excluded from further analysis and documentation under that section.

Under figure 2–1, paragraph (34)(h), of the Instruction, an ''Environmental Analysis Check List'' and a ''Categorical Exclusion Determination'' are not required for this rule.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 100.35–T05–124 to read as follows:

§ 100.35–T05–124 Choptank River, Cambridge, MD.

(a) *Definitions.*

Coast Guard Patrol Commander means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Activities Baltimore.

Official Patrol means any vessel assigned or approved by Commander, Coast Guard Activities Baltimore with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

Participant includes all vessels participating in the Chesapeake Challenge under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Activities Baltimore.

Regulated area includes all waters of the Choptank River, from shoreline to shoreline, bounded to the west by the Rt. 50 bridge and bounded to the east by a line drawn along longitude 076° 00″00″ W at Oystershell Point. All coordinates reference Datum: NAD 1983.

(b) *Special local regulations:* (1) Except for event participants and persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any Official Patrol.

(ii) Proceed as directed by any Official Patrol.

(iii) Unless otherwise directed by the Official Patrol, operate at a minimum wake speed not to exceed six (6) knots.

(c) *Enforcement period.* This section will be enforced from 11:30 a.m. through 4:30 p.m. on September 28, 2003.

Dated: September 2, 2003.

Sally Brice-O'Hara,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 03–23777 Filed 9–17–03; 8:45 am]

BILLING CODE 4910–15–P

POSTAL SERVICE

39 CFR Part 111

Parcel Return Services Experiment

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule sets forth the *Domestic Mail Manual* (DMM) standards adopted by the Postal Service to implement the Parcel Return Services experiment pursuant to the Decision of the Governors of the Postal Service approving the Recommended Decision of the Postal Rate Commission in its Docket No. MC2003–2. The recommended decision is based on the Stipulation and Agreement that represented a negotiated settlement of all issues in that docket.

EFFECTIVE DATE: This final rule is effective at 12:01 a.m. on October 19, 2003.

FOR FURTHER INFORMATION CONTACT: Obataiye B. Akinwole, 703–292–3643.

SUPPLEMENTARY INFORMATION:

PRS Background

The Postal Service is conducting this Parcel Return Services (PRS) experiment to respond to the rapidly evolving market of Internet and catalog sales. Merchandise sales inevitably lead to returns, and many consumers, as well as Internet and catalog retailers, rely on the Postal Service for return of merchandise. By taking advantage of new ways of handling returned parcels, the new Parcel Return Services can provide convenience to consumers and competitive prices for retailers. Commercial shippers generally enter their parcels in bulk at postal facilities near their destinations and receive discounts for doing so. With the PRS experiment, they will be able to pick up returns in bulk at those same facilities and receive discounts for the handling and transportation costs the Postal Service otherwise would have incurred for single-piece handling and transportation of those parcels back to the original shipper. Thus, the experiment provides return parcels with the benefits of worksharing and the advantages of Parcel Select service realized by mailers for outgoing parcels.

PRS Rate Categories

PRS consists of three rate categories for returned Package Services parcels retrieved in bulk by a permit holder.

- The Parcel Select Return Delivery Unit (RDU) rate category applies to Parcel Post subclass parcels retrieved from a designated delivery unit.[1] The RDU rates are flat rates that do not vary by weight. There is one rate category for all regular-sized parcels and a separate flat rate for all oversized parcels.
- The Parcel Select Return Bulk Mail Center (RBMC) rate category applies to Parcel Post subclass parcels retrieved in bulk from any of the 21 Bulk Mail Centers (BMCs) listed in DMM L601, or other equivalent facility. Permit holders are required to develop reverse manifests of each piece they retrieve.
- The Bound Printed Matter (BPM) Return Bulk Mail Center (RBMC) rate category applies to BPM subclass parcels retrieved in bulk from any of the 21 BMCs. Permit holders are required to develop reverse manifests of each piece they retrieve. Flat-shaped single-piece rate BPM eligible for a rate reduction in the form of a flat differential does not qualify for the RBMC rate. There is no separate BPM rate for parcels retrieved from RDUs. BPM parcels can qualify as PSRS parcels retrieved from a DDU.

PRS Rates

As part of this experiment, participants will be charged the applicable rate in new DMM G993.3.1 through 3.4.

---

[1] Designated delivery units are those that currently offer extended hours for entry of Parcel Select-DDU parcels, and represent approximately 6,500 of the largest offices. This limit will allow the Postal Service to better manage and evaluate the experiment. Delivery unit information can be obtained from the Drop Ship Product, which provides information to customers who deliver their Package Services mailings to BMCs and DDUs. The Drop Ship Address portion of the product contains USPS facility address and telephone information. The Drop Ship Product is available by subscription from the National Customer Support Center (NCSC), Memphis, TN.

Parcels must be retrieved on a regular schedule. From BMCs, a minimum of every 48 hours excluding Sundays and Postal Service holidays, and from designated delivery units, a minimum of once every seven days. Permit holders or their agents would be required to set up a recurring or standing appointment to retrieve PRS parcels. If the permit holder (or agent) already has existing appointments to deliver Parcel Select parcels to a BMC or DDU, the same appointment can be used for retrieving PRS parcels.

Participation in the first year of the experiment will be limited to 20 approved participants (permit holders). An additional 10 participants may be added during the second year. Participants will pay one annual PRS permit fee and one annual PRS advance deposit accounting fee of $150.00 and $475.00, respectively, at the post office where the PRS permit is held. Only one permit and accounting fee is required for each participant (permit holder). Payment of these fees allows the permit holder to retrieve both Parcel Select and BPM PRS parcels for their clients, as well as their own parcels, at all approved locations. Permit holders must use the Centralized Account Processing System (CAPS) electronic postage payment system to fund postage payments for all returns through all locations. Information on CAPS can be found at *http://caps.usps.gov.*

The PRS permit may be canceled by the Postal Service for failure to maintain sufficient funds in a trust account to cover postage and fees on returned parcels, for distributing labels that do not conform to Postal Service specifications, or for several other reasons set out in this rule.

Because of the purpose and limited scope of this experiment, the Postal Service finds no need to solicit comments on the standards for Parcel Return Services or to delay implementation of this experiment.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

■ For the reasons discussed above, the Postal Service hereby adopts the following amendments to the *Domestic Mail Manual,* which is incorporated by reference in the Code of Federal Regulations (*see* 39 CFR part 111).

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

■ 2. Revise the following sections of the DMM as set forth below:

G General Information

* * * * *

G900 Experimental Classification and Rate Filings

* * * * *

G990 Experimental Classifications and Rates

* * * * *

[*Add new G993 to read as follows:*]

G993 Parcel Return Services

Summary G993 describes the eligibility, standards, physical characteristics, markings, and rates that apply to the experimental Parcel Return Services classification.

1.0 BASIC INFORMATION

1.1 Description

The standards in G993 apply to parcels that are retrieved in bulk by authorized permit holders or their agents who are approved participants in the Parcel Return Services (PRS) experiment. The permit holder guarantees payment of postage and retrieval of all PRS parcels mailed with a PRS label. The permit holder has the option of retrieving returned parcels at a designated delivery unit (DDU) (the post office where PRS parcels are mailed by a customer)—or at the bulk mail center (BMC) that serves the post office where returned parcels are deposited by a customer. Payment for parcels returned under PRS is deducted from a separate advance deposit (postage due) account that is funded through the Centralized Account Processing System (CAPS).

1.2 Applicability

Parcels may use PRS when all of the following conditions apply:

a. Parcels contain merchandise being returned to the merchant.

b. Parcels bear a PRS label that meets the standards in 4.0.

c. The parcel shows the permit number, and the permit holder has paid the annual PRS permit fee and the annual PRS accounting fee.

1.3 Services

Package Services pieces using Parcel Return Services are not eligible for ancillary or special services.

1.4 Customer Mailing Options

Returned parcels must be mailed within the service area of the post office shown in the return address on the label. They may be deposited at:

a. The main post office or any associated office, station, or branch.

b. In any collection box (except an Express Mail box).

c. With any rural carrier.

d. On business routes during regular mail delivery if prior arrangements are made with the carrier.

e. As part of a collection run for other mail (special arrangements may be required).

f. At any place designated by the postmaster for the receipt of mail.

1.5 Participation

Companies who wish to participate in this experiment must send a request, on company letterhead, to the manager, Mailing Standards (see G043 for address). Requests also may be sent via e-mail to *sherry.s.freda@usps.gov*; or by fax to 703–292–4058. The request must contain the following information:

a. Company name and address.

b. Individual contact name, telephone number, fax number, and e-mail address.

c. The rate category or categories to be used; proposed retrieval locations (delivery units and bulk mail centers); and individual contact information for the company contact or agent at each location.

d. A list of clients, if the applicant is not the merchant (required for mailer identification number assignment).

e. Projected volume per quarter for each RDU and/or RBMC.

f. Label and instruction examples that comply with 4.0.

g. Date(s) label distribution will begin for each client.

h. Description of the electronic returns manifesting system to be used to document returns, by location and rate eligibility.

i. Current Parcel Select and BPM parcel profile (volumes and weights).

1.6 Evaluation

The electronic returns manifesting system will be subject to approval by the manager, Business Mailer Support (BMS). BMS can provide applicants information for developing and receiving approval for a parcel returns system, electronic file transfer requirements, and certification process. Once approved, participants must comply with the terms of the PRS Service Agreement and pay the annual fees in 2.2 and 2.3. The manager, Mailing Standards may request additional data and a visit to the applicant's plant. In selecting participants, the manager, Mailing Standards uses the following additional criteria:

a. The applicant must be prepared to begin operation at a mutually agreed upon time soon after selection.

b. The applicant must demonstrate the ability to retrieve parcels on a regular schedule mutually agreed upon from the designated RDU, RBMC, or both.

1.7 Authorization

Participants during the first year of this experiment will be limited to the first 20; depending on the results in year one, 10 additional participants may be approved during the second year. The manager, Mailing Standards will review each request and will proceed as follows:

a. If the applicant meets the conditions required for the PRS experiment and the application is otherwise consistent with the purposes and goals of the experiment, the manager, Mailing Standards will approve the letter of request. For the purposes of the experiment, the Postal Service may require additional documentation and periodic review and inspection of each participant's PRS processing and accounting operations.

b. If the application does not appear to meet the conditions required for the PRS experiment, the manager, Mailing Standards will deny the request and send a written notice to the applicant, with the reasons for denial.

1.8 Procedure

Upon approval and payment of fees, participants must provide a copy of the approval to each contact at each pickup location. The manager, Mailing Standards will provide a copy to each district manager, Business Mail Entry that has a pickup location. Local post offices can determine payment of fees through CAPS.

1.9 Pickup Schedule

Parcels must be retrieved on a regular schedule: from BMCs, a minimum of every 48 hours excluding Sundays and Postal Service holidays; and from DDUs, a minimum of once every seven days. Permit holders or their agents will be required to set up a recurring or standing appointment to retrieve PRS parcels. If the permit holder (or agent) already has existing appointments to deliver Parcel Select parcels to a BMC or DDU that meet these standards, the same appointment can be used for retrieving PRS parcels.

2.0 POSTAGE AND FEES

2.1 Postage

There are three PRS rate categories:

a. Parcel Select RDU. Parcels returned as Parcel Post to, and retrieved in bulk from, a designated delivery unit.

b. Parcel Select RBMC. Parcels returned as Parcel Post to, and retrieved in bulk from, a designated BMC.

c. Bound Printed Matter RBMC. Parcels returned as Bound Printed Matter to, and retrieved in bulk from, a designated BMC.

2.2 Permit Fee

A $150.00 permit fee must be paid annually at the post office where the PRS permit is held. The permit must remain valid during the course of the experiment.

2.3 Advance Deposit Account and Annual Accounting Fee

The participant must pay postage through an advance deposit account and must pay an annual accounting fee of $475.00. The account must remain valid during the course of the experiment.

3.0 RATES

3.1 Parcel Select Return Services—Return Delivery Unit

Regardless of weight, any parcel that measures more than 108 inches (but not more than 130 inches) in combined length and girth must pay the oversized rate.

Weight not over (pounds)	Rate
1	$2.00
2	2.00
3	2.00
4	2.00
5	2.00
6	2.00
7	2.00
8	2.00
9	2.00
10	2.00
11	2.00
12	2.00
13	2.00
14	2.00
15	2.00
16	2.00
17	2.00
18	2.00
19	2.00
20	2.00
21	2.00
22	2.00
23	2.00
24	2.00
25	2.00
26	2.00
27	2.00
28	2.00
29	2.00
30	2.00
31	2.00
32	2.00
33	2.00
34	2.00
35	2.00
36	2.00
37	2.00
38	2.00
39	2.00
40	2.00
41	2.00
42	2.00
43	2.00
44	2.00
45	2.00
46	2.00
47	2.00
48	2.00
49	2.00
50	2.00
51	2.00
52	2.00
53	2.00
54	2.00
55	2.00
56	2.00
57	2.00
58	2.00
59	2.00
60	2.00
61	2.00
62	2.00
63	2.00
64	2.00
65	2.00
66	2.00
67	2.00
68	2.00
69	2.00
70	2.00
Oversize	7.51

3.2 Parcel Select Return Services—Return BMC Machinable

Parcels that weigh less than 15 pounds but measure more than 84 inches in combined length and girth are charged the applicable rate for a 15-pound parcel.

Weight not over (pounds)	Zones 1 & 2	Zone 3	Zone 4	Zone 5
1	$2.10	$2.13	$2.19	$2.28
2	2.67	2.70	2.77	2.88
3	3.22	3.25	3.34	3.46
4	3.42	3.76	3.86	4.00
5	3.59	4.16	4.29	4.49
6	3.75	4.52	4.65	4.94

Weight not over (pounds)	Zones 1 & 2	Zone 3	Zone 4	Zone 5
7	3.90	4.83	4.98	5.35
8	4.47	5.12	5.28	5.74
9	4.60	5.36	5.59	6.09
10	4.77	5.67	5.88	6.42
11	4.90	5.88	6.14	6.72
12	5.05	6.08	6.40	7.01
13	5.18	6.24	6.64	7.27
14	5.30	6.36	6.89	7.52
15	5.41	6.53	7.10	7.76
16	5.52	6.70	7.30	7.98
17	5.65	6.86	7.52	8.19
18	5.74	7.01	7.71	8.38
19	5.86	7.16	7.89	8.57
20	5.96	7.30	8.05	8.74
21	6.05	7.44	8.20	8.91
22	6.16	7.56	8.34	9.06
23	6.24	7.72	8.48	9.21
24	6.33	7.84	8.60	9.36
25	6.41	7.96	8.72	9.49
26	6.51	8.07	8.85	9.62
27	6.59	8.20	8.96	9.74
28	6.66	8.32	9.05	9.86
29	6.75	8.44	9.16	9.97
30	6.83	8.54	9.26	10.07
31	6.91	8.62	9.35	10.18
32	7.00	8.74	9.45	10.27
33	7.06	8.84	9.53	10.37
34	7.14	8.92	9.61	10.45
35	7.20	9.03	9.69	10.54

3.3 Parcel Select Return Services—Return BMC Nonmachinable

Parcels that weigh less than 15 pounds but measure more than 84 inches in combined length and girth are charged the applicable rate for a 15-pound parcel. Regardless of weight, any parcel that measures more than 108 inches (but not more than 130 inches) in combined length and girth must pay the oversized rate.

Weight not over (pounds)	Zones 1 & 2	Zone 3	Zone 4	Zone 5
1	$3.45	$3.48	$3.54	$3.63
2	4.02	4.05	4.12	4.23
3	4.57	4.60	4.69	4.81
4	4.77	5.11	5.21	5.35
5	4.94	5.51	5.64	5.84
6	5.10	5.87	6.00	6.29
7	5.25	6.18	6.33	6.70
8	5.82	6.47	6.63	7.09
9	5.95	6.71	6.94	7.44
10	6.12	7.02	7.23	7.77
11	6.25	7.23	7.49	8.07
12	6.40	7.43	7.75	8.36
13	6.53	7.59	7.99	8.62
14	6.65	7.71	8.24	8.87
15	6.76	7.88	8.45	9.11
16	6.87	8.05	8.65	9.33
17	7.00	8.21	8.87	9.54
18	7.09	8.36	9.06	9.73
19	7.21	8.51	9.24	9.92
20	7.31	8.65	9.40	10.09
21	7.40	8.79	9.55	10.26
22	7.51	8.91	9.69	10.41
23	7.59	9.07	9.83	10.56
24	7.68	9.19	9.95	10.71
25	7.76	9.31	10.07	10.84
26	7.86	9.42	10.20	10.97
27	7.94	9.55	10.31	11.09
28	8.01	9.67	10.40	11.21
29	8.10	9.79	10.51	11.32
30	8.18	9.89	10.61	11.42
31	8.26	9.97	10.70	11.53
32	8.35	10.09	10.80	11.62

Weight not over (pounds)	Zones 1 & 2	Zone 3	Zone 4	Zone 5
33	8.41	10.19	10.88	11.72
34	8.49	10.27	10.96	11.80
35	8.55	10.38	11.04	11.89
36	8.65	10.49	11.14	12.00
37	8.72	10.56	11.20	12.06
38	8.76	10.63	11.25	12.11
39	8.82	10.71	11.29	12.16
40	8.85	10.76	11.33	12.21
41	8.92	10.85	11.37	12.26
42	8.95	10.90	11.42	12.30
43	8.99	10.96	11.46	12.33
44	9.04	11.02	11.50	12.36
45	9.07	11.07	11.64	12.39
46	9.14	11.14	11.67	12.42
47	9.19	11.18	11.70	12.45
48	9.22	11.25	11.72	12.48
49	9.27	11.30	11.75	12.51
50	9.28	11.35	11.77	12.54
51	9.35	11.39	11.80	12.57
52	9.39	11.47	11.82	12.60
53	9.40	11.50	11.83	12.63
54	9.44	11.52	11.86	12.66
55	9.48	11.54	11.89	12.69
56	9.52	11.56	11.91	12.72
57	9.57	11.56	11.91	12.75
58	9.60	11.58	11.93	12.78
59	9.63	11.59	11.95	12.81
60	9.68	11.60	11.95	12.84
61	9.72	11.61	11.97	12.87
62	9.75	11.62	12.01	12.90
63	9.78	11.62	12.06	12.93
64	9.82	11.62	12.09	12.96
65	9.85	11.64	12.13	12.99
66	9.90	11.64	12.18	13.02
67	9.94	11.65	12.23	13.05
68	9.94	11.65	12.25	13.08
69	9.99	11.65	12.30	13.11
70	10.02	11.65	12.34	13.14
Oversized	25.99	26.31	27.00	28.05

3.4 Bound Printed Matter Return Services—Return BMC

Weight not over (pounds)	Zones 1 & 2	Zone 3	Zone 4	Zone 5
1.0	$1.63	$1.68	$1.72	$1.80
1.5	1.63	1.68	1.72	1.80
2.0	1.70	1.76	1.82	1.92
2.5	1.77	1.85	1.92	2.05
3.0	1.84	1.93	2.02	2.17
3.5	1.91	2.02	2.12	2.30
4.0	1.98	2.10	2.22	2.42
4.5	2.05	2.19	2.32	2.55
5.0	2.12	2.27	2.42	2.67
6.0	2.26	2.44	2.62	2.92
7.0	2.40	2.61	2.82	3.17
8.0	2.54	2.78	3.02	3.42
9.0	2.68	2.95	3.22	3.67
10.0	2.82	3.12	3.42	3.92
11.0	2.96	3.29	3.62	4.17
12.0	3.10	3.46	3.82	4.42
13.0	3.24	3.63	4.02	4.67
14.0	3.38	3.80	4.22	4.92
15.0	3.52	3.97	4.42	5.17

4.0 LABEL FORMAT

4.1 Label Preparation

PRS labels must be certified for use by the Postal Service prior to distribution. In addition, permit holders must obtain Postal Service certification for barcode symbologies. Any photographic, mechanical, or electronic process or any combination of such processes may be used to produce PRS labels. The background of the label may be any light color that allows the address, barcodes, and other required information to be easily distinguished. If labels are electronically transmitted to customers for their local printing, the permit holder must advise customers of these printing requirements as part of the instructions in 4.3.

4.2 Labeling Methods

If all applicable content and format standards are approved (including instructions to the user), a PRS label may be distributed by any of the following methods:

a. As an enclosure with merchandise when initially shipped, as part of the original invoice accompanying the merchandise, or as a separate label preprinted by the permit holder. If the reverse side of the label bears an adhesive, it must be strong enough to bond the label securely to the mailpiece.

b. As an electronic file created by the permit holder for local output and printing by the customer.

4.3 Instructions

Regardless of label distribution method, written instructions always must be provided to the user of the PRS label that, at a minimum, direct the user to do the following:

a. ''If your name and address are not already printed in the return address area, please print them neatly in that area or attach a return address label there.''

b. ''Attach the label provided by the merchant squarely onto the largest side of the mailpiece, unless you need to use another side to make the parcel more stable. Place the label at least 1 inch from the edge of the parcel, so that it does not fold over to another side. If you are using tape to attach the new label, do not put tape over any barcodes on the label, even if the tape is clear, because the reflection interferes with barcode readers.''

c. ''If you are reusing the original container to return the merchandise, use the label to cover your original delivery address and the barcodes and any other postal information on it. If it is not possible to cover all that information with the label, either remove old labels containing these items, mark them out completely with a permanent marker, or cover them completely with blank labels or paper that cannot be seen through. If that cannot be done, or if the original container is no longer sound, please use a new box to return the merchandise and attach the return label to that new box.''

d. ''Once repackaged and labeled, you can mail the parcel at a post office, deposit it in a collection box, or give it to the carrier at the original delivery address. If the parcel is addressed to Return Delivery Unit, mail it at a local post office near the original delivery address. If the parcel is addressed to Return Bulk Mail Center, you can mail it at any post office or collection box in the town, city, or metropolitan area of the original delivery address.''

4.4 Label Format Elements

There is no minimum size for PRS labels; however, the label must be of a sufficient size to accommodate all label elements and standards in this section. All PRS label elements must be legible. Except where a specific type size is required, elements must be of a type size large enough to be legible from a normal reading distance and to separate them from other elements on the label. Examples of PRS label formats are shown in Exhibits 4.4a, 4.4b, 4.4c, and 4.4d. The following elements are required:

a. Postage Guarantee. The imprint ''No Postage Necessary if Mailed in the United States'' must appear in the upper right corner.

b. Horizontal Bars. A minimum of three horizontal bars must appear directly below the imprint in the upper right corner. The bars must be uniform in length, at least 1 inch long, 1/16 inch thick, and evenly spaced.

c. Parcel Return Service Legend. The legend must be placed directly above the address and include:

(1) Line 1: In capital letters at least 3/16 inch high, PARCEL SELECT RETURN SERVICE or BOUND PRINTED MATTER RETURN SERVICE, as appropriate. Bound Printed Matter may be abbreviated BPM.

(2) Line 2: In all capital letters, Permit holder's name, left justified, followed by PERMIT NO., followed by the permit number.

d. Customer's return address. The return address of the customer using the label to mail the parcel back to the permit holder must appear in the upper left corner. If it is not preprinted by the permit holder or merchant, space must be provided for the customer to enter the return address.

e. Address. The address must be the physical location of the return facility, as shown in the Drop Ship Product. The address must consist of at least three lines. If needed, the ZIP Code may appear left-justified on the line directly below the city and state line.

(1) Line 1: In all capital letters RETURN DELIVERY UNIT, or RETURN BULK MAIL CENTER, as appropriate. Center may be abbreviated CTR.

(2) Line 2: Street address, including number.

(3) Line 3: City, state, and ZIP Code.

f. Parcel Return Service Barcode. A PRS barcode must be printed directly on the label. The barcode may appear in any location on the label, except the upper left, upper right, and lower right corners. The barcode must meet the standards for barcodes in Publication 91, with the following exceptions:

(1) The barcode must be produced using the UCC/EAN Code 128 barcode symbology.

(2) The service type code (STC) contained in the barcode must identify the rate associated with the label destination. For labels addressed to a return delivery unit, the STC must be 58. For labels addressed to a return bulk mail center, the STC must be 57.

(3) Human-readable text above the barcode must read USPS PARCEL RETURN SERVICE. If the barcode is a single concatenated barcode with the postal routing code described in 4.4g, the text above the barcode must read BMC ZIP—USPS PARCEL RETURN SERVICE.

(4) The clear zone between the barcode, human-readable text, and the horizontal bar above and below the barcode must be at least 1/16 inch.

g. Postal Routing Barcode. If a single concatenated barcode is not used for the PRS Barcode, a postal routing barcode also must be printed directly on the label. The barcode may appear in any location on the label, except the upper left, upper right, and lower right corners. Postal routing barcodes must meet the standards in C850, with the following exceptions:

(1) The barcode symbology must be produced using the UCC/EAN Code 128 barcode symbology.

(2) The human-readable text below the barcode must read BMC ZIP— followed by the 5-digit ZIP Code for the BMC facility. The ZIP Code must be the correct ZIP Code for the RBMC as provided by the Postal Service. For RDU-addressed labels, the RBMC that services the location of the RDU must be used as the BMC 5-digit ZIP Code in the postal routing barcode.

h. Mailer Identification (ID). An individual mailer ID must appear in the

lower right corner. The mailer ID is assigned by the permit holder to each individual client (merchant) of the permit holder. The mailer ID must consist of a single, uppercase alpha character followed by a two-digit number, with no spaces or dashes (*e.g.*, A01) . The mailer ID must be at least 3/16 inch high and surrounded by a border (box) , with a clearance of at least 3/16 inch between the mailer ID characters and the border. The mailer ID may be reverse-printed.

i. Additional Information. Additional information (*e.g.*, company logo, return authorization number, inventory barcode) is permitted on the PRS label if it does not interfere with any required format elements. Inventory barcodes must not resemble barcodes described in C850.

BILLING CODE 7710–12–P

Exhibit 4.4a Parcel Select Return Services Label Addressed to a Return Delivery Unit With Separate Parcel Return Services and Postal Routing Barcodes

Exhibit 4.4b Parcel Select Return Services Label Addressed to a Return Delivery Unit With Concatenated Parcel Return Services and Postal Routing Barcodes

Exhibit 4.4c Parcel Select Return Service Label Addressed to a Return Bulk Mail Center

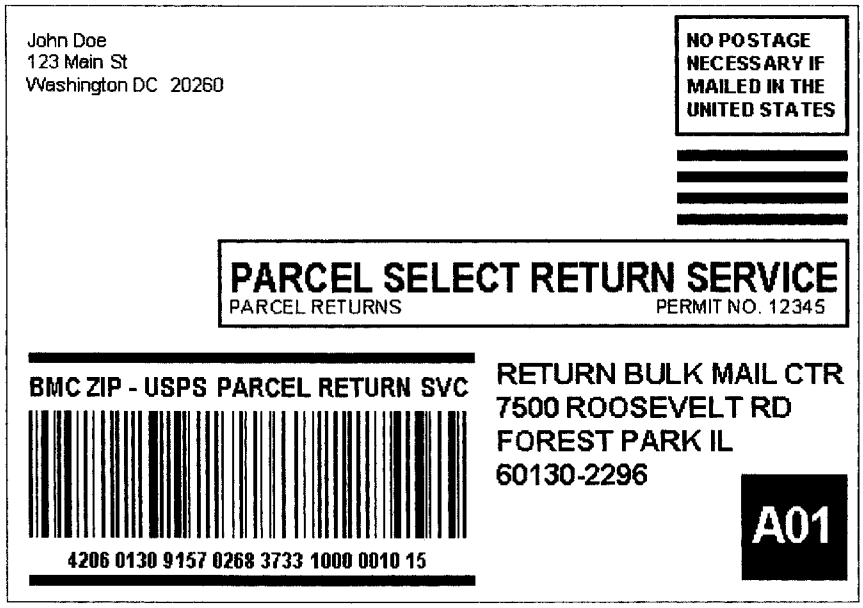
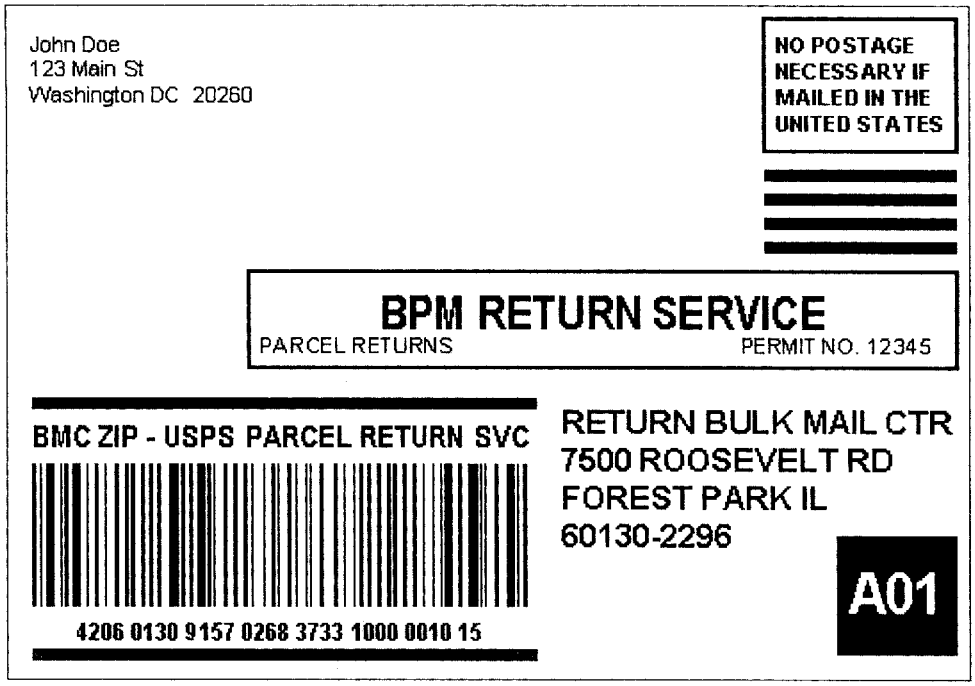


Exhibit 4.4d Bound Printed Matter Return Service Label



We will publish an appropriate amendment to 39 CFR to reflect these changes.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 03–23917 Filed 9–17–03; 8:45 am]

BILLING CODE 7710–12–C

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[NM–43–1–7600a; FRL–7556–7]

Approval and Promulgation of Implementation Plans; New Mexico; Redesignation of Grant County to Attainment for Sulfur Dioxide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is taking direct final action on a request to redesignate Grant County, New Mexico from nonattainment area to attainment for the sulfur dioxide (SO_2) National Ambient Air Quality Standards (NAAQS). In conjunction with this action, EPA is also approving the maintenance plan, and its associated contingency measures plan for the Grant County nonattainment area, which were submitted to ensure that the attainment of SO_2 NAAQS will continue to be maintained. The redesignation request and maintenance and contingency measures plans were submitted as a revision to the New Mexico State Implementation Plan (SIP) by the New Mexico Environment Department (NMED) on February 21, 2003. We are approving these revisions in accordance with the requirements of the Federal Clean Air Act (Act).

DATES: This rule is effective on November 17, 2003 without further notice, unless EPA receives relevant adverse comment by October 20, 2003. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Comments may be submitted by mail to: Mr. Thomas Diggs (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202–2733. Comments may also be submitted electronically, by facsimile, or through hand delivery/courier. Follow the detailed instructions as provided in the General Information section of this document.

FOR FURTHER INFORMATION CONTACT: Carrie Paige, Air State and Tribal Operations Section (6PD–S), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–6521, *paige.carrie@epa.gov,* or Alan Shar *shar.alan@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

A. What Action is EPA Taking?
B. Why was this SIP Revision Submitted?
C. What is the NAAQS for SO_2?
D. What is a SIP?
E. What is the Federal approval process for a SIP?
F. What does Federal approval of a SIP mean to me?
G. What Requirements Must the State Meet for Approval of a Redesignation and How Did the State Meet Them?
Final Action
General Information
Statutory and Executive Order Reviews

Throughout this document ''we,'' ''us,'' and ''our'' means EPA.

A. What Action Is EPA Taking?

The EPA designated Grant County, New Mexico as nonattainment for violating the secondary SO_2 NAAQS on March 3, 1978, at 43 FR 9016. On September 11, 1978, at 43 FR 40428, EPA designated Grant County, New Mexico as nonattainment for violating

the primary SO_2 NAAQS. Any area designated as not attaining the primary or secondary SO_2 NAAQS as of the date of enactment of the 1990 Amendments was designated nonattainment for SO_2 by operation of law upon enactment, pursuant to section 107(d)(1)(C)(i) of the Act (April 22, 1991, at 56 FR 16274).

On February 21, 2003, the Governor of New Mexico submitted to us a revision to the New Mexico SO_2 SIP (February 21, 2003 submittal). The February 21, 2003 submittal specifically requested EPA to redesignate the portion of Grant County, New Mexico, located in the Air Quality Control Region (AQCR) No. 021, from nonattainment to attainment for the SO_2 NAAQS. This particular portion of Grant County is restricted to a 3.5 mile radius around the Kennecott Copper Corporation (now owned by the Phelps Dodge Corporation and called the Hurley smelter) and land above 6470 feet Mean Sea Level within an 8 mile radius of the Hurley Smelter in Hurley, New Mexico. The air monitoring data for this area reveals values better than national standards for SO_2. The February 21, 2003, submittal also included a maintenance plan for this area to ensure that attainment of the SO_2 NAAQS will be maintained through permitting and the applicable SIP rules. The State also submitted a contingency measures plan that consists of monitoring measures.

In this document we are approving NMED's request to redesignate the Grant County primary and secondary SO_2 nonattainment areas to attainment of the SO_2 NAAQS. We are also approving the maintenance plan and the contingency measures plan for this area into the New Mexico SO_2 SIP. See our Technical Support Document (TSD) for additional information and our evaluation of this submittal.

B. Why Was This SIP Revision Submitted?

The NMED believes that the Grant County area is now eligible for redesignation because EPA approved New Mexico's SIP in 1982, and the SO_2 monitors in the nonattainment area of Grant County have not recorded exceedances of either the primary or secondary SO_2 NAAQS since 1979.

C. What Is the NAAQS for SO_2?

Under section 109 of the Act, EPA established the NAAQS to protect public health and welfare. The NAAQS address 6 criteria pollutants, which are carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide (SO_2).

High concentrations of SO_2 affect breathing and may aggravate existing respiratory and cardiovascular disease. Sensitive populations include asthmatics, individuals with bronchitis or emphysema, children and the elderly. SO_2 is also a primary contributor to acid deposition or acid rain, which causes acidification of lakes and streams and can damage trees, crops, historic buildings and statues. In addition, sulfur compounds in the air contribute to visibility impairment in large parts of the country. This is especially noticeable in national parks.

Ambient SO_2 results largely from stationary sources such as coal and oil combustion, steel mills, refineries, pulp and paper mills and from nonferrous smelters. There are 3 NAAQS for SO_2:

—An annual arithmetic mean of 0.03 ppm (80 ug/m^3);
—A 24-hour level of 0.14 ppm (365 ug/m^3); and
—A 3-hour level of 0.50 ppm (1300 ug/m^3).

The first two standards are primary (health-related) standards, while the 3-hour NAAQS is a secondary (welfare-related) standard. The annual mean standard is not to be exceeded, while the short-term standards are not to be exceeded more than once per year. Our TSD contains the ambient SO_2 monitored values for the Grant County, New Mexico nonattainment area.

D. What Is a SIP?

Section 110 of the Act requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the NAAQS that EPA has established.

Each state must submit these regulations and control strategies to us for approval and incorporation into the federally enforceable SIP. Each federally approved SIP is designed to protect air quality. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

E. What Is the Federal Approval Process for a SIP?

When a state wants to incorporate its regulations into the federally enforceable SIP, the state must formally adopt the regulations and control strategies consistent with state and Federal requirements. This process includes a public notice, a public hearing, a public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state adopts a rule, regulation, or control strategy, the state may submit the adopted provisions to us and request that we include these provisions in the federally enforceable SIP. We must then decide on an appropriate Federal action, provide public notice on this action, and seek additional public comment regarding this action. If we receive relevant adverse comments, we must address them prior to taking a final action.

Under section 110 of the Act, when we approve all state regulations and supporting information, those state regulations and supporting information become a part of the federally approved SIP. You can find records of these SIP actions in the Code of Federal Regulations (CFR) at Title 40, part 52, entitled ''Approval and Promulgation of Implementation Plans.'' The actual state regulations that we approved are not reproduced in their entirety in the CFR but are ''incorporated by reference,'' which means that we have approved a given state regulation with a specific effective date.

F. What Does Federal Approval of a SIP Mean to Me?

A state may enforce state regulations before and after we incorporate those regulations into a federally approved SIP. After we incorporate those regulations into a federally approved SIP, both EPA and the public may also take enforcement action against violators of these regulations.

G. What Requirements Must the State Meet for Approval of a Redesignation and How Did the State Meet Them?

1. The State Must Show That the Area Is Attaining the Applicable NAAQS

An area is considered to be in attainment of the SO_2 NAAQS provided that the primary and secondary standards have not been violated within the last three years. Grant County has had two monitors in place that have shown no violations since 1997; these monitors are in Bayard, NM and Hurley, NM. The monitor in Bayard has been in place since 1974 (and has shown no violations since 1979) and the monitor in Hurley has been in place since 1997. These monitors meet the requirements of 40 CFR Parts 53 and 58.

The monitor in Hurley is located in the area of highest concentration for SO_2 within the nonattainment area, as studied by the EPA Regional Office and NMED before deployment of the monitor in 1997. The monitor was placed where modeling indicated the highest concentration was likely to occur. As a result of this modeling, NMED does not have to submit additional material reproving that the data is representative of the point of

highest concentration in the nonattainment area.

2. The SIP for the Area Must Be Fully Approved Under Section 110(k) of the Act and Must Satisfy All Requirements That Apply to the Area

The Grant County SO_2 SIP revision was approved by EPA on May 5, 1982 (47 FR 19332) and contained limits pertaining to the sole source of SO_2, the Hurley Smelter. The EPA approved changes to New Mexico's SO_2 plan for Grant County on September 26, 1997 (62 FR 50514).

3. The EPA Has Determined That the Improvement in Air Quality Is Due to Permanent and Enforceable Reductions in Emissions

Air quality improvement in the Grant County SO_2 nonattainment area is attributed to the SO_2 emission limits in the SIP and to the operating restrictions within the Title V permit imposed on the facility that contributed to the nonattainment status. Reductions in emissions are therefore permanent and enforceable.

4. The State Has Met All Applicable Requirements Under Section 110 and Part D of the Act That Were Applicable Prior to Submittal of the Complete Redesignation Request

The requirements under Section 110 and Part D are met with the prior approval of the SIP revisions for the source in the area in 1982, the approval of revisions in 1997 (62 FR 50514), and with the detailed study of the modeling generated by the NMED in 1997.

5. EPA Is Fully Approving a Maintenance Plan, Including a Contingency Plan, for the Area Under Section 175A of the Act

Maintenance Plan

Section 175A of the Act requires states to submit a SIP revision which provides for the maintenance of the NAAQS in the area for at least 10 years after approval of the redesignation. The basic components needed to ensure proper maintenance of the NAAQS are: attainment inventory, maintenance demonstration, verification of continued attainment, ambient air monitoring network, and a contingency plan.

a. Attainment Inventory

The state's submittal contains the emission inventory of SO_2 sources in the Grant County nonattainment area, dating back to 1997. It clearly shows that Grant County has not exceeded the SO_2 NAAQS since 1997.

b. Maintenance Demonstration and Verification of Continued Attainment

Maintenance of the SO_2 NAAQS in the Grant County nonattainment area has been achieved through the SIP and Title V permit requirements. The SO_2 emitting source involved in the Grant County SO_2 redesignation (the Hurley Smelter) is meeting the SO_2 emission limits identified in the SIP rules and permit. NMED will track the maintenance plan through the semi-annual review of permit conditions, air emission inventory and state regulations 20.2.41 NMAC and 20.2.3 NMAC which verify that the State of New Mexico has the continued legal authority needed to implement and enforce air quality controls to maintain the SO_2 NAAQS in Grant County.

c. Monitoring Network

After a detailed study of the modeling generated by the NMED in 1997 for placement of a new monitor in the Grant County nonattainment area, the Regional Office determined (in a letter to NMED dated August 26, 2002) that ''the monitor was placed where modeling indicated the highest concentration was likely to occur.'' A copy of this letter is being attached to our TSD for reference purposes. Therefore, the NMED will use the current SO_2 air monitoring station located in Hurley, New Mexico to verify continuing attainment of the NAAQS in the area. The Hurley monitoring station meets 40 CFR Part 58. The SO_2 monitoring station located in Bayard, New Mexico will be discontinued.

d. Contingency Plan

Section 175A of the Act requires that the maintenance plan include contingency provisions to correct any violation of the NAAQS after redesignation of the area. However, the General Preamble for the Implementation of Title I of the Act Amendments of 1990 (57 FR 13498) states that SO_2 provisions require special considerations. A primary reason is that SO_2 control methods are well established and understood. Therefore, contingency measures for SO_2 need only consist of a comprehensive program to identify sources of violations of the SO_2 NAAQS and to undertake an aggressive follow-up for compliance and enforcement.

Upon verification of a violation of either the 24-hour or 3-hour SO_2 NAAQS, if the Hurley Smelter is responsible for the violation, NMED will work with this source to ensure that the violation will not occur again. If necessary, NMED will write and adopt rules or amend the company's Title V permit to control SO_2 emissions at the company.

The State will be utilizing both the currently approved SIP requirements and Title V permit as tools for implementation of SO_2 Maintenance Plan. The State will be utilizing both Title V reporting, testing, compliance certification, and recordkeeping controls combined with the Continuous Emission Monitoring System (CEMS) data for SO_2 emissions as its Contingency Plan. It is EPA's finding that these reporting, testing, compliance certification, recordkeeping controls and the CEMS data requirements are a comprehensive program for identifying violations caused by the smelter. The February 21, 2003 submittal does not propose to remove or relax any of the existing SIP approved measures for controlling SO_2 emissions. A new major source of SO_2 or an existing source with major modification, including a process that may have been shut down or ceased operation, will not only have to comply with the existing federally approved SO_2 SIP provisions, it will also need to comply with terms and conditions that may be more stringent than existing SIP requirements imposed on the source in its air permit to ensure the area will continue maintaining the attainment status.

As detailed above, the State has met the maintenance plan requirements of Section 175A of the Act and the maintenance plan is fully approvable. The contingency measures plan is also fully approvable.

Final Action

We have evaluated the State's submittal and have determined that it meets the applicable requirements of the Act, and EPA regulations, and conforms to EPA policy. Therefore, we are approving the State of New Mexico's request to redesignate Grant County from a primary and secondary SO_2 nonattainment area to an SO_2 NAAQS attainment area. We are also approving the maintenance and contingency measures plans for Grant County into the New Mexico SIP. Furthermore, we are approving the NMED's request to discontinue the current SO_2 monitoring in Bayard, NM.

The EPA is publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no relevant adverse comments. However, in the ''Proposed Rules'' section of today's **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the Maintenance Plan if relevant adverse

comments are received. This rule will be effective on November 17, 2003 without further notice unless we receive relevant adverse comment by October 20, 2003. If EPA receives relevant adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

General Information

A. What Is the Public Rulemaking File?

The EPA is committed to ensuring public access to the information used to inform the Agency's decisions regarding the environment and human health and to ensuring that the public has an opportunity to participate in the Agency's decision-making process. The official public rulemaking file consists of the documents specifically referenced in a particular agency action, any public comments received, and other information related to the action. The public rulemaking file does not include Confidential Business Information (CBI) or other information for which disclosure is restricted by statute, although such information is a part of the Agency's official administrative record for the action.

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

1. An official public rulemaking file is available for inspection at the Regional Office. The Regional Office has established an official public rulemaking file for this action under Identification Number (ID No.) NM–43–1–7600. The public rulemaking file is available for viewing at the Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. If possible, schedule the appointment two working days in advance of your visit. Official hours of business for the Regional Office are Monday through Friday, 8:30 a.m. to 4 p.m. excluding Federal holidays. Copies of any State submittals and EPA's TSD are also available for public inspection at the New Mexico Environment Department, Air Quality Bureau, 2044 Galisteo Street, Santa Fe, New Mexico 87505 during official business by appointment.

2. You may access this **Federal Register** document electronically through the Regulations.gov Web site located at *http://www.regulations.gov*. The Regulations.gov Web site is the central online rulemaking portal of the United States government and is a public service to increase participation in the government's regulatory activities by offering a central point for submitting comments on regulations.

C. How and to Whom Do I Submit Comments?

You may submit comments electronically, by mail, through hand delivery/courier or by facsimile. Instructions for submitting comments by each method are discussed below. To ensure proper receipt by EPA, identify the appropriate ID No. 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.'' The EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in section D below.

1. *Electronically.* To submit comments electronically (via e-mail, Regulations.gov, or on disk or CD–ROM), 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. The EPA's policy is that EPA will not edit your comments. 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 public rulemaking file and may be made available in EPA's public Web sites. 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 submitted by electronic mail (e-mail) to *Diggs.Thomas@epa.gov*, Attention ''Public comment on ID No. NM–43–1–7600.'' In contrast to the Regulations.gov Web site, EPA's e-mail system is not an ''anonymous'' system. If you send an e-mail comment directly to EPA, your e-mail address will be automatically captured and included as part of the comment that is placed in the official public rulemaking file.

ii. Regulations.gov. Comments may be submitted electronically at the Regulations.gov Web site, the central online rulemaking portal of the United States government. Every effort is made to ensure that the Web site includes all rule and proposed rule notices that are currently open for public comment. You may access the Regulations.gov Web site at *http://www.regulations.gov*. Select ''Environmental Protection Agency'' at the top of the page and click on the ''Go'' button. The list of current EPA actions available for comment will be displayed. Select the appropriate action and follow the online instructions for submitting comments. Unlike EPA's e-mail system, the Regulations.gov Web site is an ''anonymous'' system, which means that any personal information, e-mail address, or other contact information will not be collected unless it is provided in the text of the comment. See the Privacy Notice at the Regulations.gov Web site for further information. Please be advised that EPA cannot contact you for any necessary clarification unless your contact information is included in the body of comments submitted through the Regulations.gov Web site.

iii. Disk or CD ROM. You may submit comments on a disk or CD ROM that you mail to: Thomas Diggs (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. Please include the text ''Public comment on ID No. NM–43–1–7600.'' on the disk or CD ROM. These electronic submissions will be accepted in WordPerfect, Word, or ASCII file format. You should avoid the use of special characters and any form of encryption.

2. *By Mail.* Send your comments to: Thomas Diggs (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. Please include the text ''Public comment on ID No. NM–43–1–7600'' in the subject line of the first page of your comments.

3. *By Hand Delivery or Courier.* Deliver your written comments or comments on a disk or CD ROM to: Thomas Diggs (6PD–L) Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. Attention ''Public comment on ID No. NM–43–1–7600.'' Such deliveries are only accepted during official hours of business, which are Monday through Friday, 8:30 a.m. to 4 p.m., excluding Federal holidays.

4. *By Facsimile.* Fax your comments to: 214–665–7263, Attention ''Public comment on ID No. NM–043–1–7600.''

D. How Should I Submit CBI to the Agency?

You may assert a business confidentiality claim covering CBI information included in comments submitted by mail or hand delivery in either paper or electronic format. CBI should not be submitted via e-mail or at the Regulations.gov Web site. Clearly mark any part or all of the information submitted which is claimed as CBI at the time the comment is submitted to EPA. CBI should be submitted separately, if possible, to facilitate handling by EPA. Submit one complete version of the comment that includes the properly labeled CBI for EPA's official administrative record and one copy that does not contain the CBI to be included in the public rulemaking file. If you submit CBI on a disk or CD ROM, mark the outside of the disk or the CD ROM that it contains CBI and then identify the CBI within the disk or CD ROM. Also submit a non-CBI version if possible. Information which is properly labeled as CBI and submitted by mail or hand delivery will be disclosed only in accordance with procedures set forth in 40 CFR Part 2. For comments submitted by EPA's e-mail system or through the Regulations.gov Web site, no CBI claim may be asserted. Do not submit CBI to the Regulations.gov Web site or via EPA's e-mail system. Any claim of CBI will be waived for comments received through the Regulations.gov Web site or EPA's e-mail system. For further advice on submitting CBI to the Agency, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). 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. section 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. section 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 17, 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

40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: September 2, 2003.

Lawrence Starfield,

Acting Regional Administrator, Region 6.

■ 40 CFR Parts 52 and 81 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 GG—New Mexico

■ 2. In § 52.1620 paragraph (e) is amended by adding two new entries to the end of the table entitled ''EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the New Mexico SIP,'' to read as follows:

§ 52.1620 Identification of plan.

* * * * *

(e) * * *

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP

Name of SIP provision	Applicable geo-graphic or non-attainment area	State sub-mittal/effective date	EPA ap-proval date	Explanation
*	* * * * *	*		*
Revision for Attainment, and Maintenance Plan of SO2 Standards.	Portion of Grant County, this portion is restricted to a 3.5 mile radius around the Kennecott Copper Corporation (now owned by the Phelps Dodge Corporation and called the Hurley smelter) and land above 6470 feet Mean Sea Level within an 8 mile radius of the Hurley Smelter/Concentrator in Hurley.	02/21/03	9/18/03 [insert FR page citation].	
Contingency Measures Plan.	Portion of Grant County, this portion is restricted to a 3.5 mile radius around the Kennecott Copper Corporation (now owned by the Phelps Dodge Corporation and called the Hurley smelter) and land above 6470 feet Mean Sea Level within an 8 mile radius of the Hurley Smelter/Concentrator in Hurley.	02/21/03	9/18/03 [insert FR page citation].	

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 § 81.332 the SO_2 table is amended by revising the entry for the AQCR 012 to read as follows:

§ 81.332 New Mexico.

* * * * *

NEW MEXICO—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 012:				
Grant County				X
Remainder of AQCR				X
* * * * *			*	*

* * * * *

[FR Doc. 03–23747 Filed 9–17–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL–7560–9]

RIN: 2060–AF36

Protection of Stratospheric Ozone: Supplemental Rule Regarding a Recycling Standard Under Section 608 of the Clean Air Act; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: Through this action, EPA is correcting the final rule published in the **Federal Register** on July 24, 2003 (68 FR 43786). Specifically, EPA is clarifying that the effective date for the rule, as it applies to the certification of refrigerant recycling equipment is effective 90 days after the publication date (*i.e.*, October 22, 2003). The effective date for the remaining components of the final rule is September 22, 2003.

EPA is also including amendments to regulations that were discussed in the preamble to the July 24, 2003 final rule, but were inadvertently omitted from the **Federal Register**.

DATES: The final rule that was published on July 24, 2003 at 68 FR 43786 is effective on September 22, 2003, except for § 82.158(n) (*i.e.*, certification standards for refrigerant recycling only equipment) which is effective October 22, 2003.

FOR FURTHER INFORMATION CONTACT: Julius Banks; (202) 564–9870; Stratospheric Protection Implementation Branch, Global Programs Division, Office of Atmospheric Programs, Office of Air and Radiation (6205-J); 1200 Pennsylvania Avenue, NW., Washington, DC 20460. The Stratospheric Ozone Information Hotline, 800–296–1996, and the Ozone Web page, *http://www.epa.gov/ozone/title6/608/regulations/index.html,* can also be contacted for further information concerning this correction.

SUPPLEMENTARY INFORMATION:

While the final rule published in the **Federal Register** on July 24, 2003 (68 FR 43786) lists the effective date for the certification of refrigerant recycling equipment, as being effective 90 days after the publication date (*i.e.*, October 22, 2003), the notice failed to specify a regulatory citation associated with equipment certification. Therefore, EPA is clarifying that the effective date for the rule, as it applies to the certification of refrigerant recycling equipment, as stated in 40 CFR 82.158(n), is effective 90 days after the final rule publication date (*i.e.*, October 22, 2003).

The final rule discussed several edits to the appendices of 40 CFR part 82, subpart F that were omitted from the regulatory text published in the **Federal Register** (*i.e.*, reference list and standards for particulate used in standard contaminated refrigerant samples in Appendix B2 and the standards for becoming a certifying program for technicians in Appendix D). EPA is adding the reference list and the standards for particulate used in standard contaminated refrigerant samples to Appendix B2 (based on the ARI Standard 740–1995) that was inadvertently omitted from the **Federal Register** document. EPA is also adding edits to the regulatory text of Appendix D to subpart F-Standards for Becoming a Certifying Program for Technicians that were omitted from the final rule published on July 24, 2003. The edits

were discussed in the preamble to the final rule under *Section D. Technician Certification and the Sales Restriction* (68 FR 43791), but were not included in the edits to the regulatory text.

List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Chemicals, Exports, Imports, Reporting and recordkeeping requirements.

Dated: September 11, 2003.

Robert Brenner,

Acting Assistant Administrator, Office of Air and Radiation.

■ Part 82, chapter I, title 40, of the Code of Federal Regulations, is amended as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

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

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

■ 2. Appendix B2 to subpart F is amended by adding Attachments 1 and 2 to read as follows:

Attachment 1 to Appendix B2 to Subpart F of Part 82—References

Listed here are all standards, handbooks, and other publications essential to the formation and implementation of the standard. All references in this appendix are considered as part of this standard.

- ANSI/UL Standard 1963, *Refrigerant Recovery/Recycling Equipment*, First Edition, 1989, American National Standards Institute/ Underwriters Laboratories, Inc.
- ARI Standard 110–90, *Air-Conditioning and Refrigerating Equipment Nameplate Voltages*, Air-Conditioning and Refrigeration Institute
- ARI Standard 700–95, *Specifications for Fluorocarbon and Other Refrigerants*, Air-Conditioning and Refrigeration Institute
- ASHRAE Terminology of Heating, Ventilation, Air Conditioning, Refrigeration, & Refrigeration, American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Inc., 1991
- IEC Standard Publication 38, *IEC Standard Voltages*, International Electrotechnical Commission, 1983

Attachment 2 to Appendix B2 to Subpart F of Part 82-Particulate Used in Standard Contaminated Refrigerant Sample

1. Particulate Specification

B1.1 The particulate material (pm) will be a blend of 50% coarse air cleaner dust as received, and 50% retained on a 200-mesh screen. The coarse air cleaner dust is available from: AC Spark Plug Division; General Motors Corporation; Flint, Michigan.

B1.2 *Preparation of Particulate Materials.*

To prepare the blend of contaminant, first wet screen a quantity of coarse air cleaner dust on a 200-mesh screen (particle retention 74 pm). This is done by placing a portion of the dust on a 200-mesh screen and running water through the screen while stirring the dust with the fingers. The fine contaminant particles passing through the screen are discarded. The +200-mesh particles collected on the screen are removed and dried for one hour at 110° C. The blend of standard contaminant is prepared by mixing 50% by weight of coarse air cleaner dust as received (after drying for one hour at 110° C) with 50% by weight of the +200 mesh screened dust.

B1.3 *Particle Size Analysis.*

The coarse air cleaner dust as received and the blend used as the standard contaminant have the following approximate particle size analysis:

Wt. % in various size ranges, pm.

Size range	As received	Blend
0–5	12	6
5–10	12	6
10–20	14	7
20–40	23	11
40–80	30	32
80–200	9	38

■ 3. Appendix D to subpart F of part 82 is amended by revising section g. to read as follows:

Appendix D to Subpart F—Standards for Becoming a Certifying Program for Technicians

* * * * *

g. Recordkeeping and Reporting Requirements

1. Certifying programs must maintain records that include, but are not limited to, the names and addresses of all individuals taking the tests, the scores of all certification tests administered, and the dates and locations of all testing administered.

2. EPA must receive an activity report from all approved certifying programs by every January 30 and June 30, the first to be submitted following the first full six-month period for which the program has been approved by EPA. This report will include the pass/fail rate and testing schedules. This will allow the Agency to determine the relative progress and success of these programs. If the certifying program believes a test bank question needs to be modified, information about that question should also be included.

3. Approved certifying programs will receive a letter of approval from EPA. Each testing center must display a copy of that letter at their place of business.

4. Approved technician certification programs that voluntarily plan to stop providing the certification test must forward all records required by this appendix, §§ 82.161, and 82.166 to another program currently approved by EPA in accordance with this appendix and with § 82.161. Approved technician certification programs that receive records of certified technicians from a program that no longer offers the certification test must inform EPA in writing at the address listed in § 82.160 within 30 days of receiving these records. The notification notice must include the name and address of the program to which the records have been transferred. If another currently approved program willing to accept the records cannot be located, these records must be submitted to EPA at the address listed at § 82.160.

5. Technician certification programs that have had their certification revoked in accordance with § 82.169 must forward all records required by this appendix, §§ 82.161, and 82.166 to EPA at the address listed in § 82.160.

* * * * *

[FR Doc. 03–23850 Filed 9–17–03; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[WT Docket No. 99–87; RM–9332; FCC 03–34]

Implementation of the Communications Act of 1934 as Amended and Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document contains corrections to the final regulations, which were published Thursday, July 17, 2003 (68 FR 42296). The Wireless Telecommunications Bureau published final rules in the Order, document revising Commission rules amending and promoting spectrum efficient technologies on certain part 90 frequencies.

DATES: Effective September 15, 2003.

FOR FURTHER INFORMATION CONTACT: Scot Stone, Deputy Chief, Policy and Rules Branch, Public Safety and Private Wireless Division at (202) 418–0680.

SUPPLEMENTARY INFORMATION: The Wireless Telecommunications Bureau published a document revising the rules amending and promoting spectrum efficient technologies on certain part 90 frequencies in the **Federal Register** of July 17, 2003 (68 FR 42296). This document corrects the **Federal Register** as it appeared.

■ In the FR Doc. 03–18054 published in the **Federal Register** on July 17, 2003, (68 FR 42296) make the following corrections.

§ 90.35 [Amended]

■ 1. On page 42306 in § 90.35 in paragraph (b)(3) of the table remove the

entries for frequencies ''151.820'', ''151.880'' and ''151.940''.

■ 2. On page 42306 in § 90.35 in paragraph (b)(3) of the table correct ''151.2775'' to read ''152.2775''.

■ 3. On page 42306 in § 90.35 in paragraph (b)(3) of the table correct ''151.2925'' to read ''152.2925''.

§ 90.209 [Amended]

■ 4. On page 42314 in § 90.209, in column three, correct paragraph (b)(6) to read as follows:

(6) No new applications for the 150–174 MHz and/or 421–512 MHz bands will be acceptable for filing if the applicant utilizes channels with an authorized bandwidth exceeding 11.25 kHz beginning January 13, 2004. For stations licensed or applied for prior to January 13, 2004, the licensee may transfer, assign, renew and modify the authorization consistent with the current rules. No modification applications for stations in the 150–174 MHz and/or 421–512 MHz bands that increase the station's authorized interference contour will be acceptable for filing if the applicant utilizes channels with an authorized bandwidth exceeding 11.25 kHz, beginning January 13, 2004. See § 90.187(b)(2)(iii) and (iv) of this chapter for interference contour designations and calculations. Applications submitted pursuant to this paragraph must comply with frequency coordination requirements of § 90.175 of this chapter.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 03–23794 Filed 9–17–03; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 68, No. 181
Thursday, September 18, 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 39

[Docket No. 2001–NM–279–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Boeing Model 747 series airplanes. This proposal would require repetitive inspections of the nacelle strut-to-wing attachment structure, and repetitive overhaul of the diagonal brace and spring beam load paths, to maintain damage tolerance requirements and ensure long-term structural integrity; and follow-on and corrective actions if necessary. This action is necessary to ensure the structural integrity of the strut-to-wing load path and prevent separation of the strut and engine from the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by November 3, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–279–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–279–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 or 2000 or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tamara Anderson, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6421; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–279–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–279–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Related Rulemaking

This proposed AD is related to the following rulemaking actions, which require accomplishment of the actions in the concurrent service bulletins recommended in Boeing Alert Service Bulletin 747–54A2182, dated July 12, 2001:

AD 95–13–06, amendment 39–9286 (60 FR 33338, June 28, 1995); correction to AD 95–13–06 (60 FR 37500, July 20, 1995). That AD references Boeing Alert Service Bulletin 747–54A2156, dated December 2, 1994, for accomplishment of the specified actions. That AD is applicable to certain Boeing Model 747 series airplanes equipped with General Electric Model CF6–80C2 series engines or Pratt & Whitney Model PW4000 series engines, and requires modification of the nacelle strut and wing structure, inspections and checks to detect discrepancies, and correction of discrepancies.

AD 95–13–05, amendment 39–9285 (60 FR 33333, June 28, 1995); correction to AD 95–13–05 (60 FR 35452, July 7, 1995). That AD references Boeing Alert Service Bulletin 747–54A2157, dated January 12, 1995, for accomplishment of the specified actions. That AD is applicable to Boeing Model 747 series airplanes equipped with Rolls Royce Model RB211 series engines, and requires modification of the nacelle strut and wing structure, inspections and checks to detect discrepancies, and correction of discrepancies.

AD 95–13–07, amendment 39–9287 (60 FR 33336, June 28, 1995). That AD references Boeing Alert Service Bulletin 747–54A2158, dated November 23, 1994, for accomplishment of the specified actions. That AD is applicable to certain Boeing Model 747 series airplanes equipped with General Electric Model CF6–45/50 or Pratt &

Whitney Model JT9D–70 series engines, and requires modification of the nacelle strut and wing structure, inspections and checks to detect discrepancies, and correction of discrepancies.

AD 95–10–16, amendment 39–9233 (60 FR 27008, May 22, 1995). That AD references Boeing Alert Service Bulletin 747–54A2159, dated November 3, 1994, for accomplishment of the specified actions. That AD is applicable to Boeing Model 747 series airplanes equipped with Pratt & Whitney Model JT9D series engines (excluding Model JT9D–70 engines), and requires modification of the nacelle strut and wing structure, inspections and checks to detect discrepancies, and correction of discrepancies.

Actions Since Issuance of Previous Rulemaking

Since issuance of the ADs specified previously, there have been equivalent production changes to airplanes having line numbers 1047 and subsequent. The strut and wing modifications required by those ADs, in addition to the equivalent production changes, increase the level of safety for damage tolerance and structural fail-safe capability of the new and modified structure. The actions specified in this proposed AD are intended to provide repetitive inspections and overhaul of the nacelle strut-to-wing attachment structure to maintain damage tolerance and ensure long-term structural integrity for all Model 747 series airplanes.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 747–54A2182, dated July 12, 2001, which describes procedures for repetitive baseline and supplemental inspections for discrepancies (including cracks, corrosion, or damage; and loose, missing, or broken fasteners) of the nacelle strut-to-wing attachment structure, and follow-on and corrective actions if necessary. The follow-on actions include a one-time visual inspection of all side link fuse pin installations to verify that the correct fuse pins are installed; a one-time detailed inspection of all strut-to-wing attachment joints to verify correct installation of hardware; and repetitive inspections, as applicable; and an inspection of the strut-to-wing attachment structure for damage and to verify structural integrity. The service bulletin recommends contacting the manufacturer if any damage is found or structural integrity of the strut-to-wing structure cannot be verified.

The service bulletin also describes procedures for repetitive overhaul of the diagonal brace and spring beam load paths, and nondestructive testing of the fuse pin and secondary pin.

Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

The service bulletin also recommends prior accomplishment of Boeing Alert Service Bulletins 747–54A2156, 747–54A2157, 747–54A2158, and 747–54A2159. Those service bulletins are referenced for accomplishment of the actions required by the related rulemaking described previously.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Difference Between Service Bulletin and This Proposed AD

The service bulletin specifies that the manufacturer may be contacted for disposition of certain repair conditions; however, this proposed AD would require the repair of those conditions to be accomplished per a method approved by the FAA, or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle Aircraft Certification Office, to make such findings.

Changes to 14 CFR Part 39/Effect on the Proposed AD

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's airworthiness directives system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. Because we have now included this material in part 39, we no longer need to include it in each individual AD; however, this AD identifies the office authorized to approve alternative methods of compliance.

Change to Labor Rate Estimate

We have reviewed the figures we have used over the past several years to calculate AD costs to operators. To account for various inflationary costs in the airline industry, we find it necessary to increase the labor rate used in these calculations from $60 per work hour to $65 per work hour. The cost impact information, below, reflects this increase in the specified hourly labor rate.

Cost Impact

There are approximately 991 airplanes of the affected design in the worldwide fleet. The FAA estimates that 187 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 280 work hours per airplane to accomplish the repetitive baseline, supplemental, and fuse pin inspections at an average labor rate of $65 per work hour. Based on these figures, the cost impact of the proposed inspections on U.S. operators is estimated to be $3,403,400, or $18,200 per airplane, per inspection cycle.

It would take approximately 48 work hours per airplane to accomplish the repetitive overhaul of the diagonal brace at an average labor rate of $65 per work hour. Based on these figures, the cost impact of the proposed overhaul on U.S. operators is estimated to be $583,440, or $3,120 per airplane, per overhaul.

It would take approximately 40 work hours per airplane to accomplish the repetitive overhaul of the spring beam at an average labor rate of $65 per work hour. Based on these figures, the cost impact of the proposed overhaul on U.S. operators is estimated to be $486,200, or $2,600 per airplane, per overhaul.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not

a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 2001–NM–279–AD.

Applicability: All Model 747 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure the structural integrity of the strut-to-wing load path and prevent separation of the strut and engine from the airplane, accomplish the following:

Compliance Times

(a) Where the compliance times for the initial and repetitive baseline and supplemental inspections in the Accomplishment Instructions of Boeing Alert Service Bulletin 747–54A2182, dated July 12, 2001, specify a compliance time interval calculated ''from the release of this service bulletin,'' this AD requires compliance within the interval specified in the service bulletin ''after the effective date of this AD.''

Inspections/Follow-on Actions

(b) Do the initial and repetitive baseline and supplemental inspections of the nacelle strut-to-wing attachment structure for discrepancies (including cracks, corrosion, or damage; and loose, missing, or broken fasteners), and do the applicable follow-on actions; by doing all the actions in Part 1 through Part 9 of the Work Instructions of Boeing Alert Service Bulletin 747–54A2182, dated July 12, 2001. Do the inspections (including inspections for correct installation of hardware and part numbers) and follow-on actions at the applicable times specified in Figure 1 of the service bulletin.

(c) Do the initial and repetitive overhauls of the diagonal brace and spring beam load paths by doing all the actions in Part 10 and Part 11 of the Work Instructions of Boeing Alert Service Bulletin 747–54A2182, dated July 12, 2001. Do the initial and repetitive overhauls at the applicable times specified in Part 10 and Part 11 of the service bulletin.

(d) Do the initial and repetitive inspections of the fuse pins and secondary pins of the strut-to-wing attachment by doing all the actions in Part 12 of the Work Instructions of Boeing Alert Service Bulletin 747–54A2182, dated July 12, 2001. Do the inspections at the times specified in Part 12 of the service bulletin.

Corrective Actions

(e) If any discrepancy is found during any inspection required by this AD: Before further flight, do all applicable corrective actions specified in Part 1 through Part 12 of the Work Instructions of Boeing Alert Service Bulletin 747–54A2182 dated July 12, 2001. Do the applicable corrective actions per the service bulletin. If the service bulletin specifies to contact the manufacturer for appropriate action: Before further flight, repair per a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative (DER) who has been authorized by the Manager, Seattle ACO, to make such findings.

Alternative Methods of Compliance

(f)(1) In accordance with 14 CFR 39.19, the Manager, Seattle ACO, is authorized to approve alternative methods of compliance (AMOCs) for this AD.

(2) An AMOC that provides an acceptable level of safety may be used for a repair required by this AD, if it is approved by a Boeing Company DER who has been authorized by the Manager, Seattle ACO, to make such findings.

Issued in Renton, Washington, on September 11, 2003.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–23820 Filed 9–17–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–NM–07–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40, DC–10–40F, MD–10–10F, and MD–10–30F Airplanes; and Model MD–11 and MD–11F Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40, DC–10–40F, MD–10–10F, and MD–10–30F airplanes; and Model MD–11 and MD–11F airplanes. This proposal would require replacement of the left and right number one passenger door bolted lower seal-to-retainer and girt bar view window assemblies with new, double-flush riveted assemblies. This action is intended to prevent the number one passenger door slide from inflating before it has cleared the slide cover, which could result in the slide being unusable during an emergency evacuation and consequent injury to passengers or airplane crewmembers. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by November 3, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2003–NM–07–AD, 1601 Lind Avenue, SW., Renton, Washington. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 2003–NM–07–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 or 2000 or ASCII text.

The service information referenced in the proposed rule may be obtained from the Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Ken Sujishi, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5353; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2003–NM–07–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2003–NM–07–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports of the number one passenger door slide not deploying properly when the door was activated on two McDonnell Douglas Model MD–11 airplanes. Although the exact cause of the improper deployment has not been determined, it may be possible for the inflation lanyard of the evacuation slide to hang up on the ends of certain fasteners. These fasteners are used in the door bottom seal-to-retainer assembly and the view window assembly. If the lanyard hangs up on the fasteners as the passenger door moves upward during emergency use, it may be possible for the slide to begin inflating before it has cleared the slide cover. This action is intended to prevent the number one passenger door slide from inflating before it has cleared the slide cover, which could result in the slide being unusable during an emergency evacuation and consequent injury to passengers or airplane crewmembers.

The subject area on certain McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40, DC–10–40F, MD–10–10F, and MD–10–30F airplanes is almost identical to that on the affected Model MD–11 and MD–11F airplanes. Therefore, all of these models may be subject to the same unsafe condition.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin DC10–25A378 dated November 27, 2002 (for Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40, DC–10–40F, MD–10–10F, MD–10–30F series airplanes). The FAA has also reviewed and approved Boeing Alert Service Bulletin MD11–25A262, Revision 01, dated February 11, 2003 (for Model MD–11 and MD–11F series airplanes). These service bulletins describe procedures for replacing the passenger door seal and view window retainer assemblies on the door lower cover with new, double-flush riveted assemblies. Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the applicable service bulletin described previously.

Changes to 14 CFR Part 39/Effect on the Proposed AD

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's airworthiness directives system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance (AMOCs). Because we have now included this material in part 39, only the office authorized to approve AMOCs is identified in each individual AD.

Change to Labor Rate Estimate

We have reviewed the figures we have used over the past several years to calculate AD costs to operators. To account for various inflationary costs in the airline industry, we find it necessary to increase the labor rate used in these calculations from $60 per work hour to $65 per work hour. The cost impact information, below, reflects this increase in the specified hourly labor rate.

Cost Impact

There are approximately 350 Model DC–10 airplanes, and approximately 195 Model MD–11 and –11F airplanes of the affected design in the worldwide fleet. The FAA estimates that 263 Model DC–10 airplanes and 81 Model MD–11 and –11F airplanes of U.S. registry would be affected by this proposed AD.

The following table shows the estimated cost impact for airplanes affected by this proposed AD:

TABLE.—COST IMPACT

Model	Work hours (estimated)	Labor cost per airplane (estimated)	Parts cost per airplane (estimated)	Maximum fleet cost (estimated)
DC–10 and MD–10 airplanes	2	$130	$6,024	$1,618,502
MD–11 and –11F airplanes	1	65	6,024	493,209

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 2003–NM–07–AD.

Applicability: Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40, DC–10–40F, MD–10–10F, and MD–10–30F airplanes, as listed in Boeing Alert Service Bulletin DC10–25A378, dated November 27, 2002; and Model MD–11 and MD–11F airplanes, as listed Boeing Alert Service Bulletin MD11–25A262, Revision 01, dated February 11, 2003; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent the number one passenger door slide from inflating before it has cleared the slide cover, which could result in the slide being unusable during an emergency evacuation and consequent injury to passengers or airplane crewmembers, accomplish the following:

Replacement

(a) Within 18 months after the effective date of this AD, replace the left and right number one passenger door bolted lower seal-to-retainer and girt bar view window assemblies with the new, double-flush riveted assemblies, per the Accomplishment Instructions of Boeing Alert Service Bulletin DC10–25A378, dated November 27, 2002 (for Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40, DC–10–40F, MD–10–10F, and MD–10–30F airplanes), or Boeing Alert Service Bulletin MD11–25A262, Revision 01, dated February 11, 2003 (for Model MD–11 and MD–11F airplanes); as applicable.

Replacements Accomplished Per Previous Issue of Service Bulletin

(b) Replacements accomplished before the effective date of this AD per Boeing Alert Service Bulletin MD11–25A262, dated November 27, 2002, are considered acceptable for compliance with the corresponding action specified in this AD.

Alternative Methods of Compliance

(c) In accordance with 14 CFR 39.19, the Manager, Los Angeles Aircraft Certification Office, FAA, is authorized to approve alternative methods of compliance for this AD.

Issued in Renton, Washington, on September 11, 2003.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–23821 Filed 9–17–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–156–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. This proposal would require replacing the existing screw, nut, and washers that attach the latch cable assembly to the latch block assembly of the door mounted escape slides, with the new, improved screw, nut, and washers. This action is necessary to prevent the latch cable assembly from disconnecting from the latch block assembly of the door mounted escape slide, which could result in an escape slide not deploying in an emergency situation. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by November 3, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–156–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments

may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–156–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 or 2000 or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, PO Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Keith Ladderud, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6435; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–156–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–156–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

An operator reported that the cable on a door mounted escape slide had disconnected from the latch block assembly on a Boeing Model 737 series airplane. Investigation revealed that a production change had increased the size of the latch cable loops, which could allow the latch cable assembly to disconnect from the latch block assembly. This condition, if not corrected, could result in an escape slide not deploying in an emergency situation, and consequent reduction in the number of exits available in an evacuation.

Related Rulemaking

On November 29, 1985, the FAA issued AD 85–25–04, amendment 39–5179 (50 FR 49923, December 6, 1985). That AD required inspecting the escape slides and modifying the escape slide containers; and, on certain airplanes, the AD required inspecting, modifying escape slide installations, and functional testing; in accordance with Boeing Service Bulletin 737–25A1182, Revision 2, Parts I, III and IV, dated November 12, 1985.

On February 25, 1986, the FAA issued AD 86–05–04, amendment 39–5249 (51 FR 7433, March 4, 1986). That AD required installing retaining straps for the escape slide covers on the aft doors, in accordance with Boeing Service Bulletin 737–25A1182, Revision 2, Part II, dated November 12, 1985.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Special Attention Service Bulletin 737–25–1434, dated March 22, 2001, which describes procedures for replacing the existing screw, nut, and washers that attach the latch cable assembly to the latch block assembly of the door mounted escape slides, with the new, improved screw, nut, and washers. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

The service bulletin also specifies installation of the double loop escape slide latch cable assembly as described in Boeing Service Bulletin 737–25A1182, dated September 18, 1985, as a concurrent requirement. (*See* ''Related Rulemaking'' above.)

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as described below.

Differences Between Service Bulletin and Proposed Rule

Although the service bulletin recommends accomplishing the replacement ''at the next scheduled maintenance period when manpower, materials, and facilities are available,'' the FAA has determined that such an imprecise compliance time would not address the identified unsafe condition in a timely manner. In developing an appropriate compliance time for this proposed action, the FAA considered not only the manufacturer's recommendation, but the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the replacement. In light of all of these factors, the FAA finds that a compliance time of 18 months for completing the proposed actions to be warranted, in that it represents an appropriate interval of time for affected airplanes to continue to operate without compromising safety.

Changes to 14 CFR Part 39/Effect on the Proposed AD

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's airworthiness directives system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance (AMOCs). Because we have now included this material in part 39, only the office authorized to approve AMOCs is identified in each individual AD.

Change to Labor Rate Estimate

We have reviewed the figures we have used over the past several years to calculate AD costs to operators. To account for various inflationary costs in the airline industry, we find it necessary

to increase the labor rate used in these calculations from $60 per work hour to $65 per work hour. The cost impact information, below, reflects this increase in the specified hourly labor rate.

Cost Impact

There are approximately 2,919 airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,129 airplanes of U.S. registry would be affected by this proposed AD. The FAA estimates that it would take approximately 2 work hours for each airplane specified as Group 1 in the referenced service bulletin, and approximately 1 work hour for each airplane specified as Group 2 in the referenced service bulletin, to accomplish the proposed actions; the average labor rate is estimated to be $65 per work hour. Parts and materials are standard and are to be supplied by the operator. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $130 per Group 1 airplane, and $65 per Group 2 airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions. The manufacturer may cover the cost of replacement parts associated with this proposed AD, subject to warranty conditions. Manufacturer warranty remedies may also be available for labor costs associated with this proposed AD. As a result, the costs attributable to the proposed AD may be less than stated above.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 2001–NM–156–AD.

Applicability: Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, as listed in Boeing Service Bulletin 737–25–1434, dated March 22, 2001; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent the latch cable assembly from disconnecting from the latch block assembly of the door mounted escape slides, which could result in an escape slide not deploying in an emergency situation, accomplish the following:

Replacement

(a) Within 18 months after the effective date of this AD, replace the existing screw, nut, and washers that attach the latch cable assembly to the latch block assembly of the door mounted escape slides, with the new, improved screw, nut, and washers; per the Work Instructions of Boeing Service Bulletin 737–25–1434, dated March 22, 2001.

Parts Installation

(b) As of the effective date of this AD, no person may install a nut, part number (P/N) BACN10R10L, that was removed from any airplane; or install a screw, P/N NAS623–3–8; on any airplane.

Alternative Methods of Compliance

(c)(1) In accordance with 14 CFR 39.19, the Manager, Seattle Aircraft Certification Office (ACO), FAA, is authorized to approve alternative methods of compliance (AMOC) for this AD.

(2) An AMOC that provides an acceptable level of safety may be used for repair of the latch cable assembly and the latch block assembly for the door mounted escape slide, if it is approved by a Boeing Company Designated Engineering Representative (DER) who has been authorized by the Manager, Seattle ACO, to make such findings.

Issued in Renton, Washington, on September 11, 2003.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–23822 Filed 9–17–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–SW–45–AD]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model AS332C, L, and L1 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM); reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD) for the specified Eurocopter France (Eurocopter) model helicopters that would have required, for bevel gears with more than 6,600 hours time-in-service (TIS), inspecting the bevel gear for a crack using a borescope within 50 hours TIS, and thereafter at intervals not to exceed 150 hours TIS. That proposal was prompted by a crack that was detected on a bevel gear during a main gearbox teardown inspection. This action revises the proposed rule by requiring the borescope inspection at intervals not to exceed 150 hours TIS or 1,000 torque variation cycles (cycles) for helicopter operations involving frequent torque variations, whichever occurs first. This action is prompted by an analysis of the crack growth rate, which indicates that the growth rate is higher in helicopters with operations involving a torque variation frequency of 4 or more cycles per hour. The actions specified by this proposed AD are intended to detect a bevel gear crack and prevent failure of the bevel gear,

loss of torque to the main rotor system, and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before November 17, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2002–SW–45–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: *9-asw-adcomments@faa.gov.* Comments may be inspected at the Office of the Regional Counsel between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Uday Garadi, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Safety Management Group, Fort Worth, Texas 76193–0110, telephone (817) 222–5123, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this document may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this proposal must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2002–SW–45–AD.'' The postcard will be date stamped and returned to the commenter.

Discussion

A proposal to amend 14 CFR part 39 to add an AD for the specified Eurocopter model helicopters was published in the **Federal Register** on December 31, 2002 (67 FR 79893). That NPRM would have required for bevel gears with more than 6,600 hours TIS, inspecting the bevel gear for cracks using a borescope within 50 hours TIS, and thereafter at intervals not to exceed 150 hours TIS. If a crack were found in the bevel gear, replacing the bevel gear would be required. That NPRM was prompted by a crack that was detected on a bevel gear during a main gearbox teardown inspection. That condition, if not corrected, could result in failure of the bevel gear, loss of torque to the main rotor system, and subsequent loss of control of the helicopter.

Since issuing that NPRM, the FAA discovered that certain part numbered bevel gears were omitted from the applicability and one was incorrectly stated in that NPRM. Also, the manufacturer has revised the service information to introduce the new inspection interval of 1,000 cycles for helicopter operations involving a torque application frequency of more than 4 cycles per hour for helicopters that conduct external load operations involving more frequent torque applications. Additionally, we inadvertently included Model AS332C1 helicopters in the ''Applicability'' section of the NPRM—those model helicopters are not on the U.S. Registry. Finally, the DGAC has issued a revised AD for helicopters operated in France.

This SNPRM revises the NPRM to:

- Correct the basic bevel gear part number (P/N) stated in the ''Applicability'' of the NPRM to state ''332A32–2181–00'';
- Add bevel gear P/Ns 332A32–2181–01 and –08 to the ''Applicability'';
- Delete the Model AS332C1 helicopters from the ''Applicability'';
- Incorporate the latest Eurocopter Alert Telex and references the latest DGAC AD;
- Require the repetitive inspection at intervals not to exceed 150 hours TIS or 1,000 torque cycles, whichever occurs first; and
- Exclude from the ''Applicability'' any main gearbox (regardless of the P/N of the main reduction gear module or bevel gear) overhauled after December 31, 2002, and any part number inspected in accordance with AS332 letter to Repair Stations No. 183 or repaired in accordance with Repair Sheet (F.R.) 332A32–2181–ZA or 331A32–3110–ZA.

Since this change expands the scope of the originally proposed rule, we have determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

The Direction Generale De L'Aviation Civile (DGAC), the airworthiness authority for France, notified the FAA that an unsafe condition may exist on Eurocopter Model AS332C, C1, L, and L1 helicopters, equipped with main gearbox main reduction gear modules, part numbers (P/N) 332A32–2027–00 or 332A32–2026–00, containing bevel gears, P/N 332A32–2181–00, –01, –02, –03, or –04, or 331A32–3110–07, –09, or –19. The DGAC advises that borescope inspections of the bevel gear are necessary to detect cracks.

Eurocopter has issued Alert Telex No. 05.00.58 R2, dated February 3, 2003, which indicates that as a result of metal particles found on the chip detector of the main gearbox sump on a helicopter, further investigation has revealed a longitudinal crack that grows lengthwise in the shaft, up to the combiner gear, in the bevel gear where the ring retains the pinion toe bearing. The alert telex specifies inspecting the bevel gear for cracks using a borescope, pending the result of the investigation into the cause of the fatigue crack initiation currently being conducted in France. The DGAC classified this alert telex as mandatory and issued AD 2002–424–081(A) R2, dated March 19, 2003, to ensure the continued airworthiness of these helicopters in France.

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's AD system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. Because we have now included this material in part 39, we no longer need to include it in each individual AD. Therefore, Note 1 of the original NPRM has been removed and paragraph (c) has been modified in this SNPRM.

The FAA estimates that 4 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours per helicopter to accomplish the inspections and 16 work hours per helicopter to replace the bevel gear. The average labor rate is $65 per work hour. Required parts would cost approximately $31,372. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $130,688, assuming that upon the first inspection a crack is detected and the bevel gear will be replaced.

The regulations proposed herein would not have a substantial direct

effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Eurocopter France: Docket No. 2002–SW–45–AD.

Applicability: Model AS332C, L, and L1 helicopters, with main gearbox bevel gear (bevel gear), part numbers (P/N) 332A32–2027–00 or 332A32–2026–00, containing bevel gears, P/N 332A32–2181–00, –01, –02, –03, or –04, or 331A32–3110–07, –08, –09, or –19, installed, certificated in any category. This AD does not apply to:

- Main gearboxes that were overhauled after December 31, 2002;
- Parts inspected in accordance with AS332 letter to Repair Stations No. 183; or
- Parts repaired in accordance with Repair Sheet (F.R.) 332A32–2181–ZA or 331A32–3110–ZA.

Compliance: Required as indicated, unless accomplished previously.

To detect a bevel gear crack and prevent failure of the bevel gear, loss of torque to the main rotor system, and subsequent loss of control of the helicopter, accomplish the following:

(a) For bevel gears that have more than 6,600 hours time-in-service (TIS), within 50 hours TIS and thereafter at intervals not to exceed 150 hours TIS, or at intervals not to exceed 1,000 frequent torque variation cycles, whichever occurs first, inspect for a crack using a boroscope in accordance with the Operational Procedure, paragraph 2.B.1. and 2.B.2. of Eurocopter Telex No. 05.00.58 R2, dated February 3, 2003. A frequent torque variation cycle is each landing or external load operation beginning at the point when there are 4 or more landings, or 4 or more external load operations, or any combination of 4 or more landings and external load operations in any 60 minute time period, and ending when any combination of landings and external load operations is less than 4 in any 60 minute time period.

(b) If a crack is found in the bevel gear, before further flight, replace the bevel gear with an airworthy bevel gear.

(c) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Safety Management Group, Rotorcraft Directorate, FAA, for information about previously approved alternative methods of compliance.

Note: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 2002–424–081(A) R2, dated March 19, 2003.

Issued in Fort Worth, Texas, on September 8, 2003.

David A. Downey,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 03–23835 Filed 9–17–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–SW–24–AD]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model AS355E, F, F1, F2, and N Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes adopting a new airworthiness directive (AD) for the specified Eurocopter France (Eurocopter) model helicopters. This proposal would revise the Limitations section of the Rotorcraft Flight Manual (RFM) to prohibit using the landing light except for landing and takeoff until the 40 amp 10 P1 and 10P2 contactors are replaced with 50 amp circuit breakers. Also, this proposal would require upgrading the electrical master boxes. This proposal is prompted by three reports of complete loss of electrical power generating systems, except for the direct battery power, due to a combination of high outside temperature and long flight duration with the landing light on that causes the nontemperature compensated trip switches to prematurely trip. The actions specified by the proposed AD are intended to prevent failure of the helicopter power generator systems, loss of the use of flight instruments, and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before November 17, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2003–SW–24–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: 9-asw-*adcomments@faa.gov.* Comments may be inspected at the Office of the Regional Counsel between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Carroll Wright, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations and Guidance Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5120, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this document may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this

proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this proposal must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2003–SW–24–AD.'' The postcard will be date stamped and returned to the commenter.

Discussion

The Direction Generale De L'Aviation Civile (DGAC), the airworthiness authority for France, notified the FAA that an unsafe condition may exist on the specified Eurocopter model helicopters. The DGAC advises of three reports of complete electrical power failure, except direct battery power, that occurred during flights with high outside air temperature (above 25 degrees Celsius) and use of the landing light for more than 1 hour. The failures were due to the disengagement of 40-ampere (amp) contactors (trip switches MP 1648) in the electrical power systems below their nominal threshold. These trip switches are not temperature compensated and accordingly may trip based on the internal temperature of the electrical master boxes.

Eurocopter has issued Service Telex No. 25.00.63, dated August 2, 2000 (Telex), specifying to not use the landing light outside the landing and takeoff phases and Alert Service Bulletin No. 24.00.14, dated November 28, 2002 (ASB), specifying an upgrade of the electrical master boxes on or before August 1, 2003. The DGAC classified these service bulletins as mandatory and issued AD Nos. 2000–339–060(A), dated August 23, 2000; 2000–339–060(A) R1, dated September 6, 2000; and 2000–339–060(A) R2, dated December 24, 2002, to ensure the continued airworthiness of these helicopters in France.

These helicopter models are manufactured in France and are type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of these type designs that are certificated for operation in the United States.

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's AD system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. Because we have now included this material in part 39, we no longer need to include it in each individual AD.

This previously described unsafe condition is likely to exist or develop on other Eurocopter model helicopters of these same type designs registered in the United States. Therefore, the proposed AD would require temporarily revising the Limitations section of the RFM to prohibit use of the landing light except for landing and takeoff by making pen and ink changes or adding a copy of this AD to the RFM. The proposed AD would also require, within 6 months, or before the next instrument flight rule (IFR) flight, whichever occurs first, replacing nontemperature compensated 40-amp contactors 10P1 and 10P2 with temperature compensated 50-amp circuit breakers. These actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that this proposed AD would:

- Affect 442 helicopters of U.S. registry,
- Take ½ work hour per helicopter to add information to the Limitations section of the RFM, and
- Take 4 hours to upgrade the electrical boxes.

The average labor rate is $65 per work hour. The required parts would cost approximately $1707. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $883,779.

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Eurocopter France: Docket No. 2003–SW–24–AD.

Applicability: Model AS355E, F, F1, F2, and N helicopters, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the electrical power generating systems, loss of the use of flight instruments, and subsequent loss of control of the helicopter, accomplish the following:

(a) Before further flight and until you replace the circuit breakers in accordance with paragraph (b) of this AD, revise the Limitations section of the Rotorcraft Flight Manual (RFM) to prohibit use of the landing light except for the landing and takeoff phases of flight by making pen and ink changes, or inserting a copy of this AD into the Limitations section of the RFM.

Note 1: Eurocopter France Service Telex 25.00.63, dated August 2, 2000, pertains to the subject of this AD.

(b) Within 6 months or before the next instrument flight rule (IFR) operation, whichever occurs first, upgrade the electrical master boxes and replace the nontemperature compensated 40-amp contactors (circuit breakers) 10P1 and 10P2 with temperature compensated 50-amp circuit breakers, part number P/N 84–306–050 (B) or 5TC50–50 (C), in accordance with the Accomplishment Instructions, paragraph 2.B, of Eurocopter Alert Service Bulletin No. 24.00.14, dated November 28, 2002.

(c) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Manager, Safety Management Group, Rotorcraft Directorate, FAA, for information about previously approved alternative methods of compliance.

Note 2: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) ADs 2000–339–060(A) dated August 23, 2000; 2000–339–060(A) R1, dated September 6, 2000; and 2000–339–060(A) R2, dated December 24, 2002.

Issued in Fort Worth, Texas, on September 9, 2003.

Scott A. Horn,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 03–23834 Filed 9–17–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–NM–213–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model 717–200 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model 717–200 airplanes. This proposal would require inspection of the inboard ends of the outer skin panels of the horizontal stabilizer at Station Xh=+/−7.234 for material defects, and corrective action, if necessary. This action is necessary to detect material defects in the inboard ends of the outer skin panels of the horizontal stabilizer, which could lead to cracks and an associated loss of strength in the attachments, and consequent reduced structural integrity of the horizontal stabilizer. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by November 3, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2002–NM–213–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9–anm–nprmcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 2002–NM–213–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 or 2000 or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Maureen Moreland, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5238; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2002–NM–213–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2002–NM–213–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report indicating that the manufacturer of the horizontal stabilizer failed to ultrasonically inspect the inboard ends of the outer skin panels of the horizontal stabilizer at Station Xh=+/−7.234 for material defects during manufacture of certain McDonnell Douglas 717–200 airplanes. Undetected defects in the material in the inboard ends of the outer skin panels of the horizontal stabilizer could lead to cracks and an associated loss of strength in the attachments. Cracks in the inboard ends of the outer skin panels of the horizontal stabilizer and an associated loss of strength in the attachments could lead to reduced structural integrity of the horizontal stabilizer.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin 717–55–0005, dated June 27, 2002. The service bulletin describes procedures for performing an ultrasonic inspection of the inboard ends of the outer skin panels of the horizontal stabilizer at Station Xh=+/−7.234 for material defects, and for contacting Boeing for repair instructions. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Differences Between Proposed Rule and Service Bulletin

Although the service bulletin specifies that operators may contact the manufacturer for disposition of certain defect conditions, this proposed AD would require operators to repair those conditions per a method approved by

the FAA, or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Los Angeles Aircraft Certification Office, to make such findings.

Operators should note that, although the service bulletin does not list a grace period in the compliance times, this proposed AD adds a grace period to the compliance times. The FAA finds that such a grace period will keep airplanes from being grounded unnecessarily.

Changes to 14 CFR Part 39/Effect on the Proposed AD

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's airworthiness directives system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance (AMOCs). Because we have now included this material in part 39, only the office authorized to approve AMOCs is identified in each individual AD.

Change to Labor Rate Estimate

We have reviewed the figures we have used over the past several years to calculate AD costs to operators. To account for various inflationary costs in the airline industry, we find it necessary to increase the labor rate used in these calculations from $60 per work hour to $65 per work hour. The cost impact information, below, reflects this increase in the specified hourly labor rate.

Cost Impact

There are approximately 56 airplanes of the affected design in the worldwide fleet. The FAA estimates that 41 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours per airplane to accomplish the proposed inspection, and that the average labor rate is $65 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $10,660, or $260 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions. Manufacturer warranty remedies may be available for labor costs associated with this proposed AD. As a result, the costs attributable to the proposed AD may be less than stated above.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 2002–NM–213–AD.

Applicability: Model 717–200 airplanes, as listed in Boeing Service Bulletin 717–55–0005, dated June 27, 2002; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To detect material defects in the inboard ends of the outer skin panels of the horizontal stabilizer at Station Xh=+/−7.234, which could lead to cracks and an associated loss of strength in the attachments, and consequent reduced structural integrity of the horizontal stabilizer, accomplish the following:

Inspection

(a) Prior to the accumulation of 10,000 total flight cycles, or within 15 months after the effective date of this AD, whichever occurs later, do an ultrasonic inspection of the inboard ends of the outer skin panels of the horizontal stabilizer at Station Xh=+/−7.234 for material defects, per the Accomplishment Instructions of Boeing Service Bulletin 717–55–0005, dated June 27, 2002.

Corrective Action

(b) If any defects are found during the inspection required by paragraph (a) of this AD, and the service bulletin specifies contacting Boeing for appropriate action: Before further flight, repair per a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA; or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Los Angeles ACO, to make such findings. For a repair method to be approved, as required by this paragraph, the approval letter must specifically refer to this AD.

Alternative Methods of Compliance

(c) In accordance with 14 CFR 39.19, the Manager, Los Angeles ACO, FAA, is authorized to approve alternative methods of compliance for this AD.

Issued in Renton, Washington, on September 12, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–23833 Filed 9–17–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–NM–57–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A319 and A320 Series Airplanes Equipped With Elevator and Aileron Computer (ELAC) L80 Standard

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness

directive (AD), applicable to certain Airbus Model A319 and A320 series airplanes, that currently requires revising the airplane flight manual to specify procedures for landing under certain conditions of gusty winds and turbulence. This action would require replacement of both Elevator and Aileron Computers (ELACs) having L80 standards with new ELACs having L81 standards, which would terminate the requirements of the existing AD. The actions specified by the proposed AD are intended to prevent activation of the high angle-of-attack protection during final approach for landing, which could result in loss of ability to flare properly during landings. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by October 20, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2002–NM–57–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 2002–NM–57–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 or 2000 or ASCII text.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tim Dulin, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2141; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2002–NM–57–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2002–NM–57–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On April 19, 2001, the FAA issued AD 2001–08–26, amendment 39–12203 (66 FR 20912, April 26, 2001), applicable to certain Airbus Model A319 and A320 series airplanes, to require revising the airplane flight manual to specify procedures for landing under certain conditions of gusty winds and turbulence. That action was prompted by a report of a hard landing on a Model A320 series airplane equipped with ELAC L80 standard, which was caused by activation of the high angle-of-attack protection during a landing in gusty winds and turbulence. The requirements of that AD are intended to prevent activation of the high angle-of-attack protection during final approach for landing, which could result in loss of ability to flare properly during landings.

Actions Since Issuance of Previous Rule

In the preamble to AD 2001–08–26, we specified that we considered the requirements ''interim action'' and that the manufacturer was developing a modification to address the unsafe condition. That AD explained that we may consider further rulemaking if a modification is developed, approved, and available. The manufacturer now has developed such a modification, and we have determined that further rulemaking is indeed necessary; this proposed AD follows from that determination.

Explanation of Relevant Service Information

Airbus has issued Service Bulletin A320–27–1135, dated June 29, 2001, which describes procedures for replacement of both Elevator and Aileron Computers (ELACs) having L80 standards with new ELACs having L81 standards. The procedures also describe testing the ELACs after replacement. The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, classified this service bulletin as mandatory and issued French airworthiness directive 2001–508(B), dated October 17, 2001, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. We have examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 2001–08–26 to continue to require revising the airplane flight manual to specify procedures for landing under certain conditions of

gusty winds and turbulence. The proposed AD also would require replacement of both ELACs having L80 standards with new ELACs having L81 standards, which would terminate the requirements of the existing AD. The actions would be required to be accomplished in accordance with the service information described previously.

Changes to 14 CFR Part 39/Effect on the Proposed AD

On July 10, 2002, we issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs our airworthiness directives system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance (AMOCs). Because we have now included this material in part 39, only the office authorized to approve AMOCs is identified in each individual AD.

Change to Labor Rate-Estimate

We have reviewed the figures we have used over the past several years to calculate AD costs to operators. To account for various inflationary costs in the airline industry, we find it necessary to increase the labor rate used in these calculations from $60 per work hour to $65 per work hour. The cost impact information, below, reflects this increase in the specified hourly labor rate.

Cost Impact

There are approximately 350 airplanes of U.S. registry that would be affected by this proposed AD.

The AFM revision currently required by AD 2001–08–26 takes approximately 1 work hour per airplane to accomplish, at an average labor rate of $65 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $22,750, or $65 per airplane.

The new replacement proposed in this AD action would take approximately 1 work hour per airplane to accomplish, at an average labor rate of $65 per work hour. Required parts would be provided by the manufacturer at no cost to operators. Based on these figures, the cost impact of the proposed replacement on U.S. operators is estimated to be $22,750, or $65 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–12203 (66 FR 20912, April 26, 2001), and by adding a new airworthiness directive (AD), to read as follows:

Airbus: Docket 2002–NM–57–AD. Supersedes AD 2001–08–26, amendment 39–12203.

Applicability: Model A319 and A320 series airplanes; certificated in any category; equipped with Elevator and Aileron Computer (ELAC) L80 Standard having part numbers listed in Airbus Service Bulletin A320–27–1135, dated June 29, 2001.

Compliance: Required as indicated, unless accomplished previously.

To prevent activation of the high angle-of-attack protection during final approach for landing, which could result in loss of the ability to flare properly during landings, accomplish the following:

Restatement of Requirements of AD 2001–08–26

Revision of Airplane Flight Manual (AFM)

(a) Within 10 days after May 11, 2001 (the effective date of AD 2001–08–26, amendment 39–12203): Revise the Limitations Section of the AFM to incorporate the following procedures. This may be accomplished by inserting a copy of this AD into the AFM. This action is required until accomplishment of paragraph (b) of this AD.

''FOR APPROACH TO RUNWAYS WITH KNOWN GUSTY ENVIRONMENT, ESPECIALLY IF THESE CONDITIONS GENERATE VERTICAL GUSTS DUE TO THE SURROUNDING TERRAIN,

OR

—REPORTED GUST WIND INCREMENT (MAX. WIND MINUS AVERAGE WIND) HIGHER THAN 10 KT,

OR

—EXPECTED MODERATE TO SEVERE TURBULENCE ON SHORT FINAL,

THE FLIGHT CREW SHOULD STRICTLY ADHERE TO THE FOLLOWING PROCEDURE:

—USE CONF 3 FOR APPROACH AND LANDING,
—MINIMUM VAPP IS VLS + 10 KT; THE RECOMMENDATION TO USE MANAGED SPEED REMAINS VALID,
—CORRECT THE LANDING DISTANCE FOR THE SPEED INCREMENT,
—IF ''SINK RATE'' GPWS WARNING OCCURS BELOW 200 FT, IMMEDIATELY INITIATE A GO AROUND.''

New Requirements of This AD

Replacement

(b) Within 1 year after the effective date of this AD: Replace both Elevator and Aileron Computers (ELACs) having L80 standards with new ELACs having L81 standards, by doing all the actions per paragraphs A., B., C., and D. of the Accomplishment Instructions of Airbus Service Bulletin A320–27–1135, dated June 29, 2001. Accomplishment of this replacement ends the requirements in paragraph (a) of this AD.

Part Installation

(c) As of the effective date of this AD, no person may install on any airplane an ELAC having a part number listed in the ''Old Part Number'' column in the table specified in paragraph 2.C., ''List of Components,'' of Airbus Service Bulletin A320–27–1135, dated June 29, 2001.

Alternative Methods of Compliance

(d)(1) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM–116,

FAA, Transport Airplane Directorate, is authorized to approve alternative methods of compliance for this AD.

(2) Alternative methods of compliance, approved previously per AD 2001–08–26, amendment 39–12203, are approved as alternative methods of compliance with paragraph (a) of this AD.

Note 1: The subject of this AD is addressed in French airworthiness directive 2001–508(B), dated October 17, 2001.

Issued in Renton, Washington, on September 12, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–23832 Filed 9–17–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–NM–09–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A330 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Airbus Model A330 series airplanes. This proposal would require replacement of the elevator servo-controls with new servo-controls when the existing parts have reached their operational life limit. This action is necessary to prevent hydraulic leakage and internal damage of the elevator servo-controls due to cracks in the end caps and along the barrel. These conditions could result in a reduction in the elevator's protection against vibration or loss of the hydraulic circuit, and consequent reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by October 20, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2002–NM–09–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 2002–NM–09–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 or 2000 or ASCII text.

Information pertaining to this proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tom Groves, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1503; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2002–NM–09–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2002–NM–09–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on all Airbus Model A330 series airplanes. The DGAC advises that the operational life limits for the servo-controls located on the elevator, which are listed in Revision 8, chapter 05–11–00, configuration 1, of the Aircraft Maintenance Manual (AMM), dated September 15, 1999, are not addressed by section 9.1 of the Airworthiness Limitations section, which replaces chapter 05–11–00 of the AMM. Thus, it is possible that elevator servo-controls that have reached their operational life limit may remain installed on an airplane. Elevator servo-controls that have exceeded their operational life limits may develop cracks in the end caps and along the barrel, which could lead to hydraulic leakage and internal damage within the servo-control. This condition, if not corrected, could result in a reduction in the elevator's protection against vibration or loss of the hydraulic circuit, and consequent reduced controllability of the airplane.

Explanation of Action Taken by the DGAC

The DGAC issued French airworthiness directive 2001–545(B), dated November 14, 2001, to establish operational life limits for the elevator servo-controls. The French airworthiness directive requires replacement of the elevator servo-controls with new servo-controls when the operational life limit for the servo-controls has been reached.

FAA's Conclusions

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR

21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require replacement of the elevator servo-controls with new servo-controls when the servo-controls have reached their operational life limit.

Difference Between French Airworthiness Directive and Proposed AD

The compliance times in French airworthiness directive 2001–545(B) are based on the mode in which the elevator servo-controls are operated—active or damping mode. The FAA finds that, as all elevator servo-controls have the same part number and are interchangeable, it is not possible to readily trace the mode of operation of an elevator servo-control. Therefore, the compliance times in this proposed AD are based on the servo-control part number and the number of flight hours or flight cycles, as applicable, since the servo-control was new or overhauled, regardless of the mode of operation of the elevator servo-control. We have informed the DGAC of the compliance times we intend to use in this proposed AD.

Cost Impact

We estimate that 9 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 7 work hours per airplane, per replacement cycle, to accomplish the proposed actions, and that the average labor rate is $65 per work hour. Required parts would be provided at no charge to operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $4,095, or $455 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Airbus: Docket 2002–NM–09–AD.

Applicability: All Model A330 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent hydraulic leakage and internal damage of the elevator servo-controls due to cracks in the end caps and along the barrel, which could result in a reduction in the elevator's protection against vibration or loss of the hydraulic circuit, and consequent reduced controllability of the airplane, accomplish the following:

Repetitive Replacement

(a) Replace each elevator servo-control having a part number listed in the ''Part Numbers'' column of Table 1 of this AD with a new servo-control having the same part number. Do the initial replacement prior to the accumulation of the number of total flight hours or flight cycles on the servo-control, as applicable, specified in the ''Life Limit'' column of Table 1 of this AD, or within 60 days after the effective date of this AD, whichever is later. Thereafter, repeat the replacement at intervals not to exceed the number of total flight hours or flight cycles, as applicable, specified in the ''Life Limit'' column of Table 1 of this AD.

TABLE 1.—PART NUMBERS AND REPLACEMENT LIFE LIMITS

Airplane model	Part numbers	Life limit
A330–301, –321, and –322 airplanes, on which Airbus Modification 43148 (Service Bulletin A330–27–3026) has not been accomplished.	SC4800–2, SC4800–3, SC4800–4; any Amendment level.	4,000 total flight hours since the servo-control was new.
A330 series airplanes other than those identified above in this table.	SC4800–2; SC4800–2, Amendment A	3,500 total flight cycles since the servo-control was new or overhauled to like-new condition.
A330 series airplanes other than those identified above in this table.	SC4800–2, Amendment B or C; SC4800–3; SC4800–6.	7,700 total flight cycles since the servo-control was new or overhauled to like-new condition.

TABLE 1.—PART NUMBERS AND REPLACEMENT LIFE LIMITS—Continued

Airplane model	Part numbers	Life limit
A330 series airplanes other than those identified above in this table.	SC4800–2, Amendment D, E, F, or G; SC4800–4, Amendment H; SC4800–7; SC4800–7A; SC4800–8; SC4800–9.	32,000 total flight cycles since the servo-control was new or overhauled to like-new condition.

Note 1: The compliance times in Table 1 of this AD are based on the servo-control part number and the number of flight hours or flight cycles, as applicable, since the servo-control was new or overhauled, regardless of the mode of operation—active or damping—of the elevator servo-control.

Alternative Methods of Compliance

(b) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM–116, FAA, is authorized to approve alternative methods of compliance for this AD.

Note 2: The subject of this AD is addressed in French airworthiness directive 2001–545(B), dated November 14, 2001.

Issued in Renton, Washington, on September 12, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–23831 Filed 9–17–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Notice No. 17]

RIN: 1513–AA75

Proposed Southern Oregon Viticultural Area (2002R–338P)

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau proposes to establish the Southern Oregon viticultural area in portions of Douglas, Jackson, and Josephine Counties in southwestern Oregon. The proposed area encompasses the established Applegate Valley, Rogue Valley, and Umpqua Valley viticultural areas. We designate viticultural areas to allow bottlers to better describe the origin of wines and to allow consumers to better identify the wines they may purchase. We invite comments on this proposed addition to our regulations. We particularly invite comments from industry members whose labels may be affected by this proposed area's establishment.

DATES: We must receive written comments on or before November 17, 2003.

ADDRESSES: You may send comments to any of the following addresses:

- Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 50221, Washington, DC 20091–0221 (Attn: Notice No. 17);
- 202–927–8525 (facsimile);
- *nprm@ttb.gov* (e-mail); or
- *http://www.ttb.gov.* (An online comment form is posted with this notice on our Web site.

You may view copies of the proposed regulations and any comments received about this notice online at *http://www.ttb.gov* and by appointment at the ATF Reference Library, 650 Massachusetts Avenue, NW., Washington, DC 20226; phone 202–927–7890.

See the ''Public Participation'' section of this notice for specific instructions and requirements for submitting comments and for information on how to request a public hearing.

FOR FURTHER INFORMATION CONTACT: Nancy Sutton, TTB Specialist, Regulations and Procedures Division (Oregon), Alcohol and Tobacco Tax and Trade Bureau, 946 NW Circle Blvd. #286, Corvallis, OR 97330; telephone 415–271–1254.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

The Federal Alcohol Administration Act (FAA Act) at 27 U.S.C. 205(e) requires that alcohol beverage labels provide the consumer with adequate information regarding a product's identity, while prohibiting the use of misleading information on such labels. The FAA Act also authorizes the Secretary of the Treasury to issue regulations to carry out its provisions. The Secretary has delegated this authority to the Treasury Department's Alcohol and Tobacco Tax and Trade Bureau (TTB).

Regulations in 27 CFR part 4, Labeling and Advertising of Wine, allow the establishment of definitive viticultural areas and the use of their names as appellations of origin on wine labels and in wine advertisements. Title 27 CFR part 9, American Viticultural Areas, contains the list of approved viticultural areas.

Definition

Title 27 CFR 4.25a(e)(1) defines an American viticultural area as a delimited grape-growing region distinguishable by geographic features whose boundaries have been delineated in subpart C of part 9. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in a viticultural area to the wine's geographic origin.

Establishment Requirements

Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Anyone interested may petition TTB to establish a grape-growing region as a viticultural area. The petition must include—

- Evidence that the proposed viticultural area is locally and/or nationally known by the name specified in the petition;
- Historical or current evidence that the boundaries of the proposed viticultural area are as specified in the petition;
- Evidence of growing conditions, such as climate, soil, elevation, physical features, etc., which distinguish the proposed area from surrounding areas;
- A description of the proposed viticultural area's specific boundaries, based on features found on United States Geological Survey (USGS)-approved maps; and
- Copies of the appropriate USGS-approved map(s) with the boundaries prominently marked.

Impact on Current Wine Labels

As appellations of origin, viticultural area names have geographic significance and, under the FAA Act, may not be used in a misleading manner on wine labels. Our 27 CFR part 4 label regulations prohibit the use of brand names with geographic significance on a wine unless the wine meets the appellation of origin requirements for the named area. The FAA Act and our regulations also prohibit the misleading use of a viticultural area name on a wine

label in a context other than an appellation of origin.

If this proposed viticultural area is established, bottlers who use brand names, including trademarked names, similar to ''Southern Oregon'' must ensure that their existing products are eligible to use the viticultural area's name as an appellation of origin. For a wine to be eligible, at least 85 percent of the grapes in the wine must have been grown within the viticultural area, and the wine must meet the other requirements of 27 CFR 4.25a(e)(3). If a wine is not eligible for the appellation, the bottler must change the brand name or other label reference and obtain approval of a new label. Different rules apply if a wine in this category has a brand name used on a label approved prior to July 7, 1986. *See* 27 CFR 4.39(i) for details.

Southern Oregon Petition

General Background

TTB has received a petition from Mr. H. Earl Jones, a winemaker, and Dr. Gregory V. Jones, an associate professor of geography, requesting establishment of a new viticultural area to be called ''Southern Oregon.'' Located between the Coast Range and the Cascade Mountains, the proposed area covers portions of Douglas, Jackson, and Josephine Counties in southwestern Oregon. Beginning about 25 miles south of Eugene, the proposed area stretches about 125 miles south to the California State line and is 60 miles wide at its widest point. The proposed area covers approximately 2,001,430 acres and includes the cities of Sutherlin, Roseburg, Grants Pass, Medford, and Ashland, Oregon.

The proposed Southern Oregon viticultural area encompasses the established Umpqua Valley (27 CFR 9.89) and Rogue Valley (27 CFR 9.132) viticultural areas. A third established viticultural area, Applegate Valley (27 CFR 9,165), is entirely within the Rogue Valley area. As of 2002, there are at least 120 vineyards, totaling over 3,000 acres currently planted, and 17 commercial wineries within the proposed area's boundaries.

According to the petition, the proposed Southern Oregon viticultural area contains a series of high intermountain valleys that share a warm, sunny, arid climate and contain old, complex soils derived from bedrock. These growing conditions, the petition notes, produce a wide range of vinifera grapes in vineyards typically situated in the proposed area's higher elevations. The petition also states that these features make warm climate viticulture possible in Southern Oregon and distinguish it from surrounding areas such as the Willamette Valley to the north, the Pacific coastal regions to the west, and the region east of the Cascade Mountains.

Viticultural History

According to the petition, grapes have been grown in Southern Oregon since 1852 when Peter Britt operated a winery in Jacksonville, Oregon, that produced wine for local miners. Shortly thereafter, Jesse Applegate planted some 1,200 grape vines in Umpqua, Oregon. Modern day viticulture began in 1959 when Richard Summers founded Hillcrest Vineyard and produced 230 gallons of Riesling. The early 1970s saw the establishment of vineyards in the Umpqua and Rogue valleys by the Henry Estate Winery, Girardet Wine Cellars, and the Valley View Winery. Since then, plantings have continued within the proposed area and now total at least 120 vineyards covering some 3000 acres. As noted above, the proposed area encompasses three established viticultural areas, Umpqua Valley, Rogue Valley and Applegate Valley, and contains 17 commercial wineries.

Name Evidence

The petition asserts the state of Oregon is physically and culturally divided into five main regions: (1) The coastal zone (all lands west of the Coastal Ranges to the Pacific Ocean), (2) the Willamette Valley (the largely urbanized areas extending from Eugene northward to Portland), (3) the Cascades (the spine of Oregon's dominant mountain chain), (4) Eastern Oregon (all lands from the Cascades eastward to Idaho border), and (5) Southern Oregon (the intermountain valleys south of Eugene to the California state line.) Further, the petition suggests that Oregonians are sharply divided by and largely identify with these naturally occurring geographic regions of the State.

As evidence for the proposed area's suggested name, the petition cites ''The Encyclopedia of Oregon's'' definition of ''Southern Oregon'' as ''extending from the Calapooya Mountains southward to the [California] State line between the Cascades and the Coast Range.'' The petition also states that geographical references to Southern Oregon are found in multiple business page listings in the telephone books of Douglas, Jackson, and Josephine counties. Telephone books from Klamath Falls and Lakeview, however, indicate that the region east of the proposed area is known as Central Oregon.

Moreover, the petition also claims that wine industry publications such as Wine Business Monthly and Northwest Palate magazines, refer to wine grape production in Jackson, Josephine, and Douglas counties as ''Southern Oregon.'' Finally, the petitioner believes that a ''Southern Oregon'' appellation will have more relevance to consumers since it better describes the true origin of the area's wines and helps distinguish them from Willamette Valley wines, which, the petition notes, are significantly different.

Boundary Evidence

The proposed Southern Oregon viticultural area encompasses three existing approved viticultural areas (Umpqua Valley, Rogue Valley, and Applegate Valley) and a connecting valley corridor of similar viticultural potential. The boundaries of the three viticultural areas are well established and clearly documented in 27 CFR part 9; there will be no changes in their boundaries.

Within the proposed Southern Oregon area, the only land added to the three established viticultural areas is a 12-by 17-mile north-south connecting corridor in Douglas County joining the Umpqua Valley area with the Rogue Valley area. The petitioner used a series of township and range lines to define the boundaries of the connecting corridor, which is roughly centered on Interstate 5 between Canyonville and Glendale Junction. The petition states that the new connecting corridor has the same physical features as the established areas to its north and south. The corridor includes, for example, a portion of the Cow Creek drainage, a tributary of the South Umpqua River.

The petition notes that the proposed area's boundaries are based on a combination of climate, terrain, and soil factors that contrast with the nearby Willamette Valley, coastal, and Eastern Oregon regions. The viticultural features of the proposed area, the petition adds, allow Southern Oregon to enjoy the unique position of producing both warm and cool climate wine grape varietals of excellent quality.

Growing Conditions

Topography

The petition states that the proposed Southern Oregon area contains a varied, mountainous topography with vineyards typically situated in high mountain valleys. The southern coastal mountains, in particular the Klamaths, form a natural barrier to the proposed area's west. These lofty coastal mountains reach 2,500 feet in elevation

north of Roseburg and rise to more than 5,000 feet near the California border. This high mountain barrier prevents marine air from freely moving inland into the proposed area. This mountain barrier also casts an ever-larger rain shadow to the proposed area's south and east.

In contrast, according to the petition, the cooling effect of maritime weather systems flowing east from the Pacific Ocean through the Van Duzer Corridor, a gap in the Coast Range, greatly affect the Willamette Valley area to the proposed area's north. This contrast becomes more apparent, the petition states, as one travels from the north into Southern Oregon since each succeeding valley lies at a higher elevation. Most Willamette Valley vineyards lie only a few hundred feet above sea level, while many vineyards in the Umpqua Valley are above 1,000 feet, and those in the Rogue Valley are typically at elevations of 1,200 feet to 2,000 feet.

Soils

The petition states the soils of the proposed Southern Oregon area evolved slowly from ancient rocks with little contribution from more recent silts and sediments, like those that formed the Willamette soils to the north. Specifically, the petitioner provided reference material that suggests the soils in the proposed Southern Oregon viticultural area come mainly from the 200 million year-old Klamath Mountains, which lie to the area's west. These ancient mountains, which extend up from California to the latitude of Roseburg, OR, are comprised of sedimentary rocks. Over time, the petition notes, a slow and complex geologic process crushed, metamorphosed, and modified these rock substrates.

In contrast, the petition asserts that the Willamette Valley formed in recent geologic time (25 million years ago) as an extension of the ocean or perhaps as multiple interconnected bays, which gradually filled with sediments and occasional basalt lava flows. The glacial Lake Missoula flood also deposited silts and sediments in the Willamette Valley, which help explains much of its flatness. The petition also indicates that the Pacific coastal zone's soils differ from Southern Oregon's soils since they are more highly weathered and consist of a mix of soils from older volcanoes and accreted terrains of oceanic crust. The soils found in the Cascade Mountains and eastward, which vary from mostly young volcanic soils to arid desert and prairie soils, also differ from those found in the proposed area.

Temperature

According to the petition, the proposed Southern Oregon viticultural area provides the warmest growing conditions in the state of Oregon and allows the practice of ''warm climate viticulture.'' This is significant, the petition asserts, because of the dramatic impact a warm growing season has on harvest date, fruit quality, and varieties of grapes grown. The petition notes the 1999 Oregon Agricultural Statistics report showed that 99% of the Merlot grapes and 82% of the Cabernet Sauvignon grapes growing in Oregon were found in Umpqua and Rogue Valley vineyards. Despite the demonstrated ability of the Rogue and Umpqua Valleys to produce warm climate grapes, the petition also notes that many growers search out cool microclimates within Southern Oregon's many and varied hillsides and valleys. This places the proposed area in the unique position of being able to produce both warm and cool climate wine grape varieties, according to the petitioners.

The petition states that the general climate structure in Southern Oregon is much different than that in the surrounding areas. For example, the proposed area averages 2,508 growing degree days with an average growing season temperature of 61 degrees. By contrast, the coastal region averages 1,369 degree days and an average growing season temperature of 56 degrees, the Willamette Valley averages 2,034 degree days and a growing temperature of 59 degrees, while Eastern Oregon averages 1,625 degree days and a growing temperature of 55.5 degrees.

In addition, the petition relates that the climate of the Willamette Valley is cooler and wetter than that of Southern Oregon, while the coastal area, despite having the longest growing season, does not accumulate enough heat to ripen most grape varieties and, due to high rainfall amounts, subjects grapes to risk of mildew and botrytis. Finally, the Eastern Oregon region exhibits a cooler and shorter growing season climate due to its elevation and distance from the Pacific Ocean. The cold winters east of the Cascades leave vines vulnerable to frost kill, and the short growing season is insufficient to ripen fruit. Harvest time in the proposed Southern Oregon area, the petition states, may start up to 10 days earlier than in the Willamette Valley for identical varieties such as Pinot Noir and Pinot Gris. Further, varieties such as Cabernet Sauvignon and Merlot will ripen up to 3 weeks earlier in Southern Oregon than they would in the Willamette Valley, if they ripen at all, according to the petition.

Rainfall

The petitioner states that the proposed Southern Oregon viticultural area receives significantly less rainfall than the coastal region (about 140% less on average) to its east and 40% less than the Willamette Valley to its north. Annual rainfall averages 35 inches in the Rogue Valley and 32 inches in the Umpqua Valley. By comparison, the Coastal Range, and Willamette Valley, average 77 and 47 inches of annual rainfall, respectively, while eastern Oregon averages 20 inches of annual perception.

Maps and Boundary Description

See the list of maps and the narrative boundary description for the petitioned viticultural area in the proposed regulation published at the end of this notice.

Public Participation

Comments Sought

We request comments from anyone interested. Please support your comments with specific information about the proposed area's name, growing conditions, or boundaries. All comments must be legible, reference this notice number, and include your name and mailing address.

Although we do not acknowledge receipt, we will consider your comments if we receive them on or before the closing date. We will consider comments received after the closing date if we can. We regard all comments as originals.

Comment Confidentiality

We do not recognize any comments or other submitted material as confidential. All comments are part of the public record and are subject to disclosure. Do not enclose in your comments any material you consider confidential or inappropriate for disclosure.

Where Should I Submit Comments?

You may submit comments:

• *By mail:* You may send written comments to TTB at the address listed in the **ADDRESSES** section.

• *By facsimile:* You may submit comments by facsimile transmission to 202–927–8525. Faxed comments must—

(1) Be on 8.5 by 11-inch paper;

(2) Contain a legible, written signature; and

(3) Be five or less pages long. This limitation assures access to our fax equipment. We will not accept faxed comments that exceed five pages.

• *By e-mail:* You may e-mail comments to *nprm@ttb.gov.* Comments transmitted by electronic-mail must—

(1) Contain your e-mail address;

(2) Reference this notice number on the subject line; and

(3) Be legible when printed on 8½ x 11-inch size paper.

• *By online form:* We provide a comment form with the online copy of this notice on our Web site at *http://www.ttb.gov/alcohol/rules/index.htm.* Select the ''Send comments via e-mail'' link under this notice number.

You may also write to the Administrator before the comment closing date to ask for a public hearing. The Administrator reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Public Disclosure

You may inspect copies of the petition, the proposed regulations, the appropriate maps, and any written comments received by appointment at the TTB Reference Library, Room 6480, 650 Massachusetts Avenue, NW., Washington, DC 20226. You may also obtain copies at 20 cents per page. Contact the ATF Librarian at the above address or telephone 202–927–7890 to schedule an appointment or to request copies of the comments or other documents.

For your convenience, we will post comments received in response to this notice on the TTB Web site. All comments posted on our Web site will show the names of commenters but not street addresses, telephone numbers, or e-mail addresses. We may also omit voluminous attachments or material that we consider unsuitable for posting. In all cases, the full comment will be available in the ATF Reference Library. To see the online copy of this notice, visit *http://www.ttb.gov/alcohol/rules/index.htm.* Select the ''View Comments'' link under this Notice number to view the posted comments.

Regulatory Analyses and Notices

Paperwork Reduction Act

We propose no requirement to collect information. Therefore, the provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507, and its implementing regulations, 5 CFR part 1320, do not apply.

Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires an agency to conduct a regulatory flexibility analysis on any proposed rule that may have a significant economic impact on a substantial number of small entities. We certify that this regulation will not have a significant economic impact on a substantial number of small entities. This regulation imposes no new reporting, recordkeeping, or other administrative requirements.

The establishment of viticultural areas represents neither our endorsement nor approval of the quality of wine made from grapes grown in the areas. The use of viticultural names as appellations of origin merely allow vintners to better describe the origin of their wines to consumers and helps consumers identify the wines they purchase. Thus, any benefit derived from using a viticultural area name results from a proprietor's own efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

This proposed rule is not a ''significant regulatory action'' as defined by Executive Order 12866. Accordingly, no regulatory assessment is required.

Drafting Information

The principal author of this document is Bernard J. Kipp, Regulations and Procedures Division (Portland, Oregon), Alcohol and Tobacco Tax and Trade Bureau.

List of Subjects in 27 CFR Part 9

Wine.

Authority and Issuance

For the reasons stated in the preamble, the Alcohol and Tobacco Tax and Trade Bureau proposes to amend title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

2. Subpart C is amended by adding section 9.____ to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.____ Southern Oregon

(a) *Name.* The name of the viticultural area described in this section is ''Southern Oregon''.

(b) *Approved Maps.* The appropriate maps for determining the boundaries of the Southern Oregon viticultural area are 2 USGS, 1:250,000 scale topographic maps. They are:

(1) Roseburg, Oregon—1958, revised 1970;

(2) Medford, Oregon; California—1955, revised 1976.

(c) *Boundaries.* The Southern Oregon viticultural area is located entirely within Douglas, Jackson, and Josephine Counties, Oregon. The beginning point is the intersection of Interstate Highway 5 with the Douglas/Lane County line in Township 21 South (T21S), Range 4 West (R4W) on the ''Roseburg'' map.

(1) From the beginning point, the boundary proceeds north along the Douglas/Lane County line approximately 0.5 miles to the 1,000-foot contour line;

(2) Then northwest along the 1,000-foot contour line to the Douglas/Lane County line; then west along the Douglas/Lane County line approximately 2.5 miles, returning to the 1,000-foot contour line; then in a generally westerly direction along the 1,000-foot contour line to its first intersection with the R9W/R10W range line;

(3) From that point, continue along the 1,000-foot contour line, crossing the R9W/R10W range line four more times; then proceed south along the R9W/R10W range line approximately 2.75 miles to the center of the Umpqua River; then along a straight line in an easterly direction approximately 6.25 miles to the intersection of range line R8W/R9W with the center of the Umpqua River; then south along range line R8W/R9W approximately 3.5 miles to its intersection with township line T22S/T23S;

(4) Then southeast approximately 8.5 miles along a straight line to the intersection of township line T23S/T24S with range line R7W/R8W; then south along the R7W/R8W range line approximately 8 miles to its intersection with the 1,000-foot contour line; then in a southeasterly direction in a straight line approximately 3.5 miles towards the intersection of township line T25S/T26S with range line R6W/R7W, but stopping short at the 1,000-foot contour line;

(5) Then in a southerly direction along the 1,000-foot contour line to the intersection of township line T27S/T28S with range line R7W/R8W; then in a southwesterly direction in a straight line approximately 3.5 miles toward the intersection of township line T28S/T29S with range line R8W/R9W, but stopping short and returning to the 1,000-foot contour line near the center of T28S/R8W; then generally south along the 1,000-foot contour line to its intersection with township line T29S/T30S;

(6) Then east along township line T29S/T30S approximately 0.33 miles, rejoining the 1,000-foot contour line; then in a northerly and eventually a southerly direction along the 1,000-foot

contour line, passing onto the Medford map, and past the town of Riddle to range line R6W/R7W; then south along the R6W/R7W range line approximately 15 miles to the Josephine County/Douglas County line; then in a general northeasterly direction along the Josephine County/Douglas County line to its intersection with Interstate 5 approximately 1.3 miles south of Cow Creek ;

(7) Then the boundary proceeds southerly and southwesterly along southbound Interstate 5 to its junction with Wolf Creek and then north about 500 feet to the Southern Pacific Railway line; then westerly and southerly out of the town of Wolf Creek along the Southern Pacific Railway line to the rail line's intersection with Hugo Road at the town of Hugo; then southwesterly along Hugo Road to the point where Hugo Road crosses Jumpoff Joe Creek; then westerly and down stream along Jumpoff Joe Creek to the intersection of Jumpoff Joe Creek and the Rogue River;

(8) Then northwesterly and down stream along the Rogue River to the first point where the Wild and Scenic Rogue River designated area touches the easterly boundary of the Siskiyou National Forest just south of Galice;

(9) Then in a generally southwesterly direction (with many diversions) along the easterly border of the Siskiyou National Forest to the 42 degree 0 minute latitude line; then easterly along the 42° 0′ north latitude line to the point where the Siskiyou National Forest boundary again crosses into Oregon approximately 1 mile east of U.S. Highway 199;

(10) Then in a generally northeasterly direction and then in a southeasterly direction (with many diversions) along the northern boundary of the Siskiyou National Forest to the point where the Siskiyou National Forest touches the Rogue River National Forest at Big Sugarloaf Peak;

(11) Then in a generally easterly direction (with many diversions) along the northern border of the Rogue River National Forest to the point where the Rogue River National Forest intersects with Slide Creek approximately 6 miles southeast of Ashland;

(12) Then southeasterly and northeasterly along Slide Creek to the point where it intersects State Highway 273; then northwesterly along State Highway 273 to the point where it intersects State Highway 66; then in an easterly direction approximately 5 miles along State Highway 66 to the east line of Township 39 South, Range 2 East (T39S, R2E);

(13) Then following the east line of T39S, R2E, in a northerly direction to the northeast corner of T39S, R2E; then westerly approximately 5 miles along the north line of T39S, R2E, to the 2,600 foot contour line; then in a northerly direction following the 2,600 foot counter line across Walker Creek and then in a southwesterly direction to the point where the 2,600 foot contour line touches the east line of T38S, R1E;

(14) Then northerly along the east line of T38S, R1E, to the northeast corner of T38S, R1E;

(15) Then westerly along the north line of T38S, R1E, to the northwest corner of T38S, R1E;

(16) Then northerly along the west line of T37S, R1E, to the northwest corner of T37S, R1E;

(17) Then easterly along the north lines of T37S, R1E, and T37S, R2E, to the southeast corner of T36S, R2E;

(18) Then northerly along the east line of T36S, R2E, to the northeast corner of T36S, R2E;

(19) Then westerly along the north line of T36S, R2E, to the northwest corner of T36S, R2E;

(20) Then northerly along the east line of T35S, R1E, to the northeast corner of T35S, R1E;

(21) Then westerly along the north line of T35S, R1E, to the northwest corner of T35S, R1E;

(22) Then northerly along the east line of T34S, R1W, to the northeast corner of T34S, R1W;

(23) Then westerly along the common boundary line of T34S/T33S to the northwest corner of T34S, R5W;

(24) Then northerly along the west line of T33S, R5W, to the Josephine County/Douglas County line; thence in a generally east, northeasterly direction along the Josephine County/Douglas County line to the intersection of R3W/R4W range line; thence north along the R3W/R4W range line approximately 11.8 miles to the 1,000-foot contour line just south of State Road 227 southeast of the town of Days Creek;

(25) Then in an easterly, westerly, and eventually a northerly direction along the 1,000-foot contour line to a point approximately 3.5 miles east of Dillard, where the contour line crosses Interstate Highway 5 on the ''Roseburg'' map; thence northeast along Interstate Highway 5 approximately 0.25 mile, returning to the 1,000-foot contour line; thence in a generally northeasterly, southeasterly, northwesterly, and eventually a northeasterly direction along the 1,000-foot contour line past the town of Idleyld Park to the R2W/R3W range line;

(26) Then north along range line R2W/R3W approximately 1.75 miles to the T25S/T26S township line; thence west along township line T25S/T26S approximately .25 mile, returning to the 1,000-foot contour line; thence in a generally westerly and then a northerly direction along the 1,000-foot contour line up the valley of Calapooya Creek to the R3W/R4W range line; thence north along range line R3W/R4W approximately 2.25 miles, back to the 1,000-foot contour line;

(27) Then in a westerly and then a northerly direction along the 1,000-foot contour line to the T23S/T24S township line, then east along the T23S/T24S township line approximately 2.75 miles to the 1,000-foot contour line; then in a northerly direction along the 1,000-foot contour line to its intersection with the Douglas/Lane County line; thence north along the Douglas/Lane County line approximately 0.75 mile to the point of beginning.

Signed: September 2, 2003.

John J. Manfreda,

Acting Administrator.

[FR Doc. 03–23887 Filed 9–17–03; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD11–03–001]

RIN 1625–AA11

Regulated Navigation Areas (RNAs), San Francisco Bay, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to revise the regulated navigation areas (RNA) at: The Benicia-Martinez Railroad Drawbridge (BMRD) at the entrance to Suisun Bay; the Pinole Shoal Channel RNA; the southern boundary of the Southampton Shoal/Richmond Harbor RNA; and the portion of the Oakland Harbor RNA that lies just due north of Anchorage 8. The revisions will clarify and expand the boundaries of the BMRD RNA; restrict vessels less than 1600 gross tons from entering the Pinole Shoal Channel RNA; expand the boundary for the Southampton Shoal/Richmond Harbor RNA; and designate new boundary lines for the Oakland Harbor RNA to coincide with the new Anchorage 8 boundaries. These revisions will clarify the procedures for vessels intending to transit which are either moored or in transit bound for the BMRD; allow towing vessels with tow of 1600 or more gross tons to utilize the

Pinole Shoal Channel; further reduce the risk of groundings and collisions by expanding the RNA in the Southampton Shoal to encompass the federally maintained waterway; and correct the coordinates for the northern boundary of the Oakland Harbor RNA that is inaccurately listed in the current RNA regulation.

DATES: Comments and related material must reach the Coast Guard on or before November 17, 2003.

ADDRESSES: You may mail comments and related material to Commanding Officer, District Eleven Marine Safety Division, Waterways Management Section, Coast Guard Island, Building 51–1, Alameda, CA, 94501–5100, Attn: LTJG Michael Boyes. District Eleven Marine Safety Division, Waterways Management Section maintains the public docket for these rulemakings. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at District Eleven Marine Safety Division, Waterways Management Section, Coast Guard Island, Building 51–1, Alameda, CA, 94501–5100, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LTJG Michael Boyes, District Eleven Marine Safety Division, Waterways Management Section, at (510) 437–2940.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking [CGD11–03–001], indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know your submission reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not plan to hold a public meeting for this rule. But you may submit a request for a meeting in writing to District Eleven Marine Safety Division, Waterways Management Section at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a separate notice in the **Federal Register**.

Background and Purpose

Benicia-Martinez Railroad Drawbridge regulated navigation area (RNA): The purpose is to revise the RNA at the Benicia-Martinez Railroad Drawbridge at the entrance to Suisun Bay. The revision would refer to the bridge that is the focus of the RNA in terms of geographic locality to remove any reference to corporate naming methods. The revision would convert the distance measurement from 1000 yards to ½ nautical mile. Lastly, the revision would clarify and expand the boundaries of the RNA and clarify the procedures for vessels intending to transit through the Benicia-Martinez Railroad Drawbridge that are either moored or anchored within the boundaries of the proposed revised RNA.

Pinole Shoal Channel RNA: Revision of this regulation would update the current Pinole Shoal Channel RNA that currently restricts vessels drawing a draft less than 20 feet from operating within the channel. Instead of the draft requirement, the new regulations would restrict vessels less than 1600 gross tons from entering the Pinole Shoal Channel RNA. This change will allow vessels of 1600 gross tons or a tug with a tow of 1600 gross tons that may not necessarily draw 20 feet of draft to utilize the marked channel. The RNA will continue to benefit vessels based on their maneuverability and keep smaller vessels out of the channel.

Southampton/Richmond Harbor RNA: In 1995, the Coast Guard established several RNA's in the San Francisco Bay, including the Southampton Shoal Channel/Richmond Harbor RNA, under 33 CFR 165.1114. In 2001, this section was redesignated as section 165.1181. The RNA encompasses Southampton Shoal Channel, the Richmond Long Wharf Maneuvering Area, the Richmond Harbor Entrance Channel and Point Potrero Reach. These are dredged channels and areas within which maneuvering room is severely limited. Close-quarters situations between deep draft vessels in these channels were eliminated with the implementation of the RNA, reducing the risk of grounding and collisions.

In October 1999 a major Bay Area shipping company participated in a week of simulation exercises to test the feasibility of bringing in new, double hull, very large crude carriers (VLCCs) into the Richmond Long Wharf. The class of vessel tested was a 306,000 dead weight tons (DWT) tank vessel.

Part of the study was to see what, if any, improvements would be needed, including channel widening, dredging, berth improvements, and aids to navigation. Using large scale Army Corps of Engineers survey charts it was determined that the buoys, as previously positioned, did not accurately indicate the federally maintained channel. Buoy #1 was located 175 feet outside the channel, Buoy #2 was right on the channel line, Buoy #4 was 150 feet outside the channel, and Buoy #5 was 275 feet outside the channel. Also, the distances between North Channel Buoy #8 and Southampton Shoal Channel Buoys #1 and #2 were considerable. Vessels approaching Southampton Shoal Channel from the south are subject to a cross current that is sometimes difficult to detect right away due to the distance between navigational aids. Inbound deep draft vessels have to proceed at a relatively slow speed through this area, allowing greater influence by the current. A closer spacing between navigational aids would allow quicker detection of current set and a better delineation of the dredged channel.

In order to enhance navigation safety, it was proposed to change the buoys in Southampton Shoal Channel. Buoys #1 and #2 have been moved to the bottom corner of Anchorage #5. A new set of buoys has been added halfway to the top of the channel. Buoy #5 has been moved down to be adjacent to Buoy #4 (re-numbered as #6). The green Buoy #1 off Red Rock has been moved to the top corner of the turning basin (and has been renumbered #7). All buoys have been located 50 feet outside the channel limit to facilitate dredging and allow full use of the entire channel width. The line of green buoys helps delineate the shallow water to the west of the channel and approaches.

The federally maintained channel used to extend almost all the way to North Channel Buoy A and did not stop at Southampton Shoal Buoys #1 and #2. The water on both sides of the channel continues to shoal, so clear delineation of the entire length of the channel is critical for deep draft vessels. Waterways Analysis and Management Study number 11–00–020 was started on January 27, 2000. The San Francisco Bar Pilots notified the Coast Guard and NOAA that Southampton Shoal Channel is dredged by the ACOE to North Channel Lighted Buoy A (LLNR–5410). At the time of the study, the channel

was only marked to lighted buoy 1 (LLNR–5640). To properly mark the federally maintained waterway the Coast Guard proposed to move 5 buoys and add two additional buoys. There is shoaling on both sides of the channel, and a clear delineation of the entire length of the channel was necessary for deep draft vessels. The Waterways Analysis and Management Study concluded on April 20, 2000.

The proposed Southampton Shoal/Richmond Harbor RNA would increase navigational safety by organizing traffic flow patterns; reducing meeting, crossing, and overtaking situations between large vessels in constricted channels; and limiting vessel speed.

Oakland Harbor RNA: On June 26, 2001 we published a Final Rule in the **Federal Register** (66 FR 33833) on the changes of Anchorage 8, which in turn requires a change to the Oakland Harbor RNA. Over time, demands of waterway usage in the San Francisco Bay have led to the need for increases in anchorage area. Anchorage 8 was one of the anchorages recently requested by the mariners to be modified to make better use of available water. Such a change has resulted in Anchorage 8 area protruding into the nearby Oakland Harbor RNA, necessitating an adjustment to the boundary designation of the RNA. No comments were received on the Anchorage 8 regulation change. Additionally, the reduction in the RNA is not expected to result in any adverse effect to waterway users.

The northern boundary coordinates in the regulation for the Oakland Harbor RNA was recently discovered to be off by approximately 30 to 200 yards from the intended coordinates. This rulemaking would revise the points listed in the RNA regulation, accurately reflecting the alignment of the northern boundary of the Oakland Harbor RNA with the Bar Channel and what has already been charted by NOAA.

Discussion of Proposed Rule

Benicia-Martinez Railroad Drawbridge RNA: The 1996 merger of the Union Pacific and Southern Pacific Railroad companies resulted in a change to the name of the bridge to the Union Pacific Railroad Bridge. Using a company name to identify a significant navigational reference point can lead to naming confusion in the future if the bridge changes ownership again. It was decided to refer to the bridge in terms of geographic locality in order to eliminate any references to corporate ownership and only use standard geographical naming schemes. The reference name Benicia-Martinez Railroad Drawbridge is not intended to replace the new bridge name (Union Pacific Railroad Bridge) selected by the current bridge owner Union Pacific Railroad for any purpose other than this RNA. As with any bridge owner, Union Pacific Railroad retains the right to name the bridge. Our name reference is only intended for this proposed regulation to update the wording to include the most accepted and understood name for waterway users and bridge tenders.

Procedures for down-bound vessels commencing their transit from moorings at terminals between the Benicia-Martinez Railroad Drawbridge and New York Point or for vessels anchored between the Benicia-Martinez Railroad Drawbridge and New York Point are not defined in the existing regulation, and some mariners have expressed confusion regarding the procedures to be followed by such vessels. This change will add procedures for these vessels and formally adopt an ad-hoc solution that has been used since the regulation was established.

While the proposed rule expands the geographical boundaries of the RNA, it does not expand the regulatory scope of the rule. The original rule specified the actions of vessels well outside the original boundaries of the printed RNA regulation. The new rule simply expands the boundaries of the RNA to coincide with the geographic area addressed by the original regulation.

Pinole Shoal Channel RNA: The revision would keep smaller vessels (less than 1600 gross tons) out of the Pinole Shoal Channel so that larger vessel (equal or greater than 1600 gross tons) could transit the channel unimpeded. There is currently enough deep water just south of the channel for a vessel of 15 to 19 feet to transit safely south of the channel. However, vessels with drafts close to 20 feet prefer transiting in the marked channel for an enhanced safety factor during the transit. This draft applies to both tugs towing barges greater than 1600 GT and piloted ships over 1600 GT. VTS San Francisco has encountered requests from pilots aboard vessels with less than 20 feet draft to use the channel. Stakeholders such as VTS San Francisco and the San Francisco Bar Pilots agree that vessels greater than 1600 gross tons or with a tug with a tow of 1600 gross tons should have the option to use the Pinole Shoal Channel RNA regardless of their draft. Other similar RNA's regard vessels gross tonnage as a more logical safety criterion than draft.

Southampton/Richmond Harbor RNA: Based on the results of a Waterways Analysis and Management Study of the Southampton Shoal Channel, the Coast Guard relocated Southampton Shoal Channel Lighted Buoys 1 through 7 to properly mark the federally maintained waterway. This extended the marked channel beyond the southern limits of the RNA. We propose to extend the RNA so that it encompasses the federally maintained waterway.

Oakland Harbor RNA: This proposed rule would incorporate an administrative change to revise the boundary line of the affected Oakland Harbor RNA to coincide with the new boundaries of Anchorage 8. While Anchorage 8 increased in size by approximately 2,300 square feet to the northwest, the Oakland Harbor RNA lying just north of this anchorage decreased in size by the same amount. This proposed rule would correct the mis-printed coordinates in the current RNA regulation for the northern boundary of the Oakland Harbor RNA. The corrected coordinates will reflect what NOAA has already charted. The regulations that apply to vessels within this RNA will still remain the same.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6 (a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. The proposed rule changes for the Benicia-Martinez Railroad Drawbridge are primarily a naming reference change and boundary modifications. The proposed minimum visibility requirements and clarification of vessel procedures for vessels transiting the area are intended to be implemented in conjunction with already accepted standards for vessel reporting as utilized by local pilot associations and bridge operators. These rules for visibility and reporting are designed to have minimal regulatory impact on how deep draft vessels transit the Benicia-Martinez Railroad Bridge region during periods of reduced visibility. The proposed change to the Pinole Shoal Channel would keep smaller vessels out of the Pinole Shoal Channel but there is currently enough

deep water just south of the channel for vessels of 15 to 19 feet draft to transit safely south of the channel. The proposed changes to the Southampton Shoal/Richmond Harbor and Oakland RNAs coincide to chart changes and waterway practices that are already in effect.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities because the proposed anchorage regulations are only aligning the RNAs with already charted navigational boundaries. Any such small entities such as fishing boats and recreational boaters transiting, anchoring or loitering in areas already charted in the RNAs are already required under the COLREGS to avoid impeding the passage of large ships. At all other times when large vessels are not transiting the waters specified in this proposed rule small entities are authorized to use the waterways in any manner in accordance with other standing regulations.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that these rules 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 these rules would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemakings. If this proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact LTJG Michael Boyes, District Eleven Marine Safety Division, Waterways Management Section, at (510) 437–2940.

Collection of Information

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

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this proposed rule would not result in such expenditures, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meet applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that Order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation because we are changing a regulated navigation area.

A draft ''Environmental Analysis Check List'' and a draft ''Categorical Exclusion Determination'' are available in the docket where indicated under **ADDRESSES.** Comments on this section will be considered before we make the final decision on whether the rule should be categorically excluded from further environmental review.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and Recordkeeping Requirements, Security Measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 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, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

2. Amend § 165.1181 by revising paragraphs (c)(1)(ii)(C)(*3*), (c)(5), (c)(6)(ii), (c)(7), (e)(1)(ii)(E), (e)(2)(i) and (ii), and (e)(3) to read as follows:

§ 165.1181 San Francisco Bay Region, California—regulated navigation area.

* * * * *

(c) * * *

(1) * * *

(ii) * * *

(C) * * *

(*3*) *Deep Water (two-way) Traffic Lane:* Bounded by the Central Bay precautionary area and the Golden Gate precautionary area, between the Deep Water Traffic Lane separation zone and a line connecting the following coordinates, beginning at:

* * * * *

(5) *Benicia-Martinez Railroad Drawbridge Regulated Navigation Area (RNA).* The following is a regulated navigation area—The waters bounded by the following longitude lines:

(i) 122°13′31″ W (coinciding with the charted location of the Carquinez Bridge)

(ii) 121°53′17″ W (coinciding with the charted location of New York Point)

Datum: NAD 83

(6) * * *

(ii) The waters bounded by a line connecting the following coordinates, beginning at:

37°54′28″ N, 122°23′36″ W; thence to
37°54′20″ N, 122°23′38″ W; thence to
37°54′23″ N, 122°24′02″ W; thence to
37°54′57″ N, 122°24′51″ W; thence to
37°55′05″ N, 122°25′02″ W; thence to
37°54′57″ N, 122°25′22″ W; thence to
37°53′26″ N, 122°25′03″ W; thence to
37°53′24″ N, 122°25′13″ W; thence to
37°55′30″ N, 122°25′35″ W; thence to
37°55′40″ N, 122°25′10″ W; thence to
37°54′54″ N, 122°24′30″ W; thence to
37°54′30″ N, 122°24′00″ W; thence returning to the point of beginning.

Datum: NAD 83

(7) *Oakland Harbor RNA.* The following is a regulated navigation area—The waters bounded by a line connecting the following coordinates, beginning at:

37°48′40″ N, 122°19′58″ W; thence to
37°48′50″ N, 122°20′02″ W; thence to
37°48′29″ N, 122°20′39″ W; thence to
37°48′13″ N, 122°21′26″ W; thence to
37°48′10″ N, 122°21′39″ W; thence to
37°48′20″ N, 122°22′12″ W; thence to
37°47′36″ N, 122°21′50″ W; thence to
37°47′52″ N, 122°21′40″ W; thence to
37°48′03″ N, 122°21′00″ W; thence to
37°47′48″ N, 122°19′46″ W; thence to
37°47′55″ N, 122°19′43″ W; thence returning along the shoreline to the point of the beginning.

Datum: NAD 83

* * * * *

(e) * * *

(1) * * *

(ii) * * *

(E) so far as practicable keep clear of the Central Bay Separation Zone and the Deep Water Traffic Lane Separation Zone;

* * * * *

(2) * * *

(i) A vessel less than 1600 gross tons or a tug with a tow of less than 1600 gross tons is not permitted within this RNA.

(ii) A power-driven vessel of 1600 or more gross tons or a tug with a tow of 1600 or more gross tons shall not enter Pinole Shoal Channel RNA when another power-driven vessel of 1600 or more gross tons or tug with a tow of 1600 or more gross tons is navigating therein if such entry would result in meeting, crossing, or overtaking the other vessel, when either vessel is:

(A) Carrying certain dangerous cargoes (as denoted in § 160.203 of this subchapter);

(B) Carrying bulk petroleum products; or

(C) A tank vessel in ballast.

* * * * *

(3) *Benicia-Martinez Railroad Drawbridge Regulated Navigation Area (RNA):*

(i) Eastbound vessels:

(A) The master, pilot, or person directing the movement of a power-driven vessel of 1600 or more gross tons or a tug with a tow of 1600 or more gross tons traveling eastbound and intending to transit under the lift span (centered at coordinates 38°02:18″ N, 122°07:17″ W) of the railroad bridge across Carquinez Strait at mile 7.0 shall, immediately after entering the RNA, determine whether the visibility around the lift span is 1/2 nautical mile or greater.

(B) If the visibility is less than 1/2 nautical mile, or subsequently becomes less than 1/2 nautical mile, the vessel shall not transit under the lift span.

(ii) Westbound vessels:

(A) The master, pilot, or person directing the movement of a power-driven vessel of 1600 or more gross tons or a tug with a tow of 1600 or more gross tons traveling westbound and intending to transit under the lift span (centered at coordinates 38°02:18″ N, 122°07′17″ W) of the railroad bridge across Carquinez Strait at mile 7.0 shall, immediately after entering the RNA determine whether the visibility around the lift span is ½ nautical mile or greater.

(B) If the visibility is less than ½ nautical mile, the vessel shall not pass beyond longitude line 121°55′19″ W (coinciding with the charted position of the westernmost end of Mallard Island) until the visibility improves to greater than ½ nautical mile around the lift span.

(C) If after entering the RNA visibility around the lift span subsequently becomes less than ½ nautical mile, the master, pilot, or person directing the movement of the vessel either shall not transit under the lift span or shall request a deviation from the requirements of the RNA as prescribed in paragraph (b) of this section.

(D) Vessels that are moored or anchored within the RNA with the intent to transit under the lift span shall remain moored or anchored until visibility around the lift span becomes greater than ½ nautical mile.

* * * * *

Dated: August 25, 2003.

Kevin J. Eldridge,

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

[FR Doc. 03–23414 Filed 9–17–03; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 1 and 2

RIN 2900–AH98

Release of Information From Department of Veterans Affairs Records

AGENCY: Department of Veterans Affairs.

ACTION: Withdrawal of proposed rule.

SUMMARY: This document withdraws a Department of Veterans Affairs (VA) proposed rule, published in the **Federal Register** on September 10, 1998 (63 FR 48455). This action is necessary to further amend the proposed rule in view of recent changes in the law. The VA intends to rewrite its privacy rules in accordance with these changes and republish a proposed rule for notice and comment.

DATES: This proposed rule is withdrawn on September 18, 2003.

FOR FURTHER INFORMATION CONTACT: Lorrie Johnson, Deputy Assistant General Counsel (024A), Office of General Counsel, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, telephone number (202) 273–6358. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: In a proposed rule published in the **Federal Register** on September 10, 1998 (63 FR 48455), the Department of Veterans

Affairs (VA) proposed to amend its regulations governing the confidentiality and release of VA records subject to the Privacy Act, 5 U.S.C. 552a, the Freedom of Information Act (FOIA) (including the Electronic Freedom of Information Act Amendments of 1996, Pub. L. 104–231), 5 U.S.C. 552, and the veterans' records confidentiality statute (section 5701), 38 U.S.C. 5701.

Recent changes in the law necessitate further revision of those regulations. In 1996, section 264(c)(1) of the Health Insurance Portability and Accountability Act (HIPAA) tasked the Department of Health and Human Services (HHS) with promulgating standards to protect the privacy of individually identifiable health information as defined in 42 U.S.C. 1320d(6). Pub. L. 104–191, Title II, Subtitle F (sections 261–64) (1996). HHS promulgated the standards, with subsequent amendments, in regulations located at 45 CFR parts 160 and 164, commonly referred to as the Privacy Rule. 65 FR 82462–82829 (2000), as amended by 67 FR 533182–273 (2002). The HIPAA Privacy Rule prescribes how covered entities may use and disclose certain individually identifiable health information. The Veterans Health Administration is a covered entity subject to the Privacy Rule.

Accordingly, VA should amend its records confidentiality and release regulations to be consistent with the HIPAA Privacy Rule. Thus, VA is withdrawing the proposed regulations at this time. When the regulations have been rewritten to be consistent with the HIPAA Privacy Rule, VA will republish them for notice and comment.

Approved: June 25, 2003.

Anthony J. Principi,

Secretary of Veterans Affairs.

[FR Doc. 03–23626 Filed 9–17–03; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[NM–43–1–7600b; FRL–7556–8]

Approval and Promulgation of Implementation Plans; New Mexico; Redesignation of Grant County to Attainment for Sulfur Dioxide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing action on a request to redesignate Grant County, New Mexico from nonattainment area to attainment for the sulfur dioxide (SO_2) National Ambient Air Quality Standards (NAAQS). In conjunction with this action, EPA is also proposing to approve the maintenance plan, and its associated contingency measures plan for the Grant County nonattainment area, which were submitted to ensure that the attainment of SO_2 NAAQS will continue to be maintained. The redesignation request and maintenance and contingency measures plans were submitted as a revision to the New Mexico State Implementation Plan (SIP) by the New Mexico Environment Department (NMED) on February 21, 2003. We are proposing to approve these revisions in accordance with the requirements of the Federal Clean Air Act.

DATES: Written comments must be received by October 20, 2003.

ADDRESSES: Written comments should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD–L), at the EPA Region 6 Office listed below. Copies of documents relevant to this action are available for public inspection during normal business hours at the following locations. Anyone wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, Dallas, Texas 75202–2733.

New Mexico Environment Depart, Air Quality Bureau, 2044 Galisteo Street, Santa Fe, New Mexico 87505.

FOR FURTHER INFORMATION CONTACT: Carrie Paige, Air State and Tribal Operations Section (6PD–S), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–6521, *paige.carrie@epa.gov,* or Alan Shar *shar.alan@epa.gov.*

SUPPLEMENTARY INFORMATION: In the ''Rules and Regulations'' section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the EPA views this as a noncontroversial revision and anticipates no adverse comment. The EPA has explained its reasons for this approval in the preamble to the direct final rule. If EPA receives no relevant adverse comments, the EPA will not take further action on this proposed rule. If EPA receives relevant adverse comment, EPA will withdraw the direct final rule and it will not take effect. The EPA will address all public comments in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Electronic comments should be sent either to *Diggs.Thomas@epa.gov* or to *http://www.regulations.gov*, which is an alternative method for submitting electronic comments to EPA. To submit comments, please follow the detailed instructions described in our direct final rulemaking document published in the ''Rules and Regulations'' section of this **Federal Register**. Our Technical Support Document for this rule revision contains more information about this action.

This document concerns Attainment, Environmental protection, Intergovernmental relations, Redesignation, Reporting and recordkeeping requirements, Sulfur oxides. For further information, please see the information provided in the direct final action that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

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

Dated: September 2, 2003.

Lawrence Starfield,

Acting Regional Administrator, Region 6.

[FR Doc. 03–23748 Filed 9–17–03; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 68, No. 181

Thursday, September 18, 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

Gray Mountain Coal Lease Proposal

AGENCIES: Forest Service, USDA; Cooperating Agencies: Bureau of Land Management, (BLM) and the Office of Surface Mining, (OSM).

ACTION: Revised notice of intent for coal leasing beneath the Daniel Boone National Forest in Leslie County, Kentucky.

SUMMARY: The U.S. Forest Service (USFS) is preparing a Land Use Analysis/Environmental Impact Statement (LUA/EIS) to analyze the environmental impacts of leasing three federal coal reserve tracts. The three tracts total 1,210.44 acres and underlie lands administered by the Redbird Ranger District of the Daniel Boone National Forest. The tracts are adjacent to an existing underground coal mine on private lands.

The name of the project has been modified since the previous Notice of Intent was published. The Notice of Intent (NOI) that was published in the **Federal Register** on February 13, 2003; (pgs. 7338–7340) had the project named as the ''Beech Fork Coal Lease Proposal.'' It has been revised to the Gray Mountain Coal Lease Proposal.

The second revision pertains to the type of documentation that was to be prepared for the project. The previous NOI stated that a project specific Land and Resource Management Plan amendment was to be done in conjunction with the EIS. The proposal will be analyzed by a LUA/EIS. A LUA is provided to address coal lease applications by 43 CFR 3420.1–4.

The previous NOI also states that the EIS will address the Unsuitability Criteria listed in (43 CFR 3461). The criteria will not be assessed on these properties based upon the decision of June 3, 2003, *Citizens Coal Council, et al.,* v. *Secretary of Interior,* and the National Mining Association, which deals with the definition of ''surface coal mining operations.'' The decision of the Court was that subsidence is not included in ''surface coal mining operations'' as defined by the Surface Mining Control and Reclamation Act. Therefore, the Unsuitability Criteria will not be applied in this LUA/EIS based on the requirements of the Underground Mining Exemption found at 43 CFR 3461.1.

Lastly, the previous NOI had some dates set by when we anticipated the draft and the final EIS to be completed. The dates as to when the draft and final EIS is completed will be announced in the **Federal Register** by separate notice.

Authority: The Mineral Leasing Act of 1920 (MLA) authorizes the leasing of federal coal in tracts that permit the mining of all economically extractable coal. The Mineral Leasing Act for Acquired Lands of 1947 extended provisions of the Mineral Leasing Act of 1920 to acquired National Forest System lands and required the consent of the Secretary of Agriculture prior to leasing. The Federal Coal Leasing Amendments Act (FCLAA) provides specific provisions for land use plans relating to coal. The Daniel Boone National Forest Land Resource Management Plan provides overall guidance for land management activities, including extraction of mineral resources. The Forest Plan provides for the consideration of lease proposals in the project area and directs that special stipulations be used to protect surface resources.

Since the passage of the FCLAA, the federal government has had the authority to lease minerals on federal lands. The act requires that the lands be included in a comprehensive land use plan, and the lease be compatible with the plan and meet the requirements of the National Environmental Policy Act of 1969 (NEPA).

Executive Order 13212, May 18, 2001 is intended to improve the internal management of the federal government in dealing with processing energy-related projects in a timely manner to aid the flow of domestic mineral production. The Forest Plan, as noted previously, identifies standards and guidelines, some of which are applicable to mineral activities. The Daniel Boone National Forest is presently preparing a revision to the Forest Plan that will be accompanied by its own EIS. However, 42 United States Code (U.S.C.) section 885 does not permit the Secretary of Agriculture to delay processing of lease applications pending the completion of the revised Forest Plan. The current Forest Plan guides management of this national forest until the revised plan is completed and the administrative appeal process has ended. The Forest Service is publishing this Notice Of Intent pursuant to the Council on Environmental Quality implementing regulations of the National Environmental Policy Act at 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT: Corey Miller is the Interdisciplinary Team Leader for this proposed action. He can be reached by U.S. mail at the Daniel Boone National Forest, 1700 Bypass Road, Winchester, KY 40391; by phone at (859) 745–3149; or by e-mail at *cmiller09@fs.fed.us.*

Lead and Cooperating Agencies: The U.S. Department of the Agriculture Forest Service, Daniel Boone National Forest is the lead agency. There will be two cooperating agencies associated with this project—U.S. Department of Interior (USDI) Bureau of Land Management (BLM), Jackson Field Office, Jackson, MS and the USDI Office of Surface Mining (OSM), Lexington, KY.

Responsible Officials: The Forest Supervisor is the responsible official from the Forest Service for this project. The Field Manager—Jackson Field Office is the responsible official from the BLM for this project. The Field Office Director—Lexington, Kentucky is the responsible OSM official for this project.

Decision to be Made: The responsible official for the Daniel Boone National Forest will determine if the leasing of federal coal tracts underlying these National Forest System lands will occur after the EIS is prepared and what stipulations should be applied if a lease or leases are issued.

The Bureau of Land Management has been the responsibility to address coal lease applications (coal lease sales) on federal mineral reserves. In consultation with the USFS, the responsible official for the BLM will decide whether or not to offer the tracts for competitive

leasing, and under what terms, conditions, and stipulations.

If leased, the Office of Surface Mining will be responsible for providing recommendations to the Secretary of the Interior regarding approval, disapproval, or conditional approval of the mine plan, with input from the BLM.

The Office of Surface Mining, with input from the U.S. Forest Service, will also be responsible for providing recommendations to the Secretary of the Interior concerning the issuance of findings as to whether or not the proposed mining areas contain significant recreational, timber, economic or other values that may be incompatible with the proposed mining activities.

Purpose and Need for the Proposal

The purpose and need for the LUA/EIS is to determine if Federal coal will be leased in response to the lease application submitted for this federal coal. Private coal leases, permitted by the state, surround the proposed federal coal lease tracts. The leasing of this coal would allow for the development of the private and federal coal resources in an economic and efficient manner and would maximize the recovery of the coal.

Scoping Process: Scoping is the process used to determine the scope of issues to be addressed and for identifying the significant issues related to this project. Public involvement is an integral component of scoping. The public has been contacted in several different ways, provided information about this project, and given an opportunity to provide input. Information has been sent to a mailing list of individuals, groups, and agencies that are known to have an interest in this project or have previously expressed an interest in projects of this nature or general activities in the project area.

In addition to the publication of this Notice of Intent, legal notices have been published in the Lexington (KY) Herald-Leader and the Manchester (KY) Times.

A Public scoping open house meeting was held at the Leslie County Extension Office at 22045 Main Street in Hyden, KY on February 24, 2003 from 6 p.m. to 9 p.m.

Additional hearings pursuant to Title 43 Code of Federal Regulations (CFR) Section 1610.2 and 43 CFR 3425.4, will be announced through the **Federal Register**, local news media and Web sites at least 15 days prior to the event.

Preliminary Issues: Preliminary issues of concern include subsidence, and changes in the local hydrologic regime and water quality. The potential for surface and ground water resource impacts will be studied in the EIS.

Preliminary Alternatives: The Proposed Action is to lease the Federal tracts for development and mining. The No Action Alternative is to not lease the Federal tracts.

Permits or Licenses Required: Should a Federal coal lease be issued, a permit is required from the State Department Of Surface Mining Reclamation and Enforcement prior to any development of the coal resources.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. Firstly, reviewers of the draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and concerns (*Vermont Yankee Nuclear Power Corp.* v. *NRDC, 435 U.S. 519, 553 (1978)*). Also, environmental objections that could be raised at the draft EIS stage, but are not raised until after completion of the final EIS, may be waived or dismissed by the courts (*City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980)). Because of these court rulings, it is very important that those interested in this project participate by the close of the comment period, for the draft EIS so that substantive comments are made available to the Forest Service at a time when the comments can be meaningfully considered and responded to in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft EIS. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the draft EIS. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft EIS. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the draft EIS. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

After the comment period ends on the DEIS, the comments will be analyzed, considered, and responded to by the Forest Service in preparing the FEIS. The FEIS is scheduled to be completed in November 2003. The responsible official will consider the comments, responses, environmental consequences discussed in the FEIS, and applicable laws, regulations, and policies in making a decision regarding this proposed action.

The responsible official will document the decision and reasons for the decision in a Record of Decision. That decision will be subject to appeal in accordance with 36 CFR Part 215.

Benjamin T. Worthington,

Forest Supervisor, Daniel Boone National Forest.

[FR Doc. 03–23815 Filed 9–17–03; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Revised Land and Resource Management Plans for the Huron-Manistee National Forests (Alcona, Crawford, Iosco, Lake, Manistee, Mason, Mecosta, Montcalm, Muskegon, Newaygo, Oceana, Ogemaw, Oscoda and Wexford Counties, MI); the Hiawatha National Forest (Alger, Cheboygan, Chippewa, Delta, Luce, Mackinac, Marquette and Schoolcraft Counties, MI); and the Ottawa National Forest (Baraga, Gogebic, Houghton, Iron, Marquette and Ontonagon Counties, MI)

AGENCY: Forest Service, USDA.

ACTION: Notice of Intent to prepare Environmental Impact Statements.

SUMMARY: The USDA Forest Service intends to prepare three separate and individual Environmental Impact Statement (EIS) documents for revising the Huron-Manistee, Hiawatha and Ottawa National Forest Land and Resource Management Plans (Forest Plan) pursuant to 16 U.S.C. 1604(f) (5) and USDA Forest Service National Forest System Land and Resource Management Planning regulations. The National Forests in Michigan are concurrently starting the revision process for each of the three National Forests. The Revised Forest Plans for each Forest will supersede the existing Forest Plans, which were approved in

the mid-1980's, and any amendments associated with those individual Forest Plans. This Notice describes the focus areas of change, the estimated dates for filing the EIS, the information concerning public participation, the names and addresses of the responsible agency official and the individual who can provide additional information for each of the three National Forests in Michigan. In an effort to create efficiencies in the process, the Michigan National Forests are identifying areas of Plan Revision where resources, information needs, data assessments and public involvement can be cooperatively accomplished by all three Forests.

DATES: Your comments are needed on this Notice of Intent (NOI) in writing on or before November 17, 2003. The Draft EIS documents should be available for public review by March 2005. The Final EIS and Revised Forest Plans should be completed by March 2006. Comments should be addressed to the appropriate National Forest as shown below.

ADDRESSES: Send written comments to:

Huron-Manistee Nat'l Forests
NOI–FP Revision, Huron-Manistee Nat'l Forest, 1755 S. Mitchell St., Cadillac, MI 49601
Hiawatha Nat'l Forest
NOI–FP Revision, Hiawatha Nat'l Forest, 2727 No. Lincoln Rd., Escanaba, MI 49829
Ottawa Nat'l Forest
NOI–FP Revision, Ottawa Nat'l Forest, E6248 U.S. Hwy. 2, Ironwood, MI 49938.
Or direct electronic mail to (type: NOI–FP Revision in the subject line):
Huron-Manistee Nat'l Forest:
r9_huronmanistee_revision@fs.fed.us.
Hiawatha Nat'l Forest:
r9_hiawatha_revision@fs.fed.us.
Ottawa Nat'l Forest:
r9_ottawa_revision@fs.fed.us.

FOR FURTHER INFORMATION CONTACT:

Huron-Manistee Nat'l Forests
Forest Planner, 231–775–5023, Fax: 231–775–5551, TTY: 231–775–3183, *www.fs.fed.us/r9/hmnf*
Hiawatha Nat'l Forest
Forest Planner, 906–786–4062, Fax: 906–789–3311, TTY: 906–789–3337, *www.fs.fed.us/r9/hiawatha*
Ottawa Nat'l Forest
Forest Planner, 906–932–1330, Fax: 906–932–0122, TTY: 906–932–0301, *www.fs.fed.us/r9/ottawa*

Responsible Official: Randy Moore, Regional Forester, Eastern Region, 626 East Wisconsin Ave., Milwaukee, Wisconsin 53202.

SUPPLEMENTARY INFORMATION: The Regional Forester for the Eastern Region gives notice of the Agency's intent to prepare three separate EIS documents to revise the Huron-Manistee, Hiawatha and Ottawa National Forest Plans. The Regional Forester approved the original National Forest Plans in the mid-1980's. These plans guide the overall management of the Michigan National Forests. The six primary decisions in the Forest Plan are:

1. Forest-wide multiple-use goals and objectives,
2. Forest-wide management requirements,
3. Management area direction,
4. Lands suited and not suited for resource use and production (timber management etc.),
5. Monitoring and evaluation requirements,
6. Recommendations to Congress (such as wilderness), if any.

By the requirements of the National Forest Management Act, National Forests must revise the Forest Plan every 10–15 years (U.S.C. 1604(f)(5)). At this time, there are three reasons to revise the current Forest Plans: (1) The National Forest Management Act of 1976 requires that such plans be revised every 10–15 years; (2) New research and information is available regarding management of forestlands; and (3) agency goals and objectives, along with other national guidance for strategic plans and programs, have changed. The agency Government Performance and Results Act Strategic Plan (2000) provides guidance to forest planning.

Proposed Actions for Revising the Forest Plans: Across the state of Michigan, people value the opportunities public forests provide for enjoying recreation, solitude, nature study, and scenic beauty. People also expect important products from managed forests, such as wildlife species and habitats, recreation opportunities and events, wood products, and other forest products. The Michigan National Forests are integral to the sense of place for communities across the State, as well as adjoining states.

However, each of the three Michigan National Forests also serves local communities with diverse needs and unique expectations. When making decisions in the revised plans, economic and social impacts will be examined. Each National Forest has proposed to focus analysis on topics identified as being most critically in need of change for their individual National Forest. These were identified through public comment, monitoring and evaluating implementation of the current forest plan.

Hiawatha National Forest Revision Topics

1. Sustainable Ecosystems, Conditions and Uses

The Hiawatha National Forest has diverse ecosystems that provide habitat for numerous plants and animals, serve as a setting for recreational activities, and provide a mix of forest products. Since the implementation of the Forest Plan, new information on the ecological function and capability of the forest landscape has been developed. The Hiawatha has also completed mapping of ecological units using updated criteria and information, which will be used, along with other resource information, to:

- Determine the most effective mix of tree species, their sizes and locations;
- Determine how the vegetation composition and structure will provide conditions that contribute to species viability, habitat for game species, recreation, and forest products;
- Determine the best locations to manage for old growth characteristics;
- Determine what lands are suitable for timber harvests.

The Hiawatha National Forest proposes the following revisions to the Forest Plan:

A. *Vegetation Management:* Some of the Plan's vegetation composition and structure goals have not been met. This is due to numerous factors, including changed market demand, natural events (such as insect and disease infestations, wind events and fire), and the discovery of new rare plant and animal species. Species most affected were jack pine and the aspen group. The Hiawatha proposes to:

1. Review and change, where necessary, the vegetation goals, objectives, standards, and guidelines.
2. Use improved information about the Forest's ecosystems to better align management prescriptions where ecosystem capabilities favor their applications.

B. *Threatened, Endangered, Proposed, Sensitive and Management Indicator Species:* The Hiawatha has many threatened, endangered or sensitive plant and animal species. These species require a diverse array of ecological conditions. Based on species viability evaluation and review of the current Forest Plan, the Hiawatha proposes to:

1. Revise desired future conditions, goals, objectives and standards and guidelines to address rare species.
2. Incorporate by reference designated federally threatened, endangered and proposed and Regional Forester Sensitive Species.

3. Evaluate and change Management Indicator Species, as necessary, based on monitoring and new information.

4. Assess current and projected Canada lynx habitat to determine the amount and distribution of suitable habitat. Develop standards and guidelines that incorporate the Canada Lynx Conservation Strategy, when appropriate.

C. *Land Suitability:* The Plan classifies lands as suited and unsuited for timber production. Because of improved ecological classification information there is a need to review the Hiawatha's lands allocated as suited and unsuited for timber production. The Hiawatha proposes to review and change, as necessary, lands identified as suitable and not suitable for timber production incorporating new information on ecosystems sustainability and capability.

D. *Old Growth:* The Forest Plan provides for a minimum of 51,988 acres of lands classified as suitable for timber production to be designated as old growth. This implies that timber harvest could occur because suited lands are available to contribute the Forest's timber volume goals. The plan also provides guidance on the amount and species composition by management area. New ecological information and monitoring of designated old growth stands indicates some adjustments to the old growth system are needed. The Hiawatha proposes to:

1. Review the old growth system design focusing on ecological function.

2. Designate core old growth areas that include: wilderness, research natural areas, semi-primitive non-motorized areas, and Grand Island National Recreation Area.

3. Maintain current plan minimum of 51,988 acres of designated old growth in addition to core areas; however, re-classify designated old growth stands from suited to unsuited for timber production.

4. Develop forest-wide desired future conditions, goals, objectives, and standards and guidelines for old growth.

E. *Management Areas:* The Hiawatha has 26 different management areas. Each area has a desired condition, prescriptions and standards and guidelines. The Hiawatha has mapped its ecological land types (ELT) to better define the inherent ecosystem capabilities that change across the forest. There is a need to modify management goals and objectives so that management is better aligned with the inherent capability of the land and other multiple use objectives. The Hiawatha proposes to review and change management areas to incorporate ecological land types, new information on ecosystems, sustainability and capability concepts and other pertinent resource information.

F. *Research Natural Areas:* Research Natural Areas are examples of important forest, shrubland, grassland, alpine, aquatic and geologic types that have special or unique characteristics to complete the national network of research natural areas (RNAs). The Hiawatha has 3 designated and 18 candidate RNAs. The Hiawatha proposes to review the existing candidate RNAs using new ecological information (ecological land-type mapping).

G. *Timber Output:* The Hiawatha's projected timber harvest may change in response to changes to land suitability, management prescriptions, and vegetation goals. Any changes to lands identified as suited for timber production, as well as vegetation objectives, may have an affect on timber volume. The Hiawatha proposes to adjust, as necessary, the Plan's timber projections based on changes to land suitability, vegetation goals and management areas.

2. Watershed Health

Approximately 46 percent of the Hiawatha National Forest is designated as wetlands. It includes nearly 1,850 miles of streams and 28,700 acres of lakes and ponds. Based on new ecological information, monitoring, and review of existing Plan direction, the following areas need to be updated:

A. *Watershed, Riparian and Aquatic Habitat:* The Hiawatha proposes to:

1. Develop a desired future condition, goals, objectives, standards and guidelines for watershed, riparian and aquatic resources.

2. Incorporate by reference the State of Michigan Water Quality Management Practices on Forest Land (BMPs).

3. Establish watershed, riparian and aquatic monitoring protocol and standards.

B. *Soils:* The Hiawatha proposes to:

1. Develop a desired future condition, goals, objectives, standards and guidelines to insure that soil productivity and function is maintained in conjunction with new ecological information.

2. Incorporate by reference regional soil standards.

3. Recreation

A. *Access:* Recreation use and demands for access have changed since the Forest Plan was developed. Conflicts between motorized and non-motorized recreation users have increased and demands for access to inland lakes and the Great Lakes continue to rise. The Hiawatha National Forest proposes to develop forest-wide and/or update management area desired condition statements, goals, objectives, standards and guidelines for recreation access. It will include direction for:

1. Motorized and non-motorized access that provides opportunities for future loop and connected trails.

2. Forest-wide direction for OHV (off highway vehicles) use.

3. The quantity and development level for inland lakes and Great Lakes boat accesses.

4. Providing access to both motorized and non-motorized recreation settings on inland lakes.

B. *Recreation Opportunity Spectrum.* Forest plan Amendment 5 (which resolved the appeal(s) of the Forest Plan in 1986), allocated the areas of Delia's Run, Boot Lake and Buck Bay Creek to a ''semi-primitive non-motorized (SPNM) recreation opportunity spectrum (ROS). Prior to the amendment, these areas were allocated to a ''roaded natural'' ROS. These areas do not meet the desired future condition for management for the SPNM recreation setting because there is a historic pattern and significant motorized use throughout these areas and the quality of the setting is not beneficial to SPNM recreation. The Hiawatha proposes to change the ROS classification for these areas from semi-primitive non-motorized to semi-primitive motorized.

4. Wilderness and Wild and Scenic Rivers

A. *Wilderness Areas:* The Hiawatha National Forest has six wilderness areas (Rock River Canyon, Big Island Lake, Mackinac, Round Island, Delirium, and Horseshoe Bay) and two RARE II (Roadless Area Review and Evaluation) Areas (Government Island and Fibre). The Forest conducted an initial roadless inventory and found no areas except Fibre that qualified as roadless. Based on our initial inventory and assessment, only Fibre will be further evaluated for wilderness study.

B. *Wild and Scenic Rivers:* The Forest Plan identified the Indian, Carp, Whitefish, Sturgeon, and East Branch Tahquamenon Rivers as ''study rivers'' for evaluation of their potential for possible inclusion in the National Wild and Scenic Rivers System (WSR). They were allocated to Management Area 8.4, with management direction that would not diminish their river values or free-flowing condition. As a result of the Michigan Scenic Rivers Act of 1991, these rivers were designated as Federal Wild and Scenic Rivers. Those segments

with primarily National Forest ownership were designated as wild and scenic rivers, while those segments with primarily private ownership were designated as study rivers. The Hiawatha completed resource assessments for all five rivers and amended the plan with comprehensive management plans for the Indian and Carp Rivers.

The Hiawatha proposes to:

1. Incorporate specific river management plans and establish final corridor boundaries for the designated sections of the East Branch Tahquamenon, Sturgeon and Whitefish Rivers.

2. Incorporate new information and update management direction for National Forest lands within the study river segments.

Your Comments are Important to Us: Your comments about the Hiawatha National Forest's proposed actions for revising the Forest Plan are important. It would be most helpful if you clearly indicated that you are referencing the Hiawatha National Forest's proposed changes and specific items/areas where you are in agreement with the proposal or wish to express a concern or alternative approach. Your rationale for agreeing or providing different viewpoints will assist the Forest in understanding your position, developing alternatives, and/or addressing your concern.

The document titled ''Need for Change, Description of Proposal for Revising the Forest Plan of the Hiawatha National Forest'' provides additional details on the revision topics and is available upon request. You are encouraged to review this additional document before commenting on the Notice of Intent. You may request this additional information by calling the number listed above, by writing or e-mailing to the addresses listed in this notice, or by accessing the Forest's Web page.

See the schedule of public meetings that appears in the section ''Inviting Public Participation''.

Huron-Manistee National Forests Revision Topics

The Huron-Manistee National Forests have completed the Forest Plan Revision ''Need for Change, Description of Proposal for Revising the Forest Plan of the Huron-Manistee National Forests.'' The following summarizes the proposed changes to the Forest Plan that are necessary to bring the 1986 Forest Plan as amended up-to-date.

1. Sustaining Ecosystems, Conditions and Uses

A. *Management Areas:* The Huron-Manistee National Forest's management areas are based on ecological and social economic considerations. Each management area has unique desired conditions, goals and objectives. There is a need to change management areas, desired conditions, goals and objectives because there is new ecological and social information and conditions. The Huron-Manistee National Forests propose to:

1. Increase ruffed grouse emphasis areas by 1,400 acres; Rural areas by 74,300 acres; Semiprimitive Areas by 10,500 acres; and candidate Research Natural Areas by 9,600 acres; and decrease the sandy hills and plains management area by 59,700 acres and deer and wildlife emphasis areas by 20,800 acres.

2. Establish desired conditions, goals, and objectives for the aquatics and riparian, undesirable invasive species, fire and hazardous fuel management, and oil and gas resources.

3. Update the desired conditions, goals and objectives for vegetation, wildlife, fish, rare plants, soils, and semiprimitive recreation areas.

B. *Wildlife and Rare Plants:* The Huron-Manistee National Forests have many threatened, endangered or sensitive plant and animal species. These species require an array of ecological conditions. Other wildlife changes are proposed because areas are better suited for specific wildlife species, semiprimitive recreation opportunities, or candidate research natural areas. Based on species viability evaluation and review of the current Forest Plan, the Huron-Manistee National Forests propose to:

1. Manage the Regional Forester Sensitive Species according to the Eastern Region Regional Forester's Sensitive Species Framework.

2. Restore and maintain large-scale openings for grassland, prairie, savannah, and oak-pine barrens up to approximately 10 percent of the sandy hills and plains land type associations (approximately 58,600 acres). The size of openings may be up to approximately 500 acres.

3. Restore Kirtland's warbler nesting habitat areas up to approximately 550 acres in size.

4. Protect resource values by managing landforms such as coastal plain marshes, bogs, swales, fens, and mesic prairies consistent with ecological processes.

5. Improve habitat conditions for species such as: American ginseng, northern goshawk, red-shouldered hawk, red headed woodpecker, Eastern massasauga rattlesnake, cerulean warbler, and common loon.

6. Change the Nordhouse Dunes North Semiprimitive Area to a grouse emphasis area.

7. Increase the amount of ruffed grouse emphasis areas by approximately 1,400 acres and reduce the deer emphasis areas by approximately 18,511 acres and wildlife emphasis areas by approximately 2,326 acres in order to establish candidate research natural areas and semiprimitive areas.

C. *Research Natural Areas:* The Huron-Manistee National Forests presently have three research natural areas and four candidate research natural areas. The Forests have inventoried potential areas for candidate research natural areas and propose to add 19 candidate research natural areas (approximately 9,600 acres) to protect unique or representative areas and conduct research, observation, and education programs.

D. *Management Indicator Species and Monitoring:* The Huron-Manistee National Forests have management indicator species and conducts monitoring annually. The Forests annually prepare a monitoring and evaluation report. There is a need to identify management indicator species to improve the monitoring and evaluation of the effects of implementing the Forest Plan and to monitor in an efficient and effective manner. The Forests propose to evaluate, and revise if needed, management indicator species and monitoring requirements during the preparation of the draft environmental impact statement and Forest Plan.

E. *Timber Management:* The Huron-Manistee National Forests Allowable Sale Quantity is 82.2 MMBF per year; Maximum Long Term Sustained Yield Capacity is 261.0 MMBF per year; and little or no timber volume was projected from lands classified as not suitable for timber production. The lands suitable for timber management have changed due to past decisions and proposed Forest Plan revision changes. The Forests are planning activities, such as stewardship contracts and timber sales, to restore old growth, create small and large-scale openings and create permanent fuel breaks on lands classified as not suitable for timber production. The Forests propose to:

1. Recalculate the maximum long-term sustained yield capacity.

2. Add an objective/outcome for timber derived from lands classified as not suitable for timber production (non-chargeable to the allowable sale quantity

volume) up to approximately 20 MMBF per year.

2. Watershed Health

The Huron-Manistee National Forests updated aquatic standards and guidelines in 2003 through Forest Plan Amendment number 24. Based on a review of the Forest Plan, the Forests propose the following changes:

1. Incorporate Aquatic Ecological Classification and Inventory System information into the aquatics desired condition.

2. Categorize lakes in the desired conditions, goals and objectives in terms of baseline trophic status and morphological/hydrological sensitivity in order to better manage our lakes.

3. Incorporate by reference the terms and conditions of applicable Federal Energy Regulatory Commission license orders as standards and guidelines.

4. Update the guideline to manage vegetation attractive to beaver in riparian areas to closer mimic natural disturbance regimes.

3. Recreation

A. *Semiprimitive:* The Forests reviewed existing and potential semiprimitive areas for suitability and propose the following changes:

1. Add approximately 5,000 acres of semiprimitive non-motorized recreation areas.

2. Add approximately 5,500 acres of semiprimitive motorized areas.

3. Change the southern portion of the Briar Hills Semiprimitive Non-motorized Area to a semiprimitive motorized area.

B. *Aesthetics:* Visual quality objectives have been replaced by the National Scenery Management System which incorporates ecological and socio-economic considerations in scenery management. The Forests propose to incorporate the Scenery Management System visual integrity and sensitivity principles to better integrate ecological and social considerations.

C. *Access:* The Huron-Manistee National Forests have adequate Forest Plan direction for access (roads and trails). The Forest Plan did not consider new uses such as mountain bikes. The Forests propose to allow mountain bikes on trails unless posted closed. Evaluate and incorporate into the Forest Plan, as needed, new trail uses as they occur.

4. Wilderness and Wild and Scenic Rivers

A. *Wilderness:* The Huron-Manistee National Forests have one Wilderness Area, Nordhouse Dunes, and one RARE II (Roadless Area Review and Evaluations) area, Bear Swamp. The Forests conducted an initial roadless inventory and found no areas that qualified as roadless. Based on our initial inventory and assessment, no areas would be recommended for wilderness study.

B. *Wild and Scenic Rivers:* The Huron-Manistee National Forests have five federally designated national wild and scenic rivers. River management plans have been developed and approved for all rivers. The Forests have four study rivers. Some of the wild and scenic or study rivers boundaries need to be established or improved. Recent changes in land uses have altered the values of some of the study rivers. The Forests propose to:

1. Change the Au Sable River management area boundary to extend to roads on both sides of the River.

2. Place the White River, Little Manistee River, and a portion of the Pine River up to M–55 in ''lands-in-holding'' status until river studies are completed.

3. Drop the Little Muskegon and Muskegon Rivers from further Wild and Scenic River study because of limited federal ownership and private development along the rivers.

5. Wildland Fire and Fuels Management

The Huron-Manistee National Forests' Forest Plan contains general guidance on fire and fuels management. The Forests are comprised of land type association and vegetative communities that are fire dependent. The Forests are also highly fragmented with private ownership and an increasing number of new homes and cabins. The Forest Service, through the National Fire Plan, is emphasizing fire and fuels management. The Huron-Manistee National Forests reviewed the current situation, new information (ecological, social and Forest Service direction) and propose to:

1. Add a standard to integrate fire and fuels management with natural resources and programs.

2. Include a description of the urban-rural interface (mixed forests and dense housing areas) and intermix (mixed forests and sparse housing areas) within the desired condition of Management Areas 2.4 and 4.4 (approximately 77,500 acres).

3. Include a description of the fire history, forest type, fuel loadings and risks, fire suppression strategy, and fire response in the desired conditions of each management area.

4. Include a guideline to manage hazardous fuels by mimicking natural fire regimes in fire-dependent ecosystems and at-risk urban-rural interface and intermix areas.

5. Add an objective/outcome to annually initiate, create or maintain approximately 2,000 acres of fuel barriers and 8,000 acres of hazardous fuels reduction.

6. Add a guideline to limit fuel barrier creation to be up to approximately 8 miles in length and temporary or permanent openings up to approximately 500 acres in size.

7. Add a guideline to conduct, as needed, project-level fuels hazard reduction effectiveness monitoring.

6. Minerals

The Huron-Manistee National Forests have a very modest oil and gas program. The Forests have identified National Forest System lands available for oil and gas development and have established adequate standards and guidelines. Regulations require the Forest Plan to include a reasonable foreseeable development of oil and gas resources and the identification of lands which may be leased. The Forest proposes to:

1. Calculate the Reasonable Foreseeable Oil and Gas Development (our interim estimate is approximately 100 wells on National Forest System lands) for the next 10–15 years.

2. Identify National Forest System lands which may be consented to lease for oil and gas developments.

Your Comments are Important to Us: Your comments about the Huron-Manistee National Forests proposed actions for revising the Forest Plan are important. It would be most helpful if you clearly indicated that you are referencing the Huron-Manistee National Forests' proposed changes and specific items/areas where you are in agreement with the proposal or wish to express a concern or alternative approach. Your rationale for agreeing or providing different viewpoints will assist the Forests in understanding your position, developing alternatives, and/or addressing your concern. The document titled ''Need for Change, Description of Proposal for Revising the Forest Plan of the Huron-Manistee National Forests' provides additional details on the revision topics and is available upon request. You are encouraged to review this additional document before commenting on the Notice of Intent. You may request this additional information by calling the number listed above, by writing or e-mailing to the addresses listed in this notice, or by accessing the Forests' Web page. See the schedule of public meetings that appears in the section ''Inviting Public Participation''.

Ottawa National Forest Revision Topics

1. Sustaining Ecosystems, Conditions and Uses

Since the implementation of the present Forest Plan began in 1986 advancements have been made in knowledge of ecological capabilities and mapping of ecological units. This knowledge, along with field experience, will be used to reassess the suitability of lands for timber management, enhance the contribution to the viability of plant and animal species, provide for cultural, commercial and personal uses of special forest products, and adjust management objectives to better match ecosystems capabilities. Specifically, the following will be addressed:

A. *Invasive Species:* The Forest Plan will be revised to include standards and guidelines outlining a Forest-wide program on non-native invasive plant and animal listing, inventory, mapping, treatment, and monitoring, as the current Plan direction is limited in this area.

B. *Management Indicator Species:* The Forest will evaluate and change Management Indicator Species (MIS), as necessary, based on monitoring and new information.

C. *Vegetation Management:* New information concerning: The suitability of lands for timber production, biological diversity, conditions that support the viability of species, cultural, commercial and personal uses of special forest products, and ecosystem capacity offer the Forest an opportunity to better align the management of the resources to ecosystem capabilities.

Through the revision process the Forest proposes to:

1. Review, and as needed, change forest-wide goals and management requirements, location and management direction for individual management areas including standards and guidelines to enhance the contribution to the viability of native and desired non-native species known to reside on the Forest, as well as other multiple use objectives, including cultural uses and values.

2. Change Forest Plan direction as needed to contribute to a diversity of plant and animal communities, and tree species, consistent with the overall multiple-use objectives of the planning area.

3. Change the location and number of acres of land suited and not suited for timber production in order to maintain soils productivity and high quality water conditions.

4. Better align hardwood silviculture (management methods) with ecosystem units which favor its application. This will result in an increase in the number of acres managed uneven-aged versus even-aged.

5. Emphasize the retention and or expansion of white pine and hemlock in northern hardwood stands to improve biodiversity.

6. Increase the number of acres managed for long-lived conifers.

7. Maintain or increase a number of acres of short rotation conifers as needed to further contribute to habitat for native species.

8. Adjust the amount and location of aspen forests to better match ecosystems capabilities, align with new suitable lands information and support conservation of the Canada lynx.

9. Change Forest Plan direction concerning the management of forest stands adjacent to old growth. In addition, old growth management direction may be changed as needed to contribute to species viability.

10. Adjust the amount of managed forest openings to better match ecosystem capabilities and opportunities.

11. Change Forest Plan direction to address the role of wildfire and prescribed fire in fire-prone ecosystems including management areas emphasizing conifer species.

It is anticipated that these proposed actions will lead to a change in species composition objectives in some management areas, and change the location and size of some management areas. As a result, the ability of the Forest to maintain its current and projected levels of timber harvest and contribution to the regional economic market will be reassessed.

D. *Research Natural Areas:* Research Natural Areas are examples of important forest, shrubland, grassland, alpine, aquatic and geologic types that have special or unique characteristics to complete the national network of research natural areas (RNAs). The Ottawa has 1 designated and 2 candidate RNAs. The Ottawa proposes to review the existing candidate RNAs using new ecological information.

E. *Canada Lynx:* Management direction for the Forest will provide habitat and management direction that supports the conservation of the threatened Canada lynx.

2. Watershed Health

A. *Watershed, Riparian and Aquatic Habitat:* The Revised Forest Plan will include standards and guidelines that enhance protections and guide management decisions in riparian areas. These will address riparian function and structure which contribute to biodiversity. These will also address management to improve cold-water stream habitats.

B. *Management of Dams:* Guidelines will be included in the Revised Forest Plan to be considered with projects involving existing dams , or additions or removals of dams on forest streams. Guidelines will address residual stream flow, habitat for sensitive species, trout fisheries, and recreational values. Guidelines for hydro-power dams on the Forest managed under licenses administered by the Federal Energy Regulatory Commission are contained within their respective licenses.

C. *Federal Energy Regulatory Commission:* Incorporate by reference the terms and conditions of applicable Federal Energy Regulatory Commission license orders.

3. Recreation

All-Terrain Vehicle/Off Road Vehicle (ATV/ORV) use on the Ottawa National Forest is rapidly changing. Current Forest Service policy is to manage ATV/ORV use. To be consistent with Forest Service policy, the Ottawa National Forest will consider allowing for a designated ATV/ORV system. Current direction on areas and roads open to use needs to be clarified to better manage this use. In addition to developing guidelines that protect natural resources in areas where these uses may occur, the Forest will look for opportunities to coordinate ATV/ORV use and access with adjoining roads, trails and lands held by private and public owners.

4. Wilderness and Wild and Scenic Rivers

A. *Wilderness:* A roadless inventory and potential wilderness evaluation will be part of the revision process. The inventory process will analyze areas for roadless qualities. Those areas that meet basic inventory criteria will be evaluated as potential wilderness study areas. Based on the results of this work, recommendations to Congress may be made for potential wilderness study areas.

B. *Wild and Scenic Rivers:* The Ottawa is working to complete Comprehensive River Management Plans and finalize river corridor boundaries. Portions of six river systems were designated as part of the National Wild and Scenic River System with Michigan Scenic Rivers Act of 1991. The Forest Plan will be amended in the future, as necessary, based on completion of this work.

Your Comments are Important to Us: Your comments about the Ottawa National Forest's proposed actions for revising the Forest Plan are important. It would be most helpful if you clearly

indicate that you are referencing the Ottawa National Forest's proposed changes and specific items/areas where you are in agreement with the proposal or wish to express a concern or alternative approach. Your rationale for agreeing or providing different viewpoints will assist the Forest's concern in understanding your position, developing alternatives, and/or addressing your concern. Again, please clearly indicate the Ottawa National Forest, your viewpoints, and your rationale. Additional detail on the revision topics is available on request, in the form of the document titled ''Need for Change, Description of Proposal for Revising the Forest Plan of the Ottawa National Forest''. You are encouraged to review this additional document before commenting on the Notice of Intent. You may request the additional information by calling the phone number listed above, by writing or e-mailing to the addresses listed in this notice, or by accessing the Forest web page listed in this notice. See the schedule of public meetings that appears in the section ''Inviting Public Participation''.

Range of Alternatives for Revising the Forest Plans: A range of alternatives will be considered when revising the Forest Plan for each of the Michigan National Forests. The alternatives will review different options to resolve the revision topics. A ''no-action alternative'' is required, meaning that management would continue under the existing Forest Plan.

Goals and standards and guides may be proposed to address portions of revision topics and typically will not vary between alternatives. Forest Plan objectives, management area direction, and other recommendations may vary by alternatives. Other minor changes may be made particularly in the guidance chapter of the Forest Plan, to reflect changes made when addressing the above revision topics.

Tribal Consultation and Collaboration with Government Agencies: The Michigan National Forests will continue to meet trust responsibilities with Native American Tribes by working collaboratively through the consultation process as outlined in the Memorandum of Understanding Regarding Tribal—USDA Forest Service relations on National Forest System Lands and with Tribes in the Territories Ceded in Treaties of 1836, 1837, and 1842 (Sec. VI.B). Treaty rights are exercised by tribes and tribal members in various ways such as hunting, fishing and gathering. The Forest Service recognizes treaty rights as a matter of national policy and consults with tribes to ensure that Agency decisions do not adversely affect these rights.

In acknowledgment of the Federal Government's obligation to consult effectively with federally recognized Indian tribes, the three Michigan National Forests will conduct government-to-government consultation with tribal governments for all tribes located near or having rights in the Forests, particularly those which retain rights through treaties. Forest Service officials will meet with tribal governing bodies, representatives, and agencies to discuss tribal interests, needs and concerns regarding National Forest management.

The Forest Service will also continue the ongoing relationships with state and federal agencies. This will be accomplished jointly between the three Michigan National Forests and the appropriate State and local agencies to provide for more consistent management and better service to the public.

Inviting Public Participation: Comments and suggestions are now solicited from federal agencies, state and local governments, individuals, tribes, and organizations on the scope of the analysis to be included in the DEIS for the Revised Forest Plan (40 CFR 1501.7). Comments should focus on: (1) The proposal for revising the Forest Plans; (2) possible alternatives for addressing issues associated with the proposal; and (3) identify any possible impacts associated with the proposal based on an individual's civil rights (race, color, national origin, age, religion, gender, disability, political beliefs, sexual orientation, marital or family status). Public participation throughout the revision process is encouraged.

With the publication of this NOI, the Forest Service will host a series of public meetings to (1) establish multiple opportunities for the public to generate ideas, concerns, and alternatives, (2) present and clarify proposed changes to the Forest Plan; (3) describe ways that individuals can respond to this NOI; and (4) accept comments from the public on this proposal for revising the Forest Plan.

In the year 2004 work on alternative development and issue validation will be done. Many types of public involvement including public meetings, tribal and governmental consultation, written comments, website, and e-mail will be conducted.

In the year 2005 the proposed Revised Forest Plans and DEISs will be released. Many types of public involvement including a 90-day formal comment period, public meetings, tribal and governmental consultation, and written comments will be conducted. During 2006 the final Revised Forest Plan, EIS, and Record of Decision will be released.

Informational meetings to explain the decision on the final Forest Plan will be held. General notices on opportunities to participate through mailings, news releases, public meetings, consultations and website will be provided. In addition to formal opportunities for comment, comments will be received and considered at any time throughout the revision process.

A representative from each of the three Michigan National Forests will be in attendance at the series of meetings listed below in the schedule titled ''Michigan National Forests.''

MICHIGAN NATIONAL FORESTS

(Huron-Manistee, Hiawatha, and Ottawa)

Date	Time	Comment	Location
10/20/2003	12–6 p.m	Open House	Muskegon, Michigan—Comfort Inn, 1675 E. Sherman Road.
	6:30–9 p.m	Listening Session.	
10/21/2003	12–6 p.m.	Open House	Grand Rapids, Michigan—Howard Johnson's, 255 28th Street, SW.
	6:30–9 p.m.	Listening Session.	
10/22/2003	12–6 p.m.	Open House	Lansing, Michigan—Clarion Hotel/Conf. Center, 3600 Dunckel Drive.
	6:30–9 p.m.	Listening Session.	
10/23/2003	12–6 p.m.	Open House	Livonia, Michigan—Embassy Suites, 19525 Victor Parkway.

MICHIGAN NATIONAL FORESTS—Continued

(Huron-Manistee, Hiawatha, and Ottawa)

Date	Time	Comment	Location
	6:30–9 p.m.	Listening Session.	

Each of the Michigan National Forests will host open house meetings to (1) answer specific questions relative to the NOI and (2) to provide information on how to comment on the NOI and to accept written comments from the public. Following is a schedule of the meetings:

HIAWATHA NATIONAL FOREST

Date	Time	Location
10/20/2003	6:30–9 p.m.	Sault Ste. Marie, Michigan—Lake Superior State University, Cisler Center.
10/21/2003	6:30–9 p.m.	St. Ignace, Michigan—Little Bear East Arena & Community Center, 275 Marquette Street.
10/22/2003	6:30–9 p.m.	Marquette, Michigan—Northern Michigan University, University Center, Michigan Room.
10/23/2003	6:30–9 p.m.	Escanaba, Michigan—Bay de Noc Community College, M-tech Building 2000 N 30th Street.
10/27/2003	6:30–9 p.m.	Munising, Michigan—Munising Community Credit Union, Community Center, Main Street & M–28.

HURON-MANISTEE NATIONAL FORESTS

Date	Time	Comment	Location
10/14/2003	12–6 p.m.	Open House	Baldwin, Michigan—Pleasant Plains Township Hall, 885 8th Street.
	6:30–9 p.m.	Public Comment.	
10/15/2003	12–6 p.m.	Open House	Wellston, Michigan—Chittenden Environmental Ctr., The Conifers Building, 1070 Nursery Road.
	6:30–9 p.m.	Public Comment.	
10/16/2003	12–6 p.m.	Open House	Oscoda, Michigan—Warrior's Pavillion on Van Ettan Lake, 6288 F–41.
	6:30–9 p.m.	Public Comment.	
10/21/2003	12–6 p.m.	Open House	Cadillac, Michigan—McGuire's Resort, 7880 Mackinaw Trail.
	6:30–9 p.m.	Public Comment.	
10/22/2003	12–6 p.m.	Open House	Mio, Michigan—Mio Community Center, 305 East Ninth St.
	6:30–9 p.m.	Public Comment.	

OTTAWA NATIONAL FOREST

Date	Time	Location
10/06/2003	6–8 p.m. (EST)	Ontonagon, Michigan—Ontonagon Area High School, 701 Parker Ave.
10/08/2003	6–8 p.m. (CST)	Ironwood, Michigan—Gogebic Community College, Room B21/B22, E4946 Jackson Road.
10/09/2003	6–8 p.m. (CST)	Iron River, Michigan—Iron River City Hall, 106 West Genesee Street.
10/15/2003	6–8 p.m. (EST)	Baraga, Michigan—Best Western Lakeside Inn, 900 South US41.
10/18/2003	1–3 p.m. (EST)	Ewen, Michigan—Ewen—Trout Creek School, 144 Airport Road.
10/20/2003	6–8 p.m. (CST)	Watersmeet, Michigan—Watersmeet Visitor Center, Hwy U.S. 2 & Hwy 45.

Availability of Public Comment: Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record for this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered. Those who submit anonymous comments will not have standing to appeal the subsequent decisions under 36 CFR part 215 or 217.

Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from

the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that under FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets.

The Forest Service will inform the requester of the Agency's decision regarding the request for confidentiality and if the requester is denied, the Agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within 90 days.

Release and Review of the DEIS: The DEISs are expected to be filed with the Environmental Protection Agency (EPA) and to be available for public comment in 2005. At that time, the EPA will publish a Notice of Availability in the **Federal Register**. The comment period on the DEIS will be 90 days from the date the EPA publishes the Notice of Availability in the **Federal Register**.

The Forest Service believes it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of DEISs must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions [*Vermont Yankee Nuclear Power Corp.* v. *NRDS,* 435 U.S. 519, 553 (1978)]. Also, environmental objections that could be raised at the DEIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts [*City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980)]. Because of these court rulings it is very important that those interested in this proposed action participate by the close of the 90-day comment period so substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the DEIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the DEIS. Comments may also address the adequacy of the DEIS or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council of Environmental Quality Regulations (*http://ceq.eh.doe.gov/nepa/nepanet.htm*) for implementing the procedural provision of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Dated: August 22, 2003.

Randy Moore,

Regional Forester.

[FR Doc. 03–22252 Filed 9–17–03; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Acker Fire Salvage, Umpqua National Forest, Douglas County, OR

AGENCY: Forest Service, USDA.

ACTION: Cancellation notice.

SUMMARY: On June 24, 2003, a Notice of Intent (NOI) to prepare an environmental impact statement (EIS) for the Acker Fire Salvage on the Tiller Ranger District of the Umpqua National Forest, was published in the **Federal Register** (68 FR 37451). Forest Service has decided to cancel the preparation of this EIS. The NOI is hereby rescinded.

FOR FURTHER INFORMATION CONTACT: Questions maybe addressed to Alan Baumann, Timber Management Assistant, Tiller Ranger District, 27812 Tiller Trail Highway, Tiller, OR 97484, telephone: 541–825–3201.

Dated: September 9, 2003.

James A. Caplan,

Forest Supervisor.

[FR Doc. 03–23824 Filed 9–17–03; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Proposed Changes to Section IV of the Field Office Technical Guide (FOTG) of the Natural Resources Conservation Service in Louisiana

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of availability of proposed changes to Section IV of the Field Office Technical Guide (FOTG) of the Natural Resources Conservation Service in Louisiana for review and comment.

SUMMARY: It is the intention of the NRCS in Louisiana to issue revised conservation practice standards: Channel Vegetation (322), Deep Tillage (324), Conservation Crop Rotation (328), Residue Management, No-Till (329A), Residue Management, Mulch-Till (329B), Residue Management, Ridge-Till (329C), Cover Crop (340), Critical Area Planting (342), Closure of Waste Impoundments (360), Grassed Waterway (412), Irrigation System, Tail Water Recovery (447), Pasture and Hayland Planting (512), Pipeline (516), Prescribed Grazing (528A), Range Planting (550), Heavy Use Area Protection (561), Animal Trails and Walkways (575), Streambank and Shoreline Protection (580), Nutrient Management (590), Tree/Shrub Establishment (612), Watering Facility (614), Waste Utilization (633), Wetland Restoration (657), Wetland Creation (658).

DATES: Comments will be received on or before October 20, 2003.

FOR FURTHER INFORMATION CONTACT: Inquire in writing to Donald W. Gohmert, State Conservationist, Natural Resources Conservation Service (NRCS), 3737 Government Street, Alexandria, Louisiana 71302. Copies of the practice standards will be made available upon written request.

SUPPLEMENTARY INFORMATION: Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law to NRCS State Technical Guides used to carry out highly erodible land and wetland provisions of the law shall be made available for public review and comment. For the next 30 days the NRCS in Louisiana will receive comments relative to the proposed changes. Following that period a determination will be made by the NRCS in Louisiana regarding disposition of those comments and a final determination of change will be made.

Dated: September 9, 2003.

Donald W. Gohmert,

State Conservationist, USDA, Natural Resources Conservation Service, Alexandria, Louisiana 71302.

[FR Doc. 03–23793 Filed 9–17–03; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF COMMERCE

[I.D. 091503C]

Submission for OMB Review; Comment Request

The Department of Commerce 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: National Oceanic and Atmospheric Administration.

Title: Southwest Region Logbook Family of Forms.

Form Number(s): None.

OMB Approval Number: 0648–0214.

Type of Request: Regular submission.

Burden Hours: 2,339.

Number of Respondents: 162.

Average Hours Per Response: 5.25 minutes per day for a logbook in Pacific Pelagic fisheries (unless otherwise noted); 5 minutes per report for logbooks in the Crustacean or Pelagic Toll or Handline (in the Pacific remote islands area) fisheries; 7 minutes per day for a logbook in the Precious Coral fishery; 5 minutes per report for a transshipment logbook; 5 minutes for a sales report in a logbook; 3 minutes for an at-sea catch report; 3 minutes for a pre-trip or pre-offloading notice; 1 hour per observer placement meeting; 4 hours for a claim of lost fishing time; 5 minutes for a report on gear left at sea; 5 minutes for a sales report; 2 hours for a protected species interaction report; 3 minutes for a pre-season Vessel Monitoring System (VMS) report; 4 hours for installation of a VMS unit; 2 hours for annual maintenance of a VMS unit; 24 seconds a day for automated VMS position reports; and 4 hours for an experimental fishing report.

Needs and Uses: Participants in Federally-managed fisheries in the western Pacific are required to provide certain information about their fishing activities. These include logbooks, notifications, and other requirements, as will as use of a vessel monitoring system (VMS). The information is needed for the management of the fisheries.

Affected Public: Business or other for-profit organizations, households or individuals.

Frequency: By trip, variable.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David__Rostker@omb.eop.gov*.

Dated: September 12, 2003.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03–23865 Filed 9–17–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

[I.D. 091503D]

Submission for OMB Review; Comment Request

The Department of Commerce 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: National Oceanic and Atmospheric Administration.

Title: Subsistence Fishery for Pacific Halibut in Waters Off Alaska: Annual Survey.

Form Number(s): None.

OMB Approval Number: None.

Type of Request: Regular submission.

Burden Hours: 4,450.

Number of Respondents: 8,900.

Average Hours Per Response: 30 minutes.

Needs and Uses: This collection of information would be a pilot for an annual harvest survey for a subsistence Pacific halibut program. The program is intended to allow qualified persons to practice the long-term customary and traditional harvest of Pacific halibut for food in a non-commercial manner.

Affected Public: Individuals or households.

Frequency: One-time.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David__Rostker@omb.eop.gov*.

Dated: September 12, 2003

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03–23869 Filed 9–17–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Economics and Statistics Administration

Bureau of Economic Analysis Advisory Committee

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Public Law 92–463, as amended by Public Law 94–409, Public Law 96–523, and Public Law 97–375), we are giving notice of a meeting of the Bureau of Economic Analysis Advisory Committee. The meeting's agenda is as follows: overview of the comprehensive revision of the National Income and Product Accounts, comparability of U.S. and other countries' Gross Domestic Product, and the future architecture of the National Accounts.

DATES: On Friday, November 14, 2003, the meeting will begin at 9 a.m. and adjourn at approximately 4 p.m.

ADDRESSES: The meeting will take place at BEA, 2nd floor, Conference Room A&B, 1441 L Street NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: J. Steven Landefeld, Director, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; telephone: 202–606–9600.

Public Participation: This meeting is open to the public. Because of security procedures, anyone planning to attend the meeting must contact Verna Learnard of BEA at 202–606–9690 in advance. The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Verna Learnard at 202–606–9690.

SUPPLEMENTARY INFORMATION: The Committee was established on September 2, 1999, to advise the Bureau of Economic Analysis (BEA) on matters related to the development and improvement of BEA's national, regional, and international economic accounts. This will be the Committee=s eighth meeting.

Dated: September 10, 2002.

J. Steven Landefeld,

Director, Bureau of Economic Analysis.

[FR Doc. 03–23700 Filed 9–17–03; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 45–2003]

Foreign-Trade Zone 72—Indianapolis, Indiana, Area Application for Expansion

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the Indianapolis Airport Authority, grantee of Foreign-Trade Zone 72, requesting authority to expand FTZ 72 to include additional sites in the Indianapolis, Indiana area, within the Indianapolis Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on September 10, 2003.

FTZ 72 was approved on September 28, 1981 (Board Order 179, 46 FR 50091, 10/9/81) and expanded on September 2, 1992 (Board Order 598, 57 FR 41915, 9/14/92). The zone project currently consists of the 5,500-acre Indianapolis International Airport complex.

The applicant is now requesting authority to expand the general-purpose zone to include four new sites (1,631.42 acres) in the Indianapolis area: *Proposed Site 2* (620.485 acres)—Anderson Business Development Center in Anderson (Madison County): *Proposed Site 2A* (128.536 acres)—greenfield property located north of Interstate 69, west of the Conrail Railroad track and south of West 73rd Street (County Road 450 South); *Proposed Site 2B* (35.067 acres)—manufacturing/distribution facilities and greenfield property located north of West 73rd Street and west of the Conrail Railroad track; *Proposed Site 2C* (154.76 acres)—warehousing/distribution facilities and greenfield property located at the end and north of West 73rd Street; *Proposed Site 2D* (132 acres)—manufacturing/distribution facilities and greenfield property located north of 32nd Street and west of Scatterfield Road; *Proposed Site 2E* (126.34 acres)—manufacturing/distribution facilities and greenfield property located north of 38th Street, east of Scatterfield Road and south of Mounds Road; and, *Proposed Site 2F* (43.782 acres)—industrial facility located south of Interstate 69, west of State Road 109 and north of 67th Street; *Proposed Site 3* (675.13 acres)—distribution/manufacturing facilities and greenfield property within the Park 100 Business Park, located at 71st Street and Interstate 465, Indianapolis (Marion County); *Proposed Site 4* (153.51 acres)—distribution/manufacturing facilities and greenfield property within the Park Fletcher Business Park, located at Interstate 465 and Airport Expressway in Indianapolis (Marion County); and, *Proposed Site 5* (182.295 acres)—Plainfield Business Park in Plainfield (Hendricks County): *Proposed Site 5A* (6 parcels, 113.615 acres)—industrial facilities and greenfield property located at Interstate 70 and Perry Road and *Proposed Site 5B* (68.68 acres)—distribution/manufacturing facility and greenfield property located at 2213–2233 Stafford Road. No specific manufacturing authority is being requested at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the addresses below:

1. *Submissions via Express/Package Delivery Services:* Foreign-Trade Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th Street NW., Washington, DC 20005; or

2. *Submissions via the U.S. Postal Service:* Foreign-Trade Zones Board, U.S. Department of Commerce, FCB—Suite 4100W, 1401 Constitution Avenue NW, Washington, DC 20230.

The closing period for their receipt is November 17, 2003. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to December 2, 2003).

A copy of the application and accompanying exhibits will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at the first address listed above, and at the U.S. Department of Commerce, Export Assistance Center, 11405 North Pennsylvania Street, Suite 106, Carmel, IN 46032.

Dated: September 10, 2003.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 03–23860 Filed 9–17–03; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091503A]

Proposed Information Collection; Comment Request; Antarctic Living Marine Resources Conservation and Management Measures.

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, 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)).

DATES: Written comments must be submitted on or before November 17, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Robert Dickinson at 301–713–2276, ext. 154, or at Bob.Dickinson@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

Pursuant to the Antarctic Marine Living Resources Convention Act of 1984, NOAA supports the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). CCAMLR meets annually to adopt conservation and management measures. These include harvesting restrictions, import controls, and data reporting requirements. As a member of CCAMLR, the United States is obligated to put these measures into effect.

II. Method of Collection

Information is submitted by a variety of means, including paper forms, automatic position reports from a Vessel Monitoring System, and radioed reports.

III. Data

OMB Number: 0648–0194.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations, individuals or households.

Estimated Number of Respondents: 87.

Estimated Time Per Response: 15 minutes for a dealer permit application or a reexport permit application; 3 minutes for a dealer catch document; 15 minutes for a dealer reexport catch documentation; 15 minutes for a harvesting vessel catch document; 15 minutes for a pre-approval application for toothfish imports; 15 minutes for an import ticket; 0.33 seconds for an automatic position report from a Vessel Monitoring System (VMS); 4 hours to install a VMS; 2 hours for annual maintenance of a VMS; 28 hours for an application for a new or exploratory fishery; 1 hour for an application to harvest/transship; 2 minutes for a radioed position report; 1 hour for an application for a CCAMLR Ecosystem Monitoring Program permit; and 1 hour for a CCAMLR Ecosystem Monitoring Program site activity report.

Estimated Total Annual Burden Hours: 569.

Estimated Total Annual Cost to Public: $68,000.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: September 12, 2003.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03–23863 Filed 9–17–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091503B]

Proposed Information Collection; Comment Request; Foreign Fishing Vessels Operating in Internal Waters.

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, 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)).

DATES: Written comments must be submitted on or before November 17, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Robert Dickinson at 301–713–2276, ext. 154, or at Bob.Dickinson@noaa.gov.

SUPPLEMENTARY INFORMATION: SUPPLEMENTARY INFORMATION:

I. Abstract

Foreign fishing vessels engaged in processing and support of U.S. fishing vessels within the internal waters of a state, in compliance with the terms and conditions set by the authorizing governor, are required to report the tonnage and location of fish received from U.S. vessels. This reporting is required by the Magnuson-Stevens Fishery Conservation and Management Act. Weekly reports are submitted to the NMFS Regional Administrator to allow monitoring of the quantity of fish received by foreign vessels.

II. Method of Collection

Reports may be submitted by fax, e-mail, or regular mail.

III. Data

OMB Number: 0648–0329.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 6.

Estimated Time Per Response: 30 minutes per weekly report.

Estimated Total Annual Burden Hours: 36.

Estimated Total Annual Cost to Public: $144.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: September 12, 2003.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03–23864 Filed 9–17–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 090903D]

Endangered Species; Permit No. 1187

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

ACTION: Scientific research permit modification.

SUMMARY: Notice is hereby given that a request for modification of scientific research permit no. 1187 submitted by Mr. Christopher J. McNally, St. George's School has been granted.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289, fax (301)713–0376;

Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702–2432; phone (727)570–5301; fax (727)570–5320;

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298; phone (978)281–9200; fax (978)281–9371.

FOR FURTHER INFORMATION CONTACT: Patrick Opay, (301)713–1401 or Ruth Johnson, (301)713–2289.

SUPPLEMENTARY INFORMATION: The requested amendment has been granted under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the provisions of 50 CFR 222.306 of the regulations governing the taking, importing, and exporting of endangered and threatened fish and wildlife (50 CFR 222–226).

The modification extends the expiration date of the Permit from December 31, 2003, to December 31, 2004, for takes of green (*Chelonia mydas*), loggerhead (*Caretta caretta*), hawksbill (*Eretmochelys imbricata*) and Kemp's ridley (*Lepidochelys kempii*) sea turtles. The take authority has been extended 1 year, or until the permit holder has exhausted the total number of unused takes authorized for the year in which this permit was about to expire, whichever occurs first. NMFS is also taking this opportunity to update permit conditions and reporting requirements so they meet current permitting standards.

Issuance of this amendment, as required by the ESA was based on a finding that such permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of the threatened and endangered species which are the subject of this permit; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: September 12, 2003.

Stephen L. Leathery,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 03–23870 Filed 9–17–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF EDUCATION

[CFDA Nos. 84.116A, 84.116B]

Fund for the Improvement of Postsecondary Education—Comprehensive Program (Preapplications and Applications); Notice Inviting Applications for New Awards for Fiscal Year (FY) 2004

Purpose of Program: To provide grants or enter into cooperative agreements to improve postsecondary education opportunities.

Eligible Applicants: Institutions of higher education or combinations of those institutions and other public and private nonprofit institutions and agencies.

Applications Available: September 18, 2003.

Deadline for Transmittal of Preapplications: November 3, 2003.

Deadline for Transmittal of Final Applications: March 22, 2004.

Note: All applicants must submit a preapplication to be eligible to submit a final application.

Deadline for Intergovernmental Review: May 21, 2004.

Estimated Available Funds: $9,000,000 for new awards.

The Administration has requested $39 million for this program for FY 2004 (approximately $9 million of which will be available for new awards). The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Estimated Range of Awards: $50,000–$275,000 per year.

Estimated Average Size of Awards: $156,000 per year.

Estimated Number of Awards: 50–55.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 85, 86, 97, 98, and 99.

Invitational Priorities

While applicants may propose any project within the scope of 20 U.S.C. 1138, under 34 CFR 75.105(c)(1) the Secretary is particularly interested in applications that meet one or more of the following invitational priorities. However, an application that meets one or more of these invitational priorities does not receive competitive or absolute preference over other applications.

Invitational Priority 1

Projects to improve the quality of K–12 teaching through new models of teacher preparation and through new kinds of partnerships between schools and colleges and universities that enhance students' preparation for, access to, and success in college.

Invitational Priority 2

Projects to promote innovative reforms in the curriculum and instruction of various subjects at the college preparation, undergraduate, and graduate/professional levels, especially through student-centered or technology-mediated strategies, and including the subject area of civic education.

Invitational Priority 3

Projects designing more cost-effective ways of improving postsecondary instruction and operations, *i.e.*, to promote more student learning relative to institutional resources expended.

Invitational Priority 4

Projects to support new ways to ensure equal access to postsecondary education and to improve rates of retention and program completion, especially for underrepresented students whose retention and completion rates continue to lag behind those of other groups, and especially to encourage wider adoption of proven approaches to this problem.

Aligning Your Proposal to the Review Criteria

The success of FIPSE's Comprehensive Program depends upon (1) the extent to which funded projects are being replicated—*i.e.*, adopted or adapted—by others; and (2) the manner in which projects are being institutionalized and continued after grant funding. These two results constitute FIPSE's indicators of the success of our program.

If funded, you will be asked to collect and report data in your project's annual performance report (EDGAR, 34 CFR 75.590) on steps taken toward these goals. Consequently, applicants to FIPSE's Comprehensive Program are advised to include these two outcomes in conceptualizing the design, implementation and evaluation of the proposed project. Consideration of FIPSE's two performance outcomes is an important part of many of the review criteria discussed below. Thus, it is important to the success of your application that you include these objectives. Their measure should be a part of the project evaluation plan, along with measures of objectives specific to your project.

Methods for Applying Selection Criteria

For preapplications (preliminary applications) and final applications, the Secretary gives equal weight to each of the selection criteria. Within each of these criteria, the Secretary gives equal weight to each of the factors.

Selection Criteria

In evaluating preapplications and final applications for grants under this program competition, the Secretary uses the following selection criteria chosen from those listed in 34 CFR 75.210.

Preapplications

In evaluating preapplications, the Secretary uses the following four selection criteria:

(a) *Need for project.* The Secretary considers the need for the proposed project. In determining need, the Secretary considers each of the following factors:

(1) The magnitude or severity of the problem to be addressed by the proposed project.

(2) The magnitude of the need for the services to be provided or the activities to be carried out by the proposed project.

(b) *Significance.* The Secretary considers the significance of the proposed project. In determining the significance, the Secretary considers each of the following factors:

(1) The potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues, or effective strategies.

(2) The extent to which the proposed project involves the development or demonstration of promising new strategies that build on, or are alternatives to, existing strategies.

(3) The importance or magnitude of the results or outcomes likely to be attained by the proposed project.

(4) The potential replicability of the proposed project or strategies, including, as appropriate, the potential for implementation in a variety of settings.

(c) *Quality of the project design.* The Secretary considers the quality of the design of the proposed project. In determining the quality of the design, the Secretary considers each of the following factors:

(1) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.

(2) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(3) The extent to which the design for implementing and evaluating the proposed project will result in information to guide possible replication of project activities or strategies, including information about the effectiveness of the approach or strategies employed by the project.

(4) The extent to which the proposed project is designed to build capacity and yield results that will extend beyond the period of Federal financial assistance.

(d) *Quality of the project evaluation.* The Secretary considers the quality of the project evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers each of the following factors:

(1) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings.

(2) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(3) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

Final Applications. In evaluating final applications, the Secretary uses the following seven selection criteria:

(a) *Need for project.* The Secretary considers the need for the proposed project. In determining need, the Secretary considers each of the following factors:

(1) The magnitude or severity of the problem to be addressed by the proposed project.

(2) The magnitude of the need for the services to be provided or the activities to be carried out by the proposed project.

(b) *Significance.* The Secretary considers the significance of the proposed project. In determining significance, the Secretary considers each of the following factors:

(1) The potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues, or effective strategies.

(2) The extent to which the proposed project involves the development or demonstration of promising new strategies that build on, or are alternatives to, existing strategies.

(3) The importance or magnitude of the results or outcomes likely to be attained by the proposed project.

(4) The potential replicability of the proposed project or strategies, including, as appropriate, the potential for implementation in a variety of settings.

(c) *Quality of the project design.* The Secretary considers the quality of the design of the proposed project. In determining the quality of the design, the Secretary considers each of the following factors:

(1) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.

(2) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(3) The extent to which the design for implementing and evaluating the proposed project will result in information to guide possible replication of project activities or strategies, including information about the effectiveness of the approach or strategies employed by the project.

(4) The extent to which the proposed project is designed to build capacity and yield results that will extend beyond the period of Federal financial assistance.

(d) *Quality of the project evaluation.* The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of evaluation to be conducted, the Secretary considers each of the following factors:

(1) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings.

(2) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(3) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(e) *Quality of the management plan.* The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of the management plan, the Secretary considers the adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(f) *Quality of project personnel.* The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of project personnel the

Secretary considers each of the following factors:

(1) The extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(2) The qualifications, including relevant training and experience, of key project personnel.

(g) *Adequacy of resources.* The Secretary considers the adequacy of resources for the proposed project. In determining the adequacy of resources, the Secretary considers each of the following factors:

(1) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(2) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project.

(3) The potential for continued support of the project after Federal funding ends, including, as appropriate, the demonstrated commitment of appropriate entities to such support.

Application Procedures

Note: Some of the procedures in these instructions for transmitting applications differ from those in the Education Department General Administrative Regulations (EDGAR) (34 CFR 75.102). Under the Administrative Procedure Act (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed regulations. However, these amendments make procedural changes only and do not establish new substantive policy. Therefore, under 5 U.S.C. 553(b)(A), the Secretary has determined that proposed rulemaking is not required.

Pilot Project for Electronic Submission of Applications

In FY 2004, the Department is continuing to expand its pilot project for electronic submission of applications to include additional formula grant programs and additional discretionary grant competitions. The Comprehensive Program —CFDA No. 84.116A is one of the programs included in the pilot project. If you are an applicant under the Comprehensive Program —CFDA No. 84.116A, you may submit your preapplication and/or your final application to us in either electronic or paper format.

The pilot project involves the use of the Electronic Grant Application System (e-Application). Users of e-Application will be entering data on-line while completing their applications. You may not e-mail a soft copy of a grant application to us. If you participate in this voluntary pilot project by submitting an application electronically, the data you enter on-line will be saved into a database. We request your participation in e-Application. We shall continue to evaluate its success and solicit suggestions for improvement.

If you participate in e-Application when submitting your preapplication or final application, please note the following:

- Your participation is voluntary.
- When you enter the e-Application system, you will find information about its hours of operation. We strongly recommend that you do not wait until the application deadline date to initiate an e-Application package.
- You will not receive any additional point value because you submit a grant application in electronic format, nor will we penalize you if you submit an application in paper format.
- You may submit all documents electronically, including the Title Page (Form No. ED 40–514) and Budget Summary form, and all necessary assurances and certifications.
- Your e-Application must comply with any page limit requirements described in this notice.
- After you electronically submit your application, you will receive an automatic acknowledgement, which will include a PR/Award number (an identifying number unique to your application).
- Within three working days after submitting your electronic application, fax a signed copy of the Title Page (Form No. ED 40–514) to the Application Control Center after following these steps:

(1) Print ED 40–514 from the e-Application system.

(2) The institution's Authorizing Representative must sign this form.

(3) Place the PR/Award number in the upper right hand corner (Item #1) of the hard copy signature page of the ED 40–514.

(4) Fax the signed ED 40–514 to the Application Control Center at (202) 260–1349.

- We may request that you give us original signatures on all other forms at a later date.
- *Application Deadline Date Extension in Case of System Unavailability:* If you elect to participate in the e-Application pilot for the Comprehensive Program preapplication, CFDA No. 84.116A, or the final application, CFDA No. 84.116B, and you are prevented from submitting your application on the closing date because the e-Application system is unavailable, we will grant you an extension of one business day in order to transmit your application electronically, by mail, or by hand delivery.

For us to grant this extension—

(1) You must be a registered user of e-Application, and have initiated an e-Application for this competition; and

(2)(a) The e-Application system must be unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the deadline date; or

(b) The e-Application system must be unavailable for any period of time during the last hour of operation (that is, for any period of time between 3:30 and 4:30 p.m., Washington, DC time) on the deadline date.

The Department must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension or to confirm the Department's acknowledgement of any system unavailability, you may contact either (1) the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** or (2) the e-GRANTS help desk at 1–888–336–8930.

You may access the electronic grant application for the Comprehensive Program preapplication—CFDA No. 84.116A or final application—CFDA No. 84.116B—at: *http://e-grants.ed.gov.*

We have included additional information about the e-Application pilot project (see Parity Guidelines between Paper and Electronic Applications) in the application package.

For Applications Contact: Education Publications Center (ED Pubs), P.O. Box 1398, Jessup MD 20794–1398. Telephone (toll free): 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–567–7734.

You may also contact ED Pubs at its Web site: *http://www.ed.gov/pubs/edpubs.html.*

Or you may contact ED Pubs at its e-mail address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this competition as follows: CDFA number 84.116A.

Note: Application text and forms are available on the FIPSE Web site (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Fund for the Improvement of Postsecondary Education (FIPSE), U.S. Department of Education, 1990 K Street, NW., Washington, DC 20006–8544. Telephone: (202) 502–7500. The application text and forms may be

obtained from the Internet address: *http://www.ed.gov/FIPSE/.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.,* Braille, large print, audiotape, or computer diskette) on request to the contact listed under **FOR FURTHER INFORMATION CONTACT.**

Individuals with disabilities also may obtain a copy of the application package in an alternative format. However, the Department is not able to reproduce in alternative format the standard forms included in the application package.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register,** in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free on this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register.** Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www/access.gpo.gov/nara/index.html.*

Program authority: 20 U.S.C. 1138–1138d.

Dated: September 15, 2003.

Sally L. Stroup,

Assistant Secretary, Office of Postsecondary Education.

[FR Doc. 03–23889 Filed 9–17–03; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC03–715–000, FERC Form 715]

Commission Information Collection Activities, Proposed Collection; Comment Request; Extension

September 11, 2003.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice.

SUMMARY: In compliance with the requirements of Section 3506(c)(2)(a) of the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A), the Federal Energy Regulatory Commission (Commission) is soliciting public comment on the specifics of the information collection described below.

DATES: Comments on the collection of information are due by November 10, 2003.

ADDRESSES: Copies of the proposed collection of information can be obtained from Michael Miller, Office of the Executive Director, ED–30, 888 First Street, NE., Washington, DC 20426. Comments may be filed either in paper format or electronically. Those parties filing electronically do not need to make a paper filing.

For paper filings, the original and 14 copies of such comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 and refer to Docket No. IC03–715–000.

Documents filed electronically via the Internet must be prepared in WordPerfect, MS Word, Portable Document Format, or ASCII format. To file the document, access the Commission's Web site at *http://www.ferc.gov* and click on ''Make an E-filing,'' and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgment to the sender's E-mail address upon receipt of comments. User assistance for electronic filings is available at 202–502–8258 or by e-mail to *efiling@ferc.gov*. Comments should not be submitted to the e-mail address.

All comments may be viewed, printed or downloaded remotely via the Internet through FERC's homepage using the ''eLibrary'' link. For user assistance, contact *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676 or for TTY, contact (202) 502–8659.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 502–8415, by fax at (202) 208–2425, and by e-mail at *michael.miller@ferc.gov*.

SUPPLEMENTARY INFORMATION: The information collected under the requirements of FERC–715 ''Annual Transmission Planning and Evaluation Report'' (OMB Control No. 1902–0171) is used by the Commission to implement the statutory provisions of Sections 202, 207, 210, 211–213 of the Federal Power Act (FPA), as amended (49 Stat. 838; 16 U.S.C. 791a–825r) and particularly Sections 213(b), 304, 309 and 311. The Commission describes the Form 715 filing requirements in the Code of Federal Regulations (CFR) under 18 CFR part 141.300.

FERC Form No. 715 gathers basic electric transmission systems information. The Commission staff uses the Form 715 information to evaluate available transmission capacity and transmission constraints on electric transmission systems. Electrical transmission customers use the information to determine transmission availability.

Transmission dependent utilities use the information to determine transmission availability from alternative wholesale suppliers.

Federal, military, and private agencies use the information to simulate various scenarios and test theories in order to improve the current transmission system. Form 715 may be accessed on the Commission's Web site at *http://www.ferc.gov/docs-filing/eforms-elec.asp.*

Action: The Commission is requesting a three-year extension of the current expiration date, with no changes to the existing collection of data.

Burden Statement: Public reporting burden for this collection is estimated as:

Number of respondents annually (1)	Number of responses per respondent (2)	Average burden hours per response (3)	Total annual burden hours (1)×(2)×(3)
183	1	160	29,280

Estimated cost burden to respondents: 29,280 hours /2,080 hours per year × $117,041 per year = $1,647,577. The cost per respondent is equal to $ 9,003.

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting or otherwise disclosing the information.

The estimate of cost for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) 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) 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 those who are to respond, including 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.

Magalie R. Salas,

Secretary.

[FR Doc. 03–23805 Filed 9–17–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–584–000]

ANR Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

September 11, 2003.

Take notice that on August 29, 2003, ANR Pipeline Company (ANR) tendered for filing, as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets proposed to become effective September 1, 2003:

Fifty-Seventh Revised Sheet No. 8
Fifty-Seventh Revised Sheet No. 9
Fifty-Sixth Revised Sheet No. 13
Sixty-Ninth Revised Sheet No. 18

ANR states that the above-referenced tariff sheets are being filed to implement recovery of approximately $12.2 million of above-market costs that are associated with its obligation to Dakota Gasification Company (Dakota) and the Dakota buyout costs resulting from the assignment of the Gas Purchase Agreement with Dakota as well as related transportation capacity to BP Canada Energy Marketing Corp. ANR states that they propose a reservation surcharge applicable to its part 284 firm transportation customers to collect ninety percent of the Dakota costs, and an adjustment to the maximum base tariff rates of Rate Schedule ITS and overrun rates applicable to Rate Schedule FTS–2, so as to recover the remaining ten percent.

ANR states that the proposed changes would increase the current Above-Market Dakota Cost recoveries from $2,228,076 recovered over three months to $12,201,492 recovered over twelve months.

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 Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in on or before the date as indicated below. 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 ''eLibrary''.

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: September 16, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–23810 Filed 9–17–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–552–001]

Dominion Cove Point LNG, LP; Notice of Compliance Filing

September 11, 2003.

Take notice that on September 8, 2003, Dominion Cove Point LNG, LP (Cove Point) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Substitute Original Sheet No. 282, with an effective date of August 25, 2003.

Cove Point states that the filing is being made in compliance with the letter order issued in the captioned proceeding on August 22, 2003.

Cove Point states that the purpose of its filing is to comply with the Commission's Order accepting Cove Point's new Section 27 of the General Terms and Conditions of its Tariff (GT&C). Section 27 authorizes the sale from time to time of Regasified LNG or other Natural Gas that Cove Point has retained or taken title to pursuant to the terms of the GT&C, effective Rate Schedules, or Commission Orders and that it desires to remove from its system for operational reasons.

Cove Point states that copies of its filing have been served upon all parties to 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 eLibrary (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: September 22, 2003.

Linda Mitry,

Acting Secretary.

[FR Doc. 03–23809 Filed 9–17–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP03–350–000]

Georgia Strait Crossing Pipeline LP; Notice of Petition for a Declaratory Order

September 12, 2003.

Take notice that on September 8, 2003, Georgia Strait Crossing Pipeline LP (GSX–US), filed in Docket No. CP03–350–000, pursuant to Rule 207(a)(2) of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (Commission), a petition for a declaratory order. In its petition, GSX–US requests the Commission to find that, for the pipeline project certificated by the Commission in Docket No. CP01–176 *et al.*, GSX–US is entitled to a waiver of the related certification requirements under section 401 of the Clean Water Act and the Coastal Zone Management Act because the Washington State Department of Ecology has exceeded the federal statutory time-limits for acting on GSX–US's requests for such certifications.

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 ''e-Library'' 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 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: September 29, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–23804 Filed 9–17–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–603–000]

Tennessee Gas Pipeline Company; Notice of Petition for Waiver

September 11, 2003.

Take notice that on September 2, 2003, Tennessee Gas Pipeline Company (Tennessee) tendered for filing a letter giving notice to the Commission of the impending termination of two service agreements between Tennessee and USGen New England, Inc. (USGen). Tennessee states that USGen is currently a party to two Gas Transportation Agreements for use under Tennessee's Rate Schedule FT–A (Agreements). The Agreements are dated August 1, 2002 and run through October 31, 2013.

Tennessee states that it has received information that USGen has filed a motion with the United States Bankruptcy Court for the District of Maryland seeking authorization to reject the Agreements. It is Tennessee's understanding that based on the Notice of Hearing filed by USGen, the Bankruptcy Court may rule to authorize the rejection, and thus terminate the Agreements, as early as September 4, 2003.

Tennessee states that pursuant to Article VI, Section 2 of the General Terms and Conditions (GT&C) of Tennessee's FERC Gas Tariff, if Tennessee seeks to terminate a service agreement for non-payment, then Tennessee must provide at least thirty days notice of such termination. Tennessee submits that GT&C Article VI, Section 2 does not apply to the instant situation because here the shipper is seeking to have the Bankruptcy Court terminate the Agreements. In accordance with the Bankruptcy Court's rules, Tennessee states that it is not at this time seeking to terminate the Agreements for non-payment.

Tennessee requests that the Commission grant Tennessee any waivers necessary, including a waiver of Article VI, Section 2 of the General Terms and Conditions of its tariff, for Tennessee to deem the agreements terminated immediately to the extent the Bankruptcy Court grants the motion to reject the Agreements, so that Tennessee may immediately remarket the capacity held under the Agreements.

Tennessee states that copies of the filing will be served on USGen.

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 Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before the date as indicated below. 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 ''eLibrary''.

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: September 18, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–23813 Filed 9–17–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–601–000]

TransColorado Gas Transmission Company; Notice of Tariff Filing

September 11, 2003.

Take notice that on September 9, 2003, TransColorado Gas Transmission Company (TransColorado) tendered for to become part of its FERC Gas Tariff, First Revised Volume No. 1, Original Sheet No. 229A, to be effective October 9, 2003.

TransColorado states that the purpose of this filing is to supplement TransColorado's right of first refusal tariff provisions as contained in Section 7 of the General Terms and Conditions (GT&C) to: (1) reflect a new right of first refusal notice provision that would apply in the event a construction project is proposed; and (2) allow firm shippers to extend the terms of their service agreements and not be subject to the otherwise applicable right of first refusal process.

TransColorado states that a copy of this filing has been served upon on all of its customers and effected 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 Sections 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 ''eLibrary''. 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: September 22, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–23811 Filed 9–17–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–602–000]

Williston Basin Interstate Pipeline Company; Notice of Tariff Filing

September 11, 2003.

Take notice that on September 9, 2003, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets to become effective October 9, 2003:

Tenth Revised Sheet No. 252
Third Revised Sheet No. 252A.01
Second Revised Sheet No. 252A.02
Second Revised Sheet No. 252A.04
Third Revised Sheet No. 283A
Second Revised Sheet No. 283D

Williston Basin states that the proposed tariff changes are being requested to avoid administrative and accounting burdens encountered by both the Company and its shippers due to the current penalty credit timing in the Company's Tariff.

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 Sections 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 ''eLibrary''. 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: September 22, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–23812 Filed 9–17–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RM01–12–000, RT02–1–000, EL02–9–000]

Arizona Public Service Company, El Paso Electric Company, Public Service Company of New Mexico, Tucson Electric Power Company, WestConnect RTO, LLC, Remedying Undue Discrimination Through Open Access Transmission Service and Standard Electricity Market Design; Notice of Technical Conference

September 12, 2003.

As announced in the Notice of Technical Conference issued on August 7, 2003, a technical conference will be held on September 24, 2003, to discuss with states and market participants in the WestConnect region the timetables for addressing wholesale power market design issues and to explore ways to provide flexibility the region may need to meet the requirements of the final rule in this proceeding. Members of the Commission will attend and participate in the discussion.

The conference will focus on the issues identified in the agenda, which is appended to this notice as Attachment A. However, participants/stakeholders may present their views on other important issues that relate to the development of the Wholesale Power Market Platform.

The conference will begin at 10 a.m. and will adjourn at about 4 p.m. Mountain Standard Time at the Pointe Hilton Squaw Peak Resort, 7677 N. 16th Street in Phoenix, Arizona. The conference is open for the public to attend, and registration is not required; however, in-person attendees are asked to register for the conference on-line at *http://www.ferc.gov/whats-new/registration/smd_0924-form.asp*.

Transcripts of the conference will be immediately available from Ace Reporting Company (202–347–3700 or

1–800–336–6646) for a fee. They will be available for the public on the Commission's eLibrary (FERRIS) seven calendar days after FERC receives the transcript. Additionally, Capitol Connection offers the opportunity to remotely listen to the conference via the Internet or a Phone Bridge Connection for a fee. Interested persons should make arrangements as soon as possible by visiting the Capitol Connection Web site at *http://www.capitolconnection.gmu.edu* and clicking on ''FERC.'' If you have any questions contact David Reininger or Julia Morelli at the Capitol Connection (703–993–3100).

For more information about the conference, please contact Sarah McKinley at (202) 502–8004 or *sarah.mckinley@ferc.gov*.

Magalie R. Salas,

Secretary.

Appendix A

Agenda

10–10:15 a.m. Opening Remarks
Chairman Pat Wood, Federal Energy Regulatory Commission
Commissioner Nora Brownell, Federal Energy Regulatory Commission
Commissioner William Massey, Federal Energy Regulatory Commission

10:15–11 a.m. State and Regional Issues
Chairman Marc Spitzer, Arizona Corporation Commission
Chairwoman Lynda M. Lovejoy, New Mexico Public Regulation Commission

11–11:30 a.m. WestConnect RTO's Wholesale Power Market Platform Overview
Charles Reinhold, WestConnect Project Manager

11:30–11:45 a.m. wesTTrans, Public Power Initiative—West
David Wiggs, General Manager, Los Angeles Department of Water and Power

11:45–1 p.m. Lunch Break

1–2 p.m.
Transmission Owners Panel
Moderator: Steve Glaser, Senior Vice President, Tucson Electric Power Company

- Steve Wheeler, Senior Vice President, Regulation, System Planning & Operations, Arizona Public Service Company.
- David Areghini, Associate General Manager, Power, Construction and Engineering Services, Salt River Project Agricultural Improvement and Power District.
- Steve Fausett, Senior Vice President, Transmission, Tri-State Generation and Transmission
- Tom Jones, Grand Canyon State Electric Cooperative Association
- Ronald Moulton, Manager, Electric Power Restructuring, Western Area Power Administration, Desert Southwest Regional Office

2–3 p.m. Other Stakeholders Panel
Moderator: Michael M. Grant, Gallagher & Kennedy

- Steve Huhman, Director, Market Design & Regulatory Affairs—West Region, Mirant Inc.
- John Woodley, Morgan Stanley Capital Group, Inc.
- Dennis L. Delaney, K.R. Saline & Associates, PLC, for Arizona Consumer Owned Electric Systems
- Scott Gutting, Energy Strategies, Inc.
- Chris Ellison, American Wind Energy Association
- Steven C. Begay, General Manager, Din, Power Authority

3–4 p.m. Open Discussion
4 p.m. End of Conference

[FR Doc. 03–23814 Filed 9–17–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application To Amend License and Soliciting Comments, Motions To Intervene, and Protests

September 11, 2003.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-project use of project lands and waters.

b. *Project No.:* 1494–251.

c. *Date Filed:* March 25, 2003.

d. *Applicant:* Grand River Dam Authority (GRDA).

e. *Name of Project:* Pensacola Dam.

f. *Location:* The project is located on the Grand (Neosho) River in Craig, Delaware, Mayes, and Ottawa Counties, Oklahoma. The project does not occupy any Federal or tribal lands. The proposed non-project use would be located on the Duck Creek arm of Grand Lake O' The Cherokees in Delaware County.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)—825(r).

h. *Applicant Contact:* Mary Von Drehle or Teresa Hicks, Grand River Dam Authority, P.O. Box 409, Vinita, OK 74301. Phone: (918) 256–5545.

i. *FERC Contact:* Heather Campbell, heather.campbell@ferc.gov or 202–502–6182.

j. *Deadline for filing comments and or motions:* October 14, 2003.

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. Please reference ''Pensacola Project, FERC Project No.1494–250'' on any comments or motions filed.

k. *Description of the Application:* GRDA requests Commission approval to permit John Mullen d/b/a Thunder Bay Marina Facility to reconfigure the docks at the existing Thunder Bay Marina. The completed marina installation would consist of 8 floating docks containing 204 slips. The marina was approved on July 25, 1996 to include 8 floating docks containing a total of 209 boat slips. Thunder Bay Marina has completed all but three docks of the approved marina. It needs to reconfigure these remaining docks to alleviate possible congestion at this location due to the construction of the Harbor's View Marina, located northeast of the Thunder Bay Marina.

l. *Locations of the Application:* This filing is available for review at the Commission in the Public Reference Room or may viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' 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 for TTY, contact (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. 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, .211, .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.

o. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''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 the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *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. 03–23806 Filed 9–17–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Extension of Time to Commence and Complete Construction and Soliciting Comments, Motions To Intervene, and Protests

September 11, 2003.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Extension of Time to Commence and Complete Construction.

b. *Project No:* 11214–010.

c. *Date Filed:* August 19, 2003.

d. *Applicant:* Southwestern Electric Cooperative, Inc. (Applicant or Southwestern).

e. *Name and Location of Project:* The Carlyle Hydroelectric Project is to be located at the U.S. Army Corps of Engineers' Carlyle Dam on the Kaskaskia River near the City of Carlyle in Clinton County, Illinois.

f. *Filed Pursuant to:* Public Law 108–12.

g. *Applicant Contacts:* For Southwestern: Michael Postar, Duncan, Weinberg, Genzer & Pembroke, P.C., 1615 M Street NW., Suite 800, Washington, DC 20036, (202) 467–6370. For the City of Carlyle: Donald H. Clarke, Law Offices of GKRSE, 1500 K St. NW., Suite 330, Washington, DC 20005, (202) 408–5400.

h. *FERC Contact:* James Hunter, (202) 502–6086.

i. *Deadline for filing comments, protests, and motions to intervene:* October 10, 2003.

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–11214–010) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing a document 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 documents on that resource agency.

j. *Description of Application:* Public Law 108–12 authorizes the Commission to reinstate the license for the Carlyle Project as of June 24, 2000, and to extend the time during which the licensee is required to commence the construction of the project for three consecutive 2-year periods beyond June 26, 2001. The Applicant accordingly requests that the deadline for commencement of project construction be extended to July 26, 2005, and that the deadline for completion of construction also be extended. Southwestern and the City of Carlyle, Illinois, have reached an agreement whereby they will cooperate in seeking reinstatement of the license, extension of the construction schedule, and transfer of the license from Southwestern to Carlyle. Public notice of the joint application for approval of transfer of the license, also filed on August 19, 2003, will be issued at such time as the license is reinstated.

k. 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 ''eLibrary'' 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.

l. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

m. 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, .211, .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.

n. 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 the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

o. *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. 03–23807 Filed 9–17–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP00–336–014]

El Paso Natural Gas Company; Notice of Technical Conference

September 12, 2003.

The Commission, in its order of August 29, 2003 in this proceeding,[1] directed that a technical conference be held to address the issues raised by El Paso Natural Gas Company's (El Paso) tariff compliance filing of August 1, 2003.

Take notice that a technical conference will be held on Wednesday, September 24, 2003, at 9 am, in a room to be designated at the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

All interested parties are permitted to attend.

The issues addressed at the conference will be related to El Paso's August 1, 2003 filing and the implementation of capacity reallocation on the El Paso system which was effective September 1, 2003. These issues include, but are not limited to, receipt-delivery point combinations, primary delivery points for Block capacity, scheduling priorities, and *pro rata* allocations.

For further information please contact: Ingrid Olson at (202) 502–8406 or Elizabeth Zerby at (202) 502–8143.

Magalie R. Salas,

Secretary.

[FR Doc. 03–23808 Filed 9–17–03; 8:45 am]

BILLING CODE 6717–01–P

[1] 104 FERC ¶ 61,232 (2003).

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7560–8]

EPA Public Meeting: Market Enhancement Opportunities for Water-Efficient Products; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is hosting a one-day public meeting to discuss market enhancement opportunities for water-efficient products. EPA's goal is to bring together stakeholders from Federal, state and local governments; manufacturers; retailers; environmental groups; and other interested parties to exchange information and views on promoting water-efficient products in the marketplace.

The meeting will consist of several panel discussions, and is open to the public. The audience will have an opportunity to ask questions and provide comments at the conclusion of the meeting.

DATES: The meeting will begin at 9 a.m. on October 9, 2003.

ADDRESSES: The meeting will be held at the Hotel Washington, 15th and Pennsylvania Avenue, NW, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: For more information on this meeting, please see EPA's Water Efficiency Web page at *www.epa.gov/owm/water-efficiency/index.htm.* You may also register online and request special accommodations at *http://www.ergweb.com/projects/water/register.htm*, or by contacting ERG, Inc. by e-mail *(meetings@erg.com)*, phone (781–674–7374), fax (781–674–2906), or in writing (ERG, Conference Registration, 110 Hartwell Avenue, Lexington, MA 02421–3136). Seating is limited, therefore, please register or request special accommodations no later than October 2, 2003.

Dated: September 11, 2003.

James A. Hanlon,

Director, Office of Wastewater Management.

[FR Doc. 03–23851 Filed 9–17–03; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

September 11, 2003.

SUMMARY: The Federal Communications Commission, 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(s), as required by the Paperwork Reduction Act (PRA) of 1995, Pub. L. No. 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 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 Paperwork Reduction Act (PRA) comments should be submitted on or before November 17, 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 Paperwork Reduction Act (PRA) comments to Judith B. Herman, Federal Communications Commission, Room 1–C804, 445 12th Street, SW, Washington, DC 20554 or via the Internet to *Judith-B.Herman@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judith B. Herman at (202)–418–0214 or via the Internet at *Judith-B.Herman@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–1044.

Title: Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers CC Docket #01–338, 96–98, 98–147, Report and Order and Order on Remand and Further NPRM.

Form No.: N/A.

Type of Review: Extension of currently approved collection.

Respondents: Business and other for-profit, not-for-profit institutions and State, local or tribal Government.

Number of Respondents: 2,369.

Estimated Time Per Response: 8–40 hours.

Frequency of Response: On occasion reporting, recordkeeping requirement, and third party disclosure requirements.

Total Annual Burden: 74,120 hours.

Total Annual Cost: $5,275,000.

Needs and Uses: In the Report and Order on Remand and Further Notice of Proposed Rulemaking, issued in CC Dockets 01–338, 96–98, 98–147, the Commission adopts new rules to govern the availability of unbundled network elements to competitive local exchange carriers from incumbent local exchange carriers. The Commission amends its standard for determining which network elements must be provided on an unbundled basis and determines which

network elements meet this standard. The Commission establishes eligibility criteria for certain combinations of unbundled network elements. The Commission allows state regulatory commissions to initiate proceedings to make additional determinations consistent with specific Commission guidance.

OMB Control No.: 3060–0929.

Title: Application for Multipoint Distribution Service or Instructional Television Fixed Service Modification to Main Station, Booster Station, Response Station Hub or 125 kHz (I Channels) station.

Form No.: FCC 331.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit; Not-for-profit institutions.

Number of Respondents: 4,000.

Estimated Time Per Response: 55 hours.

Frequency of Response: On occasion reporting requirement and other open window filing.

Total Annual Burden: 8,000 hours.

Total Annual Cost: 19,465,000.

Needs and Uses: FCC Form 331 is to be used by Multipoint Distribution Service (MDS), Multichannel Multipoint Distribution Service (MMDS), Instructional Television Fixed Service (ITFS) or commercial ITFS licensees to apply for modification to a main station, or modification to or a new response station hub, high-power signal booster station, low-power signal booster station or 125 kHz (I Channel) station. The FCC uses the information to determine whether the applicant meets legal and technical requirements and to ensure that the public interest would be served by grant of the application.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 03–23796 Filed 9–17–03; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public; Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Pub. L. 89–777 (46 App. U.S.C. 817(d)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

American West Steamboat Company LLC and EN Boat LLC, 2101 Fourth Avenue, Tampa, FL 33605, Vessel: *Empress of the North.*

Carnival Corporation, 3655 NW. 87th Avenue, Miami, FL 33178–2193, Vessel: *Carnival Glory.*

Costa Crociere S.p.A. and Costa Cruise Lines N.V., Venture Corporate Center II, 200 S. Park Road, Suite 200, Hollywood, FL 33021–8541, Vessel: *Costa Mediterranea.*

Crystal Cruises, Inc., Crystal Ship Three (Bahamas) Limited and Serenity Maritima Shipholding Limited (Bahamas), 2049 Century Park East, Suite 1400, Los Angeles, CA 90067, Vessel: *Crystal Serenity.*

Cunard Line Limited and Saga Shipping Company Ltd., 6100 Blue Lagoon Drive, Suite 400, Miami, FL 33126, Vessel: *Caronia.*

Holland America Line Inc., Holland America Line N.V., and HAL Antillen N.V., 300 Elliott Avenue West, Seattle, WA 98119, Vessel: *Oosterdam.*

Imperial Majesty Cruise Line, L.L.C. and Celebration World Cruises, Inc., 2950 Gateway Drive Suite 200, Pompano Beach, FL 33069, Vessel: *Regal Empress.*

Lake Michigan Trans-Lake Shortcut, Inc. (d/b/a Lake Michigan Car Ferry Service, Inc. and Lake Michigan Carferry), P.O. Box 708, 701 Maritime Drive, Ludington, MI 49431, Vessel: *Badger.*

Magic Cruise Line Services Co. (d/b/a Ocean Club Cruises and Ocean Club Cruise Line) and Alberta Trading Co., 405–A Atlantis Road, Cape Canaveral, FL 32920, Vessel: *Mirage 1.*

Norwegian Cruise Line Limited and Norwegian Sun Limited, 7665 Corporate Center Drive, Miami, FL 33126, Vessel: *Norwegian Sun.*

P & O Princess Cruises International Limited, Princess Cruise Lines, Ltd. and P & O Princess Cruises plc, Richmond House, Terminus Terrace, Southampton SO14 3PN, United Kingdom, Vessel: *Adonia.*

Princess Cruise Lines, Ltd. and P & O Princess Cruises International Limited, 24305 Town Center Drive, Santa Clarita, CA 91355–4999, Vessel: *Regal Princess.*

Princess Cruise Lines, Ltd., P & O Princess Cruises International Limited and Brittany Shipping Corporation, Ltd., 24305 Town Center Drive, Santa Clarita, CA 91355–4999, Vessels: *Coral Princess* and *Island Princess.*

Princess Cruise Lines, Ltd., P & O Princess Cruises International Limited and Copropriete du Navire R3, 24305 Town Center Drive, Santa Clarita, CA 91355–4999, Vessel: *Pacific Princess.*

Princess Cruise Lines, Ltd., P & O Princess Cruises International Limited and Corot Shipping Corporation (Sociedade Unipessoal) Lda., 24305 Town Center Drive, Santa Clarita, CA 91355–4999, Vessel: *Sun Princess.*

Princess Cruise Lines, Ltd., P & O Princess Cruises International Limited and Fairline Shipping Corporation, Ltd., 24305 Town Center Drive, Santa Clarita, CA 91355–4999, Vessel: *Dawn Princess.*

Princess Cruise Lines, Ltd., P & O Princess Cruises International Limited and Fairline Shipping International Corporation, Ltd., 24305 Town Center Drive, Santa Clarita, CA 91355–4999, Vessel: *Grand Princess.*

Princess Cruise Lines, Ltd., P & O Princess Cruises International Limited and GP2, Ltd., 24305 Town Center Drive, Santa Clarita, CA 91355–4999, Vessel: *Golden Princess.*

Princess Cruise Lines, Ltd., P & O Princess Cruises International Limited and GP3, Ltd., 24305 Town Center Drive, Santa Clarita, CA 91355–4999, Vessel: *Star Princess.*

Princess Cruise Lines, Ltd., P & O Princess Cruises International Limited, Princess Cruises (Shipowners) Ltd. and Princess Tours, Ltd., 24305 Town Center Drive, Santa Clarita, CA 91355–4999, Vessel: *Royal Princess.*

Pullmantur S.A. (d/b/a Pullmantur Cruises), Pullmantur Shipping Ltd. (d/b/a Trident Corporate Services) and Seahawk North America LLC, Orense, 16, 28020 Madrid, Spain, Vessel: *Pacific.*

Radisson Seven Seas Cruises, Inc., Supplystill Limited and Seadance Limited, 600 Corporate Drive, Suite 410, Fort Lauderdale, FL 33334, Vessel: *Seven Seas Voyager.*

Royal Caribbean Cruises Ltd. (d/b/a Royal Caribbean International) and Serenade of the Seas, Inc., 1050 Caribbean Way, Miami, FL 33132–2096, Vessel: *Serenade of the Seas.*

Scotia Prince Cruises Limited, Prince of Fundy Cruises Ltd., Transworld Steamship Company (Panama) Inc. and International Shipping Partners, Inc., P.O. Box 4216, 468 Commercial Street, Portland, ME 04101–0416, Vessel: *Scotia Prince.*

Silversea Cruises Ltd. and Silver Cloud Shipping Co. Ltd., 110 East Broward Boulevard, Fort Lauderdale, FL 33301, Vessel: *Silver Cloud.*

Silversea Cruises Ltd. and Silver Wind Shipping Ltd., 110 East Broward Boulevard, Fort Lauderdale, FL 33301, Vessel: *Silver Wind.*

Dated: September 12, 2003.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 03–23788 Filed 9–17–03; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Notice of Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Pub. L. 89–777 (46 App. U.S.C. 817 (e)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Discovery Cruises Limited (d/b/a Discovery World Cruises Inc.), 1800 S.E. 10th Avenue, Suite 205, Fort Lauderdale, FL 33316, Vessel: DISCOVERY.

Imperial Majesty Cruise Line L.L.C. (d/b/a Imperial Majesty Cruise Line), 2950 Gateway Drive, Suite 200, Pompano Beach, FL 33069, Vessel: REGAL EMPRESS.

Lake Michigan Trans-Lake Shortcut, Inc. (d/b/a Lake Michigan Car Ferry Service, Inc. and Lake Michigan Carferry), P.O. Box 708, 701 Maritime Drive, Ludington, MI 49431, Vessel: BADGER.

Magic Cruise Line Services Co. (d/b/a Ocean Club Cruises and Ocean Club Line) and Alberta Trading Co., 405-A Atlantis Road, Cape Canaveral, FL 32920, Vessel: MIRAGE 1.

Mediterranean Shipping Cruises S.p.A., Piazza Garibaldi 91, Naples 80142, Italy, Vessel: LIRICA.

Norwegian Cruise Line Limited (d/b/a Norwegian Cruise Line), 7665 Corporate Center Drive, Miami, FL 33126, Vessel: PRIDE OF AMERICA.

Oceania Cruises, Inc., 8120 N.W. 53rd Street, Miami, FL 33166, Vessel: REGATTA.

Princess Cruise Lines, Ltd. and P & O Princess Cruises International Limited, 24305 Town Center Drive, Santa Clarita, CA 91355–4999, Vessels: CARIBBEAN PRINCESS, CORAL PRINCESS, DAWN PRINCESS, DIAMOND PRINCESS, GOLDEN PRINCESS, GRAND PRINCESS, ISLAND PRINCESS, PACIFIC PRINCESS, REGAL PRINCESS, ROYAL PRINCESS, SAPPHIRE PRINCESS, STAR PRINCESS and SUN PRINCESS.

Pullmantur S.A. (d/b/a Pullmantur Cruises), Orense, 16, 28020 Madrid, Spain, Vessel: PACIFIC.

Royal Olympic Cruises Ltd and RO Cruises, Inc., 805 3rd Avenue, 18th Floor, New York, NY 10022–7513, Vessels: OLYMPIA EXPLORER and OLYMPIA VOYAGER.

Scotia Prince Cruises Limited, Prince of Fundy Cruises Ltd., Transworld Steamship Company (Panama) Inc. and International Shipping Partners, Inc., Station A, P.O. Box 4216, 468 Commercial Street, Portland, ME 04101–0416, Vessel: SCOTIA PRINCE.

Silversea Cruises Ltd. and Silver Cloud Shipping Co. Ltd., 110 East Broward Boulevard, Fort Lauderdale, FL 33301, Vessel: SILVER CLOUD.

Silversea Cruises Ltd. and Silver Wind Shipping Ltd., 110 East Broward Boulevard, Fort Lauderdale, FL 33301, Vessel: SILVER WIND.

Dated: September 12, 2003.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 03–23787 Filed 9–17–03; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Revocations

The Federal Maritime Commission hereby gives notice that the following Ocean Transportation Intermediary licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, effective on the corresponding date shown below:

License Number: 13507N.
Name: Cargo Carriers Ltd.
Address: 3729 Union Road, Suite 17, Cheektowaga, NY 14225–4246.
Date Revoked: July 20, 2003.
Reason: Failed to maintain a valid bond.

License Number: 17882N.
Name: Clarke International Services Inc.
Address: 359 N. Oak Street, Inglewood, CA 90302.
Date Revoked: August 21, 2003.
Reason: Surrendered license voluntarily.

License Number: 16743N.
Name: Courtney International Forwarding Inc.
Address: 372 Doughty Boulevard, 2nd Floor, Inwood, NY 11096.
Date Revoked: August 18, 2003.
Reason: Surrendered license voluntarily.

License Number: 16813F.
Name: Exim Forwarding, Inc.
Address: 8050 Harrisburg, Houston, TX 77012.
Date Revoked: August 6, 2003.
Reason: Failed to maintain a valid bond.

License Number: 18254N.
Name: Full Service Logistics, Inc.
Address: 2029 E. Cashdan Street, Rancho Dominguez, CA 90220.
Date Revoked: August 16, 2003.
Reason: Failed to maintain a valid bond.

License Number: 13579N.
Name: JCW International Group, Inc. dba JCW Freight Systems dba JCW Container Line.
Address: 131 South Maple Avenue, Unit 7, South San Francisco, CA 94080.
Date Revoked: July 12, 2003.
Reason: Failed to maintain a valid bond.

License Number: 283N.
Name: Saima Avendero USA, Inc.
Address: 550 Broad Street, Suite 1001, Newark, NJ 07102.
Date Revoked: August 4, 2003.
Reason: Surrendered license voluntarily.

Sandra L. Kusumoto,

Director, Bureau of Consumer Complaints and Licensing.

[FR Doc. 03–23786 Filed 9–17–03; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Reissuances

Notice is hereby given that the following Ocean Transportation Intermediary licenses have been reissued by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR 515.

License no.	Name/address	Date reissued
4015F	Caribbean Cold Storage, Inc., 1505 Dennis Street, Jacksonville, FL 32204	August 1, 2003.
16743F	Courtney International Forwarding Inc., 372 Doughty Blvd., 2nd Floor, Inwood, NY 11096	August 18, 2003.
17126N	Daily Freight Cargo, Corp., 8426 N.W. 70th Street, Miami, FL 33166	December 8, 2002.
3864F	Fredonia, Inc. dba Fredonia Cargo Lines, 478 Pennsylvania Avenue, Suite 307, Glen Ellyn, IL 60137.	July 21, 2003.

License no.	Name/address	Date reissued
4383F	Relogistics Worldwide, Inc., 8767 South Street, Indianapolis, IN 46038	July 10, 2003.

Sandra L. Kusumoto,

Director, Bureau of Consumer Complaints and Licensing.

[FR Doc. 03–23785 Filed 9–17–03; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for license as a Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel Operating Common Carrier Ocean Transportation Intermediary Applicants:

United Global Services (NY) Corp., 230–19 International Airport Center Blvd., Building A, Room 238, Jamaica, NY 11413, Officer: Yuk Fung Cheung, President, (Qualifying Individual).

Triship Global Logistics, Inc., 8290 N.W. 14th Street, Miami, FL 33126, Officer: Miguel Guerrero, President, (Qualifying Individual).

Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants:

International Freight Management, LLC, 1840 Gateway Drive, Suite 200, Metro Gateway Center, San Mateo, CA 94404, Officer: Elizabeth P. Del Rosario, General Manager, (Qualifying Individual).

Trinity Select Group LLC, 503 Guys Run Road, Suite W6, Cheswick, PA 15024, Officer: Anthony Duryea, Vice President, (Qualifying Individual).

Savino Del Bene U.S.A., Inc., 149–10 183rd Street, Jamaica, NY 11413, Officers: Migdalia Diaz, Vice President, (Qualifying Individual), Silvano Brandani, Director/President.

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicant:

Lott Ship Agency, Inc., 259 N. Conception Street, Mobile, AL 36603, Officers: Stephen G. Havranek, Vice President, Jocelyn McMullen, Traffic Manager, (Qualifying Individuals).

Dated: September 12, 2003.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 03–23784 Filed 9–17–03; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

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

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

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than October 2, 2003.

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

1. Gloria B. Callais and Charles Michael Callais, Golden Meadow, Louisiana; Peter W. Callais, Cut Off, Louisiana; Corey J. Callais, Galliano, Louisiana; and Paul A. Callais, Gonzales, Louisiana; to acquire additional voting shares of Community Bancorp of Louisiana, Inc., Raceland, Louisiana, and thereby indirectly acquire additional voting shares of Community Bank, Raceland, Louisiana, and American Bank, Welsh,Louisiana.

Board of Governors of the Federal Reserve System, September 12, 2003.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 03–23818 Filed 9–17–03; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 14, 2003.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. Northwest Financial Corp., Spencer, Iowa; to acquire 100 percent of the voting shares of First Heartland Bancorp, Sioux Center, Iowa, and thereby indirectly acquire voting shares of First National Bank of Sioux Center, Sioux Center, Iowa.

Board of Governors of the Federal Reserve System, September 12, 2003.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 03–23819 Filed 9–17–03; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–69–03]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 498–1210. Send written comments to CDC, Desk Officer, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Proposed Project: Health and Safety Outcomes Related to Work Schedules in Nurses—NEW—The National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC). The mission of the National Institute for Occupational Safety and Health is to promote safety and health at work for all people through research and prevention.

In the United States, approximately 1.1 million registered nurses work shift schedules to provide essential nursing services that are required around the clock. A recent U.S. government report indicates that the average nurse works more than 40 hours per week. Both shift work and overtime have been independently associated with increased health and safety risks. Little is known about the combined influence of shift work and overtime. In addition, most previous shift work studies of nurses have used young participants. However, the age of the average working U.S. registered nurse is now 43.3 years and has been increasing over the past 20 years. This aging workforce will be more vulnerable to the adverse health and safety risks associated with shift work and overtime. This study will examine the combined influence of shift work and overtime on health and safety in the current registered nurse workforce. The study will provide data for work schedule design recommendations. Potential secondary benefits to society will be improved patient outcomes.

Specific Aim 1. Examine if certain characteristics of shift work schedules, such as shift length (*i.e.* 12-hour, 8-hour shifts), night work, and rotating work schedules are associated with increased health and safety risks.

Specific Aim 2. Examine how shift work and overtime interact to influence health and safety risks.

Specific Aim 3. Examine if disturbances of sleep, family life, and social life mediate effects of work schedules on health and safety.

The study is based on the theoretical model by Barton et al. (1995) who propose that shift work exerts a negative effect on health and safety outcomes by disturbing sleep, family life, and social life. The study will use a cross-sectional design to survey 1,000 registered nurses who will be randomly selected from 10 large hospitals. Participants will be asked to complete a survey, complete a 7-day sleep/activity diary, provide one set of blood pressure readings, and provide a copy of their work schedule from their hospital records for the previous 3-month period.

The survey includes items for personal characteristics such as age and weight; health history; lifestyle factors such as smoking and alcohol use; sleep characteristics and problems; factors at work and other responsibilities such as child care; work schedule factors; musculoskeletal discomfort; gastrointestinal and cardiovascular symptoms; mood; automobile crashes and near misses; needlestick injuries; and job satisfaction. The study will compute a list of work characteristics based on the actual work start and end times. Statistical modeling will be used to examine characteristics of work schedules associated with increased risk while controlling for demographic, health history, lifestyle, and work-related risk factors. A base model will be developed with significant control variables for each outcome. Work schedule variables will then be added to the base model to test for significant relationships while controlling for co-variants. The annualized burden for this data collection is 1,667 hours.

Form name	Number of respondents	Number of responses/respondent	Avg. burden/response (in hours)
3 month overtime diary	1000	6	5/60
7-day sleep/activity diary	1000	7	5/60
Survey	1000	1	35/60

Dated: August 25, 2003.

Nancy Cheal,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 03–23825 Filed 9–17–03; 8:45 am]

BILLING CODE 4163–18–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–70–03]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 498–1210. Send written comments to CDC, Desk Officer, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Proposed Project: The National Violent Death Reporting System—New—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Violence is an important public health problem. In the United States, homicide and suicide are the second and third leading causes of death, respectively, in the 1–34 year old age group.

Unfortunately, public health agencies don't know much more about the problem than the numbers and the sex, race, and age of the victims, all information obtainable from the standard death certificate. Death certificates, however, carry no information about key facts necessary for prevention such as the relationship of the victim and suspect and the circumstances of the deaths, thereby making it impossible to discern anything but the gross contours of the problem. Furthermore, death certificates are typically available 20 months after the completion of a single calendar year. Official publications of national violent death rates, *e.g.* those in *Morbidity and Mortality Weekly Report,* rarely use data that is less than two years old. Public health interventions aimed at a moving target last seen two years ago may well miss the mark.

Local and federal criminal justice agencies such as the Federal Bureau of Investigation (FBI) provide slightly more information about homicides, but they do not routinely collect standardized data about suicides, which are in fact much more common than homicides. The FBI's Supplemental Homicide Report system (SHRs) does collect basic information about the victim-suspect relationship and circumstances, like death certificates, it does not link violent deaths that are part of one incident such as homicide-suicides. It also is a voluntary system in which some 10–20 percent of police departments nationwide do not participate. The FBI's National Incident Based Reporting System (NIBRS) addresses some of these deficiencies, but it covers less of the country than SHRs, still includes only homicides, and collects only police information. Also, the Bureau of Justice Statistics Reports do not use data that is less than two years old.

CDC therefore proposes to start a state-based surveillance systems for violent deaths that will provide more detailed and timely information. It will tap into the case records held by medical examiners/coroners, police, and crime labs. Data will be collected centrally by each state in the system, stripped of identifiers, and then sent to the CDC. Information will be collected from these records about the characteristics of the victims and suspects, the circumstances of the deaths, and the weapons involved. States will use standardized data elements and software designed by CDC. Ultimately, this information will guide states in designing programs that reduce multiple forms of violence.

Neither victim families nor suspects are contacted to collect this information. It all comes from existing records and is collected by state health department staff or their subcontractors. Health departments incur an average of 2.5 hours per death in identifying the deaths from death certificates, contacting the police and medical examiners to get copies of or to view the relevant records, abstracting all the records, various data processing tasks, various administrative tasks, data utilization, training, communications, etc.

The number of state health departments to be funded may be as high as 10 once FY03 cooperative agreements are awarded. Six states were funded thru FY02 cooperative agreements, and up to 4 more may be funded in 2003. NCIPC hopes to eventually fund all 50 states. Violent deaths include all homicides, suicides, legal interventions, deaths from undetermined causes, and unintentional firearm deaths. There are 50,000 such deaths annually among U.S. residents, so the average state will experience approximately 1,000 such deaths each year. The total number of burden hours are 25,000, based on 10 states participating.

Respondents	Number of respondents	No. of responses/respondent	Average burden/response (in hours)
State Health Departments (10)—Completion of case abstraction	1,000	1	2
State Health Departments (10)—Retrieving and refiling records	1,000	1	30/60

Dated: September 12, 2003.

Nancy E. Cheal,

Acting Associate Director for Policy, Planning and Evaluation, , Centers for Disease Control and Prevention.

[FR Doc. 03–23826 Filed 9–17–03; 8:45 am]

BILLING CODE 4162–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Biological Response Modifiers Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Biological Response Modifiers Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on October 9, 2003, from 8 a.m. to 6 p.m.; and on October 10, 2003, from 8 a.m. to 2 p.m.

Location: Holiday Inn, Grand Ballroom, Two Montgomery Village Ave., Gaithersburg, MD.

Contact Person: Gail Dapolito or Rosanna Harvey, Center for Biologics Evaluation and Research (HFM–71), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–0314, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12389. Please call the Information Line for up-to-date information on this meeting.

Agenda: On October 9 and 10, 2003, the committee will discuss the following topics: (1) Issues related to manufacturing data and clinical evidence to be provided in a biologics license application (BLA) for marketing approval of allogeneic islet transplantation to treat type 1 diabetes mellitus, (2) hear updates of individual research programs in the Office of Cellular, Tissue and Gene Therapies, and (3) reports of internal research programs in the Office of Cellular, Tissue and Gene Therapies.

Procedure: On October 9, 2003, from 8 a.m. to approximately 5:15 p.m.; and on October 10, 2003, from 8 a.m. to approximately 2 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending

before the committee. Written submissions may be made to the contact person by October 2, 2003. Oral presentations from the public will be scheduled between approximately 1 p.m. and 1:30 p.m. on October 9 and between approximately 10:30 a.m. and 11 a.m. on October 10. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before October 2, 2003, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Closed Committee Deliberations: On October 9, 2003, from approximately 5:15 p.m. to 6 p.m., the meeting will be closed to permit discussion where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)).

The committee will discuss a report of a review of internal research programs in the Office of Cellular, Tissue and Gene Therapies, Center for Biologics Evaluation and Research.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Gail Dapolito at least 7 days in advance of the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 9, 2003.

Peter J. Pitts,

Associate Commissioner for External Relations.

[FR Doc. 03–23780 Filed 9–17–03; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Veterinary Medicine Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of the Committee: Veterinary Medicine Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on November 3 and 4, 2003, from 8:30 a.m. to 5 p.m.; and on November 5, 2003, from 8:30 a.m. to 1 p.m.

Location: The DoubleTree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Aleta Sindelar, Center for Veterinary Medicine (CVM) (HFV–3), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 301–827–4515, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12546. Please call the Information Line for up-to-date information on this meeting.

Agenda: On November 3, 2003, the committee will seek recommendations on the potential approval of fourth generation cephalosporins for use as therapeutic antibiotic new animal drugs for veterinary medicine. The committee is likely to consider both a specific drug product currently under review as well as the subject of fourth generation cephalosporins as a whole. On November 3 and 4, 2003, the committee will consider two animal biotechnology issues: cloning and genetic engineering. On November 4, the committee will consider a risk assessment on cloning through somatic cell nuclear transfer of animals that addresses both food and animal safety. On November 5, the committee will consider issues relating to the responsibilities of sponsors and investigators involved in genetic engineering research with food animals. The committee will review contemplated center information exchange approaches and assistance for investigators. The committee will provide feedback on the clarity of the message and the most efficient way to inform this group of investigators. Background information will be made available to committee members and the public in advance of the meeting and posted on CVM's home page at *http://www.fda.gov/cvm*. A limited number of paper copies of the background information will be available at the registration table.

Procedure: Interested persons may present data, information, or views, orally or in writing, on the issues pending before the committee. Written submissions may be made to the contact person by October 24, 2003. Oral presentations from the public will be scheduled between approximately 10 a.m. and 12 noon on November 3, 4, and 5, 2003. The time allotted for each presentation may be limited. Those desiring to make formal oral presentation should notify the contact person before October 27, 2003, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation. Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Anna Roy, Conference Management Staff, 301–827–2947, at least 7 days in advance of the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 9, 2003.

Peter J. Pitts,

Associate Commissioner for External Relations.

[FR Doc. 03–23781 Filed 9–17–03; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2003D–0163]

Guidance for Industry: Revised Recommendations for the Assessment of Donor Suitability and Blood Product Safety in Cases of Suspected Severe Acute Respiratory Syndrome or Exposure to Severe Acute Respiratory Syndrome; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a document entitled ''Guidance for Industry: Revised Recommendations for the Assessment of Donor Suitability and Blood Product Safety in Cases of Suspected Severe Acute Respiratory Syndrome (SARS) or Exposure to SARS,'' dated September 2003. The guidance provides revised recommendations to blood establishments for assessing donor suitability and blood product safety with respect to SARS. The guidance

document applies to Whole Blood and blood components intended for transfusion (including red blood cells for immunization) and blood components including recovered plasma, Source Leukocytes and Source Plasma intended for use in further manufacturing into injectable products or noninjectable products. The guidance announced in this document supersedes the document entitled ''Guidance for Industry: Recommendations for the Assessment of Donor Suitability and Blood Product Safety in Cases of Suspected Severe Acute Respiratory Syndrome (SARS) or Exposure to SARS,'' dated April 2003.

DATES: Submit written or electronic comments on agency guidances at any time.

ADDRESSES: Submit written requests for single copies of the guidance to the Office of Communication, Training, and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist the office in processing your request. The guidance may also be obtained by mail by calling the CBER Voice Information System at 1–800–835–4709 or 301–827–1800. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit written comments on the guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*.

FOR FURTHER INFORMATION CONTACT: Valerie A. Butler, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a document entitled ''Guidance for Industry: Revised Recommendations for the Assessment of Donor Suitability and Blood Product Safety in Cases of Suspected Severe Acute Respiratory Syndrome (SARS) or Exposure to SARS,'' dated September 2003. The guidance provides revised recommendations to blood establishments for assessing donor suitability and blood product safety with respect to SARS. The guidance document applies to Whole Blood and blood components intended for transfusion (including red blood cells for immunization) and blood components including recovered plasma, Source Leukocytes and Source Plasma intended for use in further manufacturing into injectable products or noninjectable products. FDA developed the recommendations in the guidance in consultations with other public health service agencies of the Department of Health and Human Services. The guidance announced in this document supersedes the document entitled ''Guidance for Industry: Recommendations for the Assessment of Donor Suitability and Blood Product Safety in Cases of Suspected Severe Acute Respiratory Syndrome (SARS) or Exposure to SARS,'' dated April 2003 (68 FR 20015, April 23, 2003).

The guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the agency's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirement of the applicable statutes and regulations.

II. Comments

The agency is soliciting public comment, but is implementing this guidance immediately. The agency has determined that prior public participation is not appropriate or feasible because there is an immediate need for clarification concerning whether FDA recommends that establishments continue to screen donors on the basis of travel to SARS-affected areas during time periods when the Centers for Disease Control has identified no areas as currently affected by SARS. Interested persons may, at any time, submit written or electronic comments to the Division of Dockets Management (see **ADDRESSES**) regarding this guidance. Submit a single copy of electronic comments or two paper copies of any mailed comments, except individuals may submit one paper copy. Comments are to be identified with the docket number found in the brackets in the heading of this document. A copy of the guidance and received comments are available for public examination in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the guidance at either *http://www.fda.gov/cber/guidelines.htm* or *http://www.fda.gov/ohrms/dockets/default.htm*.

Dated: September 12, 2003.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 03–23890 Filed 9–17–03; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the SAMHSA Center for Substance Abuse Prevention (CSAP) National Advisory Council in September 2003.

The agenda will include the review, discussion, and evaluation of individual grant applications. Therefore a portion of the 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).

The agenda for the open portion of the meeting will include the SAMHSA Administrator's Report, the CSAP's Director's Report, updates on the Faith-Based Summit, and Standard Funding Mechanisms, discussion on CSAP's future and new program directions for FY 2004, reports on CSAP's divisions, Council discussions, and administrative matters and announcements.

A summary of this meeting, 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. Public comments are welcome. Please communicate with the individual listed below as contact for guidance. If anyone needs special accommodations for persons with disabilities, please notify the contact listed below.

Committee Name: SAMHSA Center for Substance Abuse Prevention National Advisory Council.

Meeting Dates: Wednesday, September 17, 2003, 9 a.m.–12 noon (Closed Session); Wednesday, September 17, 2003, 1:15 p.m.–5 p.m. (Open Session); Thursday, September 18, 2003, 9 a.m.–12 noon (Open Session).

Meeting Place: Wyndham City Center Hotel, 1143 New Hampshire Avenue, NW., Washington, DC, Mt. Vernon Room (Lobby Level), Telephone (202) 775–0800.

Contact: Carol D. Watkins, Executive Secretary, 5600 Fishers Lane, Rockwall

II Building, Suite 900, Rockville, Maryland 20857, Telephone: (301) 443–9542.

Dated: September 11, 2003.

Toian Vaughn,

Executive Secretary/Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 03–23783 Filed 9–17–03; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Treatment; Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a Teleconference Meeting of the Center for Substance Abuse Treatment (CSAT) National Advisory Council to be held in September 2003.

The meeting will include the review, discussion and evaluation of grant applications reviewed by Initial Review Groups (IRGs). Therefore, the meeting will be closed to the public as determined by the SAMHSA Administrator, in accordance with Title 5 U.S.C. 552b(c)(6) and 5 U.S.C. App. 2, 10(d).

A summary of the meeting and roster of council members may be obtained from: Ms. Cynthia Graham, Executive Secretary, CSAT, National Advisory Council, Rockwall II Building, Suite 619, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443–8390.

Substantive program information may be obtained from the contact whose name and telephone number are listed below.

Committee Name: Center for Substance Abuse Treatment, National Advisory Council.

Meeting Date: September 18, 2003.

Place: Center for Substance Abuse Treatment, 5515 Security Lane, 6th Floor Conference Room, Suite 615, Rockville, MD 20852.

Type: Closed: September 18, 2003, 11 a.m. 12 p.m.

Contact: Cynthia Graham, Public Health Analyst, Telephone: (301) 443–8923, and FAX: (301) 480–6077.

This notice is being published less than fifteen days prior to the meeting date, due to urgent needs to meet timing limitation imposed by the review and funding cycle.

Dated: September 11, 2003.

Toian Vaughn,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 03–23782 Filed 9–17–03; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4817–N–15]

Notice of Proposed Information Collection for Public Comment for the General Conditions for Construction, Public Housing Programs

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* November 17, 2003.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Mildred M. Hamman, Reports Liaison Officer, Public and Indian Housing, Department of Housing & Urban Development, 451–7th Street, SW, Room 4249, Washington, DC 20410–5000.

FOR FURTHER INFORMATION CONTACT: Mildred M. Hamman, (202) 708–0614, extension 4128. (This is not a toll-free number). For hearing- and speech-impaired persons, this telephone number may be accessed via TTY (Text telephone) by calling the Federal Information Relay Services at 1–800–877–8339 (toll-free).

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

The General Conditions of the Construction Contract; Public Housing Programs (HUD–5370) is required for construction contracts awarded by Public Housing Agencies (PHAs). The General Conditions provide PHAs, contractors and subcontractors, the requirements for performance and compliance for project construction under the conventional bid method and modernization. The General Condition clauses were implemented by 24 CFR 85.36.

This notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (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; (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 collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

This Notice Also Lists the Following Information

Title of Proposal: General Conditions of the Construction Contract; Public Housing Programs.

OMB Control Number: 2577–0094.

Description of the Need for the Information and Proposed Use: The General Conditions provide PHAs, contractors and subcontractors, performance and compliance requirements for project construction under the conventional bid method and modernization. If the General Conditions were not used by PHAs in solicitations, they would be unable to enforce their contracts. The General Conditions include those clauses required by OMB's Common Rule on grantee procurement, implemented by HUD at 24 CFR 85.36, HUD program regulations on grantee procurement; those requirements set forth in Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C 1701u, Section 3, for the employment, training, and contracting opportunities for low-income persons), implemented by HUD at 24 CFR 135.

Agency Form Numbers: HUD–5370.

Members of the Affected Public: PHAs, State and Local Governments; business or other for-profit.

Estimation including the Total Number of Hours Needed to Prepare the Information Collection for the Number of Respondents, Frequency of response, and hours of response: 2,694 responses (624 development and 2,070 modernization), one response per construction contract, one response per

construction contract, hour per response, 2,694 total burden hours.

Status of the Proposed Information Collection: Extension.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: September 12, 2003.

Michael Liu,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 03–23883 Filed 9–17–03; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4815–N–73]

Notice of Submission of Proposed Information Collection to OMB; Emergency Comment Request HOME Program Competitive Reallocation of Funds; Notice of Proposed Information Collection for Public Comment

AGENCY: Office of the Chief Information Officer.

ACTION: Notice of proposed information collection.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for emergency review and approval, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* September 25, 2003.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within seven (7) days from the date of this Notice. Comments should refer to the proposal by name/or OMB approval number) and should be sent to: Lauren Wittenberg, HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; e-mail: *Lauren_Wittenberg@omb.eop.gov;* fax: (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, AYO, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; e-mail: *Wayne_Eddins@HUD.Gov*; telephone (202) 708–2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: This Notice informs the public that the U.S. Department of Housing and Urban Development (HUD) has submitted to OMB, for emergency processing, a proposed information collection for selecting applicants for the HOME Investment Partnerships Program (HOME) Competitive Reallocation of funds to provide Permanent Housing for the Chronically Homeless. Section 92.452 of HOME Program regulations states that HUD will reallocate any community housing development organization (CHDO) funds reduced or recaptured by HUD from a participating jurisdiction's HOME Investment Trust Fund by competition, in accordance with criteria in Section 92.453, to other participating jurisdictions for affordable housing developed, sponsored, or owned by (CHDOs).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to (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; (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 collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: HOME Program Competitive Reallocation of Funds

Description of Information Collection: This is a new information collection. The competitive reallocation of funds to provide permanent housing for the chronically homeless will be announced in a Notice of Funding Availability (NOFA). These grants are to fund acquisition, rehabilitation or new construction of rental housing, to be occupied by persons meeting the definition of chronically homeless at the time they are selected as tenants.

OMB Control Number: Pending.

Agency Form Numbers: HUD–424, HUD–2880 and HUD–2993.

Members of Affected Public: State and local government.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of responses, and hours of responses: An estimation of the total number of hours needed to prepare the information collection is 4,000, number of respondents is 100, frequency of response is one time, and the total hours per respondent is 40.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: September 15, 2003.

Donna Eden,

Director, Office of the Chief Information Officer, Office of Investment, Strategy, Policy, and Management.

[FR Doc. 03–23884 Filed 9–17–03; 8:45 am]

BILLING CODE 4210–72–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4837–D–45]

Consolidated Redelegation of Authority for Office of Public and Indian Housing

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of supersedure and redelegation of authority.

SUMMARY: This notice supersedes the redelegation of authority pertaining to the Office of Public and Indian Housing published October 7, 1994.

EFFECTIVE DATE: September 9, 2003.

FOR FURTHER INFORMATION CONTACT: Robert Dalzell, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4228 Washington, DC 20410–5000, telephone (202) 708–0440. (This is not a toll-free number.) Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: This notice supersedes the redelegation of authority published in the **Federal Register** on October 7, 1994 (59 FR 51200), and provides guidance to staff concerning their specific functions and responsibilities under the programs for which all powers and authorities are redelegated through this notice.

The notice of redelegated authority supersedes the October 7, 1994 (59 FR 51200) notice that redelegated to the Office of Public Housing Hub Directors, all powers and authorities necessary to administer Public and Indian Housing (PIH) programs including, but not limited to the powers and authorities needed to perform the functions enumerated in this notice, except for those authorities which are specifically excepted from this redelegation of authority.

Subject to the restrictions of this notice, the Hub Office of Public Housing Directors may further redelegate their

authority to Program Center Coordinators, Hub Deputy Directors and Division Directors of Public Housing in HUD field offices as determined appropriate to efficiently manage office operations.

Section A. Authority Superseded

The redelegation of authority contained within the revocation and redelegation of authority published on October 7, 1994 (59 FR 51200), is superseded by and replaced with this redelegation of authority.

Section B. Authority Redelegated for Management and Operation of PIH Programs

The Assistant Secretary for Public and Indian Housing redelegates to the Public Housing Hub Directors, all powers and authorities necessary to administer PIH programs, including but not limited to those needed to perform the functions enumerated, except for the authority specifically excepted in this notice. In accordance with a written delegation of authority, Hub Office of Public Housing Directors may further redelegate their authority to Program Center Coordinators, Hub Deputy Directors and to all other ranking program officials on site or out-stationed. This general and specific program authority may be further redelegated, as appropriate, by Hub Office Directors, Program Center Coordinators, Hub Deputy Directors and all other ranking program officials on site or out-stationed, in accordance with a written redelegation of authority.

Section C. Authority for General Management Excepted

The authority redelegated under Section B does not include:

1. The authority to issue or waive regulations;
2. The authority to sue and be sued;
3. The authority to effect remedies for noncompliance requiring notice and opportunity for administrative hearing;
4. Initial allocation of funds and reallocation of funding among field offices;
5. Preparing the departmental budget and legislative proposals for consideration by Congress;
6. Waiving provisions of the Annual Contributions Contract (ACC), except as expressly provided by regulation, notice or other directive;
7. Waiving provisions and instructions of PIH directives relating to the obligation and payment of operating subsidies;
8. Issuance of program regulations, Notices of Funding Availability (NOFAs), handbooks, notices and other HUD issuances relating to PIH program administration;
9. Determining substantial breach or default of the ACC;
10. Declaring breach or default in response to any violation of statute regulations or the ACC, and in taking possession or title of properties of the PHA;
11. Soliciting competitive proposals from other PHAs and private management companies for managing all or part of the public housing administered by the PHA.

Section D. Authority Redelegated for Program-Specific Functions

In addition to the general redelegations listed in Section B, and subject to the excepted authority in Section C., the Assistant Secretary for Public and Indian Housing redelegates authority for administration of programs under the following statutory authorities:

1. Public Housing Development under the U.S. Housing Act of 1937 (42 U.S.C. 1437 *et seq.*), and implementing regulations;
2. Public Housing Operating Subsidy under Section 9, U.S. Housing Act of 1937, (42 U.S.C.1437g) and related implementing regulations;
3. Public Housing Modernization; Capital Program and related implementing regulations;
4. Section 8 Rental Voucher Program under Section 8(o), U.S. Housing Act of 1937 (42 U.S.C. 1437f(o);
5. Section 8 Rental Certificate Program under Section 8, U.S. Housing Act of 1937 (42 U.S.C. 1437f) and related implementing regulations;
6. Section 8 Moderate Rehabilitation Program under Section 8, U.S. Housing Act of 1937 (42 U.S.C. 1437f), except for Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) Program, and related implementing regulations;
7. All sub-components of these programs such as, but not limited to Family Self-Sufficiency, Family Unification, HOPE for Elderly Independence and Service Coordinators, HUD-Veterans Administration Supportive Housing, and Moving to Opportunity;
8. Public Housing Energy Performance Contracting and Energy Efficiency Initiatives and related implementing regulations; and
9. Public Housing and Moderate Rehabilitation Admissions and Occupancy and related implementing regulations.

Section E. Specific Program Authority Excepted

The authority redelegated under Section D. does not include:

1. The authority to score PHAs under the Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) and their respective implementing regulations, approving Demolition and Disposition of Public Housing (except the authority granted to the Director of the Special Applications Center as noted in Section F).
2. The authority to approve special rent adjustments;
3. The authority to conduct tax credit (subsidy layering) reviews;
4. The authority to approve PHA requests for exception rents;
5. The authority to approve grant extension requests for the following resident empowerment programs except for the Resident Opportunities and Self-Sufficiency (ROSS) program, or except as may be otherwise noted:

5a. Public and Indian Resident Empowerment Programs, including: Tenant Opportunity Program; Public and Indian Housing Drug Elimination Program (including PHDEP New Approach, Technical Assistance and Youth Sports); Service Coordinators in Public Housing; Public and Indian Family Investment Centers; Public and Indian Housing Youth Family Investment Centers; Public Housing Youth Apprenticeship Program; Public and Indian Housing Economic Development and Supportive Services Program; and

5b. Homeownership and Opportunity for People Everywhere (HOPE I); Section 5(h) Homeownership Program (Section 5(h) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(h); Turnkey III Homeownership Program, including: Turnkey III Debt Forgiveness, and Turnkey III Return to Rental; and HOPE VI. All authority for the HOPE VI program remains under the purview of Headquarters except for those activities and functions specifically delegated by formal memorandum to individual field offices.

Section F. Authority Redelegated to the Director of the Special Applications Center

The Assistant Secretary for PIH redelegates authority to the Director of the Special Applications Center except for those authorities specifically excepted in Sections C. and E., as follows:

The Director of SAC may exercise the authority to disapprove an application for demolition or disposition or an agreement for the taking of public housing property in eminent domain proceedings on the ground that the application or agreement is prohibited by or inconsistent with applicable

Federal law only with the concurrence of the Assistant Secretary for Public and Indian Housing or the Assistant Secretary's designee.

Authority: Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: September 9, 2003.

Michael Liu,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 03–23882 Filed 9–17–03; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–930–1430–ET; COC–59980]

Public Land Order No. 7582; Withdrawal of Public Land and Reserved Federal Mineral Interest for the Rio Blanco Project Site; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 200 acres of public land from surface entry and mining and 160 acres of reserved Federal mineral interest from mining, for the Department of Energy for a 50-year period to protect the public from subsurface contamination at the Rio Blanco Project Site.

EFFECTIVE DATE: September 18, 2003.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215–7093, 303–239–3706.

SUPPLEMENTARY INFORMATION: The land will remain open to mineral leasing, subject to approval by the Department of Energy.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. Subject to valid existing rights, the following described land is hereby withdrawn from settlement, sale, location, and entry under the public land laws, including the United States mining laws (30 U.S.C. Ch. 2 (2000)), but not the mineral leasing laws, to protect the public from subsurface contamination at the Department of Energy Rio Blanco Project Site:

Sixth Principal Meridian

T. 3 S., R. 98 W.,
sec. 10, SE¼SE¼;
sec. 11, SW¼SW¼;
sec. 14, NW¼NW¼;
sec. 15, E½NE¼.

The area described contains 200 acres in Rio Blanco County.

2. Subject to valid existing rights, the following described reserved Federal mineral interest is withdrawn from location and entry under the United States mining laws (30 U.S.C. Ch 2 (2000)), but not the mineral leasing laws, to protect the public from subsurface contamination at the Department of Energy Rio Blanco Project Site:

Sixth Principal Meridian

T. 3 S., R. 98 W.,
sec. 11, SE¼SW¼;
sec. 14, E½NW¼ and SW¼NW¼.

The area described contains 160 acres in Rio Blanco County.

3. The Bureau of Land Management will maintain jurisdiction over surface management of the land described in Paragraph 1.

4. This withdrawal will expire 50 years from the effective date of this order, unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1994), the Secretary determines that the withdrawal shall be extended.

Dated: September 3, 2003.

Rebecca W. Watson,

Assistant Secretary—Land and Minerals Management.

[FR Doc. 03–23827 Filed 9–17–03; 8:45 am]

BILLING CODE 1430–JB–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Delegation to States, State of Alaska

ACTION: Solicitation of comments.

SUMMARY: The State of Alaska has requested a delegation of audit and investigation authority from the Minerals Management Service (MMS). This Notice gives the public an opportunity to review and comment on the State's proposal, which is posted on our Web site at *http://www.mrm.mms.gov/Laws_R_D/FRNotices/FRNotices.htm.*

DATES: Submit written comments on or before October 20, 2003.

ADDRESSES: Address your comments and suggestions regarding this proposal to Sharron L. Gebhardt, Regulatory Specialist by one of the following:

- Regular U.S. mail: Center for Excellence, Minerals Revenue Management, Minerals Management Service, P.O. Box 25165, MS 320B2, Denver, Colorado 80225–0165; or
- Overnight mail or courier: Attn: Sharron L. Gebhardt, 303–231–3211, Center for Excellence, Minerals Revenue Management, Minerals Management Service, Building 85, Room A614, Denver Federal Center, Denver, Colorado 80225–0165; or
- Email: *MRM.comments@mms.gov.* Please submit Internet comments as an ASCII file and avoid the use of special characters and any form of encryption. Also, please include ''Attn: Delegation to States, State of Alaska; Solicitation of Comments'' and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, call the contact person listed below.

FOR FURTHER INFORMATION, CONTACT: Sharron L. Gebhardt at telephone (303) 231.3211, fax (303) 231.3781, email *sharron.gebhardt@mms.gov,* or P.O. Box 25165, MS320B2, Denver Federal Center, Denver, Colorado 80225–0165.

SUPPLEMENTARY INFORMATION:

Introduction: The Secretary of the U.S. Department of the Interior (DOI) is responsible for collecting royalties from lessees who produce minerals from leased Federal and Indian lands. The Secretary is required by various laws to manage mineral resources production on Federal and Indian lands; collect the royalties due; perform audits, inspections, and investigations related to mineral royalties; and distribute the funds in accordance with those laws. MMS performs the royalty management functions and assists the Secretary in carrying out DOI's Indian trust responsibility.

The Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA), 30 U.S.C. 1701 *et seq.*, and specifically section 205 of FOGRMA, 30 U.S.C. 1735 provide for the delegation of audits, inspections, and investigations to States.

The State of Alaska proposes to conduct audits and investigations for producing Federal oil and gas leases within the State, for producing Federal oil and gas leases in the Outer Continental Shelf subject to revenue sharing under 8(g) of the Outer Continental Shelf Lands Act, 43 U.S.C. 1337 (g), and for other producing solid mineral or geothermal Federal leases within the State. The State requests 100 percent funding of the delegated functions for a 3-year period. We anticipate beginning on October 1, 2003, with an option to extend for an additional 3-year period.

Background: The State of Alaska had a cooperative agreement with MMS

from March 27, 1985, to June 30, 1989. Consequently, MMS has determined that a formal hearing for comments will not be held under 30 CFR Section 227.105. This Notice provides the opportunity for public comment on the State's proposal, which was initially submitted on May 3, 1999. However, under the FOGRMA statutory requirements, MMS was prohibited from allowing the State to conduct audits on Alaskan Native Lands without the express written permission of Cook Inlet Regional, Inc. (CIRI), an Alaskan Native corporation that shares joint ownership interest in numerous leases with the Federal Government. On March 6, 2003, MMS received written approval from CIRI for the Alaska Department of Natural Resources to audit these jointly owned leases, on the condition that MMS will continue to provide all information to CIRI as in the past. If this delegation proposal is approved, Alaska will join 10 other States that have audit delegation agreements with MMS.

Dated: August 28, 2003.

Lucy Querques Denett,

Associate Director for Minerals Revenue Management.

[FR Doc. 03–23858 Filed 9–17–03; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–492]

In the Matter of Certain Plastic Grocery and Retail Bags; Notice of Decision Not To Review an Initial Determination Granting a Motion To Amend the Complaint and Notice of Investigation To Add Six Respondents

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) issued by the presiding administrative law judge (ALJ) in the above-captioned investigation amending the complaint and notice of investigation to add six entities as respondents in the investigation.

FOR FURTHER INFORMATION CONTACT: Andrea Casson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–3105. Copies of all nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on May 1, 2003, based on a complaint filed by Superbag Corp. (''Superbag'') of Houston, Texas, against four respondents. 68 FR 24755. Superbag's complaint alleges violations of section 337 of the Tariff Act of 1930 in the importation into the United States, sale for importation, and/or sale within the United States after importation of certain T-styled plastic grocery and retail bags that infringe one or more of claims 1–8 and 15–19 of Superbag's U.S. Patent No. 5,188,235.

On August 8, 2003, Superbag filed a motion to amend its complaint to add the following six entities as respondents in the investigation: Advance Polybag, Inc. of Metarie, Louisiana; Universal Polybag Co., Ltd. of Thailand; Prime Source International LLC of Westerville, Ohio; Nantong Huasehng Plastic Products Co. of China; Bee Lian Plastic Marketing PTE Ltd. of Singapore; and Polson Products Limited of Hong Kong. The Commission investigative attorney supported the motion. Two of the proposed new respondents, Advance Polybag and Universal Polybag, opposed the motion.

On August 22, 2003, the ALJ issued an ID (Order No. 7) granting Superbag's motion. No petitions for review of the ID were filed.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and section 210.42(h) of the Commission Rules of Practice and Procedure, 19 CFR 210.42(h).

By order of the Commission.

Issued: September 12, 2003.

Marilyn R. Abbott,

Secretary.

[FR Doc. 03–23803 Filed 9–17–03; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Appointment of Individuals to Serve as Members of Performance Review Boards

AGENCY: United States International Trade Commission.

ACTION: Appointment of Individuals to serve as members of Performance Review Board.

EFFECTIVE: September 12, 2003.

FOR FURTHER INFORMATION CONTACT: Jeri L. Buchholz, Director of Human Resources, U.S. International Trade Commission (202) 205–2651.

SUPPLEMENTARY INFORMATION: The Chairman of the U.S. International Trade Commission has appointed the following individuals to serve on the Commission's Performance Review Board (PRB):

Chairman of PRB—Vice-Chairman Jennifer A. Hillman
Member—Commissioner Marcia E. Miller
Member—Commissioner Stephen Koplan
Member—Commissioner Charlotte R. Lane
Member—Robert A. Rogowsky
Member—Lyn M. Schlitt
Member—Stephen A. McLaughlin
Member—Eugene A. Rosengarden
Member—Lynn I. Levine
Member—Robert G. Carpenter

This notice is published in the **Federal Register** pursuant to the requirement of 5 U.S.C. 4314(c)(4). Hearing-impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 205–1810.

Issued: September 15, 2003.

By order of the Chairman.

Marilyn R. Abbott,

Secretary.

[FR Doc. 03–23861 Filed 9–17–03; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Pursuant to 28 CFR 50.7, notice is hereby given that on September 2, 2003, a proposed Consent Decree in *United States* v. *Bollman Trucking Company, Christiana Motor Freight Company, and F & H Transport Inc.,* Civil Action No. 03–849 was lodged with the United States District Court for the District of Delaware.

In this action the United States sought injunctive relief and response costs from Bollman Trucking Company, Christiana Motor Freight Company, and F & H Transport Inc. (''Settling Defendants''), in connection with the Halby Chemical Superfund Site in Wilmington, New Castle County, Delaware (''the Halby Site''). The Consent Decree requires that the Settling Defendants pay a total of $75,000 in reimbursement of response costs relating to the Halby Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Please address comments to the Assistant Attorney General, Environmental and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and refer to *United States* v. *Bollman Trucking Company, Christiana Motor Freight Company, and F & H Transport Inc.,* D.J. Ref. 90–11–2–719/3.

The Consent Decree may be examined at the Office of the United States Attorney for the District of Delaware, 1201 Market Street, Suite 1100, Wilmington, DE 19899–2046 and at U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103. During the public comment period, the Consent Decree, may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/open.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $8.00 for the Consent Decree only or $42.75 for the Consent Decree and attachments (25 cents per page reproduction cost) payable to the U.S. Treasury.

Robert Brook,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 03–23790 Filed 9–17–03; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States of America* v. *Madison County Executive Airport Authority,* in the United States District Court for the Northern District of Alabama, CV–03–H–2484–NE, was lodged with the United States District Court for the Northern District of Alabama on September 8, 2003.

This proposed Consent Decree concerns a complaint filed by the United States against Madison County Executive Airport Authority, pursuant to CWA Section 301(a), 33 U.S.C. 1311(a), to obtain injunctive relief from the Defendant for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations by requiring the Defendants to restore the impacted areas and to perform mitigation.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to John Charles Bell, Assistant United States Attorney for the Northern District of Alabama, United States Department of Justice, 1801 4th Avenue, North, Birmingham, Alabama 35203 and refer to Madison County Executive Airport Authority, DJ#–5–1–1–16579.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Northern District of Alabama, 1729 Hugo Black Courthouse, Birmingham, Alabama 35203. In addition, the proposed Consent Decree may be viewed at *http://www.usdoj.gov/enrd/open.html.*

John Charles Bell,

Assistant United States Attorney.

[FR Doc. 03–23789 Filed 9–17–03; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

September 11, 2003.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation, contact Darrin King on 202–693–4129 (this is not a toll-free number) or E-Mail: *King.Darrin@dol.gov.*

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Bureau of Labor Statistics (BLS), Office of Management and Budget, Room 10235, Washington, DC 20503 (202–395–7316/ this is not a toll-free number,) within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Bureau of Labor Statistics.

Type of Review: Revision of a currently approved collection.

Title: BLS/OSHS Federal/State Cooperative Agreement (Application Package).

OMB Number: 1220–0149.

Affected Public: State, Local, or Tribal govt.

Frequency: Quarterly and annually.

Type of Response: Recordkeeping and reporting.

Number of Respondents: 56.

Information collection requirements	Total respondents	Frequency	Annual responses	Average response time (hours)	Annual burden hours
BLS–OSHS Work Statements	56	Annually	56	2	112
BLS–OSHS1	56	Annually	56	2	112
BLS–OSHS2	56	Quarterly	224	1	224
Total:			336		448

Total Annualized capital/startup costs: $0.

Total annual costs (operating/maintaining systems or purchasing services): $0.

Description: This collection is approved for an abbreviated period to allow BLS to develop the capability to accept electronic submission of responses, including electronic signatures, by the time of next submission of this collection. If BLS is unable to accommodate this deadline, it must report the reasons to OMB at the earliest possible time.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 03–23844 Filed 9–17–03; 8:45 am]

BILLING CODE 4510–24–M

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Extension of Information Collection Request Submitted for Public Comment; Summary Plan Description Requirements under ERISA

AGENCY: Employee Benefits Security Administration, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employee Benefits Security Administration is soliciting comments on the proposed extension of the Summary Plan Description Requirements under ERISA.

A copy of the information collection request (ICR) can be obtained by contacting the individual shown in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office shown in the *Addresses* section on or before November 17, 2003.

ADDRESSES: Gerald B. Lindrew, Office of Policy and Research, Employee Benefits Security Administration, 200 Constitution Avenue NW., Washington, DC 20210, (202) 693–8410; FAX (202) 219–5333 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION:

I. Background

Section 104(b) of the Employee Retirement Income Security Act of 1974 (ERISA) requires that the administrator of an employee benefit plan furnish plan participants and certain beneficiaries with a Summary Plan Description (SPD) which describes, in language understandable to an average plan participant, the benefits and rights and obligations of participants in the plan. The information required to be contained in the SPD is set forth in section 102(b) of the statute. To the extent that there is a material modification in the terms of the plan or a change in the required content of the SPD, section 104(b)(1) requires that the administrator furnish participants and beneficiaries with a summary of material modifications (SMM) or summary of material reduction (SMR). Information collection requests pertaining to SPD and SMM or SMR are found in regulations at 29 CFR 2520.102–2 and 102–3, and 29 CFR 104b–2 and 104b–3.

II. Review Focus

The Department is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

III. Current Actions

The Office of Management and Budget's (OMB) approval of this ICR will expire on November 30, 2003. After considering comments received in response to this notice, the Department intends to submit the ICR to OMB for continuing approval. No change to the existing ICR is proposed or made at this time.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Summary Plan Description Requirements under ERISA.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0039.

Affected Public: Individuals or households; business or other for-profit; not-for-profit institutions.

Respondents: 900,000.

Responses: 50,000,000.

Estimated Total Burden Hours: 1,100,000.

Estimated Total Burden Cost (Operating and Maintenance): $400,000,000.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the information collection request; they will also become a matter of public record.

Dated: September 12, 2003.

Gerald B. Lindrew,

Deputy Director, Office of Policy and Research, Employee Benefits Security Administration.

[FR Doc. 03–23842 Filed 9–17–03; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Federal Economic Statistics Advisory Committee; Notice of Open Meeting and Agenda

The sixth meeting of the Federal Economic Statistics Advisory Committee will be held on October 17, 2003 in the Postal Square Building, 2 Massachusetts Avenue NE., Washington, DC.

The Federal Economic Statistics Advisory Committee is a technical committee composed of economists, statisticians, and behavioral scientists who are recognized for their attainments and objectivity in their respective fields. Committee members are called upon to analyze issues involved in producing Federal economic statistics and recommend practices that will lead to optimum efficiency, effectiveness, and cooperation among the Department of Labor, Bureau of Labor Statistics and the Department of Commerce, Bureau of Economic Analysis and Bureau of the Census.

The meeting will be held in Meeting Rooms 1 and 2 of the Postal Square Building Conference Center. The schedule and agenda for the meeting are as follows:

9:15 a.m. Opening Session
9:30 a.m. Update on past agenda topics
10:15 a.m. Agency imputation procedures (business surveys)
1:15 p.m. The CPS–CES Gap
3 p.m. Data sharing
4 p.m. Priorities for future meetings
4:30 p.m. Conclude (approximate time)

The meeting is open to the public. Any questions concerning the meeting should be directed to Margaret Johnson, Federal Economic Statistics Advisory Committee, on Area Code (202) 691–5600. Individuals with disabilities, who need special accommodations, should contact Ms. Johnson at least two days prior to the meeting date.

Signed at Washington, DC, the 10th day of September, 2003.

Kathleen P. Utgoff,

Commissioner of Labor Statistics.

[FR Doc. 03–23843 Filed 9–17–03; 8:45 am]

BILLING CODE 4510–24–P

OFFICE OF NATIONAL DRUG CONTROL POLICY

New England Governor's Summit to be Held on October 8, 2003 in Boston, MA

AGENCY: Office of National Drug Control Policy.

ACTION: Notice.

SUMMARY: A Summit of New England Governors will be held on Wednesday, October 8, 2003, in Boston, Massachusetts at Historic Faneuil Hall, Merchant's Row, Boston, Massachusetts 02109. The Summit will begin at 9:30 a.m. on Wednesday, October 8, 2003, and will conclude at 1 p.m. The agenda will include three panels hearing testimony addressing three national issues of particular regional importance: (1) Heroin Use in New England; (2) the President's treatment initiative entitled Access to Recovery; and (3) medical marijuana. Members of the public who wish to attend the meeting should telephone ONDCP's New England Governor's Summit RSVP telephone line at (202) 395–6637 to arrange building access.

FOR FURTHER INFORMATION CONTACT: Brian Ferguson at (202) 395–6637.

Dated: September 15, 2003.

Linda V. Priebe,

Assistant General Counsel.

[FR Doc. 03–23838 Filed 9–17–03; 8:45 am]

BILLING CODE 3180–02–P

OFFICE OF NATIONAL DRUG CONTROL POLICY

Appointment of Members of Senior Executive Services Performance Review Board

AGENCY: Office of National Drug Control Policy (ONDCP).

ACTION: Notice of appointments.

SUMMARY: The following persons have been appointed to the ONDCP Senior Executive Service Performance Review Board: Mr. Mark Coomer, Mr. Edward H. Jurith, Ms. Christine Morden, and Mr. David Rivait.

FOR FURTHER INFORMATION: Please direct any questions to Linda V. Priebe, Assistant General Counsel (202) 395–6622, Office of National Drug Control Policy, Executive Office of the President, Washington, DC 20503.

Linda V. Priebe,

Assistant General Counsel.

[FR Doc. 03–23801 Filed 9–17–03; 8:45 am]

BILLING CODE 3180–02–P

NATIONAL SCIENCE FOUNDATION

Notice of Intent to Prepare a Comprehensive Environmental Evaluation (CEE) for the Construction and Operation of a High-Energy Neutrino Telescope (Project IceCube) at the South Pole

AGENCY: National Science Foundation.

SUMMARY: The National Science Foundation proposes to construct and operate a high-energy neutrino telescope at the South Pole. The telescope is designed to detect subatomic particles (*i.e.,* neutrinos) from distant astrophysical sources in the universe. The proposed telescope is a second-generation instrument based on the successful evolution of a smaller neutrino telescope at the South Pole. The proposed telescope will consist of an array of optical modules arranged on the surface and to a depth of 2,400 meters covering a cubic kilometer of ice in the polar ice sheet. The new instrument would be the largest telescope of its type ever built. The telescope would be installed in the ice sheet over a 6-year period and would have a design life of 25 years. The project would be supported by a combination of resources dedicated to the project as well as resources provided by the Amundsen-Scott South Pole Station. Operation of the telescope would facilitate discoveries in astronomy, astrophysics, cosmology and particle physics, and would be consistent with the National Science Foundation's mission to support scientific investigations in Antarctica (Presidential Memorandum 6646, February 5, 1982).

The Director of the Office of Polar Programs of the National Science Foundation intends to prepare a comprehensive environmental evaluation (CEE) within the procedures of the Protocol on Environmental Protection to the Antarctic Treaty and consistent with implementing regulations for the National Environmental Policy Act (NEPA) for the decision to construct and operate a high-energy neutrino telescope at the South Pole.

DATES: The draft comprehensive environmental evaluation is expected to be available to the public approximately January 2004. Comments on this notice of intent will be of most use if they are received before December 10, 2003.

ADDRESSES: Written comments should be submitted to Dr. Polly A. Penhale, Program Manager, Office of Polar Programs, Room 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

FOR FURTHER INFORMATION CONTACT: Dr. Polly A. Penhale at the address above or tel: (703) 292–8030, fax: (703) 292–9081, e-mail: *ppenhale@nsf.gov.*

SUPPLEMENTARY INFORMATION: The National Science Foundation (NSF) manages and funds United States activities in Antarctica. The NSF is responsible for the U.S. Antarctic

Research Program as well as operation of three active U.S. research stations in Antarctica, including the Amundsen-Scott South Pole Station. The South Pole is a geophysically unique site for important research in astronomy and astrophysics. The clear ice and location on the earth's axis provide one of the best sites to search for distant phenomena such as the formation of stars and galaxies, and the growth and structure of the universe.

Neutrinos are high-energy subatomic particles produced by the nuclear reactions such as decay of radioactive elements, and are relics of high energy events that occur in the universe. Unlike photons of other charged particles, neutrinos can travel long distances unaffected by interference from magnetic fields or matter. These characteristics make neutrinos a valuable tool for the study of the universe. Searches for neutrinos from Supernova, dark matter, point sources of muon neutrinos and diffuse sources of high energy electron and muon neutrinos have demonstrated the physics potential of a deep ice neutrino detector.

In the late 1980's, the National Science Foundation funded a R&D proposal for construction and operation of the first high-energy neutrino telescope in the ice sheet at the South Pole, known as the Antarctic Muon and Neutrino Array and Detector (AMANDA). AMANDA is a prototype neutrino telescope which serves as a large volume detector to study very high energy cosmic ray neutrinos using a system of optical modules (*i.e.,* photomultiplier detectors) installed in the thick ice sheet at the South Pole. The AMANDA project was conducted in several phases (AMANDA–A, AMANDA–B10, AMANDA–II), and included the installation of over 900 optical modules at depths up to 2,350 meters in the ice sheet. During the AMANDA project, techniques were developed and later refined for drilling holes and deploying strings of optical modules deep into the ice sheet. The scientific results that are available from the AMANDA project have verified the function of the detector at the required level of sensitivity over several energy ranges, and have enabled the reconstruction of more than one hundred atmospheric neutrino events, thereby demonstrating the ''proof of concept''.

The successful deployment and operation of the AMANDA detector has shown that the Antarctic Ice sheet is an ideal medium and location for a large neutrino telescope and that a proven technology is available. However, results from the AMANDA detector has shown that a much larger detector is needed to provide optimum angular and energy resolution and achieve the sensitivity required to detect a wide diversity of possible signals from distant sources. Based on AMANDA's performance, researchers have calculated that a telescope of one cubic kilometer in volume would be needed to achieve these scientific goals and meet the required level of performance. Project IceCube represents the neutrino telescope system designed to meet these objectives.

Project IceCube would feature the design, installation and operation of a second-generation high-energy neutrino telescope at the South Pole. The telescope would be located approximately 0.5 kilometers from the Amundsen-Scott Station and adjacent to the existing aircraft skyway. Project IceCube would capitalize upon the technologies developed in the AMANDA project and would consist of a deep and surface array of systematically-placed optical modules within a cubic kilometer of ice at the South Pole. The deep portion of the array would consist of 4,800 digital optical modules arranged in 80 vertical strings and placed at a depth up to 2,400 meters. The surface portion of the array would serve as an air shower detector for calibration purposes and would comprise 320 digital optical modules placed at a depth of 1 meter at locations adjacent to the vertical strings. Each component of the array would be connected to a data processing facility centrally located within the array pattern. Project IceCube would also encompass the existing AMANDA neutrino detector and the SPASE–2 air shower detector.

It is anticipated that the deep and surface components of the array will be installed over six summer seasons, beginning during the 2004/05 season. Deployment of the array strings will involve the use of a series of dedicated facilities and equipment (*i.e.,* Drilling Camp). The Drilling Camp will contain the infrastructure needed to support drilling and array deployment operations, including the power generation, water heating, fuel distribution and management. The Drilling Camp will be mobilized for operation each austral summer, and would operate 24-hours a day for approximately 59 days each year with dedicated Project staff. Penetrations into the ice sheet would be created using a Enhanced Hot Water Drill (EHWD) system which heats water to high temperature and pumps it under high pressure through a drill nozzle to create a precise hole in the ice. The EHWD design represents an evolution of the AMANDA drill optimized to more efficiently drill and deploy detector strings in the ice sheet thereby meeting Project IceCube requirements. Consistent with the experience gained through AMANDA, each hole will be filled with hot water as it is drilled and the deep array string of detectors will be lowered to its target depth and allowed to freeze, securing the string in the ice sheet.

Supplementing the resources dedicated to Project IceCube (*e.g,* personnel, equipment), additional resources would be shared with the Amundsen-Scott Station including personnel support facilities and services (*e.g.,* berthing, food), cargo, fuel, waste handling facilities, and communications services to facilitate data upload. Logistical support for the transportation of Project materials and personnel from McMurdo Station, Antarctica, to the South Pole would be provided by the existing fleet of LC–130 aircraft. Most materials and equipment would be expected to be transported to McMurdo Station by ship. Because the South Pole Station Modernization Project (SPSM) will be ongoing through 2007, careful planning of shared resources, particularly personnel support facilities and services, would be needed to ensure that the requirements of ongoing station operations, SPSM, and Project IceCube can be met without significant compromise. Selected resources from the old station scheduled to be decommissioned during SPSM (*e.g.,* Summer Camp) may be made available to Project IceCube as they become available.

The proposed action to initiate installation of the Project IceCube detectors in 2004/05 austral summer season using supplemental support from the Amundsen-Scott Station represents the preferred alternative (Alternative A). Other alternatives that have been considered in the CEE include the installation of Project IceCube using supplemental support from the Amundsen-Scott Station resources but following completion of SPSM in 2007 (Alternative B), the installation of Project IceCube as an independently operated facility with minimal support from the Amundsen-Scott Station (Alternative C), and the No Action Alternative, that is not proceeding with Project IceCube (Alternative D). Several additional alternatives were identified but were eliminated from consideration because they either failed to meet the scientific objectives of the Project or were not logistically feasible.

The potential environmental impacts of the proposed action that will be identified and evaluated in detail in the comprehensive environmental evaluation include:

- Physical disturbance to the snow and ice environment
- Air emissions
- Releases to the snow and environment
- Impacts to Amundsen-Scott Station operations
- Impacts to other science at the South Pole or in other areas of the USAP

Selected mitigating measures, representing specific actions or options that would be taken to reduce or avoid impacts to the environment, have already been incorporated into the design of the proposed Project. These mitigating measures will be identified in the comprehensive environmental evaluation, as well as additional measures that will be under consideration during the implementation of the Project activities.

The public is invited to comment on any aspect of the proposal. The comment period on the draft comprehensive environmental evaluation will be a minimum of 90 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

Polly A. Penhale,

Program Manager.

[FR Doc. 03–23856 Filed 9–17–03; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–400]

Carolina Power & Light Company; Notice of Partial Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Carolina Power & Light Company, *et al.* (the licensee) to withdraw a portion of its August 28, 2002, application for proposed amendment to Facility Operating License No. NPF–63 for the Shearon Harris Nuclear Power Plant, Unit 1, located in Wake and Chatham Counties, North Carolina.

The withdrawn portion of the proposed amendment would have revised Technical Specification 6.9.1.6.2 by including Topical Report EMF–2310(P)(A), ''SRP [Standard Review Plan] Chapter 15 Non-LOCA [loss-of-coolant accident] Methodology for Pressurized-Water Reactors,'' as a reference methodology used to determine core operating limits at Shearon Harris Nuclear Power Plant, Unit 1.

The other portion of the amendment application, which requested approval of topical report EMF–2328(P)(A), ''PWR [pressurized-water reactor] Small-Break LOCA Evaluation Model, S–RELAP5–Based,'' as a reference in the TS, was approved and issued as Amendment No. 114 on March 28, 2003 (68 FR 18291, April 15, 2003).

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on October 15, 2002 (67 FR 63691). However, by letter dated August 28, 2003, the licensee withdrew the portion of the proposed change described above.

For further details with respect to this action, see the application for amendment dated August 28, 2002, and the licensee's letter dated August 28, 2003, which withdrew this portion of the application for license amendment. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams/html*. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by email to *pdr@nrc.gov*.

Dated at Rockville, Maryland, this 11th day of September, 2003.

For the Nuclear Regulatory Commission.

Chandu P. Patel,

Project Manager, Section 2, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 03–23839 Filed 9–17–03; 8:45 am]

BILLING CODE 7590–01–U

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–390]

Tennessee Valley Authority; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–90 issued to Tennessee Valley Authority (the licensee) for operation of the Watts Bar Nuclear Plant, Unit 1 (WBN), located in Rhea County, Tennessee.

The proposed amendment would revise the Updated Final Safety Analysis Report to change the postulated primary-to-secondary leakage from a faulted steam generator in the main steamline break (MSLB) accident analysis.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in Title 10 of the Code of Federal Regulations (10 CFR), Section 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. 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?

No. The postulated MSLB outside of containment but upstream of the main steam isolation valves is the limiting accident relative to the voltage based alternate repair criteria for axial outside diameter stress corrosion cracking (ODSCC). It is the credible accident for determining the radiological consequences of increasing the postulated primary-to-secondary leakage. The leakage is an input parameter and does not physically alter any equipment, system performance, or operator actions required to mitigate the radiological consequences of an accident.

The postulated primary-to-secondary leakage as an input parameter is used to analyze the potential radiological consequences of a MSLB accident. This postulated leakage occurs after an accident is initiated. As a result, the proposed leakage rate is not an initiator of any accident and no new failure modes are created. Exceeding the technical specification limits on reactor coolant system (RCS) operational leakage is not permitted.

The consequences of the MSLB are currently analyzed for a one gpm primary-to-secondary accident leakage in the faulted steam generator. Increasing the postulated accident leakage to three gpm increased the radiological consequences. This is a small increase in leakage which is not considered significant since the dose does not exceed the appropriate fraction of the 10 CFR Part 100, ''Reactor Site Criteria,'' dose limits as specified in NUREG–0800, ''Standard Review Plan,'' for an MSLB accident or the 10 CFR Part 50, Appendix A, General Design Criteria (GDC) 19, ''Control Room,'' limits.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. No new failure modes are created by the increase in the postulated primary-to-secondary leakage during an MSLB accident. The credible failure mode associated with this increase in leakage is for a steam generator tube to rupture during the MSLB accident. The use of the alternate repair criteria for axial ODSCC at the tube support plate has been previously approved for WBN. Under the alternate repair criteria for tubes that exhibit axial ODSCC at the tube support plate, a conditional burst probability calculation is performed to provide a conservative assessment of tube structural integrity during a postulated MSLB occurring at the end-of-cycle. The calculation is compared to a threshold value. If the burst probability calculation is greater than or equal to the threshold value, then tubes will be plugged to decrease below the threshold. This limits the probability of a steam generator tube rupture during an MSLB accident. Tubes that are outside of the alternate repair criteria will be plugged as specified in the WBN technical specification to maintain integrity. Additionally, RCS operational leakages are subject to continual surveillance and an accumulation of minor leaks which exceed the limits established in the technical specification is not permitted during unit operation. As previously stated, the postulated primary-to-secondary accident leakage is an input parameter and not an initiator of any accidents. The proposed increase in leakage has no significant effect on the configuration of the plant or the manner in which it is operated.

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?

No. An increase in the primary-to-secondary leakage during an MSLB accident allows more axial ODSCC affected tubes to remain in service; however, the structural and leakage integrity of the tubes is assured by compliance with the alternate repair criteria. The affected tubes must meet specific conditions in order to remain in service. The tubes that remain in service as a result of the proposed increase in leakage must meet the requirements for determining the structural and leakage integrity. Tubes that are outside of the alternate repair criteria will be plugged as specified in the WBN technical specification to maintain integrity. The activity in the steam and power conversion system is continually monitored and an accumulation of minor leaks which exceed the limits established in the technical specification is not permitted during unit operation.

As specified in NUREG–0800, the dose mitigation features, in this case, leakage, are acceptable since the whole body and thyroid doses at the exclusion area and the lower population zone outer boundaries do not exceed the exposure guidelines. The control room doses do not exceed the requirements in 10 CFR Part 50, Appendix A, GDC 19.

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.

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. 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 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By October 20, 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 Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or electronically on the Internet at the NRC Web site *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If there are problems in accessing the document, contact the Public Document Room Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov.* 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 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 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: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. Because of the 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 petition for leave to intervene and request for hearing 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 General Counsel, Tennessee Valley Authority, ET 11A, 400 West Summit Hill Drive, Knoxville, TN 37902, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the 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 dated September 8, 2003, and supplement dated September 11, 2003, which are available for public inspection at the Commission's PDR, located at One White Flint North, File Public Area O1 F21, 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.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 12th day of September 2003.

For the Nuclear Regulatory Commission.

Margaret H. Chernoff,

Project Manager, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 03–23841 Filed 9–17–03; 8:45 am]

BILLING CODE 7590–01–P

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, August 22, 2003, through September 4, 2003. The last biweekly notice was published on September 2, 2003 (68 FR 52233).

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 October 16, 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, et al., Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: August 19, 2003.

Description of amendment request: The amendments would revise the Technical Specifications (TS) to modify the requirements for the containment pressure control system to eliminate a problem with circuit fluctuation as a result of electronic noise.

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 license amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment has no impact on any accident probabilities or consequences. The CPCS [containment pressure control system] functions to control the operation of the Containment Spray System and the Air Return System following certain design basis accidents. It cannot initiate any accidents by itself. Therefore, accident probabilities will be unaffected. Since the proposed change has been shown to have no effect upon any safety analysis results, the consequences of accidents will also be unaffected.

(2) The proposed license amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

As stated previously, the CPCS in and of itself cannot initiate any accident condition. No change to any method of plant operation is being proposed in conjunction with this amendment request. Therefore, no new accident types can be created.

(3) The proposed license amendment does not involve a significant reduction in a margin of safety.

The proposed amendment will have no impact on any safety margin. None of the results of any existing safety analyses is affected as a result of the proposed change. Margin of safety is related to the confidence in the ability of the fission product barriers to perform their design functions. The fission product barriers include the fuel cladding, the reactor coolant pressure boundary, and the containment. None of these fission product barriers will be affected as a result of the proposed change. Therefore, no safety margin will be 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, Legal Department (PB05E), Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina 28201–1006.

NRC Section Chief: John A. Nakoski.

Duke Energy Corporation, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, and Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina and York County, South Carolina

Date of amendment request: March 24, 2003, as supplemented June 25, 2003.

Description of amendment request: The proposed amendments would revise the Technical Specifications (TS) to relocate reactor coolant system cycle-specific parameter limits from the TS to the core operating limits reports for the Catawba and the McGuire Nuclear Stations.

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:

As required by 10 CFR 50.91(a)(1), this analysis is provided to demonstrate that the proposed license amendment does not involve a significant hazard.

Conformance of the proposed amendment to the standards for a determination of no significant hazards, as defined in 10 CFR 50.92, is shown in the following:

(1) Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The relocation of Reactor Coolant System (RCS) related cycle-specific parameter limits from the Technical Specifications (TS) to the Core Operating Limits Reports (COLR) proposed by this amendment request does not result in the alteration of the design, material, or construction standards that were applicable prior to the change. The proposed change will not result in the modification of any system interface that would increase the likelihood of an accident since these events are independent of the proposed change. The proposed amendment will not change, degrade, or prevent actions, or alter any assumptions previously made in evaluating the radiological consequences of an accident described in the UFSARS. Therefore, the proposed amendment does not result in the 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?

No. This change does 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 NRC approval of this amendment request. No changes are being made to the facility which should introduce any new accident causal mechanisms. This amendment request does not impact any plant systems that are accident initiators.

(3) Does the proposed change involve a significant reduction in margin of safety?

No. Implementation of this amendment would not involve a significant reduction in the margin of safety. Previously approved methodologies will continue to be used in the determination of cycle-specific core operating limits appearing in the COLRS. Additionally, previously approved RCS minimum total flow rates for McGuire and Catawba are retained in their respective TS

so as to assure that lower flow rates will not be used without prior NRC approval. Consequently, no safety margins will be 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, Legal Department (PB05E), Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina 28201–1006.

NRC Section Chief: John A. Nakoski.

FirstEnergy Nuclear Operating Company, Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit 1, Ottawa County, Ohio

Date of amendment request: August 11, 2003.

Description of amendment request: The proposed amendment would relocate Technical Specification (TS) Surveillance Requirement 4.5.2.f (vacuum leak rate test of the watertight enclosure for decay heat removal system valves DH–11 and DH–12) from the TSs to the Technical Requirements Manual.

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.

Under the proposed change, initial conditions and assumptions remain as previously analyzed for accidents in the Davis-Besse Nuclear Power Station Updated Safety Analysis 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.

Under the proposed change, the manner in which the watertight enclosure is sealed and tested is not altered, and the operability requirements of the watertight enclosure for Decay Heat Removal System valves DH–11 and DH–12 will continue to be adequately addressed by testing. No different accident initiators or failure mechanisms are introduced by the proposed change. 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.

Since there are no new or significant changes to the initial conditions contributing to accident severity or consequences, there are no significant reductions in a margin of safety. 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.

GPU Nuclear Inc., Docket No. 50–320, Three Mile Island Nuclear Generating Station, Unit 2, Dauphin County, Pennsylvania

Date of amendment request: July 21, 2003.

Description of amendment request: The amendment application proposes a revision to the Technical Specifications (TS) administrative controls for the radioactive effluent controls program. The proposed changes will make the Three Mile Island Nuclear Generating Station Unit 2 (TMI–2) radioactive effluent controls program technical specifications consistent with the technical specifications for the operating facility on site—Three Mile Island Nuclear Generating Station, Unit 1 (TMI–1). The proposed change adopts the TMI–1 liquid discharge limits since both TMI–1 and TMI–2 use the same liquid discharge monitor and have a common discharge pathway. The gaseous discharge limits will also be updated to reflect the current 10 CFR part 20 nomenclature along with some minor editorial changes. Additionally, the definition of a member of the public will be made consistent with the definition in 10 CFR part 20.

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. Involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The TMI–2 TS for radioactive liquid effluent release, TS 6.7.4.a.2, will be revised to be consistent with the equivalent TS for TMI–1 (TS 6.8.4.b.(2)). The change will allow up to 10 times the concentrations specified in 10 CFR Part 20, Appendix B, Table 2, Column 2. Making the limits on the liquid effluent release concentrations for TMI–2 equivalent to those for TMI–1 is justified in that both units share a common effluent monitoring instrument and a common discharge path to the Susquehanna River.

The TMI–2 TS for limits on dose rate for radioactive gaseous effluent, TS 6.7.4.a.7, will be changed from the limits in 10 CFR 20, Appendix B, Table 2, Column 1, to be consistent with the equivalent TS for TMI–1 (TS 6.8.4.b.(7)). The revised limits will be as follows: (a) For noble gases: less than or equal to 500 mrem/yr to the total body and less than or equal to 3000 mrem/yr to the skin, and (b) For tritium and all radionuclides in particulate form with half-lives greater than 8 days: less than or equal to 1500 mrem/yr to any organ. The TMI–2 TS will continue to specify that annual and quarterly doses conform to Appendix I of 10 CFR Part 50.

The other changes are administrative and do no affect plant systems.

Therefore, the proposed change does not involve a significant increase in the probability or consequence of an accident previously evaluated.

2. Create the possibility of a new or different type of accident from any accident previously evaluated?

No. These changes will affect administrative controls on radionuclides that may be released from the site. It does not change the allowable off-site dose limits for any calendar year of operations. It does not change any plant system or the ALARA philosophy on discharges. Therefore, the proposed changes do not involve the possibility of a new or different type of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety?

No. These changes will affect the administrative controls on radionuclides that may be released from the site. It does not change the allowable off-site dose limits for any calendar year of operations. It does not change any plant system and will not affect the actual discharges from the plant. Therefore, there cannot be 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: Mary E. O'Reilly, Esq., First Energy Legal Department, 76 South Mail Street, Akron, OH 44308.

NRC Section Chief: Scott W. Moore.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: August 28, 2003 (superseded the July 18, 2003, application).

Description of amendment request: The proposed amendment will increase the licensed power level to 1524 megawatts thermal (MWt) or 1.60 percent greater than the current power level of 1500 MWt. The requested increase in licensed rated power is the result of a measurement uncertainty recapture (MUR) power uprate. The information provided in support of this request is based on the NRC's Regulatory Issue Summary 2002–03, ''Guidance on the Content of Measurement Uncertainty Recapture Power Uprate Applications,'' dated January 31, 2002.

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.

There are no changes as a result of the MUR power uprate to the design or operation of the plant that could affect system, component, or accident functions. All systems and components function as designed and the performance requirements have been evaluated and found to be acceptable. The reduction in power measurement uncertainty allows for safety analyses to continue to be used without modification. This is because the safety analyses dependent on power level were performed or evaluated at 102% of 1500 MWt (1530 MWt) or higher. Analyses at these power levels support a core power level of 1524 MWt with a measurement uncertainty of 0.4%. Radiological consequences of USAR [Updated Safety Analysis Report] Chapter 14 accidents were assessed previously using the alternate source term methodology (Reference 10.2 [of the August 28, 2003, application]). These analyses were performed at 102% of 1500 MWt (1530 MWt) and continue to be bounding. Updated Safety Analysis Report (USAR) Chapter 14 analyses and accident analyses continue to demonstrate compliance with the relevant accident analyses' acceptance criteria.

Therefore, there is no significant increase in the consequences of any accident previously evaluated.

The primary loop components (reactor vessel, reactor internals, control element drive mechanisms, loop piping and supports, reactor coolant pumps, steam generators, and pressurizer) were evaluated at an uprated core power level of 1524 MWt and continue to comply with their applicable structural limits. These analyses also demonstrate the components will continue to perform their intended design functions. Changing the heatup and cooldown curves is based on uprated fluence values. This does not have a significant effect on the reactor vessel integrity. Thus, there is no significant increase in the probability of a structural failure of the primary loop components. The LBB [leak-before-break] analysis conclusions remain valid and the breaks previously exempted from structural consideration remain unchanged.

All of the NSSS [nuclear steam system supplier] systems will continue to perform their intended design functions during normal and accident conditions. The auxiliary systems and components continue to comply with the applicable structural limits and will continue to perform their intended functions. The NSSS/BOP [balance-of-plant] interface systems were evaluated at 1524 MWt and will continue to perform their intended design functions. Plant electrical equipment was also evaluated and will continue to perform their intended functions. 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.

No new accident scenarios, failure mechanisms, or single failures are introduced as a result of the proposed change. All systems, structures, and components previously required for the mitigation of an event remain capable of fulfilling their intended design function at the uprated power level. The proposed change has no adverse effects on any safety related systems or component and does not challenge the performance or integrity of any safety related system. 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.

Operation at 1524 MWt core power does not involve a significant reduction in the margin of safety. The current accident analyses have been previously performed with a 2% power measurement uncertainty or at uprated core powers that exceed the MUR uprated core power. System and component analyses have been completed at the MUR uprated core power conditions. Analyses of the primary fission product barriers at uprated core powers have concluded that all relevant design basis criteria remain satisfied in regard to integrity and compliance with the regulatory acceptance criteria. As appropriate, all evaluations have been both reviewed and approved by the NRC, or are currently under review (the proposed Pressure-Temperature Limits Report). 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: James R. Curtiss, Esq., Winston & Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Stephen Dembek.

Southern California Edison Company, et al., Docket No. 50–206, San Onofre Nuclear Generating Station, Unit 1, San Diego County, California

Date of amendment requests: July 25, 2003.

Description of amendment requests: The amendment application requests a revision to the Unit 1 Defueled Safety Analysis Report (DSAR) that concerns the turbine gantry crane, turbine gantry crane capacity, fuel shipment and the structural descriptions of the turbine building. The licensee is engineering structural changes to the turbine building and gantry crane and replacing the turbine gantry crane trolley in preparation for moving spent fuel from the Unit 1 spent fuel pool to the Independent Spent Fuel Storage Installation (ISFSI). With the planned modifications listed above, the licensee will be able to satisfy the guidance of NUREG–0612, ''Control of Heavy Loads at Nuclear Power Plants,'' and NUREG–0554. ''Single-Failure Proof Cranes for Nuclear Power Plants,'' (regarding safe load handling paths and single-failure proof cranes) in performing the necessary movement of Unit 1 spent fuel to dry cask storage.

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. Involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The DSAR addresses fuel handling accidents. The process for transporting a cask is essentially unchanged from that previously performed. The building arrangement is such that the cask is never carried over the spent fuel pool. The transport height of the cask has been increased to a minimum of 9 inches based on the design of the new Ederer X-Sam single-failure proof trolley. Because the turbine gantry crane upgrade improves the reliability of the crane, a single failure will not result in loss of its capability to safely retain control of the hook load.

If a portion of the new turbine gantry crane lifting device malfunctions or fails, the crane system is designed such that the load will move a limited distance downward prior to backup restraints becoming engaged. The increased minimum transport height (9 inches) is established to accommodate the

design features. The probability of a fuel handling accident is unchanged. Because the spent fuel fission product activity has decayed by more than ten years compared to the source term analyzed in the DSAR, the consequences of the analyzed fuel handling accident are significantly lessened.

Therefore, the proposed DSAR change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different type of accident from any accident previously evaluated?

No. By implementing use of a qualified single-failure proof crane for cask handling, accidental dropping of the cask is not postulated. The cask load will be increased to a maximum of 105 tons under the new single failure proof turbine gantry crane design. The construction of a single failure proof turbine gantry crane mitigates the potential for an accident, since a single failure will not result in the loss of its capability to safely retain control of the hook load.

Therefore, performing fuel transfer in a manner consistent with the proposed DSAR amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety?

No. The proposed DSAR change makes use of analysis methods and inputs consistent with other structural and safety analyses given in the DSAR. The turbine gantry crane will be upgraded to comply with the single failure proof requirements of NUREG–0554. The safety margins provided by the new crane design have either remained the same or have been enhanced to ensure adequate margin to prevent failure of the crane or any lifting devices associated with the lifting of a spent fuel transfer cask.

Therefore, the proposed DSAR 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: Douglas K. Porter, Esquire, Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, California 91770.

NRC Section Chief: Scott W. Moore.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of amendment requests: August 4, 2003.

Description of amendment requests: The proposed amendments would revise Technical Specification 3.9.3, ''Containment Penetrations.'' Specifically, a Note will be added to the Limiting Condition for Operations that permits the Containment equipment hatch to be open during core alterations and movement of irradiated fuel in containment.

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. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change to Technical Specification 3.9.3 would allow the containment equipment hatch to be open during fuel movement or core alterations. Currently, the equipment hatch is closed with four bolts during fuel movement or core alterations to prevent the escape of radioactive material in the event of an in-containment fuel handling accident. The containment equipment hatch is not an initiator of an accident. Whether the containment equipment hatch is open or closed during fuel movement and core alterations has no affect on the probability of any accident previously evaluated.

Allowing the containment equipment hatch to be open during fuel movement or core alterations does not significantly increase the consequences from a fuel handling accident. The calculated offsite doses are well within the limits of 10 CFR Part 100 and the calculated control room operator dose are within the limits of 10 CFR [Part] 50 Appendix A General Design Criterion (GDC) 19. In addition, the calculated doses are larger than the expected doses because the calculation does not incorporate containment closure after the containment is evacuated, which is much less than the two hours assumed in the analysis. The proposed change should significantly reduce the dose to workers in containment in the event of a fuel handling accident by reducing the time required to evacuate the containment.

The changes being proposed do not adversely affect assumptions contained in other plant safety analyses or the physical design of the plant, nor do they affect other Technical Specifications that preserve safety analysis assumptions. Therefore, operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously analyzed.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change to Technical Specification 3.9.3, ''Containment Penetrations,'' affects a previously evaluated fuel handling accident inside containment. The new Fuel Handling Accident analysis continues to assume that all of the iodine and noble gases that become airborne escape the containment within two hours, and reach the exclusion area boundary and control room with no credit taken for containment air exhaust filtration, or for decay or deposition during atmospheric dispersion. The change will include the addition of flashing that will restrict a release of post-accident fission products when the Containment Structure Equipment Hatch Shield Doors are in their closed position. In this manner, the closed Shield Doors will provide Containment closure. Accordingly, since the proposed change does not functionally alter the design of plant systems and the revised analysis is consistent with the Fuel Handling Accident analysis, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated. [The containment equipment hatch is not an initiator of an accident.]

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

Response: No.

The margin of safety as defined by 10 CFR Part 100 has not been significantly reduced. The calculated dose is well within the limits given in 10 CFR Part 100 as defined by Standard Review Plan 15.7.4. The analysis does not credit closing the Containment Structure Equipment Hatch Shield Doors. Accordingly, the proposed change does not alter the bases for assurance that safety-related activities are performed correctly or the basis for any Technical Specification that is related to the establishment of or maintenance of a safety margin. Therefore, operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

Based on the above discussion, Southern California Edison has determined that the proposed amendment request does not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (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, therefore, the proposed change does not involve a significant hazards consideration as defined in 10 CFR 50.92.

Therefore, the operation of the facility in accordance with this proposed change will 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 requests involve no significant hazards consideration.

Attorney for licensee: Douglas K. Porter, Esquire, Southern California

Edison Company, 2244 Walnut Grove Avenue, Rosemead, California 91770.

NRC Section Chief: Stephen Dembek.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260 and 50–296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of amendment request: July 25, 2003.

Description of amendment request: The proposed amendment would revise Technical Specification (TS) 3.1.8, ''Scram Discharge Volume (SDV) Vent and Drain Valves,'' to allow a vent or drain line with one inoperable valve to be isolated instead of requiring the valve to be restored to Operable status within 7 days.

The NRC staff issued a notice of opportunity for comment in the **Federal Register** on February 24, 2003 (68 FR 8637), on possible amendments to revise the action for one or more SDV vent or drain lines with an inoperable valve, 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 April 15, 2003 (68 FR 18295). The licensee affirmed the applicability of the model NSHC determination in its application dated July 25, 2003.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 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.

A change is proposed to allow the affected SDV vent and drain line to be isolated when there are one or more SDV vent or drain lines with one valve inoperable instead or requiring the valve to be restored to operable status within 7 days. With one SDV vent or drain valve inoperable in one or more lines, the isolation function would be maintained since the redundant valve in the affected line would perform its safety function of isolating the SDV. Following the completion of the required action, the isolation function is fulfilled since the associated line is isolated. The ability to vent and drain the SDVs is maintained and controlled through administrative controls. This requirement assures the reactor protection system is not adversely affected by the inoperable valves. With the safety functions of the valves being maintained, the probability or consequences of an accident previously evaluated are not significantly increased.

Criterion 2—The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

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. Thus, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3—The proposed change does not involve a significant reduction in the margin of safety.

The proposed change ensures that the safety functions of the SDV vent and drain valves are fulfilled. The isolation function is maintained by redundant valves and by the required action to isolate the affected line. The ability to vent and drain the SDVs is maintained through administrative controls. In addition, the reactor protection system will prevent filling of an SDV to the point that it has insufficient volume to accept a full scram. Maintaining the safety functions related to isolation of the SDV and insertion of control rods ensures that the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11A, Knoxville, Tennessee 37902.

NRC Section Chief: Allen G. Howe.

Tennessee Valley Authority, Docket No. 50–390, Watts Bar Nuclear Plant (WBN), Unit 1, Rhea County, Tennessee

Date of amendment request: August 22, 2003.

Description of amendment request: The proposed amendment would revise Technical Specification (TS) 3.3.1, ''Reactor Trip System Instrumentation.'' The revision adds a Surveillance Requirement for response time to the Source Range (SR) Neutron Flux Reactor Trip function.

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?

No. The proposed amendment enhances the operability of the SR reactor trip channels by requiring response time testing. This will provide additional assurance that the plant will be operated within its design and licensing basis. The change does not involve any physical modifications or functional design changes to the SR instrumentation, and will not alter any system interfaces. The design standards, criteria, and material specifications applicable to the design and installation of the SR instrumentation still apply. The performance of response time testing for the SR Neutron Flux channels does not contribute to the initiation of any accident previously evaluated. Testing will be performed when the SR reactor trip function is not required to be operable. A response time will ensure that a Uncontrolled Rod Cluster Control Assembly Bank Withdrawal from Subcritical (RWFS) event in Modes 3, 4, or 5 remains bounded by the current analysis and the reactor would be shutdown before any significant power is generated. Thus, the probability of occurrence of an accident evaluated in the Updated Final Safety Analysis Report (UFSAR) will not increase as a result of the performance of response time testing. The performance of response time testing will not affect any radiological barriers. The testing will not alter any operator responses required for accident mitigation and will not change any assumptions made in evaluating radiological consequences of an accident described in the UFSAR. The consequences of an RWFS event occurring from Mode 3, 4, or 5 are less severe than from Mode 2 since reactivity levels are lower in the lower modes. Therefore, there is no potential for an increase in the consequences of any previously evaluated accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed change will not require any changes to hardware, setpoints, or design functions. The addition of a response time test requirement will not change the way the system is operated but will impose more restrictive operability requirements for the SR reactor trip function. This enhancement to the operability requirements for a protection system function is not considered an accident initiator. Therefore, the activity will not create a new or different kind of accident from those previously evaluated in the UFSAR.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. The proposed change does not involve any changes to setpoints or safety limits. The required response time is consistent with the current accident analysis described in UFSAR and will ensure that a RWFS event in Modes 3, 4, or 5 remains bounded by the current analysis. The addition of a response time verification requirement is an enhancement to the operability requirements of the SR reactor trip channels and does not reduce 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: General Counsel, Tennessee Valley Authority,

400 West Summit Hill Drive, ET 11A, Knoxville, Tennessee 37902.

NRC Section Chief: Allen G. Howe.

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 e-mail to *pdr@nrc.gov.*

Duke Energy Corporation, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of application of amendments: April 10, 2003, as supplemented by letter dated July 1, 2003.

Brief description of amendments: The amendments revised frequencies associated with the Technical Specification Surveillance Requirements 3.4.12.5 and 3.4.12.7 concerning the Low Temperature Overpressure Protection System.

Date of Issuance: August 25, 2003.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: 333, 333, and 334.

Renewed Facility Operating License Nos. DPR–38, DPR–47, and DPR–55: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** May 27, 2003 (68 FR 2885).

The supplement dated July 1, 2003, provided clarifying information that did not change the scope of the April 10, 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 August 25, 2003.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of application for amendment: June 30, 2003, as supplemented by letters dated August 1 and 12, 2003.

Brief description of amendment: The amendment (1) eliminated credit for the Boraflex neutron absorbing material used for reactivity control in Region 1 of the spent fuel pool (SFP), (2) credited 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) increased the minimum boron concentration in the SFP to greater than 2000 parts per million (ppm), and (4) reduced the fresh fuel assembly initial enrichment to less than or equal to 4.55 ± 0.05 weight percent uranium-235 (U–235).

Date of issuance: September 3, 2003.

Effective date: As of the date of issuance to be implemented within 30 days from the date of issuance.

Amendment No.: 250.

Facility Operating License No. NPF–6: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** July 22, 2003 (68 FR 43384).

The August 1 and 12, 2003, supplemental letters provided clarifying information that did not change the scope of the original **Federal Register** notice or the original no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 3, 2003.

No significant hazards consideration comments received: No.

Indiana Michigan Power Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Units 1 and 2, Berrien County, Michigan

Date of application for amendments: August 23, 2002, as supplemented July 2, 2003.

Brief description of amendments: The amendments revise (1) the Operating Licenses to delete obsolete and expired license conditions and make administrative and editorial changes, and (2) the Technical Specifications (TSs) to make administrative and editorial changes.

Additionally, the licensee proposed to delete the radiation monitoring instrumentation identification numbers from certain TSs. The licensee will be submitting new information to support these changes in a future request. The NRC staff will handle this request under separate cover.

Date of issuance: August 22, 2003.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment Nos.: 279 and 261.

Facility Operating License Nos. DPR–58 and DPR–74: Amendments revised the TSs.

Date of initial notice in ***Federal Register:*** October 15, 2002 (67 FR 63695).

The supplement dated July 2, 2003, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the Nuclear Regulatory Commission staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 22, 2003.

No significant hazards consideration comments received: No.

Nuclear Management Company, LLC, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: May 2, 2003, as supplemented by letters

dated June 30, July 30, August 8, and 18, 2003.

Brief description of amendment: The amendment updates the existing reactor coolant system pressure and temperature limit curves (TS Figure 3.4.9–1) and extends their applicability to 32 effective full power years.

Date of issuance: August 25, 2003.

Effective date: As of the date of issuance and shall be implemented by September 1, 2003.

Amendment No.: 253.

Facility Operating License No. DPR–49: The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** May 27, 2003 (68 FR 28855).

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 August 25, 2003.

No significant hazards consideration comments received: No.

Nuclear Management Company, LLC, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application for amendment: January 29, 2003.

Brief description of amendment: The amendment revises the drywell leakage and sump monitoring detection section of the current Technical Specifications (TSs). Specifically, the changes clarify the associated definitions and divide TS 3.6.D/4.6.D, ''Coolant Leakage,'' into two subsections and retitle it ''Reactor Coolant System (RCS).'' One of the subsections contains the Limiting Condition for Operations (LCOs) for RCS operational leakage, and the other subsection contains the LCOs for the RCS leakage detection instrumentation.

Date of issuance: August 21, 2003.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment No.: 137.

Facility Operating License No. DPR–22. Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** April 15, 2003 (68 FR 18279).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 21, 2003.

No significant hazards consideration comments received: No.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of application for amendments: August 27, 2002, and its supplements dated May 15, June 26, and August 1, 2003.

Brief description of amendments: The amendments revised Table 3.3.1–1, ''Reactor Trip System Instrumentation'' of the technical specifications to replace the term ''minimum measured flow per loop'' to ''measured loop flow'' in the allowable value and nominal trip setpoint for the reactor coolant flow-low reactor trip function, and delete footnote (l). The amendments also allow an alternate method for the measurement of reactor coolant system (RCS) total volumetric flow rate through measurement of the elbow tap differential pressure on the RCS primary cold legs.

Date of issuance: August 21, 2003.

Effective date: August 21, 2003, and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: Unit 1–161; Unit 2–162.

Facility Operating License Nos. DPR–80 and DPR–82: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** January 7, 2003 (68 FR 810).

The May 15, June 26, and August 1, 2003, supplemental letters provided additional clarifying information, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 21, 2003.

No significant hazards consideration comments received: No.

Rochester Gas and Electric Corporation, Docket No. 50–244, R.E. Ginna Nuclear Power Plant, Wayne County, New York

Date of application for amendment: May 3, 2001, as supplemented August 7, 2001, October 29, 2001, May 3, 2002, October 7, 2002, November 5, 2002, and June 6, 2003.

Brief description of amendment: The amendment revised the Ginna Station Improved Technical Specifications to reflect design changes to the actuation circuitry associated with the Control Room Emergency Air Treatment System (CREATS). The proposed design changes consist of replacing the current diverse radiation monitors with two Geiger-Mueller (GM) tubes powered from two separate safety-related power supplies which are configured into two redundant actuation logic trains using safety-grade digital instrumentation. The design changes are intended to increase system reliability by providing redundancy and reducing spurious actuations. The amendment changes limiting condition for operation 3.3.6 for the CREATS Actuation Instrumentation as follows:

a. Adds a new Condition to require immediately placing the CREATS in the emergency mode of operation upon the loss of two instrument channels/trains.

b. Adds a new surveillance requirement involving a CHANNEL CHECK of the Control Room Radiation Intake Monitors.

c. Revises Table 3.3.6–1 to increase the number of trains of Manual and Automatic Initiation Circuits from one train to two trains.

d. Extends the Completion Time of the Required Action for a loss of one channel/train from 1 hour to 7 days as the result of installing redundant channels/trains.

e. Revises Table 3.3.6–1 to remove reference to the iodine, noble gas, and particulate control room radiation intake monitors. These monitors will be replaced by the two new GM tubes.

f. Revises Table 3.3.6–1 to replace the column heading ''Trip Setpoint'' with ''Allowable Value.''

Date of issuance: August 29, 2003.

Effective date: August 29, 2003.

Amendment No.: 83.

Facility Operating License No. DPR–18: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register***: September 5, 2001 (66 FR 46481).

The supplemental letters referenced above provided clarifying information that did not change the scope of the amendment as described in the original notice, and did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 29, 2003.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of amendments request: September 24, 2002, as supplemented by letters dated May 20 and July 16, 2003.

Brief Description of amendments: The changes revise Technical Specifications

(TS) 3.7.10, ''Control Room Emergency Filtration/Pressurization System (CREFS),'' and TS 3.7.12 ''Penetration Room Filtration (PRF) System,'' to establish actions to be taken for inoperable ventilation systems due to a degraded control room pressure boundary or PRF and spent fuel pool room boundary, respectively. This revision approves changes that would allow up to 24 hours to restore the pressure boundary to an operable status when two ventilation trains are inoperable due to an inoperable pressure boundary in MODES 1, 2, 3, and 4. In addition, a Limiting Condition for Operation Note would be added to allow the pressure boundary to be opened intermittently under administrative control without affecting CREFS or PRF System operability. The applicable TS Bases have been revised to document the TS changes and to provide supporting information. These changes are based on Technical Specifications Task Force document TSTF–287, Revision 5.

Date of issuance: August 22, 2003.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: 161 and 154.

Facility Operating License Nos. NPF–2 and NPF–8: Amendments revise the Technical Specifications.

Date of initial notice in ***Federal Register:*** November 12, 2002 (67 FR 68744).

The supplements dated May 20 and July 16, 2003, provided clarifying information that did not change the scope of the September 24, 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 August 22, 2003.

No significant hazards consideration comments received: No.

STP Nuclear Operating Company, Docket Nos. 50–498 and 50–499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: May 14, 2003.

Brief description of amendments: The amendments revise Surveillance.

Requirement 4.6.2.1 for demonstrating operability of containment spray system spray nozzles to require verification of operability only after spray ring header maintenance that could result in nozzle obstructions without specifying the method of verification.

Date of issuance: August 20, 2003.

Effective date: As of the date of issuance and shall be implemented 30 days from the date of issuance.

Amendment Nos.: Unit 1–156; Unit 2–144.

Facility Operating License Nos. NPF–76 and NPF–80: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register***: June 24, 2003 (68 FR 37582).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 20, 2003.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260, and 50–296, Browns Ferry Nuclear Plant, Units 1, 2, and 3, Limestone County, Alabama

Date of application for amendments: April 15, 2003.

Description of amendment request: The amendments revised Technical Specification (TS) 3.7.3, ''Control Room Emergency Ventilation (CREV) System,'' to allow up to 24 hours to restore the control room pressure boundary (CRPB) to operable status when two trains of the ventilation system are inoperable due to an inoperable CRPB in MODES 1, 2, and 3. In addition, a note is included to allow the pressure boundary to be opened intermittently under administrative controls without affecting the CREV System operability. The licensee revised the applicable TS Bases to make them consistent with the TS changes. These changes are based on TS Task Force Traveler No. 287, which was approved by the NRC on March 16, 2000.

Date of issuance: August 29, 2003.

Effective date: Date of issuance, to be implemented within 60 days.

Amendment Nos.: 246, 283 and 241.

Facility Operating License Nos. DPR–33, DPR–52, and DPR–68. Amendments revised the TSs.

Date of initial notice in ***Federal Register:*** May 27, 2003 (68 FR 28858).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 29, 2003.

No significant hazards consideration comments received: No.

TXU Generation Company LP, Docket Nos. 50–445 and 50–446, Comanche Peak Steam Electric Station, Unit Nos. 1 and 2, Somervell County, Texas

Date of amendment request: June 5, 2003.

Brief description of amendments: The amendments extend from 1 hour to 24 hours the completion time for Condition B of Technical Specification 3.5.1, which defines requirements for the restoration of an emergency core cooling system accumulator when it has been declared inoperable for a reason other than boron concentration.

Date of issuance: August 25, 2003.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment Nos.: 106 and 106.

Facility Operating License Nos. NPF–87 and NPF–89: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** July 8, 2003 (68 FR 40721).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 25, 2003.

No significant hazards consideration comments received: No.

Virginia Electric and Power Company, et al., Docket Nos. 50–280 and 50–281, Surry Power Station, Units 1 and 2, Surry County, Virginia

Date of application for amendments: June 9, 2003, as supplemented on July 28, 2003.

Brief Description of amendments: These amendments revise Section 6 of the Surry Power Station Technical Specifications (TS) for Units 1 and 2 to adopt the format for topical report references that are described in Industry/Technical Specifications Task Force Traveler, TSTF–363, Rev 0, ''Revised Topical Report References in Improved Technical Specification (ITS) 5.6.5, [Core Operating Limits Report] COLR.''

Date of issuance: August 27, 2003.

Effective date: As of the date of issuance, and shall be implemented within 30 days.

Amendment Nos.: 235 and 234.

Renewed Facility Operating License Nos. DPR–32 and DPR–37: Amendments change the Technical Specifications.

Date of initial notice in ***Federal Register:*** July 8, 2003 (68 FR 40722).

The July 28, 2003, supplement contained clarifying information only and did not change the initial proposed no significant hazards consideration determination or expand the scope of the initial application.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 27, 2003.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 5th day of September 2003.

For the Nuclear Regulatory Commission.

Ledyard B. Marsh,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 03–23251 Filed 9–17–03; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–346; License No. NPF–03]

FirstEnergy Nuclear Operating Company; Notice of Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a Director's Decision with regard to a letter dated February 3, 2003, filed by Congressman Dennis Kucinich, Representative for the 10th Congressional District of the State of Ohio in the United States House of Representatives, hereinafter referred to as the ''petitioner.'' The petition was supplemented on March 27, 2003. The petition concerns the operation of the Davis-Besse Nuclear Power Station, Unit 1 (Davis-Besse), located in Ottawa County, Ohio.

The Petitioner requested that the U.S. Nuclear Regulatory Commission (NRC) immediately revoke the FirstEnergy Nuclear Operating Company's (FENOC's or the licensee's) license to operate the Davis-Besse Nuclear Power Station, Unit 1 (Davis-Besse), located in Ottawa County, Ohio. As an alternative, the Petitioner asked the NRC to reexamine its denial of a previous 2.206 petition, submitted by the Toledo Coalition for Safe Energy *et al.*, that requested the NRC issue an order to the licensee requiring a verification by an independent party for issues related to the reactor vessel head damage at Davis-Besse.

The basis for the request was that FENOC ''has operated outside the parameters of their operating license for several years, has violated numerous federal laws, rules and regulations, and has hidden information from the NRC and lied to the NRC to justify the continuing operation of the Davis-Besse Nuclear Power Station.'' The Petitioner supported his request by citing various publicly available documents and information related to reactor pressure vessel head damage discovered at Davis-Besse in March 2002. The documents describe noncompliance with the Davis-Besse operating license and violations of NRC regulations. The documents include NRC inspection reports, newspaper articles, and reports published by the Union of Concerned scientists.

By an acknowledgment letter dated February 10, 2003, the NRC staff formally notified the Petitioner that the letter dated February 3, 2003, met the criteria for review under 10 CFR 2.206, and that the NRC staff would act on the request within a reasonable time. The acknowledgment letter further stated that the Davis-Besse facility was shut down, and would remain so, until the NRC is satisfied that there is reasonable assurance of adequate protection of the public health and safety and that issues associated with management of the facility and potential wrongdoing have been satisfactorily addressed. The NRC staff also informed the Petitioner in the acknowledgment letter that the issues raised in the petition were being referred to NRR for appropriate action.

On March 27, 2003, the Petitioner submitted supplemental information to support the petition. The licensee responded to the Petition on February 27, 2003, and to the supplement on April 11, 2003. These responses were considered by the staff in its evaluation of the petition. Copies of the licensee's responses are publicly available in the NRC's NRC's Agencywide Documents Access and Management System (ADAMS).

The NRC sent a copy of the proposed Director's Decision to the Petitioner and to licensee for comment on June 6, 2003. The Petitioner and FENOC both responsed with comments on July 7, 2003. The comments and the NRC staff's response to them are included with the Director's Decision.

The Director of the Office of Nuclear Reactor Regulation has determined that the request to revoke the Davis-Besse operating license and the alternative request for the NRC to reexamine its denial of a previous 2.206 petition, submitted by the Toledo Coalition for Safe Energy *et al.*, that requested the NRC issue an order to the licensee requiring a verification by an independent party for issues related to the reactor vessel head damage at Davis-Besse, both be denied. The reasons for these decisions are explained in the Director's Decision pursuant to 10 CFR 2.206 DD–03–03, the complete text of which is available in ADAMS, or are available for inspection at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records are accessible from the ADAMS Public Electronic Reading Room on the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR reference staff at 1–800–397–4209 or 301–415–4737, or by e-mail to *pdr@nrc.gov.*

The NRC staff has carefully considered the Petitioner's arguments regarding why FENOC's operating license for the Davis-Besse Nuclear Power Station should be revoked, as well as the alternative request for verification by independent party. The NRC staff shares the Petitioner's concerns about verifying the adequacy of plant operator performance and ensuring that future operation of the plant is conducted safely and in compliance with NRC requirements. The licensee has established, and is implementing, a Return-to-Service Plan that comprehensively addresses human factors, programmatic, and equipment issues along with the specific corrosion of the reactor vessel head. This includes evaluating, testing, or inspecting plant safety-related systems to ensure that they are able to perform their design-basis functions as defined in the plant's technical specifications and Updated Final Safety Analysis Report. Additionally, the NRC's has implemented enhanced oversight of the Davis-Besse facility that included the creation of an oversight panel to provide the required oversight during the plant shutdown, any future restart, and following restart until a determination is made that the plant is ready for return to the NRC's normal Reactor Oversight Process. The NRC's inspection activities go beyond ensuring that the direct causes of the damage to the reactor vessel head are properly identified and corrected. The NRC's activities also look broadly at safety-related plant systems and programs to ensure that the physical condition of the plant is adequate and the licensee's operations, maintenance, and engineering organizations are prepared to operate the plant safely if it is permitted to restart. Thus the NRC believes that the FENOC Return-to-Service Plan, as monitored by the NRC Davis-Besse Oversight Panel, provides an appropriate opportunity for FENOC to demonstrate or achieve compliance with NRC requirements, and that these activities will provide results that adequately address the Petitioner's stated safety concerns.

With regard to the specific punitive action of revoking the Davis-Besse operating license sought by the Petitioner, the NRC staff finds that there is insufficient basis to take the requested action. While serious violations did occur at the Davis-Besse facility, the violations in and of themselves do not

warrant revocation of the license. The Davis-Besse facility is currently shut down, and will remain so until the NRC is satisfied that there is reasonable assurance of adequate protection of the public health and safety and that restart issues associated with management of the facility and potential wrongdoing have been satisfactorily addressed. In its oversight of the licensee's corrective actions for the identified violations, the NRC has not observed an inability or unwillingness on the part of FENOC to achieve compliance with NRC regulations, the Davis-Besse operating license, or the Davis-Besse design and licensing bases.

A copy of the Director's Decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206 of the Commission's regulations. As provided for by this regulation, the Director's Decision will constitute the final action of the Commission 25 days after the date of the decision, unless the Commission, on its own motion, institutes a review of the Director's Decision in that time.

Dated at Rockville, Maryland, this 12th day of September, 2003.

For the Nuclear Regulatory Commission.

Brian W. Sheron,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 03–23840 Filed 9–17–03; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–48486; File No. SR–Amex–2003–74]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change by the American Stock Exchange LLC Relating to the Listing and Trading of Contingent Principal Protection Notes Linked to the Performance of the Standard & Poor's 500 Stock Index

September 11, 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 August 13, 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. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to grant accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade under Section 107A of the Amex Company Guide (''Company Guide'') notes linked to the performance of the Standard & Poor's 500 Index (''S&P 500'' or ''Index'').

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 Amex included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Amex 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

Under Section 107A of the Company Guide, the Exchange may approve for listing and trading securities which cannot be readily categorized under the listing criteria for common and preferred stocks, bonds, debentures, or warrants.[3] The Amex proposes to list for trading under Section 107A of the Company Guide notes, the performance of which is linked to the Index (''Contingent Principal Protected Notes'' or ''Notes'').[4] The Exchange represents that the Index value will be disseminated at least once every fifteen seconds throughout the trading day.[5] The Index is determined, calculated and maintained solely by S&P.[6] The Notes will provide for an uncapped participation in the positive performance of the Index during their term while also reducing the risk exposure to the principal investment amount as long as the Index does not at any time decline to a pre-established level to be determined at the time of issuance (''Contingent Level'').[7] This Contingent Level will be a pre-determined percentage decline from the level of the Index at the close of the market on the date the Notes are priced for initial sale to the public (''Initial Level''). A decline of the Index to the Contingent Level is referred to as a ''Contingent Event.'' If there is a Contingent Event, *at any time* during the term of the Notes, then at maturity, the holder's principal investment of $1,000 will be reduced to the Contingent Level, even if the Index later rises.[8]

The Contingent Principal Protection Notes will initially conform to the listing guidelines under Section 107A,[9] and continued listing guidelines under Sections 1001–1003,[10] of the Company

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240. 19b–4.

[3] *See* Securities Exchange Act Release No. 27753 (March 1, 1990), 55 FR 8626 (March 8, 1990) (order approving File No. SR–Amex–89–29).

[4] Credit Suisse First Boston (USA), Inc. (''CSFB'') and Standard & Poor's Corporation (''S&P'') have entered into a non-exclusive license agreement providing for the use of the Index by CSFB and certain affiliates and subsidiaries in connection with certain securities including these Notes. S&P is not responsible and will not participate in the issuance and creation of the Notes.

[5] Telephone conversation between Jeffrey P. Burns, Associate General Counsel, Amex and Florence Harmon, Senior Special Counsel, Division of Market Regulation (''Division''), Commission, dated September 11, 2003.

[6] Amex represents that the Index is a broad-based stock index, which provides an indication of the performance of the U.S. equity market. The Index is a capitalization-weighted index reflecting the total market value of 500 widely held component stocks relative to a particular base period. The Index is computed by dividing the total market value of the 500 stocks by an Index divisor. The Index Divisor keeps the Index comparable over time to its base period of 1941–1943 and is the reference point for all maintenance adjustments. The securities included in the Index are listed on the Amex, New York Stock Exchange, Inc. (''NYSE'') or traded through Nasdaq Stock Market, Inc. (''Nasdaq''). The Index reflects the price of the common stocks of 500 companies without taking into account the value of the dividend paid on such stocks.

[7] The issuer represents to Amex that the intended Contingent Level will be a decline in the Initial Level of between 55 to 60%. Telephone conversation between Jeffrey P. Burns, Associate General Counsel, Amex and Florence Harmon, Senior Special Counsel, Division, Commission, dated September 11, 2003.

[8] *Id.*

[9] Pursuant to Section 107A of the Company Guide, the initial listing standards for the Notes will require: (1) A market value of at least $4 million; and (2) a term of at least one year. Because the Notes will be issued in $1,000 denominations, the minimum public distribution requirement of one million units and the minimum holder requirement of 400 holders do not apply. In addition, the listing guidelines provide that the issuer has assets in excess of $100 million, stockholder's equity of at least $10 million, and pre-tax income of at least $750,000 in the last fiscal year or in two of the three prior fiscal years. In the case of an issuer which is unable to satisfy the earning criteria stated in Section 101 of the Company Guide, the Exchange will require the issuer to have the following: (1) Assets in excess of $200 million and stockholders' equity of at least $10 million; or (2) assets in excess of $100 million and stockholders' equity of at least $20 million.

[10] The Exchange's continued listing guidelines are set forth in Sections 1001 through 1003 of Part

Guide. The Notes are senior non-convertible debt securities of CSFB. The Notes will have a term of five (5) years. CSFB will issue the Notes in denominations of whole units (''Unit''), with each Unit representing a single Note. The original public offering price will be $1,000 per Unit. The Notes will entitle the owner at maturity to receive at least 100% of the principal investment amount, as long as the Index never experiences a Contingent Event. In this case, the holder of the Notes would receive the full principal investment amount of the Notes plus the percentage change of the Index during the term. Accordingly, even if the Index declines substantially but never reaches the Contingent Level, the holder will receive the principal investment amount of the Notes at maturity. If however, the Index experiences a Contingent Event during the term, the holder loses the ''principal protection'' and will be entitled to receive a payment on the Notes based on the percentage change of the Index, positive or negative. The Notes will not have a minimum principal investment amount that will be repaid, and accordingly, payment on the Notes prior to or at maturity may be less than the original issue price of the Notes. Accordingly, the Notes are not ''principal protected'' and are fully exposed to any decline in the level of the Index.[11] The Notes are also not callable by the Issuer.

The payment that a holder or investor of a Note would be entitled to receive (the ''Redemption Amount'') will depend on the relation of the level of the Index at the close of the market on a single business day (''Valuation Date'') shortly before maturity of the Notes (''Final Level'') and the closing level of the Index on the date the Notes are priced for initial sale to the public Initial Level. In addition, whether the Notes retain ''principal protection'' or are fully exposed to the performance of the Index is determined by whether the Index ever experiences a Contingent Event during the term of the Notes.

If the Index never experiences a Contingent Event, the Redemption Amount per Unit will equal:

$$\$1{,}000 + \$1{,}000\left[\left(\frac{\text{Final Level} - \text{Initial Level}}{\text{Initial Level}}\right)\right]$$

subject to a minimum payment amount of $1,000.

If the Index experiences a Contingent Event at any time during the term of the Notes, the Redemption Amount per Unit will equal:

$$\$1{,}000 + \left[\$1{,}000 \times \left(\frac{\text{Final Level} - \text{Initial Level}}{\text{Initial Level}}\right)\right]$$

The Notes are cash-settled in U.S. dollars and do not give the holder any right to receive a portfolio security, dividend payments or any other ownership right or interest in the portfolio or index of securities comprising the Index. The Notes are designed for investors who want to participate or gain exposure to the Index, subject to a cap, and while partially limiting their investment risk and who are willing to forego market interest payments on the Notes during such term. The Commission has previously approved the listing of options on, and securities the performance of which have been linked to or based on, the Index.[12]

As of August 5, 2003, the market capitalization of the securities included in the Index ranged from a high of $279.526 billion to a low of $356 million. The average daily trading volume for these same securities for the last six (6) months ranged from a high of 39.915 million shares to a low of 0.040 million shares respectively.

Because the Notes are issued in $1,000 denominations, the Amex's existing floor trading rules will apply to the trading of the Notes. First, pursuant to Amex Rule 411, the Exchange will impose a duty of due diligence on its members and member firms to learn the essential facts relating to every customer prior to trading the Notes.[13] Second, even though the Exchange's debt trading rules apply, the Notes will be subject to the equity margin rules of the Exchange.[14] Third, the Exchange will, prior to trading the Notes, distribute a circular to the membership providing guidance with regard to member firm compliance responsibilities (including suitability recommendations) when handling transactions in the Notes and highlighting the special risks and characteristics of the Notes. With respect to suitability recommendations and risks, the Exchange will require members, member organizations and employees thereof recommending a transaction in the Notes: (1) To determine that such transaction is suitable for the customer, and (2) to have a reasonable basis for believing that the customer can evaluate the special characteristics of, and is able to bear the financial risks of such transaction. In addition, CSFB will deliver a prospectus in connection with the initial sales of the Notes.

The Exchange represents that its surveillance procedures are adequate to properly monitor the trading of the Notes. Specifically, the Amex will rely

10 to the Exchange's Company Guide. Specifically, Section 1002(b) of the Company Guide states that the Exchange will consider removing from listing any security where, in the opinion of the Exchange, it appears that the extent of public distribution or aggregate market value has become so reduced to make further dealings on the Exchange inadvisable. With respect to continued listing guidelines for distribution of the Notes, the Exchange will rely, in part, on the guidelines for bonds in Section 1003(b)(iv). Section 1003(b)(iv)(A) provides that the Exchange will normally consider suspending dealings in, or removing from the list, a security if the aggregate market value or the principal amount of bonds publicly held is less than $400,000.

[11] A negative return of the Index will reduce the redemption amount at maturity with the potential that the holder of the Note could lose his entire investment amount.

[12] *See* Securities Exchange Act Release Nos. 46883 (November 21, 2002), 67 FR 71216 (November 29, 2002) (approving the listing and trading of non-principal protected notes linked to the DJIA); 46882 (November 21, 2002), 67 FR 71219 (November 29, 2002) (approving the listing and trading of non-principal protected notes linked to the Select Fifty Index); 45160 (December 17, 2001), 66 FR 66485 (December 26, 2001) (approving the listing and trading of non-principal protected exchangeable notes linked to the Balanced Strategy Index); and 44342 (May 23, 2001), 66 FR 29613 (May 31, 2001) (approving the listing and trading of non-principal protected exchangeable notes linked to the Select Ten Index).

[13] Amex Rule 411 requires that every member, member firm or member corporation use due diligence to lean the essential facts, relative to every customer and to every order or account accepted.

[14] *See* Amex Rule 462 and Section 107B of the Company Guide.

on its existing surveillance procedures governing equities, which have been deemed adequate under the Act. In addition, the Exchange also has a general policy, which prohibits the distribution of material, non-public information by its employees.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act [15] in general, and furthers the objectives of Section 6(b)(5),[16] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change 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

The Exchange has not solicited and did not receive any written comments on the proposed rule change.

III. 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 at 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 the File No. SR–Amex–2003–74 and should be submitted by October 9, 2003.

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

After careful consideration, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder, applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b)(5) of the Act.[17] The Commission believes that the proposal is similar to several approved instruments currently listed and traded on the Amex.[18] Accordingly, the Commission finds that the listing and trading of the Notes based on the Index is consistent with the Act and will promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions securities, and, in general, protect investors and the public interest consistent with Section 6(b)(5) of the Act.[19]

As described more fully above, at maturity, the holder of the Note will receive at least 100% principal investment amount as long as the Index never experiences a Contingent Event. Specifically, at maturity, the holder would receive a full principal investment amount of the Notes plus the percentage change of the Index during the term. Also, if the Index declines substantially but never reaches the Contingent Level, the holder will receive the principal investment amount of the Notes at maturity. However, if the Index declines *at any time* during the term of the Notes, between 55 to 65% of the Initial Level (the exact percentage amount will be specified in the prospectus), this is a Contingent Event and the holder's principal will be reduced accordingly at maturity. The Notes will provide investors who are willing to forego market interest payments during the term of the Notes with a means to participate or gain exposure to the Index, subject to a minimum payment amount.

The Commission notes that the Notes are non-convertible debt securities whose price will be derived and based upon the Initial Level. In addition, if the level of the Index experiences a Contingent Event during the term, the holder of the Notes will lose the principal protection and will be entitled to receive a payment on the Notes based on the percentage change of the Index. Thus, the Commission notes that the Notes will not have a minimum principal investment amount that will be repaid, and payment on the Notes prior to or at maturity may be less than the original issue price of the Notes. The level of risk involved in the purchase or sale of the Notes is similar to the risk involved in the purchase or sale of traditional common stock, but the Note holder's principal is permanently reduced if there is a Contingent Event at any time during the term of the Note. Because the final level of return of the Notes is derivatively priced and based upon the performance of an index of securities because the Notes are debt instruments that do not guarantee a return of principal, and because investors' potential return is limited by minimum payment amount, if the value of the Index has increased over the term of such Note, there are several issues regarding the trading of this type of product. However, for the reasons discussed below, the Commission believes the Exchange's proposal adequately addresses the concerns raised by this type of product.

In approving the product, the Commission recognizes that the Index is a capitalization-weighted index of 500 companies listed on Nasdaq, the NYSE, and the Amex. The Exchange represents that the Index will be determined, calculated, and maintained by S&P.

As of August 5, 2003, the market capitalization of the securities included in the Index ranged from a high of $279.526 billion to a low of $356 million. The average daily trading volume for these same securities for the last six (6) months ranged from a high of 39.915 million shares to a low of 0.040 million shares respectively.

Given the large trading volume and capitalization of the compositions of the stocks underlying the Index, the Commission believes that the listing and trading of the Notes that are linked to the Index, should not unduly impact the

[17] 15 U.S.C. 78f(b)(5).

[18] *See* Securities Exchange Act Release Nos. 48152 (July 10, 2003), 68 FR 42435 (July 17, 2003) (approving the listing and trading of the UBS Partial Protection Note linked to the Index); 47983 (June 4, 2003), 68 FR 35032 (June 11, 2003) (approving the listing and trading of a CSFB Accelerated Return Notes linked to Index); 47911 (May 22, 2003), 68 FR 32558 (May 30, 2003) (approving the listing and trading of notes (Wachovia TEES) linked to the Index); 31591 (December 18, 1992), 57 FR 60253 (December 18, 1992) (approving the listing and trading of Portfolio Depositary Receipts based on the Index); 30394 (February 21, 1992), 57 FR 7409 (March 2, 1992) (approving the listing and trading of a unit investment trust linked to the Index)(SPDR); 27382 (October 26, 1989), 54 FR 45834 (October 31, 1989) (approving the listing and trading of Exchange Stock Portfolios based on the value of the Index); and 19907 (June 24, 1983), 48 FR 30814 (July 5, 1983) (approving the listing and trading of options on the Index).

[19] 15 U.S.C. 78f(b)(5). In approving this rule, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C.78c(f).

market for the underlying securities comprising the Index or raise manipulative concerns. As discussed more fully above, the underlying stocks comprising the Index are well-capitalized, highly liquid stocks. Moreover, the issuers of the underlying securities comprising the Index are subject to reporting requirements under the Act, and all of the component stocks are either listed or traded on, or traded through the facilities of, U.S. securities markets. Additionally, the Amex's surveillance procedures will serve to deter as well as detect any potential manipulation.

Furthermore, the Commission notes that the Notes are depending upon the individual credit of the issuer, CSFB. To some extent this credit risk is minimized by the Exchange's listing standards in Section 107A of the Company Guide which provide the only issuers satisfying substantial asset and equity requirements may issue securities such as the Notes. In addition, the Exchange's ''Other Securities'' listing standards further require that the Notes have a market value of at least $4 million.[20] In any event, financial information regarding CSFB in addition to the information on the 500 common stocks comprising the Index will be publicly available.[21]

The Commission also has a systemic concern, however, that a broker-dealer such as CSFB, or a subsidiary providing a hedge for the issuer will incur position exposure. However, as the Commission has concluded in previous approval orders for other hybrid instruments issued by broker-dealers,[22] the Commission believes that this concern is minimal given the size of the Notes issuance in relation to the net worth of CSFB.

Finally, the Commission notes that the value of the Index will be disseminated at least once every fifteen seconds throughout the trading day. The Commission believes that providing access to the value of the Index at least once every fifteen seconds throughout the trading day is extremely important and will provide benefits to investors in the product.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of the notice of filing thereof in the **Federal Register**. The Exchange has requested accelerated approval because this product is similar to several other instruments currently listed and traded on the Amex.[23] The Commission believes that the Notes will provide investors with an additional investment choice and that accelerated approval of the proposal will allow investors to begin trading the Notes promptly. Additionally, the Notes will be listed pursuant to Amex's existing hybrid security listing standards as described above. Therefore, the Commission finds good cause, consistent with Section 19(b)(2) of the Act,[24] to approve the proposal on an accelerated basis.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[25] that the proposed rule change (SR–Amex–2003–74), is approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[26]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–23798 Filed 9–17–03; 8:45 am]

BILLING CODE 8010–01–P

[20] *See* Company Guide Section 107A.

[21] The Commission notes that the 500 component stocks that comprise the Index are reporting companies under the Act, and the Notes will be registered under Section 12 of the Act.

[22] *See* Securities Exchange Act Release Nos. 44913 (October 9, 2001), 66 FR 52469 (October 15, 2001) (order approving the listing and trading of notes whose return is based on the performance of the Nasdaq-100 Index) (File No. SR–NASD–2001–73); 44483 (June 27, 2001), 66 FR 35677 (July 6, 2001) (order approving the listing and trading of notes whose return is based on a portfolio of 20 securities selected from the Amex Institutional Index) (File No. SR–Amex–2001–40); and 37744 (September 27, 1996), 61 FR 52480 (October 7, 1996) (order approving the listing and trading of notes whose return is based on a weighted portfolio of healthcare/biotechnology industry securities) (File No. SR–Amex–96–27).

[23] *See* supra note 17.

[24] 15 U.S.C. 78f(b)(5) and 78s(b)(2).

[25] 15 U.S.C. 78s(b)(2).

[26] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–48463; File No. SR–EMCC–2003–04]

Self-Regulatory Organizations; Emerging Markets Clearing Corporation; Notice of Filing of Proposed Rule Change Creating an Inactive Member Category

September 9, 2003.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on August 7, 2003, the Emerging Markets Clearing Corporation (''EMCC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by EMCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would create a new ''inactive member'' membership category in EMCC's rules.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, EMCC included statements concerning the purpose of and basis of 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. EMCC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.[2]

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to create a new category of inactive membership. From time to time, participants find that their activity level in EMCC-cleared instruments does not warrant active membership status and the costs and risks associated with such status. At the same time, however, they are reluctant to terminate their active membership status because of the amount of time, effort, and cost that would be required to provide EMCC with the membership documents required to regain their active status should they later choose to take advantage of EMCC's services. To accommodate this need, EMCC proposes to add a category of inactive membership to its rules.

In order to be eligible to be an inactive member, the participant must have no pending or fail positions or unpaid obligations. After a participant requests that they be placed in inactive status, management will act upon its request. It will not require the Membership and Risk Management Committee's approval (although those entities will be notified).

A participant that requests to be placed on inactive status will be entitled to a refund of its clearing fund deposit thirty calendar days after it is placed on

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by EMCC.

inactive status. A participant that requests that it be placed on inactive status will no longer be assessable pursuant to Rule 4 for losses due to other members.

While in inactive status, the participant must continue to provide the same financial reports that are required to active members and also must comply with all other reporting obligations. A participant that fails to do so will be subject the to the same terms and conditions as active members (*e.g.* fines, disciplinary action, termination, *etc.*). An inactive member will also be responsible for a reduced monthly account maintenance fee of $200.

At the time the participant determines to reactivate its membership status, an initial clearing fund deposit will be determined in the same manner as for a new applicant, and membership approval must be granted by the Membership and Risk Management Committee. Inactive members will not be required to reexecute membership agreements or provide other documentation to the extent EMCC determines that it already has the required documentation or information (*e.g.* financials) necessary to make a determination on the reactivation request. If the participant is inactive for longer than eighteen months, EMCC will require an opinion of the participant's counsel in a form satisfactory to EMCC that affirms that there is not substantive change in the opinion(s) previously given as part of the member's original application for membership.

EMCC believes that the proposed rule change is consistent with the requirements of section 17A of the Act [3] and the rules and regulations thereunder because it will permit the equitable allocation of charges among participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

EMCC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments from EMCC members have not been solicited or received on the proposed rule change.

[3] 15 U.S.C. 78q–1.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549–0069. Comments may also be submitted electronically at the following e-mail address: *rule-comments@sec.gov.* All comment letters should refer to File No. SR–EMCC–2003–04. This file number should be included on the subject line if e-mail is used. To help us process and review comments more efficiently, comments should be sent in hardcopy or by e-mail but not by both methods. Copies of the submission, all subsequent amendments, all written statements with respect to the rule filing that are filed with the Commission, and all written communications relating to the rule filing between the Commission and any person, other than those that may be withheld from the public in accordance with provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room in Washington, DC. Copies of such filing will also be available for inspection and copying at EMCC's principal office. All submissions should refer to File No. SR–EMCC–2003–04 and should be submitted by October 9, 2003.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–23800 Filed 9–17–03; 8:45 am]

BILLING CODE 8010–01–M

[4] 17 CFR 200.030–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–48488; File No. SR–NASD–2003–138]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Changes to the Territorial Boundaries of Certain NASD District Offices

September 12, 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 September 3, 2003, the National Association of Securities Dealers, Inc. (''NASD''), submitted to 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 NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD is proposing to amend Schedule B to the NASD By-Laws to change the territorial boundaries of certain NASD District Offices. Below is the text of the proposed rule change. Proposed new language is in *italics*; proposed deletions are in [brackets].

* * * * *

Schedule B to the NASD By-Laws

The number and territorial boundaries of the several districts established as provided in Section 1 of Article VIII are as follows:

District No. 1 through District No. 4: No change.

District No. 5: States of Alabama, Arkansas, [Kentucky,] Louisiana, Mississippi, Oklahoma and Tennessee.

District No. 6 through District No. 7: No change.

District No. 8: States of Illinois, Indiana, *Kentucky,* Michigan, Ohio and Wisconsin[, and, in the State of New York, the Counties of Monroe, Livingston and Steuben, and the remainder of the State West of such Counties].

District No. 9: The District of Columbia, and the States of Delaware, Maryland, *New Jersey,* Pennsylvania, Virginia, [and] West Virginia, and *New York (except for the Counties of Nassau,*

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Orange, Putnam, Rockland, Suffolk, Westchester, and the five Boroughs of New York City) [, in the States of New Jersey, the Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean and Salem].

District No. 10: In the State of New York, the Counties of Nassau, Orange, Putnam, Rockland, Suffolk, Westchester, and the five Boroughs of New York City[, and the State of New Jersey (except for the Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean and Salem)].

District No. 11: States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, *and* Vermont [,and New York (except for the Counties of Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester; the Counties of Monroe, Livingston and Steuben, and the remainder of the State West of such Counties; and the five Boroughs of New York City)].

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD 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. NASD 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

NASD has experienced a shift in member locations resulting in certain District Offices no longer having close proximity to a critical mass of members. Accordingly, NASD is proposing to amend Schedule B to the NASD By-Laws to change the territorial boundaries of certain NASD District Offices to reflect this shift. The proposed amendments to Schedule B will also allow NASD to better manage its resources and expenses and will enhance coordination with other self-regulatory organizations, the states, and the SEC. Specifically, the proposed rule change will amend Schedule B to the NASD By-Laws as follows:

- District No. 5: Will be amended to delete the state of Kentucky.
- District No. 8: Will be amended to: (1) Include the state of Kentucky, and (2) delete any reference to the state of New York.
- District No. 9: Will be amended to: (1) Include the state of New York, except for the Counties of Nassau, Orange, Putnam, Rockland, Suffolk, Westchester, and the five boroughs of New York City; (2) include the entire state of New Jersey; and (3) delete the references to New Jersey Counties Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem.
- District No. 10: Will be amended to delete any reference to the state of New Jersey.
- District No. 11: Will be amended to delete any reference to the state of New York.

The remaining allocations of states among District Offices as reflected in Schedule B will remain the same.

The proposed rule change will not only provide NASD with a more coherent regional balance among the District Offices, it will also allow NASD to manage more effectively its resources and expenses when discharging its regulatory programs and permit better coordination among other self-regulatory organizations, the states, and the SEC. In addition, the proposed rule change will help NASD better balance the composition of member firms assigned to the District Offices.

2. Statutory Basis

NASD believes that the proposed rule change is consistent with the provisions of section 15A(b)(6) of the Act,[3] which requires, among other things, that NASD's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The restructuring that will result from the proposed rule change will provide a more coherent regional balance as well as allow for a more equitable distribution of NASD's District Offices' workloads and resources.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, as amended.

[3] 15 U.S.C. 78*o*–3(6).

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.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act,[4] and subparagraph (f)(3) of Rule 19b–4 thereunder [5] because it is concerned solely with the administration of the self-regulatory organization. At any 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 NASD. All submissions should refer to File No. NASD–2003–138 and should be submitted by October 9, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–23799 Filed 9–17–03; 8:45 am]

BILLING CODE 8010–01–P

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4(f)(3).

[6] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 4492]

Bureau of Educational and Cultural Affairs Request for Grant Proposals: Educational Advising Program for the Middle East and North Africa

SUMMARY: The Educational Information and Resources Branch (ECA/A/S/A), Office of Global Educational Programs, of the Bureau of Educational and Cultural Affairs, announces an open competition for educational advising in the Middle East and North Africa. Public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3) may submit proposals to offer overseas educational advising, orientation, and information services for international students and scholars in one or more, up to a total of nine, locations in the Middle East and North Africa.

Program Information

Overview: ECA-supported educational advising offices guide students in their pursuit of educational opportunities in the United States and prepare them for direct exposure to American values, ideas, models, and traditions. They provide up-to-date, unbiased information on the range of accredited U.S. educational institutions and work to build mutual understanding between the United States and other countries through educational exchange.

Department of State-affiliated overseas educational advising services operate in nearly five hundred locations around the world. In the Middle East and North Africa, awards will be made to support advising in Egypt, Jordan, Kuwait, Lebanon, Morocco, Syria, Tunisia, West Bank/Gaza, and Yemen. Organizations may apply to operate centers in one or more, up to the total of nine, listed locations. If support for more than one center within any particular location is requested, the proposal should provide a rationale.

The advising centers will provide information about study opportunities in the U.S., will offer group informational sessions and individual advising, and will conduct outreach to local institutions. The advising centers will provide accurate information and advising on the following topics: The U.S. education system; U.S. colleges, universities, and other higher education institutions; the application process to a U.S. university; majors and fields of study; testing requirements; life in the U.S.; visa procedures; scholarship programs and financial aid; and pre-departure orientation. Advisers will be eligible to participate in Department of State-sponsored training opportunities, to receive reference materials for the advising center from the Department of State, and to receive guidance and assistance from the Department of State's Regional Educational Advising Coordinator (REAC) located in Rabat, Morocco.

As potential students from North Africa and the Middle East express uncertainty about whether they are welcome in the U.S. and seriously consider study in other countries that advertise themselves as ''safe,'' student numbers from the region are declining on U.S. campuses. Proposals should describe in detail creative methods for responding to Middle Eastern/North Africa student concerns and for promoting U.S. education during unsettled times.

Guidelines: Grants will begin on January 1, 2004 and end December 31, 2004. Organizations may apply to provide advising services in one or more of the above-listed countries. Educational advising services must be provided on a regularly scheduled basis, open to the public at least 30 hours per week, with additional hours reserved for program development, administrative work, and communications. As the referral service of the U.S. Embassy, the educational advising office serves as the in-country resource on U.S. higher education.

Programs must comply with J–1 visa regulations. Please refer to Solicitation Package for further information.

Budget Guidelines

To support advising in the region, the program will award a total of up to $450,000 for all centers for a one-year period. Grants awarded to eligible organizations with less than four years of experience in conducting international exchange programs will be limited to $60,000. The Bureau encourages participants to provide maximum levels of cost sharing and funding from private sources in support of its programs.

Applicants must submit a comprehensive budget with a summary budget as well as detail reflecting both administrative and program budgets. If applying for more than one site, applicants should provide separate budgets for each location, as well as identifiable program components and activities. Overhead and indirect costs should not exceed 36% of the amount requested.

Allowable costs include the following:

A. Program costs.

(1) Advisers' salaries and benefits;

(2) Office supplies and expenses, including rent, communications, postage, shipping, utilities;

B. Indirect costs.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

ANNOUNCEMENT TITLE AND NUMBER: All correspondence with the Bureau concerning this RFGP should reference the above title and number ECA/A/S/A–04–08.

FOR FURTHER INFORMATION CONTACT: The Office of Global Educational Programs, Educational Information and Resources Branch, ECA/A/S/A, Room 349, U.S. Department of State, SA–44, 301 4th Street, SW., Washington, DC 20547, phone: (202) 619–5434, fax: (202) 401–1433, e-mail: *jfrisbie@pd.state.gov* to request a Solicitation Package. The Solicitation Package contains detailed award criteria, required application forms, specific budget instructions, and standard guidelines for proposal preparation. Please specify Bureau Program Officer Jean Frisbie on all other inquiries and correspondence.

Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

To Download a Solicitation Package via Internet

The entire Solicitation Package may be downloaded from the Bureau's Web site at *http://exchanges.state.gov/education/RFGPs*. Please read all information before downloading.

New OMB Requirement

An OMB policy directive published in the **Federal Register** on Friday, June 27, 2003, requires that all organizations applying for Federal grants or cooperative agreements must provide a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number when applying for all Federal grants or cooperative agreements on or after October 1, 2003. The complete OMB policy directive can be referenced at *http://www.whitehouse.gov/omb/fedreg/062703_grant_identifier.pdf.* Please also visit the ECA Web site at *http://exchanges.state.gov/education/rfgps/menu.htm* for additional information on how to comply with this new directive.

Deadline for Proposals

All proposal copies must be received at the Bureau of Educational and Cultural Affairs by 5 p.m. Washington, DC time on Friday, October 24, 2003.

Faxed documents will not be accepted at any time. Documents postmarked the due date but received on a later date will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

Applicants must follow all instructions in the Solicitation Package. The original and eight copies of the application should be sent to: U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, Ref.: ECA/A/S/A–04–08, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Applicants must also submit the ''Executive Summary'' and ''Proposal Narrative'' sections of the proposal in text (.txt) format on a PC-formatted disk. The Bureau will provide these files electronically to the Public Affairs Section at the U.S. embassy for its review.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the ''Support for Diversity'' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' the Bureau ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

Adherence to All Regulations Governing the J Visa

The Bureau of Educational and Cultural Affairs is placing renewed emphasis on the secure and proper administration of Exchange Visitor (J visa) Programs and adherence by grantees and sponsors to all regulations governing the J visa. Therefore, proposals should demonstrate the applicant's capacity to meet all requirements governing the administration of Exchange Visitor Programs as set forth in 22 CFR 6Z, including the oversight of Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, record-keeping, reporting and other requirements.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for grants resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. *Quality of the program idea:* Proposals should exhibit originality, substance, precision, and relevance to the Bureau's mission.

2. *Program planning and ability to achieve program objectives:* Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above. Proposals should clearly demonstrate how the institution will meet the program's objectives and plan. Advising centers must be in place to begin work on January 1, 2004.

3. *Multiplier effect/impact:* Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

4. *Support of Diversity:* Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration and program content.

5. *Institutional Capacity:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals. Institutions should be knowledgeable about the Middle East and North Africa with governmental permission to operate in the locations listed.

6. *Institution's Record/Ability:* Proposals should demonstrate an institutional record of successful educational advising programs or exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by Bureau Grant Staff. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants.

7. *Follow-on Activities:* Proposals should provide a plan for continued follow-on activity (without Bureau support) ensuring that Bureau supported programs are not isolated events.

8. *Project Evaluation:* Proposals should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. A draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives is recommended. Successful applicants will be expected to submit reports semiannually.

9. *Cost-effectiveness and cost-sharing:* The overhead and other indirect costs of the proposal should be kept as low as possible. All other items should be necessary and appropriate. Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

10. *Value to U.S.-Partner Country Relations:* Proposed projects should receive positive assessments by the U.S. Department of State's geographic area desk and overseas officers of program need, potential impact, and significance in the partner countries.

Authority

Overall grant-making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-

Hays Act. The purpose of the Act is ''to enable the government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program above is provided through legislation.

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: August 9, 2003.

C. Miller Crouch,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 03–23859 Filed 9–17–03; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed Between August 25, 2003 and September 5, 2003

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days after the filing of the application.

Agreements filed during week ending: August 26, 2003.

Docket Number: OST–2003–16013.
Date Filed: August 25, 2003.
Parties: Members of the International Air Transport Association.
Subject: PTC COMP 1078 dated 8 August 2003, Composite Resolution 001w, Minutes—PTC COMP 1087 dated 26 August 2003, Intended effective date: 1 April 2004.

Docket Number: OST–2003–16014.
Date Filed: August 25, 2003.
Parties: Members of the International Air Transport Association.
Subject: PTC COMP 1079 dated 8 August 2003, Composite Resolutions 012 and 024d, Minutes—PTC COMP 1087 dated 26 August 2003, Intended effective date: 1 April 2004.

Docket Number: OST–2003–16016.
Date Filed: August 25, 2003.
Parties: Members of the International Air Transport Association.
Subject: PTC COMP 1080 dated 8 August 2003, Composite Resolutions r1–r8, Minutes—PTC COMP 1087 dated 26 August 2003, Intended effective date: 1 April 2004.

Docket Number: OST–2003–16017.
Date Filed: August 25, 2003.
Parties: Members of the International Air Transport Association.
Subject: PTC COMP 1081 dated 8 August 2003, Composite Resolutions 087aa and 210, Minutes—PTC COMP 1087 dated 26 August 2003, Intended effective date: 1 April 2004.

Docket Number: OST–2003–16020.
Date Filed: August 25, 2003.
Parties: Members of the International Air Transport Association.
Subject: PTC COMP 1082 dated 8 August 2003, Composite Resolution 300, Minutes—PTC COMP 1087 dated 26 August 2003, Intended effective date: 1 April 2004.

Docket Number: OST–2003–16021.
Date Filed: August 25, 2003.
Parties: Members of the International Air Transport Association.
Subject: PTC COMP 1083 dated 8 August 2003, Composite Resolution 301, Minutes—PTC COMP 1087 dated 26 August 2003, Intended effective date: 1 April 2004.

Docket Number: OST–2003–16022.
Date Filed: August 25, 2003.
Parties: Members of the International Air Transport Association.
Subject: PTC1 0267 dated 15 August 2003, TC1 Areawide Resolutions r1–r4, Minutes—PTC1 0272 dated 26 August 2003, Intended effective date: 1 January 2004.

Docket Number: OST–2003–16023.
Date Filed: August 25, 2003.
Parties: Members of the International Air Transport Association.
Subject: PTC1 0268 dated 15 August 2003, TC1 Caribbean Resolutions r1–r13, Minutes—PTC1 0272 dated 26 August 2003, Tables—PTC1 Fares 0084 dated 15 August 2003, Intended effective date: 1 November 2003.

Docket Number: OST–2003–16024.
Date Filed: August 25, 2003.
Parties: Members of the International Air Transport Association.
Subject: PTC1 0269 dated 15 August 2003, TC1 Longhaul (except between USA-Chile, Panama), Resolutions r1–r35, Minutes—PTC1 0272 dated 26 August 2003, Tables—PTC1 Fares 0085 dated 15 August 2003, Intended effective date: 1 January 2004.

Docket Number: OST–2003–16025.
Date Filed: August 25, 2003.
Parties: Members of the International Air Transport Association.
Subject: PTC1 0270 dated 15 August 2003, TC1 USA-Chile, Panama Resolutions r1–r15, Minutes—PTC1 0272 dated 26 August 2003, Tables—PTC1 Fares 0085 dated 15 August 2003, Intended effective date: 1 January 2004.

Docket Number: OST–2003–16027.
Date Filed: August 25, 2003.
Parties: Members of the International Air Transport Association.
Subject: PTC1 0271 dated 15 August 2003, TC1 Within South America Resolutions r1–r11, Minutes—PTC1 0272 dated 26 August 2003, Tables—PTC1 Fares 0086 dated 15 August 2003, Intended effective date: 1 January 2004.

Agreement filed during week ending: September 5, 2003.

Docket Number: OST–2003–16093.
Date Filed: September 3, 2003.
Parties: Members of the International Air Transport Association.
Subject: YMQ/GEN/110/03 dated July 9, 2003, Circulation of Mail Vote—Resolution 801r R–1, YMQ/GEN/111/03 dated July 30, 2003, Notice of adoption of Mail Vote, YMQ/GEN/112/03 dated August 25, 2003, Adopted Mail Vote 112/03, Intended effective date: October 1, 2003.

Andrea M. Jenkins,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. 03–23774 Filed 9–17–03; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending August 29, 2003

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier

Permits were filed under subpart B (formerly subpart Q) of the Department of Transportation's Procedural Regulations (*See* 14 CFR 301.201 *et. seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–2003–16018.

Date Filed: August 25, 2003.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: August 21, 2003.

Description: Application of Bluebird Cargo Ltd., pursuant to 49 U.S.C. 41302 and subpart B, requesting a foreign air carrier permit to authorize the carrier to provide all-cargo scheduled and charter services between: (1) Any point or points in Iceland and the United States; and (2) between any point or points in the United States and any point or points in a third country or countries.

Docket Number: OST–1999–6319.

Date Filed: August 28, 2003.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 18, 2003.

Description: Application of Northwest Airlines, Inc., pursuant to 49 U.S.C. 41102 and subpart B, requesting to amend its experimental certificate of public convenience and necessity for Route 564 (U.S.-Mexico) to incorporate authority for service between Los Angeles and Mexico City. Northwest also requests that the Department integrate this authority with all of Northwest's existing certificate and exemption authority to the extent consistent with U.S. bilateral agreements and DOT policy.

Docket Number: OST–2003–16063.

Date Filed: August 28, 2003.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 18, 2003.

Description: Application of Orient Thai Airlines Co., Ltd., pursuant to 49 U.S.C. 41301, *et seq.* and subpart B, requesting a foreign air carrier permit authorizing it to engage in scheduled and charter foreign air transportation of persons, property, and mail between points in Thailand, on the one hand, and the U.S. points New York, Los Angeles and San Francisco, on the other hand, either directly or via intermediate points in other countries, and any charters pursuant to part 212 of the Department's regulations, as necessary.

Andrea M. Jenkins,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. 03–23775 Filed 9–17–03; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2002–13236]

Aviation Safety Action Program (ASAP)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of order designating ASAP information as protected from public disclosure under 14 CFR part 193.

SUMMARY: Federal Aviation Administration (FAA) Order 8000.82 designates information provided to the agency from a voluntary Aviation Safety Action Program (ASAP) as protected from public disclosure, including disclosure under the Freedom of Information Act or other laws. This designation is intended to encourage participation in the ASAP and wider sharing of ASAP information with the FAA. FAA Order 8000.82 is published in the **Federal Register** in accordance with 14 CFR part 193.

DATES: FAA Order 8000.82 became effective on September 3, 2003.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas Longridge, Flight Standards Service, AFS–230, Federal Aviation Administration, 800 Independence Ave, SW., Washington DC 20591, telephone (703) 661–0275. e-mail *Thomas.Longridge@faa.gov*.

SUPPLEMENTARY INFORMATION:

Authority: 49 U.S.C. 40123; 14 CFR part 193.

Background

Under Title 49 of the United States Code (49 U.S.C.) section 40123, certain voluntarily provided safety and security information is protected from disclosure in order to encourage persons to provide the information to the Federal Aviation Administration. The FAA must first find that the information should be protected under the terms of section 40123. The FAA's rules for implementing section 40123 are in 14 CFR part 193. If the FAA issues an order designating information as protected, that information will not be disclosed under the Freedom of Information Act (5 U.S.C. 552) or other laws, except as provided in section 40123, part 193, and the order that designates the information as protected. This FAA order for ASAP is issued under 14 CFR 193.11, which sets forth the notice procedure for designating information as protected.

A notice of proposed order designating ASAP information as protected from disclosure was published in 67 FR 56774 on September 5, 2002. In response to the notice, comments were received by the FAA. Appendix 1 of Order 8000.82 summarizes those comments and provides the FAA responses. The order includes some changes from the proposed order to reflect some of those comments. In addition, the order includes changes for clarity, to ensure compliance with part 193, and to ensure conformity with FAA Advisory Circular 120–66B, which governs ASAP.

Issued in Washington, DC, on September 10, 2003.

Nicholas A. Sabatini,

Associate Administrator for Regulation and Certification.

FAA Order 8000.82—Designation of Aviation Safety Action Program (ASAP) Information as Protected From Public Disclosure Under 14 CFR Part 193

1. *Purpose.* This order designates information received by the agency from an Aviation Safety Action Program (ASAP) as protected from public disclosure in accordance with the provisions of title 14 of the Code of Federal Regulations (14 CFR) part 193.

2. *Distribution.* This order is distributed to the branch level in the Washington headquarters Flight Standards Service; Aviation System Standards, all Regional Administrators; to the Directors of the Mike Monroney Aeronautical Center and the Europe, Africa, and Middle East area Office; to the Regulatory Standards Division at the FAA Academy; to the branch level in the regional Flight Standards Divisions; to all Flight Standards District Offices; to all International and Aeronautical Quality Assurance Field Offices; to all Flight Standards Certificate Management Offices; and to all Aircraft Evaluation Groups.

3. *Background.* Under Title 49 of the United States Code (49 U.S.C.), section 40123, certain voluntarily provided safety and security information is protected from disclosure in order to encourage persons to provide the information to the Federal Aviation Administration (FAA). The FAA must first issue an order that specifies why the agency finds that the information should be protected in accordance with 49 U.S.C., section 40123. The FAA's rules for implementing that section are in 14 CFR part 193. If the Administrator issues an order designating information as protected under 49 U.S.C., section 40123, that information will not be disclosed under the Freedom of Information Act (Title 5 of the United States Code (5 U.S.C.), section 552) or other laws,

except as provided in 49 U.S.C. section 40123, 14 CFR part 193, and the order designating the information as protected. This order is issued under part 193, section 193.11, which sets out the notice procedure for designating information as protected.

4. *Applicability.* This order is applicable to any FAA office that receives information covered under this designation from an ASAP program. The order also is applicable to any other government agency that received such information from the FAA. In order for any other government agency to receive ASAP information covered under this designation from the FAA, each such agency must first stipulate, in writing, that it will abide by the provisions of part 193 and this order.

5. *Summary of the ASAP Voluntary Information Sharing Program.*

a. *Who may participate?* Certificate holders who have an FAA-accepted ASAP, and their covered employees.

b. *What voluntarily provided information would be protected from disclosure under this proposed designation?* Except for ASAP reports that involve possible criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification, the following information would be protected from disclosure when provided in the FAA.

(1) The employee's ASAP report, and the content of that report.

(2) The identity of the certificate holder associated with an accepted ASAP report.

(3) The name of the employee who submits an accepted ASAP report(s).

(4) The information from sources other than the FAA of an Event Review Committee (ERC) investigation concerning an accepted ASAP report.

(5) Evidence and other information gathered during an ERC investigation by persons other than the FAA.

(6) Statistical analysis and trend information provided by the certificate holder that is based on events reported under a particular certificate holder's ASAP.

(7) A certificate holder's database of reports and events collected over time from that certificate holder's ASAP.

(8) Corrective action on sole source reports when such corrective action is successfully completed.

Note: The type of information or circumstances under which the information listed above would not be protected from disclosure is discussed in paragraph 6e(2) of this order.

c. *How do you participate?* Certificate holders participate by executing an ASAP memorandum of understanding (MOU) with the FAA and by voluntarily sharing information from the ASAP with the FAA.

d. *What is the duration of this information-sharing programs?* This information-sharing program continues for a given certificate holder until the associated ASAP MOU is terminated by any of the parties to the MOU.

6. *Findings.* The FAA designates information received from an accepted ASAP as protected under 49 U.S.C., section 40123 and part 193, section 193.7, based on the following findings.

a. *Summary of why the FAA finds that the information will be provided voluntarily.* The FAA finds that the information will be provided voluntarily. No certificate holder is required to participate in ASAP, and no employee is required to submit reports even if his or her employer participates in ASAP. An ASAP MOU may be terminated at any time by any of the parties to the MOU. Besides access by the FAA ERC representative, the FAA anticipates that information from a certificate holder's ASAP will be more widely shared with the FAA because the voluntary establishment of an ASAP constitutes a partnership between the FAA and certificate holder in the interest of achieving joint safety improvement goals.

b. *Description of the type of information that may be voluntarily provided under the program and a summary of why the FAA finds that the information is safety- or security-related.*

(1) An ASAP is created specifically to provide a means for employees to report safety-related events. All individuals ASAP reports are clearly labeled as such and must be signed by each employee seeking the enforcement incentives available under an ASAP. Two types of reports are ordinarily submitted under the ASAP:

- Safety-related reports that appear to involve one or more violations of the regulations (*e.g.*, deviating from an Air Traffic Control (ATC)-assigned altitude)
- Reports that identify a general safety concern, but do not appear to involve a violation of the regulations (*e.g.*, flight crewmember concerns that the design of a flight checklist could lead to an error)

(2) Each ASAP report must contain sufficiently detailed information about a safety event so that it can be evaluated by a third party. If the report is submitted by a flight crewmember, and the safety even involves a deviation from an ATC clearance, the ASAP report would include the date, time, place, altitude, flight number, and ATC frequency, along with a description of the safety-related event. The only types of reports that are expected to be submitted under an ASAP are those that are safety- or security-related.

c. *Summary of why FAA finds that the disclosure of the information would inhibit persons from voluntarily providing that type of information.* The FAA finds that disclosure of the information would inhibit the voluntary provision of that type of information. Certificate holders and their employees are reluctant to share sensitive safety information with the FAA, including employee self-reports of alleged violations, if such submissions might be subject to public disclosure.

(1) A significant impediment to the sharing of ASAP information with the FAA is the aviation industry's concern over public disclosure of the information, and, if disclosed, the potential for it to be used for other than the safety enhancement purposes for which the ASAP was created. As a result, certificate holders have not permitted ASAP reports and related information to leave the certificate holder's premises, and, except for ASAP information made available for review by the FAA ERC representative at the certificate holder's place of business, no ASAP information is presently submitted to the FAA. This information is considered to be confidential by the participating certificate holders and their employees who are involved in the program.

(2) While the FAA does not anticipate receiving ASAP reports for retention in FAA files or an FAA database, the FAA believes that the extraction and submission of certain categories of information from such reports for trending purposes could benefit safety. For example, an FAA database or perceived contributing factors for runway incursions (extracted from ASAP reports) could be beneficial to the FAA and airlines in the development of corrective strategies to reduce the probability of such incidents.

d. *Summary of why the receipt of that type of information aids in fulfilling the FAA's safety and security responsibilities.* The FAA finds that receipt of ASAP information aids in fulfilling the FAA's safety and security responsibilities. Because of its capacity to provide early identification of needed safety improvements, an ASAP offers significant potential for incident and accident avoidance. Currently, FAA experience has clearly established that an ASAP can produce safety-related data that is not available form any other source. For example, ASAP reports concerning altitude deviations have identified common casual factors in producing such incidents. Receipt of this previously unavailable information has provided the FAA with an improved basis for modifying procedures, policies, and regulations in order to improve safety and efficiency.

e. *Consistencies and inconsistencies with FAA safety and security responsibilities.* The FAA finds that withholding ASAP information provided to be FAA is consistent with the FAA's safety responsibilities. ASAP specifically provides that corrective action will be taken when necessary.

(1) Withholding ASAP information from disclosure is consistent with the FAA's safety and security responsibilities because, unless the FAA can provide assurance that it will not be disclosed, the FAA will not receive the information. If the FAA does not receive the information, the FAA and the public will be deprived of the opportunity to make safety improvements that receipt of the information otherwise enables. Corrective action under ASAP can be accomplished without disclosure of protected information. For example, for acceptance under the ASAP, the reporting employee must comply with ERC recommendations for corrective action, such as additional training for an employee. If the employee fails to complete corrective action in a manner satisfactory to all members of the ERC, the ASAP event will be referred to an appropriate office within the FAA for any additional investigation, reexamination, and/or enforcement action, as appropriate.

(2) The FAA will release ASAP information submitted to the agency, as specified in part 193 and this order. For example, in order to explain the need for changes in FAA policies, procedures, and regulations, the FAA may disclose de-identified (no operator or employee identity), summarized information that has been derived from ASAP information or extracted from the protected information listed under

paragraph 5b. The FAA may disclose de-identified, summarized ASAP information that identifies a systemic problem in the aviation system, when other people need to be advised of the problem in order to take corrective action. The FAA may release the name of an air carrier or repair station that has an ASAP that has been accepted by the FAA. Under the current version of Advisory Circular (AC) 120–66, Aviation Safety Action Program (ASAP), reported events and possible violations may be referred to the FAA for appropriate action, including investigation, reexamination, and/or enforcement action. Although the report itself and the content of the report are not used as evidence, the FAA may use the knowledge of the event or possible violation to generate a separate investigation, and, in that regard, the information is not protected from disclosure. To withhold information from such limited release would be inconsistent with the FAA's safety responsibilities because the limited situations in which this is done do not involve matters that are covered by ASAP. In addition, reports that appear to involve possible criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification will be referred to an appropriate FAA office for further handling. The FAA may use such reports for any enforcement purposes, and will refer such reports to law enforcement agencies, if appropriate. To withhold information in these circumstances would be inconsistent with the agency's safety responsibilities because it could prevent the agency, or at least diminish its ability, to effectively address such egregious misconduct.

f. *Summary of how the FAA will distinguish information protected under part 193 from information the FAA receives from other sources.*

(1) All employee ASAP reports are clearly labeled as such. A single report must be signed by all employees seeking the enforcement incentives available under an ASAP for the event, or each such employee must submit a separate signed report.

(2) Any other information received by the FAA from the certificate holder concerning the content of ASAP reports, except for ASAP reports involving possible criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification (such as statistical analyses, program review reports, and trend information), must be clearly labeled as follows in order to be protected under this designation:

Warning: The information in this document may be protected from disclosure under 49 U.S.C., section 40123 and 14 CFR part 193.

7. *Designation.* The FAA designates the information described in paragraph 5b to be protected from disclosure in accordance with 49 U.S.C., section 40123, and 14 CFR part 193, when submitted pursuant to an accepted ASAP.

Nicholas A. Sabatini,
Associate Administrator for Regulation and Certification.

Appendix 1.—Summary of Significant Comments Received and the FAA's Response

A proposed Federal Aviation Administration (FAA) order designating Aviation Safety Action Program (ASAP) information as protected from disclosure under Title 14 of the Code of Federal Regulations (14 CFR) part 193 was published in the **Federal Register** on September 5, 2002 (**Federal Register**, Volume 67, Number 172, pages 56774–56776). Comments were received from four commenters, including one major airline trade association and one major pilots labor association. These comments and the FAA responses are as follows:

(1) The information may already be available to the public through the National Aeronautics and Space Administration (NASA) Aviation Safety Reporting Program (ASRS).

(a) *Comment.* If ASAP reports are sent to the NASA ASRS as part of an ASAP program, it would render moot any attempt by the FAA to keep information private. Therefore, if operators share this information with NASA, thereby voluntarily making it public information, any attempt by the FAA to protect the information would be a waste of time. I do not feel there is a need to adopt the proposed order.

(b) *The FAA Response.* While it is certainly the case that most ASAP Memorandums of Understanding (MOU) include provisions for submitting events reported under ASAP to the NASA ASRS, this circumstance does not preclude the need to protect the information specified in this order from public disclosure. All information that could be used to derive the identity of the submitting pilot is removed from an ASRS report before it is entered into the ASRS database, whereas only the employee name is redacted from an ASAP report entered into an ASAP database. In addition, the information protected under this order includes evidence and other information gathered during an Event Review Committee (ERC) investigation by persons other than the FAA that is not obtained by the ASRS. Unlike ASAP, ASRS does not include such followup information on individual events reported under that program.

(2) ASAP MOU content and signatories should not be disclosed.

(a) *Comment.* The content of ASAP MOUs and signatories to these MOUs should not be disclosed. While acknowledging the existence of an ASAP MOU is not problematic, ASAP programs are highly confidential and, at times, have been the subject of discovery disputes in civil litigation. Furthermore, it is very likely the MOUs will contain information about ASAP programs that operators would keep confidential under normal circumstances. For these reasons, we urge the FAA to determine that it will not release or disclose the content of MOUs, including the identification of the signatories. The public does not have a need to know exactly who signs an MOU on behalf of an operator. An identification of that person could lead to unwanted public inquiries.

(b) *The FAA Response.* The FAA does not agree that ASAP MOUs should contain information that operators would keep confidential under normal circumstances. The appropriate content of an ASAP MOU is fully described in FAA advisory materials available to the public. Certainly there is nothing in those advisory materials that would require or recommend inclusion of confidential information in the MOU. Because it involves an agreement by the FAA to take lesser enforcement action than might otherwise be taken for alleged violations of 14 CFR (when voluntarily reported by an employee in accordance with the ASAP MOU), the public has a right to know the provisions of the MOU on which basis the FAA has modified its enforcement policy for a particular operator and employee group. Similarly, since this modified enforcement policy does not take effect until an ASAP MOU is signed by an authorized representative of each party to the MOU, it is not appropriate for the identities of such signatories to be withheld from public disclosure.

Use of the term ''information-sharing program'' is not accurate.

(a) *Comment.* Two commenters took exception to the characterization of ASAP programs in the notice as ''information-sharing program''. One commenter stated that these characterizations are not quite accurate since they would suggest that a formal ASAP information-sharing program exists. The commenter states that is not the case. The commenter notes that the process by which the industry will share ASAP information with the FAA is evolving through the efforts of the ASAP Aviation Rulemaking Committee (ARC) and the combined ASAP/Flight Operation Quality Assurance (FOQA) Information-Sharing Subcommittee. For this reason, the commenter recommends that the FAA delete the phrase ''information-sharing program'' from the final order. The commenter states that it is not necessary to characterize the ASAP as an information-sharing program at all. The goal of ASAP is to prevent accidents. The means by which certificate holders share information is ancillary to the corrective and preventative action process. The second commenter stated that although not adverse to a formal ASAP information-sharing program, such a program should be developed and implemented through the ASAP ARC.

(b) *The FAA Response.* As employed in this order, use of the phrase ''information-sharing program'' simply refers to ASAP information that is voluntarily provided to the FAA. The order would provide protection from disclosure of the information specified in paragraph 5b herein, regardless of the means of submission, including any such means to be developed for ASAP in the future through the efforts of the ASAP ARC and the combined ASAP/FOQA Information-Sharing Subcommittee. The FAA notes that ASAP information is already being shared with the FAA by virtue of the participation of an FAA representative on every ASAP ERC for every existing such program. The present order would extend part 193 protection to such information as specified.

(4) The current ASAP process does not provide for the FAA to take possession of individual ASAP reports.

(a) *Comment.* The current process does not provide for the FAA to take possession of individual ASAP reports, except for those reports that are excluded from the program for criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification. Additionally, the current version of Advisory Circular (AC) 120–66, Aviation Safety Action Program (ASAP) expressly prohibits the FAA from using either the report or the content of the report for enforcement action. The commenter states that, therefore, all references to ''ASAP reports that are in the possession of the FAA'' should be replaced with ''aggregate ASAP trend information in possession of the FAA.''

(b) *The FAA Response.* The FAA does not concur. The intent of this order is to protect sensitive information that may be obtained by the FAA from an ASAP, including an ASAP report, from disclosure. This order does not establish any submission requirements for such information or reports. However, if the information or reports specified in paragraph 5b of this order are obtained by the FAA, they will be protected in accordance with part 193 and this order. As was stated in the notice of proposed designation, the FAA does not anticipate receiving ASAP reports for retention in FAA files or in an FAA database. However,if under any circumstances, the FAA finds itself in possession of an ASAP report, it will be protected from disclosure, as specified in part 193 and this order. For example, if in the course of accomplishing the duties and responsibilities of membership in an ASAP ERC, the FAA representative of that committee is temporarily in possession of a de-identified ASAP report, that report will be protected from disclosure in accordance with part 193 and this order. The FAA believes that the goals of the ASAP are best served by extending disclosure protection to both individual ASAP and certain trend information, as specified in paragraph 5b of this order. To better emphasize that it is the FAA's intent to protect ASAP reports from disclosure, the wording of paragraph 5b(1) of this order has been modified to specify that both the ''employee's ASAP report and the content of that report'' will be protected under part 193 and this order.

(5) There are other possibilities for a national safety information resource besides the FAA.

(a) *Comment.* We do not know what is meant by the last sentence under Proposed Findings (4) in the notice, ''it would also permit the FAA to serve as a national safety-information resource for certificate holders.'' There are already other possibilities for this endeavor, such as the Air Transportation Association's Aviation Safety Exchange System or the NASA ASRS. Most importantly, the FAA, through the ASAP programs in place, currently has access to ASAP reports on a periodic basis during the ERC meetings. During this process, the FAA helps identify safety issues, develops corrective actions, and monitors the success of these corrective actions during subsequent ASAP reports reviews. Therefore, additional ASAP information submission to the FAA should be in aggregate form in order to support the identification and correction of National Airspace safety issues. Therefore, a statement in the paragraph describing the proposed data-sharing program should describe this concept.

(b) *The FAA Response.* This order does not establish requirements for ASAP information submissions to the FAA. Rather, it establishes part 193 disclosure protection for the ASAP information specified in paragraph 5b of this order. The FAA concurs with the commenter that additional ASAP information submissions to the FAA, beyond the sharing that already occurs in association with FAA membership on an ASAP ERC, should be in aggregate form in order to support the identification and correction of National Airspace safety issues. This order would provide part 193 protection for such aggregate information submitted to the FAA, except as described in paragraph 6e(2). In view of that protection, the FAA concurs with the commenter that the sentence from the notice that reads, ''It would also permit the FAA to serve as a national safety information resource for certificate holders,'' is inappropriate. While such aggregated information could serve as a national resource for the FAA to monitor the identification and correction of safety trends, it would not serve as a national information resource in the same sense as the NASA ASRS or other potential national repositories because the aggregate ASAP information at the FAA would be subject to the disclosure protections of part 193 and this order. The sentence has therefore been deleted from this order. In view of that deletion, a description of the proposed data-sharing national resource program, as requested by the commenter, is not needed.

(6) The FAA's proposal is not properly within the scope of 49 U.S.C., section 40123.

(a) *Comment.* The effect of this order would be the designation of information provided to the agency from an ASAP as protected from public disclosure under 14 CFR part 193 and 49 U.S.C., section 40123. However, the FAA's proposal is not properly within the scope of that section of the U.S.C. In the Notice of Proposed Order, the FAA represents that certificate holders have not permitted ASAP reports and related information to leave the certificate holder's premises due to their concerns over public disclosure. But under ASAP, the voluntary submitter of the information is not the certificate holder. Rather, the employee of the certificate holder is the submitter, and the protections afforded by 49 U.S.C., section 40123 and 14 CFR part 193 run to the employee submitting information under the program, not to the certificate holder. The idea here is to avoid inhibiting the employee that has a desire to report under ASAP, not to protect the certificate holder. It is not the case that this order is needed in order to encourage submission of ASAP reports by employees, since such reports are in fact already being submitted. Although the certificate holders may obstruct the flow of these reports to the FAA, such obstruction is not the same thing as inhibiting the voluntary submission of the reports in the first place. A certificate holder who is afforded protection for a report submitted by an employee will have received a benefit to which it is not entitled. Such a certificate holder has hijacked the process and is using its physical control over a properly submitted ASAP report to extort compliance from the FAA. Should the FAA submit to the demands of the certificate holders, its action will all but foreclose the flow of this incredibly useful information into the aviation community and endanger the viability of other aviation safety-related resources. The failure of certificate holders to provide the reported information to the FAA is simply wrong, and the acquiescence of the FAA in extending protection to those certificate holders in return for the information shows only complicity.

(b) *The FAA Response.* As is discussed in the preamble to part 193 (**Federal Register**, volume 66, number 122, pages 33792–33805) regarding the FAA's implementation through rulemaking of 49 U.S.C., section 40123, a major goal of the law and part 193 regulation is to address air carrier concerns about voluntarily allowing information to be released from their premises to the FAA that could be subject to disclosure under the Freedom of Information Act or other laws. The rationale for protecting safety-related information voluntarily provided to the FAA, including in particular ASAP information obtained by the certificate holder, is specifically discussed in that preamble. The public law and part 193 are broadly applicable to any voluntarily provided safety- or security-related information, if the Administrator finds that its disclosure would inhibit the voluntary provision of that type of information and its receipt aids in fulfilling the Administrator's safety and security responsibilities. It is clear that the wording of 49 U.S.C., section 40123 is intended to apply to information that is provided to the FAA. The commenter's observation that ASAP reports are already voluntarily provided to the certificate holder is not the issue. In order for the FAA to employ ASAP information for safety improvement, it must receive that information from certificate holders. The FAA has determined that without the disclosure protections provided under part 193 and this order, certificate holders will not voluntarily release ASAP information from their premises to the FAA. Unless the FAA receives that information, it cannot be aggregated from multiple carriers for FAA safety tracking purposes at a national level.

(7) A part 193 designation for ASAP would inhibit future submissions under the NASA ASRS.

(a) *Comment.* Our greatest fear is that, as an adjunct to ''protecting'' ASAP data, the FAA will stop the flow of ASAP information into the ASRS database. This would be a tragedy. Although employees of certificate holders are free to file under both ASAP and ASRS programs, the likelihood of such dual filings, especially given the certificate holder's distaste for the dissemination of this kind of information, is exceedingly rare. Safety information needs to be shared, and the aviation community needs to be able to have access to useful data.

(b) *The FAA Response.* The FAA is a strong supporter of ASRS (both conceptually and financially), and does not intend or expect that this part 193 designation for ASAP will negatively impact the NASA program. Nearly all ASAPs entail the submission of a NASA ASRS report as a standard procedure whenever an ASAP report involves possible noncompliance with the regulations. These NASA ASRS submissions are made either by the company on behalf of the ASAP reporting pilot or by the pilot himself. The FAA believes that this will continue to occur because ASRS can provide the submitter with eligibility for a waiver of the imposition of sanction from FAA enforcement action in the event that an ASAP report is excluded from the program. Since at the time of submission of an ASAP report, a pilot cannot know with certainty whether an ASAP ERC will determine that the report should be accepted under ASAP, there is a strong incentive for air carrier pilots to continue to submit reports to both programs. The FAA does not agree that extending part 193 protection to ASAP will stop the flow of useful information into the NASA ASRS. Rather, the FAA anticipates that establishing part 193 protection for ASAP will have the opposite effect. It will increase industry participation in ASAP, thereby also increasing the reporting of events under the NASA ASRS. At the same time, it will allow the FAA to obtain the more detailed information on specific events and their followup that occurs under an ASAP, but cannot occur under the ASRS, due to the requirement to de-identify the data so thoroughly. ASRS will continue to serve as a valuable source to the aviation community of thoroughly de-identified safety-related information.

(8) FAA should not protect the content of an ASAP report once the identity of the employee and certificate holder have been redacted.

(a) *Comment.* We object to protecting the content of an employee's ASAP report. We believe the FAA has failed to articulate a convincing case for protecting the entire content of an employee's ASAP report when ''sanitization'' is all that is called for to afford the protection that the FAA claims is required. In short, why withhold the entire content of the ASAP report when simply withholding the identity of the employee and the certificate holder would eliminate the problems described by the FAA?

(b) *The FAA Response.* In order to protect the identity of the employee who has submitted an accepted ASAP report, and that of the certificate holder, more than simply removing the identities of each is required. For example, reports entered into the ASRS database also entail removing information on make, model, and series of aircraft, airport city pair information, and any other specific information that might potentially enable a third party to derive identity information. Because of the thoroughness with which ASRS has removed all information that might enable identification of the employee or certificate holder, the ASRS has been effective in establishing a high level of trust with the aviation community that identity information would be protected. In contrast, the value of ASAP for safety enhancement lies in its capacity to retain specific information on individual events, including, for example, specific information on aircraft make, model, and series. In addition, an ASAP requires that the ERC determine whether corrective action is required to resolve a safety issue associated with an individual report. If so, the employee must complete that corrective action to the satisfaction of all members of the ERC, or the report will be excluded from the program. For this reason, this order protects not only the actual report and the content of the report, but also the information gathered during an ERC investigation by persons other than the FAA, and a certificate holder's database of reports and events collected over time. While the ASRS achieves protection of identity information by a thorough process of ''sanitization,'' the FAA seeks through this order of designation under part 193 to enable it to access the more specific information on safety-related events and their followup than is available through ASRS. The FAA believes that the public interest in aviation safety enhancement is better served by enabling the acquisition through ASAP of specific information on safety-related events and their resolution and the protection from disclosure of that information under part 193. The FAA also believes that extending this protection to ASAP is clearly consistent with the intent of Congress in enacting 49 U.S.C., section 41023.

[FR Doc. 03–23769 Filed 9–17–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular (AC) 23–8B, Flight Test Guide for Certification of Part 23 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of issuance of advisory circular.

SUMMARY: This notice announces the issuance of Advisory Circular (AC) 23–8B, Flight Test Guide for Certification of Part 23 Airplanes. The AC aids standardization in normal, utility, acrobatic, and commuter category airplanes and consolidates existing policy and certain other advisory circulars into a single document. The material in the advisory circular is intended as a reference for airplane manufacturers, modifiers, FAA engineers, flight test engineers, and flight test pilots, including Delegation Option Authorization, Designated Alteration Station, and Designated Engineering Representative personnel. The AC cancels AC 23–8A and incorporates material harmonized with the European Joint Aviation Authorities.

DATES: Advisory Circular 23–8B was issued by the Manager of the Small Airplane Directorate on August 14, 2003.

How to Obtain Copies: A paper copy of AC 23–8B may be obtained by writing to the U.S. Department of Transportation, Subsequent Distribution Office, DOT Warehouse, SVC–121.23, Ardmore East Business Center, 3341Q 75th Avenue, Landover, MD 20785, telephone 301–322–5377, or by faxing your request to the warehouse at 301–386–5394. The AC will also be available on the Internet at *http://www.airweb.faa.gov/AC.*

Issued in Kansas City, Missouri, on September 3, 2003.

Frank Paskiewicz,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–23871 Filed 9–17–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application 03–05–C–00–MBS To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at MBS International Airport, Saginaw, Michigan

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent to Rule on Application.

SUMMARY: The FAA proposes to rule and invites pubic comment on the application to impose and use the revenue from a PFC at MBS International Airport under the provisions of the 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before October 20, 2003.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Detroit Airports District Office, 11677 South Wayne Road—Suite 107, Romulus, Michigan 48174.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Ms. Elizabeth E. Owen, Airport Manager of the MBS International Airport at the following address: 8500 Garfield Road—Suite 101, Freeland, Michigan 48623.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the MBS International Airport Commission under section 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Jason Watt, Program manager, Detroit Airports District Office, 11677 South Wayne Road—Suite 107, Romulus, Michigan 48174, (734) 229–2906. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at MBS International Airport under the provisions of the 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On August 26, 2003 the FAA determined that the application to impose and use the revenue from a PFC submitted by MBS International Airport Commission 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 November 25, 2003.

The following is a brief overview of the application.

Proposed charge effective date: June 1, 2008.

Proposed charge expiration date: April 1, 2010.

Level of the proposed PFC: $3.00.

Total estimated PFC revenue: $1,378,794.

Brief description of proposed projects: Furnish and install regional jet bridge; reimbursement of charges for PFC application preparation (PFC number 01–04–C–00–MBS); reimbursement of charges for audits performed on the PFC program at MBS International Airport; land acquisition (southwest approach, Law property); security fingerprint machine procurement (sponsor portion); airport rescue and fire fighting vehicle procurement; snow removal equipment procurement; runway friction braking vehicle procurement. Class or classes of air carriers, which the public agency has requested, not be required to collect PFCs: Part 135, air taxi/commercial operators filing FAA Form 1800–31. 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 MBS International Airport Commission.

Issued in Des Plaines, Illinois on September 4, 2003.

Barbara J. Jordan,

Acting Manager, Planning and Programming Branch, Great Lakes Region.

[FR Doc. 03–23872 Filed 9–17–03; 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 Tulsa International Airport, Tulsa, OK

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 Tulsa 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).

DATES: Comments must be received on or before October 17, 2003.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate copies to the FAA at the following address: Mr. G. Thomas Wade, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–611, Fort Worth, Texas 76193–0610.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Brent A. Kitchen, Airport Director, Tulsa International Airport, at the following address: 7777 East Apache, Tulsa, Oklahoma 74115.

Air carriers and foreign air carriers may submit copies of the written comments previously provided to the Airport under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. G. Thomas Wade, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–611, Fort Worth, Texas 76193–0610, (817) 222–5613.

The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Tulsa 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 September 9, 2003, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Airport was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than January 2, 2004.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00.

Proposed charge effective date: July 1, 2004.

Proposed charge expiration date: July 1, 2013.

Total estimated PFC revenue: $35,722,000.

PFC application number: 04–05–C–00–TUL.

Brief description of proposed project(s):

Projects To Impose and Use PFCs

1. Rehabilitate Terminal with Security Improvements
2. Acquire Snow Removal and ARFF Equipment
3. Rehabilitate Taxiways and Taxi Lanes
4. Extend Runway 8/26 and Associated Development
5. Replace Runway 18L/36R Lighting

Proposed class or classes of air carriers to be exempted from collecting PFCs: Air Taxi/Commercial Operators Filing FAA Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–610, 2601 Meacham Blvd., Fort Worth, Texas 76137–4298.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at Tulsa International Airport.

Issued in Fort Worth, TX, on September 9, 2003.

Naomi L. Saunders,

Manager, Airports Division.

[FR Doc. 03–23770 Filed 9–17–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2003–16171]

Aircraft Rescue and Fire Fighting (ARFF) Mobile Live Fire Training Simulators

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed policy; request for comments.

SUMMARY: The FAA issues regulations and prescribes standards for the training of aircraft rescue and fire fighters (ARFF) on United States airports certificated under 14 Code of Federal Regulations part 139. One of the requirements of part 139 is for all ARFF personnel to participate in at least one live-fire drill every 12 months. As guidance for airport operators in providing this training, the FAA issued standards for different size fire training facilities based on the largest air carrier aircraft serving the airport. With the introduction of new technologies, ARFF personnel have the option to train on both mobile as well as fixed training facilities. At the larger airports, known as Index C, Index D, and Index E, FAA has found that the live fire drill requirement in part 139 can be satisfied by training on mobile facilities as often as every other year. Otherwise, the training for those size airports is conducted on the larger fixed facilities. We have been asked by the larger airports to find that training on the smaller mobile fire fighter trainers every year, rather than just every other year, would meet the requirements of part 139. To this end, we are seeking comments on the adequacy of mobile ARFF trainers for meeting the annual live fire drill requirement at index C, D, and E airports. Based on these comments, we will issue an opinion on the acceptability of mobile trainers for annual live-fire training for these airports.

DATES: Comments must be received by November 17, 2003.

ADDRESSES: Persons may mail their comments to: U.S. Department of Transportation Dockets, Docket No. FAA–XX–XXXX, 400 Seventh St., SW., Plaza Room 401, Washington, DC 20590. Comments may also be sent electronically to the Dockets Management System (DMS) at the following internet address: *http://dms.dot.gov.* at anytime. Commenters who wish to file comments electronically, should follow the instructions on the DMS web site. Comments may be filed and/or examined at the Department of Transportation Dockets, Plaza Room 401 between 10 a.m. and 5 p.m. weekdays except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ken Gilliam, Senior Fire Fighting Specialist, Airport Safety and Operations Division, AAS–300, Federal Aviation Administration 800 Independence Ave., SW., Washington, DC 20591, telephone (407) 812–6331, ext. 34.

SUPPLEMENTARY INFORMATION: The FAA invites comments on the question, ''Should the use of Mobile Aircraft Fire Trainers be considered to meet the requirements of Part 139 every year?''

The 1988 revision of 14 Code of Federal Regulations part 139, Certification and Operations: Land Airports Serving Certain Air Carriers, section 139.319(j)(3) requires ''All rescue and fire fighting personnel participate in at least one live fire drill every 12 months.'' 52 FR 44276 (Nov. 18, 1997) (effective Jan. 1, 1988). At the time this rule was promulgated, hydrocarbon fuels, such as diesel or jet-A, fueled the training facilities. In the early 1990s, Federal and State environmental protection agencies began banning such facilities because of ground contamination from the fuel. As a result, the FAA assisted in developing Liquid Propane Gas (LPG) fire facilities. The FAA funded these facilities throughout the country. The FAA refers to them as regional training facilities because mostly, they were intended to serve an area of more than one state. The aim is for a fire fighter to travel to the nearest training facility and receive both classroom and live fire training. FAA's position has been that all ARFF personnel should be exposed to live ground fuel fire fighting, either at their home airport or at a regional training facility. The size of the fire at a training facility was to be commensurate with the type of air carrier service that could be expected to service the airport of the ARFF personnel.

Part 139 requirements for aircraft rescue and fire fighting generally are based on the length of air carrier aircraft serving a particular airport. Index A airports receive air carrier aircraft less than 90 feet long. Index B airports receive air carrier aircraft 90 feet long but less than 126 feet. Index C airports receive air carrier aircraft 126 feet long to 158 feet. Index D airports receive air carrier aircraft 159 feet long to 199 feet. Index E airports receive air carrier aircraft 200 feet or longer. FAA has taken the position that fire fighters at large airports, such as Index C, D, and E, should be exposed to a larger fire than fire fighters at smaller airports. This, logically, is due to the fact that much larger air carrier aircraft operate at the larger airports, and in the event of an incident involving fire, a larger fire would likely result. The size of the Practical Critical Fire Area (PCA) specified by the FAA and the International Civil Aviation Organization (ICAO) reflects this possibility of a larger fire at airports served by larger aircraft. Advisory Circular (AC) 150/5210–6C, Aircraft fire and Rescue Facilities and Extinguishing Agents, describes the PCA and its origin. AC 150/5220–17A, Design Standards for an Aircraft Rescue and Fire Fighting Training Facility, describes the size of the fire training facility relative to the PCA. The AC recommends the larger index C, D, and E airport fire fighters train on much larger pool fires than the mobile units provide. When flammable liquid hydrocarbons (FLH) are burned in the training facility, the size of the burn pit should be roughly 10,000 square feet for an Index C airport; roughly 14,500 square feet for Index D; and 18,000 square feet for Index E. The AC also contains procedures (Discharge Rate Method) for reducing the size of these fire pits under certain circumstances. When a training facility uses an LPG simulator, rather than FLH, FAA determined that a 12,200 square foot fire pit is suitable for training Index C through E airport fir fighters.

In the mid-1990's, industry, with the assistance of FAA, developed a mobile fire training simulator that could be transported from airport to airport on trucks. The simulations allowed for engine fires, interior fires, wheel well fires, and cargo hold fires. However, one of the drawbacks of the first models of the mobile simulator was that they did not provide for a ground fire. In the late 1990's, industry was able to develop a grid system ancillary to the simulator that provided a ground fire of limited size.

Some of the advantages and disadvantages of using Mobile Aircraft Fire Trainers for annual training by all airports are as follows.

Advantages:

- Mobile Trainers provide realistic and repeatable interior and exterior aircraft-related fire scenarios such as galley, cabin, wheel, engine, and cargo type fires.
- These scenarios can be ordered with pan fires presented in different configurations totaling up to 2,600 square feet. (These same training scenarios can also be provided by the large fixed facilities since they can install the same props.)
- Fire fighters can train with their own equipment.
- The airport fire fighters can train with local mutual air responders.
- There is more time to train with the equipment since there is no travel time to the training facility.
- Training can be done over several days without incurring added expenses of travel and per diem.

Disadvantages:

• Fixed facilities are usually able to afford better classroom training than is available at local sites.

• As more mobile units come on line providing more economical training and greater mobility, the large fixed facilities may further decline in use.

• A Mobile Aircraft Fire Trainer is limited to roughly 2600 square feet in ground fire to remain mobile. (However, some of the large fixed LPG facilities only burn ¼ of the pit at a time during a training exercise. This is not true for hydrocarbon fuel pits since once the pit is lit, the entire pit has to burn. For example, the 10,000 square foot requirement for the index C airport using propane would only use 2,500 square feet. This is considered adequate because, when the attack is made on a 10,000 square foot fire, the fire fighter will only see ¼ of the fire at any given time. The cost of fuel is another reason for this practice. Based on the above facts, a mobile unit with 2,600 square feet of fire burn area would be sufficient for a larger index airport for training each year if it were used properly.)

Recognizing the Mobile Aircraft Fire Trainer technology, FAA issued Certalert No. 96–01, Annual Live Fire Drill Qualification, dated October 23, 1996. This certalert confirmed the appropriateness, under certain limitations for large size airports, to use interior/exterior fire training simulators, either stationary or mobile, as a means of meeting part 139 training requirements. The FAA is not proposing to mandate the use of the mobile simulator, but rather to interpret the annual use of mobile simulators as meeting the requirements of part 139, if the airport operator wants to use that option. To this end, we seek comments on the advisability of such a proposal.

Issued in Washington, DC on September 12, 2003.

David L. Bennett,

Director, Office of Airport Safety and Standards.

[FR Doc. 03–23873 Filed 9–17–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Placer and Sutter Counties, CA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public of its intent to prepare a Tier 1 Environmental Impact Statement (EIS) for the Placer Parkway Corridor Preservation, a proposed transportation corridor in western Placer and eastern Sutter Counties, California.

FOR FURTHER INFORMATION CONTACT: Mr. Steve Healow, Transportation Engineer, Federal Highway Administration, 980 9th St., Suite 400, Sacramento, CA 95814–2724. Telephone: (916) 498–5849.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded by using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Office of Federal Register's home page at *http://www.nara.gov/fedreg* and the Government Printing Office's Web page at *http://www.access.gpo.gov.nara.*

Background

The FHWA, in cooperation with the California Department of Transportation (Caltrans), Sutter County, and the South Placer Regional Transportation Authority (SPRTA), will prepare a Tier 1 Environmental Impact Statement (EIS) on a proposal to preserve a right-of-way corridor for a future transportation facility approximately 15 miles long that would connect State Route 65 in Placer County, north of the City of Roseville, and State Route 70/99 in Sutter County, north of the City of Sacramento. Three corridor concepts were identified in a Project Study Report prepared in 2001. One concept would consist of a 14.4 mile long, four-lane expressway/freeway connection from SR 65 at Whitney Boulevard to SR 70/99 at a point about one mile north of Sankey Road. This concept would parallel Sunset Boulevard West and Howsley Road for most of its east-west route. Another concept would consist of a 14.3 mile long, four-lane freeway connection from SR 65 at Sunset Boulevard to SR 70/99 at a point about one mile north of Riego Road. West of Fiddyment Road, this concept would travel diagonally through the agricultural area that lies between Sunset Boulevard West and Baseline Road. A third concept would be 15.6 miles long and connect SR 65 at Whitney Boulevard to SR 70/99 at a point about one-mile south of Riego Road. It would also travel through the agricultural area between Sunset Boulevard West and Baseline Road, but would parallel Baseline Road more closely. These concepts, together with other feasible alignments that may be identified during the scoping process, will be evaluated to determine the alternatives that will be analyzed in the EIS.

The Placer Parkway Corridor includes some of the fastest growing communities in the Sacramento region. The population in south Placer County will nearly double between 2000 and 2025. Employment in the SR 65 ''high-tech'' corridor is expected to grow even faster than the population. Sutter County has designated a large area on the western side of the Placer Parkway Corridor for up to 3,500 acres of industrial and commercial development. By 2025, total employment in southwest Placer County is projected to exceed total employment in downtown Sacramento. Anticipated development in the area will dramatically increase travel demand over the next 20 years and beyond. At the same time, daily traffic volumes on I–80 south of the study area are projected to increase nearly 40 percent in the already congested area south of the project area. Travel speeds will decline as well on local thoroughfares. Congestion on inter-regional roadways will adversely impact access to jobs. Free-flowing access and reliable travel times to both the Sacramento International Airport and the Lincoln Airport are important to this growing regional job center. A new controlled-access highway connection between SR 65 and SR 70/99 would benefit the regional transportation system by providing an alternative to SR 65 and I–80, thereby reducing traffic demand in these existing freeway corridors.

The proposed Parkway project is identified in the Sacramento Council of Government's (SACOG) 2025 Metropolitan Transportation Plan (MTP) and the 2022 Placer County Regional Transportation Plan.

Federal and state environmental laws allow ''tiered'' environmental review. Tiering is a way to focus environmental studies during the planning process at the same level of detail as the plans. The first tier document (Tier 1) allows an agency to focus on broad environmental issues and areawide air quality and land use implications, which may correlate directly to early planning decisions, such as the type, the general location, and major design features of a roadway. The Tier I EIS will also evaluate potential cumulative and indirect impacts and identify potential conceptual mitigation for impacts. This work will rely largely on existing Geographic Information System (GIS) data and limited fieldwork. The Tier I EIS will not result in any construction.

Second tier (Tier 2) documents involve environmental analyses and review that address a narrower geographic area, a more focused set of issues, and a specific proposed action. A Tier 2 document relies on a summary of the work in a Tier 1 document relative to broad environmental issues, which avoids unnecessary repetition. This also allows the Tier 2 document to be focused on the project impacts based on the additional details, such as design, construction, and operation of the proposed project, available in later stages of project planning.

The Tier 1 EIS will evaluate alternatives for corridors ranging from 500 to 1,000 feet wide. The 500 foot wide segments will be at the east and west ends near the State route connections. The 1,000 foot wide central segment will be generally from Fiddyment Road to Pleasant Grove Road. Because of pending and anticipated urban development in the vicinity, completing a Tier 1 EIS is critical to corridor preservation. When the Tier 1 EIS is completed, the selected corridor will be protected by acquiring key properties, securing rights in property, or other suitable means.

As a separate project in the future, a Tier 2 document would be prepared to evaluate the future transportation facility alignment or footprint within the selected corridor. This project-level environmental review would examine potential impacts, costs, and mitigation for construction and operation of the transportation facility.

The Placer Parkway concept was developed by the following two planning studies, both of which were adopted by the Placer County Transportation Planning Agency (PCTPA) and SACOG. Copies of these studies are available on PCTPA's Web site: *http://www.pctpa.org.*

The 2000 Placer Parkway Conceptual Study provided a preliminary scope, project goals/policies, concept alignment alternatives, and a funding strategy. The 2001 Placer Parkway Project Study Report (PSR) clarified policy direction, identified and evaluated several concept corridor alternatives for programming purposes, and identified a number of potential impacts, including impacts to air quality, biological resources, cultural resources, floodplains, hazardous waste, soils and seismicity, water quality, noise, land use, socio-economics, and public services.

A new transportation model will be developed and environmental information will be collected and mapped. Conceptual corridor alternatives identified in the Conceptual Plan and the PSR will be refined and new corridor alternatives will be developed. Corridor alternatives will be screened using transportation, environmental, and engineering criteria. This process will establish the corridor alternatives to be considered in the Tier 1 EIS.

Public meetings will be held to present the identified alternatives for evaluation in the Tier 1 EIS. Public scoping meetings will be held in:

- Placer County—Monday, October 6, 2003, 4 to 8 p.m. Maidu Community Center, Meeting Rooms 1 & 2, 1550 Maidu Drive, Roseville, CA 95661
- Sutter County—Thursday, October 9, 2003, 4 to 8 p.m. Pleasant Grove School, 3075 Howsley Road, Pleasant Grove, CA 95678

To ensure that a full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action or the Tier 1 EIS should be directed to the FHWA at the address provided above or to Celia McAdam, Executive Director, PCTPA, 550 High Street, Suite 107, Auburn, CA 95603.

Issued on: September 12, 2003.

Leland Dong,

North Region Team Leader, Sacramento, California.

[FR Doc. 03–23836 Filed 9–17–03; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket Nos. FMCSA–98–4334, FMCSA–99–5578, FMCSA–99–6480, FMCSA–2000–7363, FMCSA–2000–7918, FMCSA–2001–9258, FMCSA–2001–9561]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemption; request for comments.

SUMMARY: This notice publishes the FMCSA decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 26 individuals. The FMCSA has statutory authority to exempt individuals from vision standards if the exemptions granted will not compromise safety. The agency has concluded that granting these exemptions will provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective September 23, 2003. Comments from interested persons should be submitted by October 20, 2003.

ADDRESSES: You may submit comments identified by DOT DMS Docket Numbers FMCSA–98–4334, FMCSA–99–5578, FMCSA–99–6480, FMCSA–2000–7363, FMCSA–2000–7918, FMCSA–2001–9258, and FMCSA–2001–9561 by any of the following methods:

- Web site: *http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket site.
- Fax: 1–202–493–2251.
- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.
- Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

Instructions: All submissions must include the agency name and docket numbers for this notice. For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the **SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to *http://dms.dot.gov*, including any personal information provided. Please see the Privacy Act heading under Regulatory Notices.

Docket: For access to the docket to read background documents or comments received, go to *http://dms.dot.gov* at any time or to Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Zywokarte, Office of Bus and Truck Standards and Operations, (202) 366–2987, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Public Participation: The DMS is available 24 hours each day, 365 days

each year. You can get electronic submission and retrieval help guidelines under the ''help'' section of the DMS Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Department of Transportation's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.*

Exemption Decision

Under 49 U.S.C. 31315 and 31136(e), the FMCSA may renew an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381. This notice addresses 26 individuals who have requested renewal of their exemptions in a timely manner. The FMCSA has evaluated these 26 applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period. They are:

Grady L. Black, Jr.
Thomas B. Blish
John A. Chizmar
Billy M. Coker
Weldon R. Evans
Richard L. Gagnebin
James P. Guth
Rayford R. Harper
James W. Harris
William N. Hicks
Paul M. Hoerner
Edward E. Hooker
Donald A. Jahr
Charles L. Lovern
Craig M. Mahaffey
Michael S. Maki
Howard R. Payne
Kenneth A. Reddick
Leonard Rice, Jr.
John A. Sortman
Edd J. Stabler
James T. Sullivan
Steven C. Thomas
Edward A. Vanderhei
Larry J. Waldner
Edward W. Yeates, Jr.

These exemptions are extended subject to the following conditions: (1) That each individual have a physical exam every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retain a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for 2 years unless rescinded earlier by the FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136(e).

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than 2 years from its approval date and may be renewed upon application for additional 2-year periods. In accordance with 49 U.S.C. 31315 and 31136(e), each of the 26 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (63 FR 66226, 64 FR 16517, 66 FR 41656, 64 FR 27027, 64 FR 51568, 66 FR 48504, 64 FR 68195, 65 FR 20251, 65 FR 45817, 65 FR 77066, 65 FR 66286, 66 FR 13825, 66 FR 17743, 66 FR 33990, 66 FR 30502, 66 FR 41654). Each of these 26 applicants has requested timely renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past 2 years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, the FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption.

Comments

The FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31315 and 31136(e). However, the FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by October 20, 2003.

In the past the FMCSA has received comments from Advocates for Highway and Auto Safety (Advocates) expressing continued opposition to the FMCSA's procedures for renewing exemptions from the vision requirement in 49 CFR 391.41(b)(10). Specifically, Advocates objects to the agency's extension of the exemptions without any opportunity for public comment prior to the decision to renew, and reliance on a summary statement of evidence to make its decision to extend the exemption of each driver.

The issues raised by Advocates were addressed at length in 66 FR 17994 (April 4, 2001). The FMCSA continues to find its exemption process appropriate to the statutory and regulatory requirements.

Issued on: September 12, 2003.

Pamela M. Pelcovits,

Office Director, Policy, Plans, and Regulation.

[FR Doc. 03–23881 Filed 9–17–03; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for a Waiver of Compliance

In accordance with Title 49, Code of Federal Regulations (CFR), §§ 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of Federal railroad safety regulations. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested and the petitioner's arguments in favor of relief.

Michigan State Trust Railway Preservation, Inc.—FRA Waiver Petition Docket No. FRA–2003–15514

In 2001, Michigan State Trust Railway Preservation, Inc. (''MSTP'') and the Institute for Steam Railroading in conjunction with the Tuscola and Saginaw Bay Railway (TSBY) sought and was granted a waiver (Docket No. FRA–2001–10379) of compliance from Title 49, part 240 of the Code of Federal Regulations (49 CFR part 240)—Qualification and Certification of Locomotive Engineers. MSTP requested relief from that part of the regulation (49 CFR 240.201(d)) which provides that only certified persons may operate locomotives and trains. MSTP plans to offer noncertified persons the opportunity to operate a locomotive when participating in its ''engineer-for-an-hour'' program. The waiver would only apply to persons participating in the program. MSTP has purchased a second locomotive and now seeks to expand its operations to a third location.

The MSTP is a nonprofit educational corporation. It owns and operates a 1941 Lima-built steam locomotive. The locomotive, ex-Pere Marquette No. 1225, has operated approximately 6200 miles since 1988 over the general railroad system of transportation. The newly purchased and restored locomotive is Engine No. 75 (0–4–0). The MSTP is located at the steam locomotive restoration facility (Institute for Steam Railroading) in Owosso, Michigan. The MSTP gains access to TSBY trackage at this location. It does not own or control any trackage with the exception of two lead tracks extending from siding tracks, each approximately 130 feet in length. These tracks are leased from the TSBY. The MSTP plans to conduct this program in two of three locations. The first is the San Yard between Mile Post (MP) 105.2 on the TSBY track at the point where it meets the Central Michigan Railroad which is west of Legion Road to MP 106.1 and south of the highway/railroad grade crossing at Gould and Corunna Road. The second location is at the Henderson, Michigan Grain Elevator. It is on the St. Charles Branch of the TSBY between MP 70.2 and MP 69.2, north of the highway/railroad grade crossing at Riley Road. The third location is at the TSBY Shop Yard at their repair shops on the main line along Howard Street between mile markers 106.4 and 107. This operation will remain between the switch leading from the Main Track to the Scale Track with a Blue Flag placed to the east side of that switch. The proposed dates of operation will be three weekends between the months of May and October inclusive.

MSTP's reason for granting this waiver is two-folded. First, to accomplish a part of its mission statement, *i.e.*, to educate the public on steam era railroad technology and its impact on the culture and economy of the Great Lakes Region. Second, to generate needed interest and revenue so that it may continue to educate the public about steam locomotive technology in an effort that the next generation will keep the knowledge and the 1225 alive into the future.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.*, Waiver Petition Docket No. FRA–2003–15514) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL–401, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours at the above address. All written communications are also accessible on the Internet at *http://dms.dot.gov*.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78). The Statement may also be found at *http://dms.dot.gov*.

Issued in Washington, DC, on September 8, 2003.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 03–23772 Filed 9–17–03; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Docket No. FRA–2000–7257

[Notice No. 30]

Railroad Safety Advisory Committee (''RSAC''); Working Group Activity Update

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

ACTION: Announcement of Railroad Safety Advisory Committee (RSAC) working group activities.

SUMMARY: FRA is updating its announcement of RSAC's working group activities to reflect their current status. For additional details on completed activities see prior working group activity notices (68 FR 25677).

FOR FURTHER INFORMATION CONTACT: Trish Butera or Lydia Leeds, RSAC Coordinators, FRA, 1120 Vermont Avenue, NW., Mailstop 25, Washington, DC 20590, (202) 493–6213 or Grady Cothen, Deputy Associate Administrator for Safety Standards and Program Development, FRA, 1120 Vermont Avenue, NW., Mailstop 25, Washington, DC 20590, (202) 493–6302.

SUPPLEMENTARY INFORMATION: This notice serves to update FRA's last announcement of working group activities and status reports of May 13, 2003, (68 FR 25677). The twenty-first full Committee meeting was held May 20, 2003. The twenty-second meeting is scheduled for September 18, 2003, at the Washington Plaza Hotel.

Since its first meeting in April of 1996, the RSAC has accepted eighteen tasks. Status for each of the tasks is provided below:

Task 96–1—(Withdrawn) Revising the Freight Power Brake Regulations. This task was withdrawn following discussion by the Working Group, and the rulemaking was completed (49 CFR part 232).

Task 96–2—(Completed) Reviewing and recommending revisions to the Track Safety Standards (49 CFR part 213).

Task 96–3—(Completed) Reviewing and recommending revisions to the Radio Standards and Procedures (49 CFR part 220).

Task 96–4—Reviewing the appropriateness of the agency's current policy regarding the applicability of existing and proposed regulations to tourist, excursion, scenic, and historic railroads. This Task was accepted on April 2, 1996, and a Working Group was

established. The Working Group monitored the steam locomotive regulations task. Planned future activities involve the review of other regulations for possible adaptation to the safety needs of tourist and historic railroads. Contact: Grady Cothen (202) 493–6302.

Task 96–5—(Completed) Reviewing and recommending revisions to Steam Locomotive Inspection Standards (49 CFR part 230).

Task 96–6—(Completed) Reviewing and recommending revisions to miscellaneous aspects of the regulations addressing Locomotive Engineer Certification (49 CFR part 240).

Task 96–7—(Completed) Developing Roadway Maintenance Machines (On-Track Equipment) Safety Standards. This task was assigned to the existing Track Standards Working Group on October 31, 1996, and a Task Force was established. The Task Force finalized a proposed rule which was approved by the full RSAC in a mail ballot in August 2000. The NPRM was published January 10, 2001 (66 FR 1930). The Task Force met to review comments on February 27–March 1, 2002, and agreed to the disposition of the comments for the final rule. A Ballot was issued to the Working Group and all responders concurred. The RSAC approved the recommendations at the full RSAC meeting on May 29, 2002. The final rule was published in the **Federal Register** on July 28, 2003, (68 FR 44388). Contact: Al MacDowell (202) 493–6236.

Task 96–8—(Completed) This Planning Task evaluated the need for action responsive to recommendations contained in a report to Congress entitled, *Locomotive Crashworthiness & Working Conditions.*

Task 97–1—Developing crashworthiness specifications to promote the integrity of the locomotive cab in accidents resulting from collisions. This Task was accepted on June 24, 1997. A Task Force on engineering issues was established by the Working Group on Locomotive Crashworthiness to review collision history and design options and additional research was commissioned. The Working Group reviewed results of the research and is drafting performance-based standards for freight and passenger locomotives to present to the RSAC for consideration. An accident review task force has evaluated the potential effectiveness of suggested improvements. The Working Group reached tentative agreement for a proposed rule. The NPRM and Regulatory Impact Analysis have been revised to reflect the changes. The next step is for the Working Group to complete its review of the NPRM. Contact: Charles Bielitz (202) 493–6314.

Task 97–2—Evaluating the extent to which environmental, sanitary, and other working conditions in locomotive cabs affect the crew's health and the safe operation of locomotives, proposing standards where appropriate. This Task was accepted June 24, 1997.

(Sanitation) (Completed)

(Noise exposure) The Cab Working Conditions Working Group met most recently in Chicago, November 12–14, 2002. A tentative consensus was reached on the draft rule text. The Working Group approved the NPRM. On June 27, 2003, the full RSAC gave consensus by ballot on NPRM. The next step is to publish the NPRM in the **Federal Register**.

(Cab Temperature) (Withdrawn) The Cab Working Conditions Working Group considered issues related to control of cab temperature but was unable to achieve consensus. Cab temperature was withdrawn from RSAC, and regulatory action on this issue was terminated by FRA in May 2003.

(Other Working Conditions) The Working Group may consider additional issues (such as vibration) in the future.

Contact: Jeffrey Horn (202) 493–6283.

Task 97–3—Developing event recorder data survivability standards. This Task was accepted on June 24, 1997. The Event Recorder Working Group met actively in 2002, reviewing draft language for an NPRM. A revised draft NPRM was circulated to the Working Group for review and approval by August 22, 2003. Contact: Edward Pritchard (202) 493–6247.

Task 97–4 and *Task 97–5*—Defining Positive Train Control (PTC) functionalities, describing available technologies, evaluating costs and benefits of potential systems, and considering implementation opportunities and challenges, including demonstration and deployment. *Task 97–6*—Revising various regulations to address the safety implications of processor-based signal and train control technologies, including communications-based operating systems. These three tasks were accepted on September 30, 1997, and assigned to a single Working Group.

(Report to the Administrator.) (Completed) A Data and Implementation Task Force, formed to address issues such as assessment of costs and benefits and technical readiness, completed a report on the future of PTC systems. The report was accepted as RSAC's Report to the Administrator at the September 8, 1999, meeting. FRA enclosed the report with a letter Report to Congress signed May 17, 2000.

(Report to Congress.) The Appropriations Conferees included in the report on the FY 2003 DOT Appropriations Act a requirement for a second review of the costs and benefits of PTC. FRA will request the RSAC to comment on the draft report when available.

(Regulatory development.) The Standards Task Force, formed to develop PTC standards assisted in developing draft recommendations for performance-based standards for processor-based signal and train control systems. The NPRM was approved by consensus at the full RSAC meeting held on September 14, 2000. The NPRM was published in the **Federal Register** on August 10, 2001. A meeting of the Working Group was held December 4–6, 2001, in San Antonio, Texas to formulate recommendations for resolution of issues raised in the public comments. Tentative agreement was reached on most issues raised in the comments, but discussion of comments on a significant issue—the circumstances under which the base case employed in the risk assessment would need to be adjusted—revealed issues of ambiguity and disagreement. A meeting was held May 14–15, 2002, in Colorado Springs, Colorado at which the Working Group approved creation of a team to further explore issues related to the ''base case'' and related issues. Briefing of the full RSAC on the ''base case'' issue was completed on May 29, 2002, and consultations continued within the working group. The full Working Group met October 22–23, 2002, and again March 4–6, 2003. Resolution of the ''base case'' issue was considered by the Working Group at the July 8–9, 2003, meeting. While the Working Group was unable to reach agreement on resolution of the ''base case,'' it did approve by consensus recommendations for resolution of several issues raised in the comments on the NPRM. Those recommendations were circulated to the full Committee for mail ballot, and responses were requested by August 14, 2003. A majority of Committee members either voted to return the recommendations to the Working Group for reconsideration or non-concurred in the recommendations. Under RSAC procedures, the effect of this vote is to conclude Committee action on the topic. FRA is completing the final rule for review and clearance.

(Other program development activities.) Task forces on Human Factors and the Axiomatic Safety-Critical Assessment Process (risk assessment) continue to work toward development of a risk assessment

toolkit, and the Working Group continues to meet to monitor the implementation of PTC and related projects. Contact: Grady Cothen (202) 493–6302.

Task 97–7—(Terminated) Determining damages qualifying an event as a reportable train accident. Action on this topic was terminated based on the recommendations of the Accident/Incident Working Group.

Task 00–1—Determining the need to amend regulations protecting persons who work on, under, or between rolling equipment and persons applying, removing or inspecting rear end marking devices (Blue Signal Protection). The Working Group held its first meeting on October 16–18, 2000, and six meetings have been held since then. FRA is reviewing the status of this activity. Contact: Doug Taylor (202) 493–6255.

Task 01–1—(Completed) Developing conformity of FRA's regulations for accident/incident reporting (49 CFR part 225) to revised regulations of the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, and to make appropriate revisions to the *FRA Guide for Preparing Accident/Incident Reports* (Reporting Guide).

Task 03–01—Amendments to the Passenger Equipment Safety Standards (49 CFR part 238) and the Passenger Train Emergency Preparedness (49 CFR part 239). This Task was accepted May 20, 2003, and a Working Group was established. Prior to embarking on substantive discussion of a specific task, the Working Group will set forth in writing a specific description of the task. The Working Group will hold its first meeting September 9–10, 2003. The Working Group will report any planned activity to the full Committee at each scheduled Committee meeting, including milestones for completion of projects and progress toward completion.

Please refer to the notice published in the **Federal Register** on March 11, 1996, (61 FR 9740) for more information about the RSAC.

Issued in Washington, DC, on September 8, 2003.

George A. Gavalla,

Associate Administrator for Safety.

[FR Doc. 03–23773 Filed 9–17–03; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Annual List of Defect and Noncompliance Decisions Affecting Nonconforming Imported Vehicles

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Annual list of defect and noncompliance decisions affecting nonconforming vehicles imported by registered importers.

SUMMARY: This document contains a list of vehicles recalled by their manufacturers during Calendar Year 2002 (January 1, 2002 through December 31, 2002) to correct a safety-related defect or a noncompliance with an applicable Federal motor vehicle safety standard (FMVSS). The listed vehicles are those that NHTSA has decided are substantially similar to vehicles imported into the United States that were not originally manufactured and certified to conform to all applicable FMVSS. The registered importers of those nonconforming vehicles are required to provide their owners with notification of, and a remedy for, the defects or noncompliances for which the listed vehicles were recalled.

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202–366–3151).

SUPPLEMENTARY INFORMATION: Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards (FMVSS) shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle of the same model year that was originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. 30115. Once NHTSA decides that a nonconforming vehicle is eligible for importation, it may be imported by a person who is registered with the agency pursuant to 49 U.S.C. 30141(c). Before releasing the vehicle for use on public streets, roads, or highways, the registered importer must certify to NHTSA, pursuant to 49 U.S.C. 30146(a), that the vehicle has been brought into conformity with all applicable FMVSS.

If a vehicle originally manufactured for importation into and sale in the United States is decided to contain a defect related to motor vehicle safety, or not to comply with an applicable FMVSS, 49 U.S.C. 30147(a)(1)(A) provides that the same defect or noncompliance is deemed to exist in any nonconforming vehicle that NHTSA has decided to be substantially similar and for which a registered importer has submitted a certificate of conformity to the agency. Under 49 U.S.C. 30147(a)(1)(B), the registered importer is deemed to be the nonconforming vehicle's manufacturer for the purpose of providing notification of, and a remedy for, the defect or noncompliance.

To apprise registered importers of the vehicles for which they must conduct a notification and remedy (*i.e.*, ''recall'') campaign, 49 U.S.C. 30147(a)(2) requires NHTSA to publish in the **Federal Register** notice of any defect or noncompliance decision that is made with respect to substantially similar U.S. certified vehicles. Annex A contains a list of all such decisions that were made during Calendar Year 2002. The list identifies the Recall Number that was assigned to the recall by NHTSA after the agency received the manufacturer's notification of the defect or noncompliance under 49 CFR part 573. After December 31, 2003, NHTSA will publish a comparable list of all defect and noncompliance decisions affecting nonconforming imported vehicles that are made during the current calendar year.

Under 49 U.S.C. 30120(a), a manufacturer may remedy a safety-related defect or noncompliance in a motor vehicle by repairing the vehicle, replacing the vehicle with an identical or reasonably equivalent vehicle, or by refunding the purchase price, less a reasonable allowance for depreciation. For each of the vehicles listed, the manufacturer elected to remedy the defect or noncompliance by repair, and not by replacing the vehicle or by refunding the purchase price.

Authority: 49 U.S.C. 30147(a)(2); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: September 12, 2003.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

ANNEX A—CALENDAR YEAR 2002 RECALLS AFFECTING VEHICLES IMPORTED BY REGISTERED IMPORTERS

Make	Model	Model year	NHTSA recall No.
ACURA	3.5RL	2000	02V119000

ANNEX A—CALENDAR YEAR 2002 RECALLS AFFECTING VEHICLES IMPORTED BY REGISTERED IMPORTERS—Continued

Make	Model	Model year	NHTSA recall No.
ACURA	3.5RL	2002	02V119000
ACURA	MDX	2002	02V226000
BMW	323I	1999	02V223000
BMW	323I	2000	02V223000
BMW	328I	1999	02V223000
BMW	328I	2000	02V223000
BMW	745I	2002	02V150000
BMW	X5	2000	02V194000
BMW	X5	2001	02V194000
BUICK	LESABRE	2002	02V067000
BUICK	LESABRE	2002	02V222000
BUICK	LESABRE	2003	02V222000
BUICK	PARK AVENUE	2001	02V328000
BUICK	RENDEZVOUS	2002	02V222000
BUICK	SKYLARK	1996	02V070000
CADILLAC	DEVILLE	2002	02V067000
CADILLAC	DEVILLE	2002	02V222000
CADILLAC	ESCALADE	2000	02V253000
CADILLAC	ESCALADE	2001	02V253000
CADILLAC	ESCALADE	2002	02V253000
CADILLAC	ESCALADE	2003	02V224000
CHEVROLET	BLAZER	2000	01V364000
CHEVROLET	BLAZER	2001	01V364000
CHEVROLET	BLAZER	2002	01V364000
CHEVROLET	CAVALIER	1995	02V070000
CHEVROLET	CAVALIER	1996	02V070000
CHEVROLET	CAVALIER	1997	02V070000
CHEVROLET	EXPRESS	2003	02V305000
CHEVROLET	EXPRESS	2003	02V326000
CHEVROLET	EXPRESS	2003	02V330000
CHEVROLET	IMPALA	2002	02V222000
CHEVROLET	IMPALA	2003	02V222000
CHEVROLET	MALIBU	2002	02V107000
CHEVROLET	MONTE CARLO	1999	02V329000
CHEVROLET	MONTE CARLO	2002	02V222000
CHEVROLET	SILVERADO	2000	02V178000
CHEVROLET	SUBURBAN	2000	02V178000
CHEVROLET	TAHOE	2000	02V178000
CHEVROLET	TAHOE	2000	02V253000
CHEVROLET	TAHOE	2001	02V253000
CHEVROLET	TAHOE	2002	02V253000
CHEVROLET	TRAILBLAZER	2002	02V121000
CHEVROLET	TRAILBLAZER	2002	02V222000
CHEVROLET	TRAILBLAZER	2002	02V273000
CHEVROLET	TRAILBLAZER	2003	02V222000
CHEVROLET	VENTURE	2001	01V383000
CHEVROLET	VENTURE	2001	02V329000
CHEVROLET	VENTURE	2002	02V222000
CHEVROLET	VENTURE	2003	02V222000
CHRYSLER	300M	2000	01V273000
CHRYSLER	300M	2001	01V273000
CHRYSLER	CONCORDE	2000	01V273000
CHRYSLER	CONCORDE	2001	01V273000
CHRYSLER	LHS	2000	01V273000
CHRYSLER	LHS	2001	01V273000
CHRYSLER	PT CRUISER	2001	02V162000
CHRYSLER	PT CRUISER	2001	02V214000
CHRYSLER	PT CRUISER	2001	02V215000
CHRYSLER	PT CRUISER	2002	02V215000
CHRYSLER	SEBRING	1996	02V186000
CHRYSLER	SEBRING	1997	02V186000
CHRYSLER	TOWN AND COUNTRY	1996	00V268000
CHRYSLER	TOWN AND COUNTRY	1996	02V293000
CHRYSLER	TOWN AND COUNTRY	1997	00V268000
CHRYSLER	TOWN AND COUNTRY	1997	02V076000
CHRYSLER	TOWN AND COUNTRY	1997	02V293000
CHRYSLER	TOWN AND COUNTRY	1998	02V268000
CHRYSLER	TOWN AND COUNTRY	1998	02V076000
CHRYSLER	TOWN AND COUNTRY	1998	02V293000
CHRYSLER	TOWN AND COUNTRY	1999	02V268000
CHRYSLER	TOWN AND COUNTRY	1999	02V076000

ANNEX A—CALENDAR YEAR 2002 RECALLS AFFECTING VEHICLES IMPORTED BY REGISTERED IMPORTERS—Continued

Make	Model	Model year	NHTSA recall No.
CHRYSLER	TOWN AND COUNTRY	2000	02V268000
DODGE	CARAVAN	1996	00V268000
DODGE	CARAVAN	1996	02V293000
DODGE	CARAVAN	1997	00V268000
DODGE	CARAVAN	1997	02V076000
DODGE	CARAVAN	1997	02V293000
DODGE	CARAVAN	1998	00V268000
DODGE	CARAVAN	1998	02V076000
DODGE	CARAVAN	1998	02V293000
DODGE	CARAVAN	1999	00V268000
DODGE	CARAVAN	1999	02V076000
DODGE	CARAVAN	2000	00V268000
DODGE	GRAND CARAVAN	1996	00V268000
DODGE	GRAND CARAVAN	1996	02V293000
DODGE	GRAND CARAVAN	1997	00V268000
DODGE	GRAND CARAVAN	1997	02V293000
DODGE	GRAND CARAVAN	1998	00V268000
DODGE	GRAND CARAVAN	1998	02V293000
DODGE	GRAND CARAVAN	1999	00V268000
DODGE	GRAND CARAVAN	2000	00V268000
DODGE	GRAND CARAVAN	2002	02V274000
DODGE	INTREPID	2000	01V273000
DODGE	INTREPID	2001	01V273000
DODGE	RAM	1997	02V161000
DODGE	RAM	1998	02V161000
DODGE	RAM	2001	02V042000
DODGE	RAM	2002	02V159000
DODGE	VIPER	1996	01V312000
DODGE	VIPER	1996	01V313000
DODGE	VIPER	1997	01V312000
DODGE	VIPER	1997	01V313000
DODGE	VIPER	1998	01V120000
DODGE	VIPER	1998	01V312000
DODGE	VIPER	1998	01V313000
DODGE	VIPER	1999	01V120000
DODGE	VIPER	1999	01V312000
DODGE	VIPER	1999	01V313000
DODGE	VIPER	2000	01V120000
DODGE	VIPER	2000	01V313000
DODGE	VIPER	2001	01V120000
FERRARI	360 MODENA	2001	02V091000
FERRARI	360 SPIDER	2001	02V091000
FORD	CROWN VICTORIA	2002	02V249000
FORD	F250	1999	02V068000
FORD	F350	1999	02V068000
FORD	F450	1999	02V068000
FORD	F550	1999	02V068000
FORD	F650	2001	02V024000
FORD	F750	2000	02V024000
FORD	F750	2001	02V024000
FORD	F750	2002	02V024000
FORD	RANGER	2002	02V035000
FORD	TAURUS	2000	02V266000
FORD	TAURUS	2001	02V266000
FORD	TAURUS	2002	02V266000
FORD	THUNDERBIRD	2002	02V169000
FORD	WINDSTAR	1995	02V101000
FORD	WINDSTAR	1996	02V101000
FORD	WINDSTAR	2000	02V072000
FORD	WINDSTAR	2001	02V072000
FREIGHTLINER	FLD	1994	01V209000
FREIGHTLINER	FLD	1995	01V209000
FREIGHTLINER	FLD	1997	02V077000
GMC	DENALI	2000	02V253000
GMC	DENALI	2001	02V253000
GMC	DENALI	2002	02V253000
GMC	ENVOY	2002	02V121000
GMC	ENVOY	2002	02V222000
GMC	ENVOY	2002	02V27300
GMC	ENVOY	2003	02V222000
GMC	JIMMY	2000	01V364000

ANNEX A—CALENDAR YEAR 2002 RECALLS AFFECTING VEHICLES IMPORTED BY REGISTERED IMPORTERS—Continued

Make	Model	Model year	NHTSA recall No.
GMC	JIMMY	2001	01V364000
GMC	SAVANA	2003	02V305000
GMC	SAVANA	2003	02V326000
GMC	SIERRA	2000	02V178000
GMC	YUKON	2000	02V178000
GMC	YUKON	2000	02V253000
GMC	YUKON	2001	02V253000
GMC	YUKON	2002	02V253000
GMC	YUKON XL	2000	02V178000
HARLEY DAVIDSON	FLHR	2001	02V002000
HARLEY DAVIDSON	FLHR	2002	02V002000
HARLEY DAVIDSON	FLHT	2001	02V002000
HARLEY DAVIDSON	FLHT	2002	02V002000
HARLEY DAVIDSON	FLHTC	2001	02V002000
HARLEY DAVIDSON	FLHTC	2002	02V002000
HARLEY DAVIDSON	FLTRSEI	2000	02V272000
HONDA	ACCORD	2000	01V380000
HONDA	ACCORD	2000	02V051000
HONDA	ACCORD	2001	01V380000
HONDA	ACCORD	2001	02V051000
HONDA	ACCORD	2002	02V226000
HONDA	CIVIC	2000	01V380000
HONDA	CIVIC	2000	02V051000
HONDA	CIVIC	2001	01V380000
HONDA	CIVIC	2001	02V051000
HONDA	ODYSSEY	2002	02V226000
HONDA	PILOT	2003	02V226000
HYUNDAI	ACCENT	2000	01V346000
HYUNDAI	ACCENT	2000	02V167000
HYUNDAI	SANTA FE	2001	02V111000
HYUNDAI	SONATA	1999	02V105000
HYUNDAI	SONATA	2000	02V105000
HYUNDAI	SONATA	2001	02V105000
INFINITI	I30	1998	02V171000
INFINITI	I35	2002	02V146000
INFINITI	Q45	1998	02V171000
INTERNATIONAL	2000	1999	02V135002
INTERNATIONAL	4000	1990	02V137000
INTERNATIONAL	4000	1993	02V137000
INTERNATIONAL	4300	2002	02V054000
INTERNATIONAL	4300	2002	02V094000
INTERNATIONAL	4300	2002	02V095000
INTERNATIONAL	4300	2002	02V174000
INTERNATIONAL	4300	2002	02V260000
INTERNATIONAL	4700	1998	02V135002
INTERNATIONAL	4700	1999	02V135002
INTERNATIONAL	4700	1999	02V252000
INTERNATIONAL	4700	2000	02V135002
INTERNATIONAL	4700	2000	02V252000
INTERNATIONAL	4700	2001	02V135002
INTERNATIONAL	4700	2001	02V252000
INTERNATIONAL	4800	1999	02V135002
INTERNATIONAL	4800	2000	02V135002
INTERNATIONAL	4900	1998	02V135002
INTERNATIONAL	4900	1999	02V135002
INTERNATIONAL	4900	1999	02V252000
INTERNATIONAL	4900	2000	02V135002
INTERNATIONAL	4900	2000	02V252000
INTERNATIONAL	5000	1998	02V135002
INTERNATIONAL	5000	1999	02V135002
INTERNATIONAL	7400	2002	02V205000
INTERNATIONAL	7500	2002	02V205000
JEEP	CHEROKEE	2000	02V104000
JEEP	CHEROKEE	2001	02V104000
JEEP	GRAND CHEROKEE	1993	02V053000
JEEP	GRAND CHEROKEE	1994	02V053000
JEEP	GRAND CHEROKEE	1995	02V053000
JEEP	GRAND CHEROKEE	1996	02V053000
JEEP	GRAND CHEROKEE	1997	02V053000
JEEP	GRAND CHEROKEE	1998	02V053000
JEEP	GRAND CHEROKEE	1999	02V104000

ANNEX A—CALENDAR YEAR 2002 RECALLS AFFECTING VEHICLES IMPORTED BY REGISTERED IMPORTERS—Continued

Make	Model	Model year	NHTSA recall No.
JEEP	GRAND CHEROKEE	2000	02V104000
JEEP	GRAND CHEROKEE	2001	02V104000
JEEP	GRAND CHEROKEE	2002	01V348000
JEEP	GRAND CHEROKEE	2002	01V374000
JEEP	GRAND CHEROKEE	2002	02V032000
JEEP	GRAND CHEROKEE	2002	02V099000
JEEP	GRAND CHEROKEE	2002	02V104000
JEEP	LIBERTY	2002	01V373000
JEEP	WRANGLER	1990	02V041000
JEEP	WRANGLER	1991	02V041000
JEEP	WRANGLER	1992	02V041000
JEEP	WRANGLER	1993	02V041000
JEEP	WRANGLER	1994	02V041000
JEEP	WRANGLER	1995	02V041000
JEEP	WRANGLER	2000	02V104000
JEEP	WRANGLER	2001	02V075000
JEEP	WRANGLER	2001	02V104000
JEEP	WRANGLER	2002	02V075000
JEEP	WRANGLER	2002	02V104000
KENWORTH	T300	2002	02V241001
KENWORTH	T800	2002	02V241001
LAND ROVER	DISCOVERY II	1999	02V022000
LAND ROVER	DISCOVERY II	1999	02V028000
LAND ROVER	DISCOVERY II	2000	02V022000
LAND ROVER	DISCOVERY II	2000	02V028000
MAZDA	MPV	2000	01V382000
MAZDA	MPV	2001	01V382000
MINI	COOPER	2002	02V201000
NISSAN	MAXIMA	1997	02V171000
NISSAN	MAXIMA	1998	02V171000
NISSAN	MAXIMA	2001	02V146000
NISSAN	MAXIMA	2002	02V043000
NISSAN	MAXIMA	2002	02V146000
NISSAN	PATHFINDER	1994	02V125000
NISSAN	SENTRA	2001	01V376000
NISSAN	SENTRA	2002	01V376000
OLDSMOBILE	ACHIEVA	1996	02V070000
OLDSMOBILE	ACHIEVA	1997	02V070000
OLDSMOBILE	AURORA	2002	02V222000
OLDSMOBILE	BRAVADA	2002	02V121000
OLDSMOBILE	BRAVADA	2002	02V222000
OLDSMOBILE	SILHOUETTE	2001	01V383000
OLDSMOBILE	SILHOUETTE	2001	02V329000
OLDSMOBILE	SILHOUETTE	2002	02V222000
PETERBILT	357	2001	02V018001
PETERBILT	358	2001	02V018001
PLYMOUTH	GRAND VOYAGER	1996	00V268000
PLYMOUTH	GRAND VOYAGER	1996	02V293000
PLYMOUTH	GRAND VOYAGER	1997	00V268000
PLYMOUTH	GRAND VOYAGER	1997	02V293000
PLYMOUTH	GRAND VOYAGER	1998	00V268000
PLYMOUTH	GRAND VOYAGER	1998	02V293000
PLYMOUTH	GRAND VOYAGER	1999	00V268000
PLYMOUTH	GRAND VOYAGER	2000	00V268000
PLYMOUTH	VOYAGER	1996	00V268000
PLYMOUTH	VOYAGER	1996	02V293000
PLYMOUTH	VOYAGER	1997	00V268000
PLYMOUTH	VOYAGER	1997	02V076000
PLYMOUTH	VOYAGER	1997	02V293000
PLYMOUTH	VOYAGER	1998	00V268000
PLYMOUTH	VOYAGER	1998	02V076000
PLYMOUTH	VOYAGER	1998	02V293000
PLYMOUTH	VOYAGER	1999	00V268000
PLYMOUTH	VOYAGER	1999	02V076000
PLYMOUTH	VOYAGER	2000	00V268000
PONTIAC	AZTEK	2001	01V383000
PONTIAC	AZTEK	2001	02V329000
PONTIAC	BONNEVILLE	2002	02V222000
PONTIAC	BONNEVILLE	2003	02V222000
PONTIAC	GRAND AM	1996	02V070000
PONTIAC	GRAND AM	1997	02V070000

ANNEX A—CALENDAR YEAR 2002 RECALLS AFFECTING VEHICLES IMPORTED BY REGISTERED IMPORTERS—Continued

Make	Model	Model year	NHTSA recall No.
PONTIAC	GRAND PRIX	1999	02V027000
PONTIAC	GRAND PRIX	2001	02V329000
PONTIAC	MONTANA	1999	02V027000
PONTIAC	MONTANA	2001	01V383000
PONTIAC	MONTANA	2001	02V329000
PONTIAC	MONTANA	2002	02V222000
PONTIAC	MONTANA	2003	02V222000
PONTIAC	SUNFIRE	1995	02V070000
PONTIAC	SUNFIRE	1996	02V070000
PONTIAC	SUNFIRE	1997	02V070000
PONTIAC	TRANS SPORT	1999	02V027000
PONTIAC	VIBE	2003	02V074002
SUBARU	OUTBACK	2002	02V079000
TOYOTA	4 RUNNER	1996	02V021000
TOYOTA	4 RUNNER	1997	02V021000
TOYOTA	4 RUNNER	1998	02V021000
TOYOTA	COROLLA	2003	02V074001
TOYOTA	ECHO	2001	02V268000
TOYOTA	ECHO	2002	02V268000
TOYOTA	HIGHLANDER	2001	02V208000
TOYOTA	HIGHLANDER	2002	02V208000
TOYOTA	TUNDRA	1999	02V050000
TOYOTA	TUNDRA	2000	02V050000
TOYOTA	TUNDRA	2001	02V050000
TRIUMPH	SPEED TRIPLE	2001	01V339000
TRIUMPH	SPEED TRIPLE	2001	02V242000
VOLKSWAGEN	GOLF	2001	02V031000
VOLKSWAGEN	GOLF	2002	02V031000
VOLKSWAGEN	JETTA	2001	02V031000
VOLKSWAGEN	JETTA	2002	02V031000
VOLKSWAGEN	NEW BEETLE	2001	02V031000
VOLKSWAGEN	NEW BEETLE	2002	02V031000
VOLKSWAGEN	PASSAT	1996	02V256000
VOLVO	S80	1999	02V096000
VOLVO	VNL	1999	02V110000
VOLVO	VNL	1999	02V238000
VOLVO	VNL	2000	02V110000
VOLVO	VNL	2000	02V238000
VOLVO	VNL	2001	02V110000
VOLVO	VNL	2001	02V238000
VOLVO	WCA	1993	02V238000
VOLVO	WG	1994	02V238000
VOLVO	WIA	1993	02V238000
VOLVO	WIA	1996	02V238000

[FR Doc. 03–23776 Filed 9–17–03; 8:45 am]
BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2003–15990; Notice 1]

Mazda North American Operations; Receipt of Application for Determination of Inconsequential Noncompliance

Mazda North American Operations, on behalf of Mazda Motor Corporation of Hiroshima, Japan (Mazda), has applied to be exempted from the notification and remedy requirements of the 49 U.S.C. chapter 301 ''Motor Vehicle Safety'' for a noncompliance with Federal Motor Vehicle Safety Standard (FMVSS) No. 208, ''Occupant Crash Protection,'' on the basis that the noncompliance is inconsequential to motor vehicle safety. Mazda has filed a report of noncompliance pursuant to 49 CFR part 573, ''Defect and Noncompliance Reports.''

This notice of receipt of the application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the application. *See* 49 U.S.C. 30118(d) and 30120(h).

Mazda submitted the following information in accordance with the requirements of 49 CFR part 556, ''Exemption for Inconsequential Defect or Noncompliance.''

Summary of the Petition

Approximately 350 MY 2002 and 2003 Mazda MPVs produced for sale ''in the U.S. territories'' were manufactured with airbag warning labels intended for the Canadian market. Thus, the labels contain warnings in both English and French. As a result, the area of the English warning is only 16 square centimeters, as opposed to the 30 square centimeters required by FMVSS No. 208. This condition does not comply with the requirements of S4.5.1 of FMVSS No. 208.

Mazda learned of this problem when a service engineer, employed by Mazda Canada Inc., informed them that some 2003 model year MPVs had no French airbag warning on the vinyl sun visor. Mazda's subsequent investigation revealed that some of the labels

intended for vehicles that would be shipped to Canada were installed in vehicles produced for sale in the U.S. territories, and some vehicles produced for sale in Canada included labels intended for the U.S. market.

Mazda argued that first, the warning contained on the bilingual label is identical to the warning required by the standard. Second, the layout of the label and its location in the vehicle is also the same as the requirements of the standard. The only difference between the noncomplying label and the label required by the standard is that the information on the label is also provided in French and the area of the English language warning is 16 square centimeters rather than the 30 square centimeters required by the standard.

Since January 1997, Mazda has sold more than 260,000 vehicles with this identical bilingual label in Canada. In that time, Mazda believes that NHTSA has not had a single complaint that a driver or passenger was unable to decipher the information on the label because of the size of the message. If there are individuals who have difficulty reading the size of the warning, the information is also found in the owner's manual.

Mazda believes that its noncompliance with S4.5.1 of FMVSS No. 208 does not present a risk to vehicle safety and that it should be exempt from the notification and remedy requirements of the Safety Act.

Availability of the Petition and Other Documents

The petition and other relevant information are available for public inspection in NHTSA Docket No. NHTSA–2003–15990; Notice 1. You may call the Docket at (202) 366–9324 or you may visit the Docket Management in Room PL–401, 400 Seventh Street, SW., Washington, DC 20590 (10 a.m. to 5 p.m., Monday through Friday). You may also view the petition and other relevant information on the internet. To do this, do the following:

(1) Go to the Docket Management System (DMS) web page of the Department of Transportation (*http://dms.dot.gov/*).

(2) On that page, click on ''Simple Search.''

(3) On the next page (*http://dms.dot.gov/searchform.simple.cfm/*), type in the docket number ''xxxxxxx.'' After typing the docket number, click on ''Search.''

(4) On the next page, which contains docket summary information for the docket you selected, click on the desired comments. You may download the comments and other materials.

Comments: You may submit comments by DOT DMS Docket Number NHTSA 2003–15990; Notice 1, by any of the following methods:

- Web site: *http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket site.
- Fax: 1–202–493–2251.
- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001.
- Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, accept Federal holidays.
- Federal Rulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent practicable. When the application is granted or denied, a notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: October 20, 2003.

(49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: September 11, 2003.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 03–23875 Filed 9–17–03; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

Office of Thrift Supervision

Agency Information Collection Activities: Proposed Extension of Information Collection; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); Federal Deposit Insurance Corporation (FDIC); and Office of Thrift Supervision (OTS), Treasury.

ACTION: Joint notice and request for comment.

SUMMARY: The OCC, Board, FDIC, and OTS (collectively, the Agencies), as part of their continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to comment on the proposed extension, without revision, of their continuing information collections, as required by the Paperwork Reduction Act of 1995. The Agencies may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. Currently, the Agencies are soliciting comment concerning the proposed extension of OMB approval of the information collections contained in their respective CRA Sunshine (Disclosure and Reporting of CRA-Related Agreements) regulations.

DATES: Comments should be submitted by November 17, 2003.

ADDRESSES: Comments should be directed to the Agencies and the OMB Desk Officer for the Agencies as follows:

OCC: Office of the Comptroller of the Currency, Public Information Room, 250 E Street, SW., Mail Stop 1–5, Attention: 1557–0219, Washington, DC 20219. Due to delays in delivery of paper mail in the Washington area, commenters are encouraged to submit comments by fax or electronic mail. Comments may be sent by fax to (202) 874–4448, or by electronic mail to *regs.comments@occ.treas.gov.* You can inspect and photocopy comments at the OCC's Public Information Room. You can make an appointment to inspect the comments by calling (202) 874–5043.

Board: Written comments may be mailed to Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551. However, because paper mail in the Washington area and at the Board of Governors is subject to delay, please consider submitting your comments by electronic mail to *regs.comments@federalreserve.gov,* or faxing them to the Office of the Secretary at (202) 452–3819 or (202) 452–3102. Members of the public may inspect comments in Room M-P–500 between 9 a.m. and 5 p.m. on weekdays pursuant to 261.12, except as provided in 261.14, of the Board's Rules

Regarding Availability of Information, 12 CFR 261.12 and 261.14.

FDIC: Steven F. Hanft, Paperwork Clearance Officer, Legal Division, Room MB–3064, Attention: Comments/Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429. All comments should refer to ''Community Reinvestment Act Regulation, 3064–0092.'' Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m. [Fax number (202) 898–3838; Internet address: *comments@fdic.gov.*] Comments may be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street, NW., Washington, DC between 9 a.m. and 4:30 p.m. on business days.

OTS: Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention: 1550–0105, Fax number (202) 906–6518, or e-mail to *infocollection.comments@ots.treas.gov.* OTS will post comments and the related index on the OTS Internet Site at *http://www.ots.treas.gov.* In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment, call (202) 906–5922, send an e-mail to *publicinfo@ots.treas.gov,* or send a facsimile transmission to (202) 906–7755.

OMB Desk Officer for the Agencies: Joseph F. Lackey, Jr., Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503, or e-mail to *jlackeyj@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: You may request additional information from:

OCC: Jessie B. Dunaway, OCC Clearance Officer, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

Board: Cynthia Ayouch, Federal Reserve Board Clearance Officer, (202) 452–3829, Division of Research and Statistics, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., M/S 41, Washington, DC 20551.

FDIC: Steven F. Hanft, Paperwork Clearance Officer, (202) 898–3907, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

OTS: Marilyn K. Burton, OTS Clearance Officer, (202) 906–6467, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

Titles:

OCC: Disclosure and Reporting of CRA-Related Agreements (12 CFR 35).

Board: Disclosure and Reporting Requirements of CRA-Related Agreements (Reg G).

FDIC: CRA Sunshine (12 CFR 346).

OTS: CRA Sunshine (12 CFR 533).

OMB Control Numbers:

OCC: 1557–0219.

Board: 7100–0299.

FDIC: 3064–1039.

OTS: 1550–0105.

Type of Review: Extension, without revision, of a currently approved collection.

Form Number: None.

Abstract: This submission covers an extension of the Agencies' currently approved information collections in their regulations (12 CFR part 35 (OCC), 12 CFR part 207 (Board), 12 CFR part 346 (FDIC), and 12 CFR part 533 (OTS)). The submission involves no change to the regulations or to the information collection requirements.

The information collection requirements contained in the regulations are as follows:

Section __.6(b)(1) requires each nongovernmental entity or person (NGEP) and each insured depository institution or affiliate (IDI) that enters into a covered agreement to make a copy of the covered agreement available to any individual or entity upon request.

Section __.6(c)(1) requires each NGEP that is a party to a covered agreement to provide within 30 days after receiving a request from the relevant supervisory agency (1) a complete copy of the agreement; and (2) in the event the NGEP seeks confidential treatment of any portion of the agreement under FOIA, a copy of the agreement that excludes information for which confidential treatment is sought and an explanation justifying the request.

Sections __.6(d)(1)(i) and __6(d)(1)(ii) require each IDI within 60 days of the end of each calendar quarter to provide each supervisory agency with either (1) a complete copy of each covered agreement entered into by the IDI or affiliate during the calendar quarter; and in the event the IDI seeks confidential treatment of any portion of the agreement under FOIA, a copy of the agreement that excludes information for which confidential treatment is sought and an explanation justifying the request; or (2) a list of all covered agreements entered into by the IDI or affiliate during the calendar quarter.

Section __.6(d)(2) requires an IDI or affiliate to provide any relevant supervisory agency with a complete copy and public version of any covered agreement, if the IDI submits a list of their covered agreements pursuant to section __.6(d)(1)(ii).

Section __.7(b) requires each NGEP and IDI that is a party to a covered agreement to file an annual report with each relevant supervisory agency concerning the disbursement, receipt, and uses of funds or other resources under the covered agreement.

Section __.7(f)(2)(ii) requires an IDI that receives an annual report from a NGEP pursuant to section __.7(f)(2)(i) to file the report with the relevant supervisory agency or agencies on behalf of the NGEP within 30 days.

Section __.4(b) requires an IDI that is party to a covered agreement that concerns any activity described in section __4.(a) of a CRA affiliate to notify each NGEP that is a party to the agreement that the agreement concerns a CRA affiliate.

Current Actions

The agencies' proposed reduction in burden is due to a change in the method of estimating the burden. The initial estimate was based on the assumption that 50 percent of insured depository institutions regulated by the agencies are party to one covered agreement. The new estimate is more precise because it takes into account the actual number of IDIs or their affiliates that reported covered agreements to the agencies in 2001 and 2002. The number of NGEP respondents is based on an assumption that one NGEP is a party to each covered agreement.

Affected Public: Businesses or other for-profit; individuals.

Burden Estimates:

Estimated Number of Respondents:

OCC: 25 IDI; 337 NGEP

Board: 13 IDI; 78 NGEP

FDIC: 13 IDI; 36 NGEP

OTS: 24 IDI; 120 NGEP

Estimated Number of Responses:

OCC: 2,813

Board: 637

FDIC: 316

OTS: 984

Estimated Annual Burden Hours:

OCC: 3,899 hours

Board: 910 hours

FDIC: 501.6 hours

OTS: 1,416 hours

Frequency of Response: On occasion.

Comments

Comments submitted in response to this notice will be summarized in the request for OMB approval. All

comments will become a matter of public record. Comments are invited on:

(a) Whether the collection is necessary for the proper performance of the functions of the agency, including whether the information has 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 on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: September 5, 2003.

Mark J. Tenhundfeld,

Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, September 4, 2003.

Jennifer J. Johnson,

Secretary of the Board.

Dated at Washington, DC, this 5th day of September, 2003.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

Dated: September 10, 2003.

By the Office of Thrift Supervision.

James E. Gilleran,

Director.

[FR Doc. 03–23802 Filed 9–17–03; 8:45 am]

BILLING CODE 4810–33–P, 6210–01–P, 6714–01–P, 6720–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 706–GS(D–1)

AGENCY: Internal Revenue Service (IRS), Treasury.

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 IRS is soliciting comments concerning Form 706–GS(D–1), Notification of Distribution From a Generation-Skipping Trust.

DATES: Written comments should be received on or before November 17, 2003 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, at (202) 622–6665, or at Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet, at *Allan.M.Hopkins@irs.gov*.

SUPPLEMENTARY INFORMATION: *Title*: Notification of Distribution From a Generation-Skipping Trust.

OMB Number: 1545–1143.

Form Number: 706–GS(D–1)

Abstract: Form 706–GS(D–1) is used by trustees to provide information to the IRS and to distributees regarding generation-skipping distributions from trusts. The information is needed by distributees to compute the generation-skipping tax imposed by Internal Revenue Code section 2601. The IRS uses the information to verify that the tax has been properly computed.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 80,000.

Estimated Time Per Respondent: 4 hours, 22 minutes.

Estimated Total Annual Burden Hours: 348,800.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

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.

Approved: September 10, 2003.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 03–23877 Filed 9–17–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[INTL–64–93]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

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, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, INTL–64–93 (TD 8611). Conduit Arrangements Regulations (§§ 1.881–4 and 1.6038A–3).

DATES: Written comments should be received on or before November 17, 2003 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Larnice Mack at (202) 622–3179, or *Larnice.Mack@irs.gov*, or Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Conduit Arrangements Regulations.

OMB Number: 1545–1440.

Regulation Project Number: INTL–64–93.

Abstract: This regulation provides rules that permit the district director to recharacterize a financing arrangement as a conduit arrrangement. The recharacterization will affect the amount of U.S. withholding tax due on financing transactions that are part of the financing arrangement. This regulation affects withholding agents and foreign investors who engage in multi-party financing arrangements.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1000.

Estimated Time Per Respondent: 10 hours.

Estimated Total Annual Burden Hours: 10,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

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.

Approved: September 8, 2003.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 03–23878 Filed 9–17–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[CO–46–94]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

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, Pub. L. 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, CO–46–94 (TD 8594), Losses on Small Business Stock (§ 1.244(e)–1).

DATES: Written comments should be received on or before November 17, 2003 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Larnice Mack at (202) 622–3179, or *Larnice.Mack@irs.gov*, or Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Losses on Small Business Stock.

OMB Number: 1545–1447.

Regulation Project Number: CO–46–94.

Abstract: Section 1.1244(e)–1(b) of the regulation requires that a taxpayer claiming an ordinary loss with respect to section 1244 stock must have records sufficient to establish that the taxpayer satisfies the requirements of section 1244 and is entitled to the loss. The records are necessary to enable the Service examiner to verify that the stock qualifies as section 1244 stock and to determine whether the taxpayer is entitled to the loss.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, and business or other for-profit organizations.

Estimated Number of Respondents: 10,000.

Estimated Time Per Respondent: 12 minutes.

Estimated Total Annual Burden Hours: 2,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

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.

Approved: September 10, 2003.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 03–23879 Filed 9–17–03; 8:45 am]

BILLING CODE 4830–01–P

Federal Register

Thursday,
September 18, 2003

Part II

Environmental Protection Agency

40 CFR Part 61

National Emission Standards for Hazardous Air Pollution for Asbestos; Direct Final Rule and Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[OAR–2002–0082, FRL–7561–2]

National Emission Standards for Hazardous Air Pollutants for Asbestos

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; amendments.

SUMMARY: On November 20, 1990, the EPA issued national emission standards for hazardous air pollutants (NESHAP) for asbestos under section 112 of the Clean Air Act (CAA). This action will amend the citation for labeling containers of asbestos waste materials, based on requirements in the Occupational Safety and Health Administration (OSHA) asbestos standard for the construction industry for proper labeling of asbestos waste. The amendments are being made to correctly cite the appropriate numbering of the provisions in the OSHA regulations. We are making the amendments by direct final rule, without prior proposal, because we view the revisions as noncontroversial and anticipate no adverse comments.

DATES: The direct final rule is effective on November 17, 2003 without further notice, unless EPA receives adverse written comment by October 20, 2003 or if a public hearing is requested by September 29, 2003. If EPA receives such comments, it will publish a timely withdrawal in the **Federal Register** indicating which provisions will become effective and which provisions are being withdrawn due to adverse comment.

ADDRESSES: *Comments.* By U.S. Postal Service, send comments (in duplicate, if possible) to: Air and Radiation Docket Center (6102T), Attention Docket Number OAR–2002–0082, EPA West, Room B–108, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. In person or by courier, deliver comments (in duplicate, if possible) to: Air and Radiation Docket Center (6102T), Attention Docket Number OAR–2002–0082, U.S. EPA, 1301 Constitution Avenue, NW., Room B–108, Washington, DC 20460. We request that a separate copy of each public comment also be sent to the contact person listed below (*see* **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Ms. Susan Fairchild, U.S. EPA, Minerals and Inorganic Chemicals Group (C–504–05), Emission Standards Division, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5167, facsimile number (919) 541–5600, electronic mail address: *fairchild.susan@epa.gov.*

SUPPLEMENTARY INFORMATION: *Regulated Entities.* Entities potentially regulated by this action are owners and operators of: asbestos mills, fabricating and manufacturing operations that involve asbestos or asbestos-containing products, demolition and renovation operations involving asbestos-containing building materials, operations in which asbestos-containing materials are spray applied, and active and inactive asbestos waste disposal sites.

Categories and entities potentially regulated by this action include those listed in the following table:

Category	NAICS	Examples of regulated entities
Industrial	23	Construction.
Industrial	23594	Wrecking and Demolition Contractors.
Industrial	562112	Hazardous Waste Collection.
Industrial	562211	Hazardous Waste Treatment and Disposal.
Industrial	5629	Remediation and Other Waste Management Services.
Industrial	56191	Packaging and Labeling Services.
Industrial	332992	Small Arms Ammunition Manufacturing.
Industrial	33634	Motor Vehicle Systems Manufacturing.
Industrial	327	Nonmetallic Mineral Product Manufacturing.
Industrial	3279	Other Nonmetallic Mineral Product Manufacturing.
Industrial	32791	Abrasive Product Manufacturing.
Industrial	32799	All Other Nonmetallic Mineral Product Manufacturing.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether your facility is regulated by this action, you should examine the applicability criteria in § 61.140 of the final rule. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Docket. The EPA has established an official public docket for this action under docket number OAR–2002–0082. The public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Air Docket in the EPA Docket Center, Room B108, 1301 Constitution Ave., NW., Washington, DC 20460. 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 Public Reading Room is (202) 566–1744. The telephone number for the Air Docket is (202) 566–1742.

Electronic Access. You may access this **Federal Register** document electronically through the EPA Internet under the **Federal Register** listings at *http://www.epa.gov/fedrgstr/.*

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to view public comments, access the index of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, select ''search'' and key in the appropriate docket identification number.

Comments. We are publishing the direct final rule without prior proposal because we view the amendments as noncontroversial and do not anticipate adverse comments. We consider the

changes to be noncontroversial because the only effect is to correctly cite the appropriate OSHA labeling requirements referenced in the asbestos NESHAP for labeling containers of asbestos waste. The revisions adopted by the direct final rule retain the labeling requirements in 40 CFR 61.150. In the Proposed Rules section of this **Federal Register**, we are publishing a separate document that will serve as the proposal in the event that timely and significant adverse comments are received.

If we receive any relevant adverse comments on the amendments, we will publish a timely withdrawal in the **Federal Register** informing the public which provisions will become effective and which provisions are being withdrawn due to adverse comment. We will address all public comments in a subsequent final rule based on the proposed rule. Any of the distinct amendments in the direct final rule for which we do not receive adverse comment will become effective on the date set out above. We will not institute a second comment period on the direct final rule. Any parties interested in commenting must do so at this time.

Worldwide Web (www). In addition to being available in the docket, an electronic copy of this action will also be available through the WWW. Following signature, a copy of this action will be posted on EPA's Technology Transfer Network (TTN) policy and guidance page for newly proposed or promulgated rules: *http://www.epa.gov/ttn/oarpg.* The TTN at EPA's web site provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541–5384.

Judicial Review. Under section 307(b)(1) of the CAA, judicial review of the direct final rule is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by November 17, 2003. Under section 307(d)(7)(B) of the CAA, only an objection to the direct final rule that was raised with reasonable specificity during the period for public comment can be raised during judicial review. Moreover, under section 307(b)(2) of the CAA, the requirements established by the direct final rule may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce these requirements.

Outline. The following outline is provided to aid in reading this preamble to the direct final rule.

I. Background
II. Technical Amendment to the Asbestos NESHAP
A. How are we changing the labeling citations?
III. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review
B. Paperwork Reduction Act
C. Regulatory Flexibility Act
D. Unfunded Mandates Reform Act
E. Executive Order 13132: Federalism
F. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments
G. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks
H. Executive Order 13211: Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use
I. National Technology Transfer and Advancement Act
J. Congressional Review Act

I. Background

On November 20, 1990, the **Federal Register** published EPA's revision of the National Emission Standards for Hazardous Air Pollutants for Asbestos (asbestos NESHAP), 40 CFR part 61, subpart M (55 FR 48406). That final rule contained regulatory provisions for the labeling of asbestos waste that cited to regulations then in place from OSHA for proper labeling of asbestos waste. Subsequent to the publication of that rule, OSHA has renumbered the provisions cited in the asbestos NESHAP. The direct final rule amendments identify the current OSHA regulatory citations for properly labeling asbestos waste that is managed under the asbestos NESHAP.

II. Technical Amendment to the Asbestos NESHAP

The current OSHA citations identified in 40 CFR 61.150 (a)(1)(iv) and Table 1 found at 40 CFR 61.156 do not correctly identify the appropriate OSHA regulations. The direct final rule amendments will correct the paragraph and table to conform with the applicable and appropriate OSHA regulations.

A. How Are We Changing the Labeling Citations?

When EPA last revised the asbestos NESHAP, EPA's regulations regarding labeling (40 CFR 61.150(a)(1)(iv) and Table 1 found at 40 CFR 61.156) cited to regulations then in place from the Occupational Safety and Health Administration (OSHA) for proper labeling of asbestos waste. Those citations were 29 CFR 1910.1001(j)(2) and 1926.58(k)(2)(iii). Since that time, OSHA has renumbered the regulations cited in the NESHAP for labeling asbestos waste (see 59 FR 40964, August 10, 1994; and 60 FR 33973, June 29, 1995). The asbestos NESHAP regulation at 40 CFR 61.150(a)(1)(iv) will now cite 29 CFR 1910.1001(j)(4) and 1926.1101(k)(8). In Table 1-Cross Reference to Other Asbestos Regulations, the left hand column under OSHA, the citation 28 CFR 1926.58 will be deleted and replaced with 29 CFR 1101.

III. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 (58 FR 5173, October 4, 1993), the EPA must determine whether the regulatory action is ''significant'' and, therefore, subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Executive Order defines ''significant regulatory action'' as one that is likely to result in standards that may:

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

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

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

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

Pursuant to the terms of Executive Order 12866, it has been determined that the amendments do not constitute a ''significant regulatory action'' because they do not meet any of the above criteria. Consequently, this action was not submitted to OMB for review under Executive Order 12866.

B. Paperwork Reduction Act

The information collection requirements in the final rule were submitted to and approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and assigned OMB control No. 2060–0101. An Information Collection Request (ICR) document was prepared by EPA (ICR No. 0111.10) and a copy may be obtained from Susan Auby by mail at U.S. EPA, Office of Environmental Information, Collection Strategies Division (2822T), 1200 Pennsylvania Avenue, NW, Washington DC 20460, by e-mail at

auby.susan@epamail.epa.gov, or by calling (202) 566–1672. A copy may also be downloaded from the Internet at *http://www.epa.gov/icr.*

Today's action consists primarily of clarifications to the final rule that impose no new information collection requirements on industry or EPA. For that reason, we have not revised the ICR for the existing rule.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et seq.* generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedures Act or any other statute, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The EPA has determined that the amendments will not have a significant economic impact on a substantial number of small entities. For purposes of assessing the impact of today's technical amendments on small entities, small entities are defined as: (1) A small business that has fewer than 750 employees; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's direct final rule amendments on small entities, the EPA has concluded that this action will not have a significant impact on a substantial number of small entities. The direct final rule amendments will not impose any new requirements on small entities.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires the EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows the EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation of why that alternative was not adopted. Before the EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potential affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that the direct final rule amendments do not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in aggregate, or the private sector in any one year, nor does the rule significantly or uniquely impact small governments, because it contains no requirements that apply to such governments or impose obligations upon them. Thus, the requirements of the UMRA do not apply to the direct final rule amendments.

E. Executive Order 13132: Federalism

Executive Order 13132 (64 FR 43255, August 10, 1999) 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.''

The direct final rule amendments do not have federalism implications. The amendments change only the citation of the labeling requirements for asbestos waste and do not modify existing or create new responsibilities among EPA Regional Offices, States, or local enforcement agencies. The technical amendments will not have new 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. Thus, Executive Order 13132 does not apply to the direct final rule amendments.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Government

Executive Order 13175 (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.'' The direct final rule amendments do not have tribal implications as specified in Executive Order 13175. They would 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. Thus, Executive Order 13175 does not apply to the direct final rule amendments.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 (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.

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. The direct final rule amendments are not subject to Executive Order 13045 because they do not establish an environmental standard intended to mitigate health or safety risks.

H. Executive Order 13211: Actions That Significantly Affect Energy, Supply, Distribution, or Use

The direct final rule amendments are not subject to Executive Order 13211 (66 FR 28355, May 22, 2001) because they are not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Because today's action contains no new test methods, sampling procedures or other technical standards, there is no need to consider the availability of voluntary consensus standards.

J. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The 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**. The direct final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 61

Environmental protection, Air pollution control, Hazardous substances.

Dated: September 12, 2003.

Marianne L. Horinko,

Acting Administrator.

■ For the reasons stated in the preamble, title 40, chapter I, part 61 is amended as follows:

PART 61—[AMENDED]

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

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

Subpart M—[AMENDED]

■ 2. Section 61.150 is amended by revising paragraph (a)(1)(iv) to read as follows:

§ 61.150 Standard for waste disposal for manufacturing, fabricating, demolition, renovation, and spraying operations.

* * * * *

(a) * * *

(1) * * *

(iv) Label the containers or wrapped materials specified in paragraph (a)(1)(iii) of this section using warning labels specified by Occupational Safety and Health Standards of the Department of Labor, Occupational Safety and Health Administration (OSHA) under 29 CFR 1910.1001(j)(4) or 1926.1101(k)(8). The labels shall be printed in letters of sufficient size and contrast so as to be readily visible and legible.

* * * * *

■ 3. Section 61.156 is amended by revising Table 1 to read as follows:

§ 61.156 Cross-reference to other asbestos regulations.

* * * * *

TABLE 1.—CROSS-REFERENCE TO OTHER ASBESTOS REGULATIONS

Agency	CFR citation	Explanation
EPA	40 CFR part 763, subpart E	Requires schools to inspect for asbestos and implement response actions and submit asbestos management plans to States. Specifies use of accredited inspectors, air sampling methods, and waste disposal procedures.
	40 CFR part 427	Effluent standards for asbestos manufacturing source categories
	40 CFR part 763, subpart G	Protects public employees performing asbestos abatement work in States not covered by OSHA asbestos standard.
OSHA	29 CFR 1910.1001	Worker protection measures—engineering controls, worker training, labeling, respiratory protection, bagging of waste, 0.2 f/cc permissible exposure level.
	29 CFR 1926.1101	Worker protection measures for all construction work involving asbestos, including demolition and renovation work practices, worker training, bagging of waste, 0.2 f/cc permissible exposure level.
MSHA	30 CFR part 56, subpart D	Specifies exposures limits, engineering controls, and respiratory protection measures for workers in surface mines.
	30 CFR part 57, subpart D	Specifies exposure limits, engineering controls, and respiratory protection measures for workers in underground mines.
DOT	49 CFR parts 171 and 172	Regulates the transportation of asbestos-containing waste material. Requires waste containment and shipping papers.

[FR Doc. 03–23846 Filed 9–17–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[OAR–2002–0082, FRL–7561–1]

National Emission Standards for Hazardous Air Pollutants for Asbestos

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; amendments.

SUMMARY: On November 20, 1990, the EPA issued national emission standards for hazardous air pollutants (NESHAP) for asbestos under section 112 of the Clean Air Act (CAA). This action would amend the citation for labeling containers of asbestos waste materials, based on requirements in the Occupational Safety and Health Administration (OSHA) asbestos standard for the construction industry for proper labeling of asbestos waste. The amendments are being made to correctly cite the appropriate numbering of the provisions in the OSHA regulations.

In the Rules and Regulations section of this **Federal Register**, we are taking direct final action on the proposed amendments because we view the amendments as noncontroversial and anticipate no adverse comments. We have explained our reasons for the amendments in the preamble to the direct final rule. If we receive no significant adverse comments, we will take no further action on the proposed amendments. If we receive significant adverse comments, we will withdraw only those provisions on which we received significant adverse comments. We will publish a timely withdrawal in the **Federal Register** indicating which provisions will become effective and which provisions are being withdrawn. If part or all of the direct final rule in the Rules and Regulations section of today's **Federal Register** is withdrawn, all comments pertaining to those provisions will be addressed in a subsequent final rule based on the proposed amendments. We will not institute a second comment period on the subsequent final action. Any parties interested in commenting must do so at this time.

DATES: *Comments.* We must receive written comments on or before October 20, 2003, unless a hearing is requested by September 29, 2003. If a timely hearing request is submitted, we must receive written comments on or before November 3, 2003.

ADDRESSES: *Comments.* By U.S. Postal Service, send comments (in duplicate, if possible) to: Air and Radiation Docket Center (6102T), EPA West, Room B–108, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. In person or by courier, deliver comments (in duplicate, if possible) to: Air and Radiation Docket Center, Attention Docket Number OAR–2002–0082, U.S. EPA, 1301 Constitution Avenue, NW., Room B–108, Washington, DC 20460. We request that a separate copy of each public comment also be sent to the contact person listed below (see **FOR FURTHER INFORMATION CONTACT**).

Public Hearing. If a public hearing is held, it will be held at 10 a.m. at the EPA Facility Complex in Research Triangle Park, North Carolina or at an alternate site nearby.

Docket. Docket ID No. OAR–2002–0082 contains supporting information used in developing the proposed amendments. The docket is located at the U.S. EPA, 1301 Constitution Avenue, NW., Washington, DC 20460, Room B–108, and may be inspected from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Fairchild, U.S. EPA, Minerals and Inorganic Chemicals Group, Emissions Standards Division (Mail Code C504–05), Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711, telephone number (919) 541–5167, electronic mail address, *fairchild.susan@epa.gov.*

SUPPLEMENTARY INFORMATION: *Regulated Entities.* Entities potentially regulated by this action are owners and operators of: asbestos mills, fabricating and manufacturing operations that involve asbestos or asbestos-containing products, demolition and renovation operations involving asbestos-containing building materials, operations in which asbestos-containing materials are spray applied, and active and inactive asbestos waste disposal sites.

Categories and entities potentially regulated by this action include those listed in the following table:

Category	NAICS	Examples of Regulated Entities
Industrial	23	Construction.
Industrial	23594	Wrecking and Demolition Contractors.
Industrial	562112	Hazardous Waste Collection.
Industrial	562211	Hazardous Waste Treatment and Disposal.
Industrial	5629	Remediation and Other Waste Management Services.
Industrial	56191	Packaging and Labeling Services.
Industrial	332992	Small Arms Ammunition Manufacturing.
Industrial	33634	Motor Vehicle Systems Manufacturing.
Industrial	327	Nonmetallic Mineral Product Manufacturing.
Industrial	3279	Other Nonmetallic Mineral Product Manufacturing.
Industrial	32791	Abrasive Product Manufacturing.
Industrial	32799	All Other Nonmetallic Mineral Product Manufacturing.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether your facility is regulated by this action, you should examine the applicability criteria in § 61.140 of the final rule. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Docket. EPA has established an official public docket for this action under Docket ID Number OAR–2002–0082. The official public docket is the collection of materials that is available for public viewing at U.S. EPA, 1301 Constitution Avenue, NW., Room B–108, Washington, DC 20460. 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. The telephone number for the Air Docket is (202) 566–1742.

Electronic Access. An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://*

www.epa.gov/edocket/ to submit or view public comments, access the index of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, select ''search'' and key in the appropriate docket identification number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as confidential business information (CBI) and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. The EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket material through the docket facility identified in this document.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available to public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statue. 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 EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the Docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

You may submit comments electronically, by mail, by facsimile, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket identification number 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. The EPA is not required to consider these late comments.

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. The 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.

Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at *http://www.epa.gov/edocket*, and follow the online instructions for submitting comments. Once in the system, select ''search'' and then key in Docket ID No. OAR–2002–0082. 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.

Comments may be sent by electronic mail (e-mail) to *air-and-r-docket@epa.gov,* Attention: Docket ID No. OAR–2002–0082. In contrast to EPA's electronic public docket, EPA's e-mail system is not an anonymous access system. If you send an e-mail comment directly to the Docket without going through EPA's electronic public docket, 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.

You may submit comments on a disk or CD ROM that you mail to the mailing address identified in this document. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

By Mail. Send your comments (in duplicate, if possible) to: EPA Docket Center (6102T), Attention: Docket ID No. OAR–2002–0082, U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

By Hand Delivery or Courier. Deliver your comments (in duplicate, if possible) to: Air and radiation Docket, Attention Docket ID No. OAR–2002–0082, U.S. EPA, 1301 Constitution Avenue, NW., Room B–108, Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation as identified in this document. We request that a separate copy also be sent to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

By Facsimile. Fax your comments to: (202) 566–1741, Attention Docket ID No. OAR–2002–0082.

CBI. Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. Send or deliver information identified as CBI only to the following address: OAQPS Document Control Office (C404–02), Attention: Ms. Susan Fairchild, U.S. EPA, 109 TW Alexander Drive, Research Triangle Park, NC 27711, Attention Docket ID No. OAR–2002–0082. 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.

Public Hearing. Persons interested in presenting oral testimony or inquiring as to whether a hearing is to be held should contact Mrs. Pamela Garrett, Minerals and Inorganic Chemicals Group, Emission Standards Division (C504–05), Research Triangle Park, NC 27711, telephone number (919) 541–7966, at least two days in advance of the potential date of the public hearing. Persons interested in attending the public hearing must also call Mrs. Garrett to verify the time, date, and location of the hearing. The public hearing will provide interested parties the opportunity to present data, views, or arguments concerning these proposed emission standards.

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 public

docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM clearly that is does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket 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.

Worldwide Web (www). In addition to being available in the docket, an electronic copy of this action will also be available through the WWW. Following signature, a copy of this action will be posted on EPA's Technology Transfer Network (TTN) policy and guidance page for newly proposed or promulgated rules: *http://www.epa.gov/ttn/oarpg*. The TTN at EPA's Web site provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541–5384.

Direct Final Rule. A direct final rule identical to the proposal is published in the Rules and Regulations section of today's **Federal Register**. If we receive any significant adverse comment pertaining to the amendments in the proposal, we will publish a timely notice in the **Federal Register** informing the public that the amendments are being withdrawn due to adverse comment. We will address all public comments concerning the withdrawn amendments in a subsequent final rule. If no relevant adverse comments are received, no further action will be taken on the proposal and the direct final rule will become effective as provided in that action.

The regulatory text for the proposal is identical to that for the direct final rule published in the Rules and Regulations section of today's **Federal Register**. For further supplementary information, the detailed rationale for the proposal and the regulatory revisions, see the direct final rule published in a separate part of this **Federal Register**.

Statutory and Executive Order Reviews

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et seq.*, generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute 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 organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's proposed rule amendments on small entities, a small entity is defined as: (1) A small business whose parent company has fewer than 750 employees; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; or (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's proposed rule amendments on small entities, we certify that this action will not have a significant economic impact on a substantial number of small entities. We believe there will be little or no impact on small entities because the purpose of today's proposed amendments is to update the rule with the correct OSHA labeling citations, and the amendments would not impose new requirements or compliance costs on industry.

For information regarding other administrative requirements for this action, please see the direct final rule located in the Rules and Regulations section of today's **Federal Register**.

List of Subjects in 40 CFR Part 61

Environmental protection, Air pollution control, Hazardous substances.

Dated: September 12, 2003.

Marianne L. Horinko,

Acting Administrator.

[FR Doc. 03–23847 Filed 9–17–03; 8:45 am]

BILLING CODE 6560–50–P

Reader Aids

Federal Register

Vol. 68, No. 181

Thursday, September 18, 2003

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
TTY for the deaf-and-hard-of-hearing	**741–6086**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **http://www.access.gpo.gov/nara**

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access are located at: **http://www.archives.gov/federal__register/**

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **http://listserv.access.gpo.gov** and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings);* then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list* (or change settings); then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **info@fedreg.nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, SEPTEMBER

52077–52312 2
52313–52484 3
52485–52678 4
52679–52830 5
52831–53010 8
53011–53280 9
53281–53482 10
53483–53664 11
53665–53870 12
53871–54122 15
54123–54326 16
54327–54650 17
54651–54796 18

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
7463 (See Notice of September 10, 2003) 53665
7697 52313
7698 52825
7699 52827
7700 52829
7701 53011
7702 53013
7703 54321
7704 54323

Executive Orders:
13223 (See Notice of September 10, 2003) 53665
13235 (See Notice of September 10, 2003) 53665
13253 (See Notice of September 10, 2003) 53665
13286 (See Notice of September 10, 2003) 53665
13303 (See EO 13315) 52315
13315 52315

Administrative Orders:
Memorandums:
Memorandum of March 28, 2001 (See Memorandum of August 29, 2003) 52323
Memorandum of August 29, 2003 52323
Memorandum of July 22, 2003 53869
Notices:
Notice of September 10, 2003 53665
Presidential Determinations:
No. 2003–33 of August 27, 2003 52679
No. 2003–35 of September 9, 2003 53871
No. 2003–36 of September 12, 2003 54325

5 CFR

575 53667
1201 54651
6501 52681
6601 52682
7201 52485

Proposed Rules:
300 53054
930 52528

7 CFR

245 53483
301 53873
905 .....52325, 53015, 53021
922 52329
923 52329
924 52329
944 53021
948 .....52332, 53281
996 53490
1150 52334

Proposed Rules:
51 52857
246 53903
319 53910
931 53306
991 52860
1000 52860
1001 52860
1005 52860
1006 52860
1007 52860
1030 52860
1032 52860
1033 52860
1124 52860
1126 52860
1131 52860
1135 52860

9 CFR

94 53873

10 CFR

50 54123
52 54123
72 54143

11 CFR

Proposed Rules:
106 52529
110 52531
113 52531
9004 52531
9034 52531

12 CFR

202 53491
206 53283
220 52486
229 .....52077, 53672
545 53024
550 53024
562 52831

Proposed Rules:
614 53915
620 53915
630 53915
900 54396
932 54396
955 54396
998 54396

14 CFR

21 54520
25 ....52684, 53026, 53028, 53672
39 ....52078, 52081, 52083, 52085, 52087, 52337, 52487, 52688, 52832, 52833, 52975, 53030, 53032, 53284, 53496, 53498, 53499, 53501, 53503, 54327, 54653
61 54520
71 ....52088, 52487, 53032, 53033, 53034, 53035, 53674, 53675, 53676, 54328, 54329
91 54520
97 ....53035, 53287
119 54520
121 53877
125 ....53877, 54520
135 ....53877, 54520
142 54520
250 52835
1260 54654

Proposed Rules:

39 ....52145, 52148, 52539, 52720, 52862, 52864, 52865, 52868, 52870, 53055, 53058, 53061, 53309, 54400, 54680, 54682, 54684, 54686, 54688, 54690, 54691, 54694
71 ....52148, 52150, 53925

15 CFR

772 54655
774 54655

Proposed Rules:

764 54402
766 54402

16 CFR

1512 52690

17 CFR

4 ....52836, 53430
232 53289

Proposed Rules:

239 54644
240 54590
249 54590

18 CFR

4 52089
16 52089
141 52089
157 52089

20 CFR

416 ....53219, 53506

21 CFR

520 54658
556 54658
558 54658
573 52339
1308 ....53289, 53677
1310 53290

Proposed Rules:

1301 53529
1308 52872

22 CFR

230 53878

Proposed Rules:

96 54064
98 54119

23 CFR

Proposed Rules:

650 53063

24 CFR

972 54600
982 54335

Proposed Rules:

972 54624
1000 53926

25 CFR

Proposed Rules:

Ch. 1 52151

26 CFR

1 ....52487, 52496, 52975, 52986, 53219, 54336
31 54336
602 ....52463, 52496, 54336, 54660

Proposed Rules:

1 ....52466, 52542, 52543, 52544, 52545, 52546, 53008, 53348, 53926, 54062
31 53448
301 ....52466, 53687

27 CFR

555 53509

Proposed Rules:

9 ....52875, 54696

29 CFR

31 54268
4022 53880
4044 53880

Proposed Rules:

1910 53311
1915 53311
1917 54298
1918 54298
1926 ....53311, 53927

30 CFR

48 53037
75 53037
946 53292

Proposed Rules:

57 52151

31 CFR

500 53640
501 53640
505 53640
515 53640
535 53640
536 53640
537 53640
538 53640
539 53640
540 53640
545 53640
550 53640
560 53640
575 53640
585 53640
586 53640
587 53640
588 53640
590 53640
591 53640
594 53640
595 53640
596 53640
597 53640
598 53640

Proposed Rules:

500 53662
501 53662
505 53662
515 53662
535 53662
536 53662
537 53662
538 53662
539 53662
540 53662
545 53662
550 53662
560 53662
575 53662
585 53662
586 53662
587 53662
588 53662
590 53662
591 53662
594 53662
595 53662
596 53662
597 53662
598 53662

32 CFR

Proposed Rules:

179 ....53430, 53532
199 52722

33 CFR

100 ....54660, 54662
117 ....53050, 53513
165 ....52096, 52098, 52340, 52508, 53677

Proposed Rules:

100 53533
117 ....52722, 53079
165 ....53928, 53930, 53932, 53935, 54177, 54700

36 CFR

219 53294
1280 ....53680, 53882

37 CFR

Proposed Rules:

1 53816
5 53816

38 CFR

20 ....53681, 53682

Proposed Rules:

1 54704
2 54704

39 CFR

111 ....52100, 54664

Proposed Rules:

3001 52546

40 CFR

52 ....52104, 52106, 52110, 52510, 52512, 52691, 52837, 52838, 53515, 53883, 53887, 53891, 54160, 54163, 54167, 54362, 54366, 54672
61 54790
62 54369
70 ....52517, 52691, 54170, 54366, 54374
81 ....53515, 54672
82 ....52841, 54677
180 ....52343, 52353, 52354, 52695, 53297, 54377, 54386
261 53517
271 52113
281 53520
355 52978

Proposed Rules:

Ch. I 53687
30 54405
31 54405
33 54405
35 54405
40 54405
51 ....52373, 53081
52 ....52152, 52154, 52155, 52555, 52724, 52879, 53937, 54179, 54181, 54182, 54186, 54190, 54194, 54195, 54406, 54705
61 54794
62 54407
70 ....52724, 54195, 54406, 54407
81 54705
194 52724
228 53687
271 52156
437 53432

41 CFR

51–3 53684
51–4 53684
102–28 53219

42 CFR

413 53222
482 53222
489 53222

Proposed Rules:

412 53266
1001 53939

44 CFR

62 52700

45 CFR

74 52843
92 52843
302 53052
303 53052
1105 52701

47 CFR

0 52517
1 53523
2 54173
20 54173
51 ....52276, 53524
54 52363
64 53891
73 ....53052, 53304, 54394
76 52127
90 54678

Proposed Rules:

Ch. I 53696
1 ....52156, 52879
2 ....52156, 52879
15 52156
25 53702
27 52156
51 ....52307, 53311
73 54408
87 52156

95 52879
97 52156

48 CFR

538 52127
552 52127
923 52129
970 52129
1804 53525

Proposed Rules:

1 54294
25 54296
36 54294
53 54294
225 53945
246 53946
252 53945
806 53705
9904 53312

49 CFR

105 52844
107 52844
171 52844
172 52363
178 52363
180 52363
192 53895
195 53526

Proposed Rules:

71 53082
171 53314
173 53314
180 53314
385 53535
390 53535
1152 52168

50 CFR

216 52132
635 52140
648 ....52141, 53528
660 ....52519, 52523, 52703, 53053, 53685
679 ....52141, 52142, 52718, 52856, 53686, 54395

Proposed Rules:

13 ....52727, 53320
16 ....53705, 54409
17 ....52169, 53083, 53320, 53327, 53947
21 52727
223 53947
224 53947
622 53706
635 54410
660 ....52732, 53101, 53334
679 ....52173, 52378

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Pears (Bartlett) grown in—
- Oregon and Washington; comments due by 9-25-03; published 9-10-03 [FR 03-23048]

Prunes (dried) produced in—
- California; comments due by 9-22-03; published 7-24-03 [FR 03-18778]

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Interstate transportation of animals and animal products (quarantine):
- Tuberculosis in cattle and bison—
  - State and area classifications; comments due by 9-22-03; published 7-24-03 [FR 03-18850]

Plant-related quarantine, domestic:
- Japanese beetle; comments due by 9-22-03; published 7-24-03 [FR 03-18851]
- Oriental fruit fly; comments due by 9-22-03; published 7-22-03 [FR 03-18602]
- Sapote fruit fly; comments due by 9-22-03; published 7-22-03 [FR 03-18603]

User fees:
- Veterinary diagnostic services; comments due by 9-22-03; published 7-24-03 [FR 03-18849]

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:
- Alaska; fisheries of Exclusive Economic Zone—
  - American Fisheries Act; provisions; comments due by 9-24-03; published 8-25-03 [FR 03-21452]
  - Pacific cod; comments due by 9-22-03; published 7-22-03 [FR 03-18617]
- Atlantic coastal fisheries cooperative management—
  - Atlantic striped bass; comments due by 9-25-03; published 8-26-03 [FR 03-21806]

DEFENSE DEPARTMENT

Acquisition regulations:
- Buy-to-budget acquisition of end items; comments due by 9-22-03; published 7-22-03 [FR 03-18449]
- Environmental services for military installations; multiyear procurement authority; comments due by 9-22-03; published 7-22-03 [FR 03-18450]

Civilian health and medical program of uniformed services (CHAMPUS):
- TRICARE program—
  - Women, Infants, and Children; special supplemental food program; comments due by 9-22-03; published 7-22-03 [FR 03-16981]

EDUCATION DEPARTMENT

Family Educational Rights and Privacy Act:
- Signed and dated written consent; electronic format; comments due by 9-26-03; published 7-28-03 [FR 03-19082]

ENVIRONMENTAL PROTECTION AGENCY

Air programs; State authority delegations:
- North Carolina; comments due by 9-25-03; published 8-26-03 [FR 03-21779]

Air quality implementation plans; approval and promulgation; various States; air quality planning purposes; designation of areas:
- West Virginia; comments due by 9-26-03; published 8-27-03 [FR 03-21910]

Air quality implementation plans; approval and promulgation; various States:
- California; comments due by 9-25-03; published 8-26-03 [FR 03-21590]

Hazardous waste program authorizations:
- New Mexico; comments due by 9-26-03; published 8-27-03 [FR 03-21594]
- Oklahoma; comments due by 9-26-03; published 8-27-03 [FR 03-21592]

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
- Thiophanate methyl; comments due by 9-22-03; published 7-23-03 [FR 03-18499]

Superfund program:
- National oil and hazardous substances contingency plan—
  - National priorities list update; comments due by 9-22-03; published 8-22-03 [FR 03-21596]
  - National priorities list update; comments due by 9-22-03; published 8-22-03 [FR 03-21597]
  - National priorities list update; comments due by 9-25-03; published 8-26-03 [FR 03-21781]

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:
- Americans with Disabilities Act; implementation—
  - Individuals with hearing and speech disabilities; telecommunications relay services and speech-to-speech services; comments due by 9-24-03; published 8-25-03 [FR 03-21616]
- Public mobile services and private land mobile radio services—
  - Air-ground telecommunications services consumers; biennial regulatory review; comments due by 9-23-03; published 7-25-03 [FR 03-18643]
- Satellite communications—
  - Multichannel video distribution and data service in 12 GHz band; technical and licensing rules; reconsideration petitions denied; comments due by 9-23-03; published 7-25-03 [FR 03-19090]
  - Satellite licensing procedures; comments due by 9-26-03; published 8-27-03 [FR 03-21650]
- Telephone Consumer Protection Act; implementation—
  - Do-Not-Call Implementation Act; unwanted telephone solicitations; comments due by 9-23-03; published 7-25-03 [FR 03-18766]

Radio stations; table of assignments:
- California; comments due by 9-22-03; published 8-18-03 [FR 03-20945]
- Oklahoma; comments due by 9-22-03; published 8-22-03 [FR 03-21504]

Television broadcasting:
- Public safety services; Channel 16 utilization by New York Police Department and New York Metropolitan Advisory Committee; comments due by 9-22-03; published 8-22-03 [FR 03-21507]

FEDERAL ELECTION COMMISSION

Allocations of candidate and committee activities:
- Party committee telephone banks; allocation expenses; comments due by 9-25-03; published 9-4-03 [FR 03-22533]

Federal Election Campaign Act:
- Political committee mailing lists; sale, rental, and exchange; comments due by 9-25-03; published 9-4-03 [FR 03-22530]

FEDERAL TRADE COMMISSION

Trade regulation rules:
- Home insulation; labeling and advertising; comments due by 9-22-03; published 7-15-03 [FR 03-17854]

HEALTH AND HUMAN SERVICES DEPARTMENT

Centers for Medicare & Medicaid Services

Medicare:
- Claims filing procedures; elimination of written statement of intent; comments due by 9-23-03; published 7-25-03 [FR 03-18994]
- Entitlement continuation when disability benefit entitlement ends because of substantial gainful activity; comments due by 9-23-03; published 7-25-03 [FR 03-19068]
- Medicare overpayments and underpayments to providers, suppliers, home maintenance organizations, competitive medical plans, etc.; interest calculation; comments due by 9-23-03; published 7-25-03 [FR 03-18859]
- Third party liability insurance regulations; comments due by 9-23-03; published 7-25-03 [FR 03-18509]

HOMELAND SECURITY DEPARTMENT

Coast Guard

Regattas and marine parades:

Child SMILE American Tour Fort Lauderdale Offshore Gran Prix; comments due by 9-26-03; published 9-11-03 [FR 03-23186]

HOMELAND SECURITY DEPARTMENT

Nonimmigrant classes:

Immediate and Continuous Transit Programs; suspension; comments due by 9-22-03; published 8-7-03 [FR 03-20130]

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:

California tiger salamander; comments due by 9-22-03; published 7-3-03 [FR 03-16881]

Importation, exportation, and transportation of wildlife:

Injurious wildlife—

Silver carp; comments due by 9-22-03; published 7-23-03 [FR 03-18654]

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land reclamation plan submissions:

Missouri; comments due by 9-22-03; published 8-22-03 [FR 03-21474]

JUSTICE DEPARTMENT

Drug Enforcement Administration

Prescriptions:

Narcotic (opioid) controlled substances approved for use in maintenance or detoxification treatment; practitioners authority to dispense or prescribe; comments due by 9-22-03; published 6-24-03 [FR 03-15787]

Schedules of controlled substances:

Electronic orders for controlled substances; comments due by 9-25-03; published 6-27-03 [FR 03-16082]

LIBRARY OF CONGRESS

Copyright Office, Library of Congress

Copyright Arbitration Royalty Panel rules and procedures:

Digital performance of sound recordings—

Sound recordings and ephemeral recodrings; digital performance right; comments due by 9-22-03; published 8-21-03 [FR 03-21467]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Acquisition regulations:

Government-owned contractor-operated vehicle fleet management and reporting; comments due by 9-22-03; published 7-22-03 [FR 03-18624]

Research misconduct investigation; comments due by 9-23-03; published 7-25-03 [FR 03-18982]

NUCLEAR REGULATORY COMMISSION

Source material; domestic licensing:

Utah uranium mills and byproduct material disposal facilities; alternative groundwater protection standards; use; comments due by 9-26-03; published 8-27-03 [FR 03-21884]

PERSONNEL MANAGEMENT OFFICE

Prevailing rate systems; comments due by 9-22-03; published 8-22-03 [FR 03-21415]

POSTAL SERVICE

Freedom of Information Act; implementation:

Organizational changes and fee structure; comments due by 9-22-03; published 8-11-03 [FR 03-20358]

STATE DEPARTMENT

Visas; nonimmigrant documentation:

Transit Without Visa and International-to-International programs; suspension; comments due by 9-22-03; published 8-7-03 [FR 03-20204]

TRANSPORTATION DEPARTMENT

Standard time zone boundaries:

South Dakota; comments due by 9-25-03; published 8-11-03 [FR 03-20418]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Boeing; comments due by 9-25-03; published 8-11-03 [FR 03-20389]

Bombardier; comments due by 9-22-03; published 8-22-03 [FR 03-21523]

Cessna; comments due by 9-22-03; published 7-29-03 [FR 03-19197]

Airworthiness standards:

Special conditions—

Avions Marcel Dassault-Breguet Aviation Model Falcon 10 series airplanes; comments due by 9-26-03; published 8-27-03 [FR 03-21959]

Bombardier Aerospace Model BD-100-1A10 airplane; comments due by 9-25-03; published 8-26-03 [FR 03-21769]

Class E airspace; comments due by 9-24-03; published 8-18-03 [FR 03-21080]

TRANSPORTATION DEPARTMENT

Federal Railroad Administration

Railroad workplace safety:

Roadway maintenance machine safety; comments due by 9-26-03; published 7-28-03 [FR 03-18912]

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration

Motor vehicle safety standards:

Hydraulic and air brake systems—

Heavy vehicle anti-lock brake system (ABS); performance requirement; comments due by 9-25-03; published 8-11-03 [FR 03-20025]

TREASURY DEPARTMENT

Internal Revenue Service

Income taxes:

Assumption of partner liabilities; cross-reference; comments due by 9-22-03; published 6-24-03 [FR 03-15282]

Correction; comments due by 9-22-03; published 9-15-03 [FR C3-15282]

Loss corporations; interests distributions; cross reference; comments due by 9-25-03; published 6-27-03 [FR 03-16230]

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.nara.gov/fedreg/plawcurr.html*.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.access.gpo.gov/nara/nara005.html*. Some laws may not yet be available.

H.R. 2738/P.L. 108–77

United States-Chile Free Trade Agreement Implementation Act (Sept. 3, 2003; 117 Stat. 909)

H.R. 2739/P.L. 108–78

United States-Singapore Free Trade Agreement Implementation Act (Sept. 3, 2003; 117 Stat. 948)

S. 1435/P.L. 108–79

Prison Rape Elimination Act of 2003 (Sept. 4, 2003; 117 Stat. 972)

Last List August 25, 2003

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.