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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.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NE–48–AD; Amendment 39–13107; AD 2003–07–11]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Models BR700–710A1–10 and BR700–710A2–20 Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), that is applicable to Rolls-Royce Deutschland Ltd & Co KG (RRD) (formerly Rolls-Royce Deutschland GmbH, formerly BMW Rolls-Royce GmbH) models BR700–710A1–10 turbofan engines with fan disc part numbers (P/Ns) BRR18803, BRR19248, or BRR20791 installed, and BR700–710A2–20 turbofan engines with fan discs P/Ns BRR19248 or BRR20791 installed. That AD currently requires initial and repetitive inspections of these fan discs for cracks, and if necessary replacement with serviceable parts. This amendment requires the same inspections but with longer intervals between repetitive inspections under certain conditions, and requires removal of any dry film lubricant coating from the front face of the fan disc for visual inspections. This amendment is prompted by reevaluation by RRD of results from a fleet-wide inspection campaign, reevaluation of existing repetitive inspection interval requirements, and by a revised service bulletin (SB) that introduces improved inspection procedures. The actions specified by this AD are intended to detect cracks in the fan disc, that could result in an uncontained engine failure and damage to the airplane.

DATES: Effective April 28, 2003. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of April 28, 2003.

Comments for inclusion in the Rules Docket must be received on or before June 10, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–NE–48–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may be inspected at this location, by appointment, between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Comments may also be sent via the Internet using the following address: *9-ane-adcomment@faa.gov.* Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in this AD may be obtained from Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, D–15827 DAHLEWITZ, Germany, telephone: International Access Code 011, Country Code 49, 33 7086–2935, fax: International Access Code 011, Country Code 49, 33 7086–3276. This information may be examined, by appointment, at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone: 781–238–7176, fax: 781–238–7199.

SUPPLEMENTARY INFORMATION: On March 1, 2001, the FAA issued AD 2001–05–06, Amendment 39–12142 (66 FR 14826, March 14, 2001), to require initial and repetitive inspections of fan discs for cracks, and if necessary replacement with serviceable parts. The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, notified the FAA that an unsafe condition may exist on Rolls-Royce Deutschland Ltd & Co KG models BR700–710A1–10 turbofan engines with fan disc P/Ns BRR18803, BRR19248, or BRR20791 installed, and BR700–710A2–20 turbofan engines with fan discs P/Ns BRR19248 or BRR20791 installed. The LBA received several reports of cracks in fan discs, in the dovetail area. RRD determined that these cracks were caused by high-cycle fatigue, and that time predictions and cycle predictions for crack initiation could not be accurately determined. Investigation by RRD has been ongoing. That condition, if not corrected, could result in an uncontained engine failure and damage to the airplane.

Since that AD was issued, RRD has reevaluated results from a fleet-wide inspection campaign, has reevaluated the existing repetitive inspection interval requirements, and has issued SB No. SB–BR700–72–900229, Revision 5, dated January 8, 2003.

Manufacturer's Service Information

RRD has issued SB No. SB–BR700–72–900229, Revision 5, dated January 8, 2003, that specifies procedures for removing any dry film lubricant coating from the front face of the fan disc to improve visual inspections, and initial and repetitive inspections for cracks in fan discs. The LBA classified this service bulletin as mandatory and issued AD 2000–348, Revision 5, dated March 6, 2003, in order to ensure the airworthiness of these RRD models BR700–710A1–10 turbofan engines and BR700–710A2–20 turbofan engines in Germany.

Differences Between This AD and the Manufacturer's Service Information

Although the visual inspection requirements of RRD SB No. SB–BR700–72–900229, Revision 5, dated January 8, 2003, do not specifically define the pass or fail criteria for fan discs, this AD specifically instructs the rejection of fan discs that have visual cracks. FAA communication with RRD has confirmed that the intent of the service bulletin is to require the owner or operator to default to appropriate maintenance manuals for pass or fail criteria. A subsequent review of the maintenance manuals by the FAA has confirmed that no cracks are allowed in the fan discs.

Bilateral Airworthiness Agreement

This engine model is manufactured in Germany and is type certificated for

operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the LBA has kept the FAA informed of the situation described above. The FAA has examined the findings of the LBA, 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.

FAA's Determination of an Unsafe Condition and Required Actions

Since an unsafe condition has been identified that is likely to exist or develop on other RRD models BR700–710A1–10 turbofan engines and BR700–710A2–20 turbofan engines of the same type design, this AD requires for fan discs listed in this AD, removal of any dry film lubricant coating from the fan disc front face to improve visual inspections and initial and repetitive inspections for cracks. The actions must be done in accordance with the service bulletin described previously.

Interim Action

These actions are interim actions and we may take further rulemaking actions in the future.

Immediate Adoption of This AD

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD 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 2000–NE–48–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Analysis

This final rule does not have federalism implications, as defined in Executive Order 13132, because it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this final rule.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, 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 removing Amendment 39–12142 (66 FR 14826, March 14, 2001) and by adding a new airworthiness directive, Amendment 39–13107, to read as follows:

2003–07–11 Rolls-Royce Deutschland Ltd & Co KG: Amendment 39–13107. Docket No. 2000–NE–48–AD. Supersedes AD 2001–05–06, Amendment 39–12142.

Applicability: This airworthiness directive (AD) is applicable to Rolls-Royce Deutschland Ltd & Co KG (RRD) (formerly Rolls-Royce Deutschland GmbH, formerly BMW Rolls-Royce GmbH) models BR700–710A1–10 turbofan engines with fan disc part numbers (P/Ns) BRR18803, BRR19248, or BRR20791 installed, and BR700–710A2–20 turbofan engines with fan discs P/Ns BRR19248 or BRR20791 installed. These engines are installed on, but not limited to Bombardier Inc. BD–700–1A10, and Gulfstream Aerospace Corp. G–V series airplanes.

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

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

To detect cracks in the fan disc that could result in an uncontained engine failure and damage to the airplane, do the following:

Initial Inspection

Engines With Fan Discs P/Ns BRR18803 and BRR19248 Installed

(a) For BR700–710A1–10 engines with fan discs, P/Ns BRR18803 and BRR19248 installed, and BR700–710A2–20 engines with fan discs, P/N BRR19248 installed, do the following:

(1) If the last fan disc inspection was a visual inspection performed using RRD SB No. SB–BR700–900229, Revision 3, dated July 12, 2001, Revision 4, dated December 20, 2001, or Revision 5, dated January 8, 2003, visually or ultrasonically inspect fan disc within 25 flight cycles-since-last inspection (CSLI), in accordance with paragraphs A through F of the applicable Part 1 or Part 2 of the Accomplishment Instructions of RRD SB No. SB–BR700–900229, Revision 5, dated January 8, 2003.

(2) If the last fan disc inspection was an ultrasonic inspection performed using RRD SB No. SB–BR700–900229, Revision 3, dated July 12, 2001, Revision 4, dated December 20, 2001, or Revision 5, dated January 8, 2003, visually or ultrasonically inspect fan disc within 75 CSLI, in accordance with paragraphs A through F of the applicable Part 1 or Part 2 of the Accomplishment Instructions of RRD SB No. SB–BR700–900229, Revision 5, dated January 8, 2003.

(3) For engines that have not yet been inspected, visually or ultrasonically inspect fan disc within 25 flight cycles after the effective date of this AD, in accordance with paragraphs A through F of the applicable Part 1 or Part 2 of the Accomplishment Instructions of RRD SB No. SB–BR700–900229, Revision 5, dated January 8, 2003.

(4) If any cracks are found, remove disc from service and replace with a serviceable disc.

Engines With Fan Discs P/N BRR20791 Installed

(b) For BR700–710A1–10 engines with serial numbers (SNs) 11452 and lower, and BR700–710A2–20 engines with SNs 12352 and lower, with fan discs P/N BRR20791 installed, do the following:

(1) If the last fan disc inspection was a visual inspection performed using RRD SB No. SB–BR700–900229, Revision 3, dated July 12, 2001, Revision 4, dated December 20, 2001, or Revision 5, dated January 8, 2003, visually or ultrasonically inspect fan disc within 25 CSLI, in accordance with paragraphs A through F of the applicable Part 1 or Part 2 of the Accomplishment Instructions of RRD SB No. SB–BR700–900229, Revision 5, dated January 8, 2003.

(2) If the last fan disc inspection was an ultrasonic inspection performed using RRD SB No. SB–BR700–900229, Revision 3, dated July 12, 2001, Revision 4, dated December 20, 2001, or Revision 5, dated January 8, 2003, visually or ultrasonically inspect fan disc within 150 CSLI, in accordance with paragraphs A through F of the applicable Part 1 or Part 2 of the Accomplishment Instructions of RRD SB No. SB–BR700–900229, Revision 5, dated January 8, 2003.

(3) For engines that have not yet been inspected, visually or ultrasonically inspect fan disc within 25 flight cycles after the effective date of this AD, in accordance with paragraphs A through F of the applicable Part 1 or Part 2 of the Accomplishment Instructions of RRD SB No. SB–BR700–900229, Revision 5, dated January 8, 2003.

(4) If any cracks are found, remove disc from service and replace with a serviceable disc.

(c) For BR700–710A1–10 engines with SNs 11453 and higher, and BR700–710A2–20 engines with SNs 12353 and higher with fan discs P/N BRR20791 installed, do the following:

(1) Visually or ultrasonically inspect fan discs within 150 flight cycles-since-new (CSN), in accordance with paragraphs A through F of the applicable Part 1 or Part 2 of the Accomplishment Instructions of RRD SB No. SB–BR700–900229, Revision 5, dated January 8, 2003.

(2) For engines that have not yet been inspected, visually or ultrasonically inspect fan disc within 25 flight cycles after the effective date of this AD, in accordance with paragraphs A through F of the applicable Part 1 or Part 2 of the Accomplishment Instructions of RRD SB No. SB–BR700–900229, Revision 5, dated January 8, 2003.

(3) If any cracks are found, remove disc from service and replace with a serviceable disc.

Repetitive Inspections

(d) Except for engines listed in paragraph (e) of this AD, perform repetitive inspections using the criteria in paragraphs (a) through (b)(4), and (f) of this AD.

(e) For BR700–710A1–10 engines with SNs 11453 and higher, and BR700–710A2–20 engines with SNs 12353 and higher with fan discs P/N BRR20791 installed, perform repetitive inspections using the criteria in paragraphs (c) through (c)(3), and (f) of this AD.

(f) For all discs, perform a visual and ultrasonic inspection before accumulating 500 CSN, in accordance with paragraphs A through F of the applicable Part 1 or Part 2 of the Accomplishment Instructions of RRD SB No. SB–BR700–900229, Revision 5, dated January 8, 2003.

(g) Thereafter, for all discs, perform a visual and an ultrasonic inspection before accumulating 500 cycles-since-the last visual and ultrasonic inspections.

Inspection Reporting Requirements

(g) Report defects in accordance with the applicable Part 1 or Part 2 of RRD SB No. SB–BR700–900229, Revision 5, dated January 8, 2003. Reporting requirements have been approved by the Office of Management and Budget (OMB) and assigned OMB control number 2120–0056.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Documents That Have Been Incorporated by Reference

(j) The inspection must be done in accordance with Rolls-Royce Deutschland Ltd & Co KG Service Bulletin No. SB–BR700–72–900229, Revision 5, dated January 8, 2003. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, D–15827 DAHLEWITZ, Germany, telephone: International Access Code 011, Country Code 49, 33 7086–2935, fax: International Access Code 011, Country Code 49, 33 7086–3276. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in LBA AD 2000–348, Revision 5, dated March 6, 2003.

Effective Date

(k) This amendment becomes effective on April 28, 2003.

Issued in Burlington, Massachusetts, on April 1, 2003.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 03–8327 Filed 4–10–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2002–14348; Airspace Docket No. 03–ACE–5]

Establishment of Class E Surface Area Airspace; and Modification of Class D Airspace; Topeka, Forbes Field, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document establishes a Class E surface area at Topeka, Forbes Field, KS for those times when the air traffic control tower (ATCT) is closed. It also modifies the Class D airspace at Topeka, Forbes Field, KS.

EFFECTIVE DATE: 0901 UTC, May 15, 2003.

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

SUPPLEMENTARY INFORMATION:

History

On Monday, February 10, 2003, the FAA proposed to amend 14 CFR part 71 to establish a Class E surface area and to modify Class D airspace at Topeka, Forbes Field, KS (68 FR 6677). The proposal was to establish a Class E surface area at Topeka, Forbes Field, KS for those times when the air traffic

control tower (ATCT) is closed. It also proposed to modify the Class D airspace and its legal description by incorporating the revised Topeka, Forbes Field, KS airport reference point. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Class E airspace areas designated as surface areas are published in paragraph 6002 of FAA Order 7400.9K, dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR 71.1. Class D airspace areas are published in paragraph 5000 of the same FAA Order. The Class E and Class D airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes a Class E surface area at Topeka, Forbes Field, KS to provide adequate controlled airspace for aircraft executing instrument flight procedures. It also modifies the legal description of Class D airspace at Topeka, Forbes Field, KS. The areas will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9K, Airspace Designations and Reporting Points, dated August 30, 2002, and effective September 16, 2002, is amended as follows:

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

ACE KS E2 Topeka, Forbes Field, KS

Topeka, Forbes Field, KS
(Lat. 38°57′03″ N., long. 95°39′49″ W.)

Within a 4.6-mile radius of Forbes Field. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 5000 Class D Airspace.

* * * * *

ACE KS D Topeka, Forbes Field, KS

Topeka, Forbes Field, KS
(Lat. 38°57′03″ N., long. 95°39′49″ W.)

This airspace extending upward from the surface to and including 3,600 feet MSL within a 4.6-mile radius of Forbes Field. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Kansas City, MO, on March 28, 2003.

Paul J. Sheridan,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 03–8568 Filed 4–10–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 30362; Amdt. No. 441]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: 0901 UTC, May 15, 2003.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169. (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125), telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and

contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 95

Airspace, Navigation (air).

Issued in Washington, D.C. on April 1, 2003.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, May 15, 2003.

■ 1. The authority citation for part 95 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44719, 44721.

PART 95—[AMENDED]

■ 2. Part 95 is amended to read as follows:

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINTS

[Amendment 441 Effective Date, May 15, 2003]

From	To	MEA
Color Routes		
§ 95.10 Amber Federal Airway 1 Is Amended To Read in Part		
Hinchinbrook, AK NDB *8,000—MOCA #GPS MEA 8000	Campbell Lake, AK NDB	#*9,000
Color Routes		
§ 95.6 Blue Federal Airway 28 Is Amended To Read in Part		
Nichols, AK NDB *6,000—MOCA #GPS MEA 6000	Sitka, AK NDB	#*6,900
§ 95.6001 Victor Routes—U.S.		
§ 95.6026 VOR Federal Airway 26 Is Amended To Read in Part		
Grand Junction, CO VORTAC	Raymn, CO FIX NE BND SW BND	 11,000 10,000
§ 95.6113 VOR Federal Airways 113 Is Amended To Read in Part		
Boise, ID VORTAC	Salmon, ID VOR/DME	16,500
§ 95.6194 VOR Federal Airway 194 Is Amended To Read in Part		
McComb, MS VORTAC *2,000—MOCA	Mizze, MS FIX	*3,000
Pauld, MS FIX	Meridian, MS VORTAC	2,100
§ 95.6263 VOR Federal Airway 263 Is Amended To Read in Part		
Hugo, CO VORTAC *9,000—MRA	*Lime, CO FIX	9,000
§ 95.6311 VOR Federal Airway 311 Is Amended To Read in Part		
Tokee, AK FIX *6,000—MOCA #MEA is established with a gap in Navigaton signal Coverage #GPS MEA 6000	Flips, AK FIX	##*9,000
§ 95.6317 VOR Federal Airway 317 Is Amended To Read in Part		
Gesti, AK FIX *5,000—MOCA #GPS MEA 5000	Level Island, AK VOR/DME	#*7,000
Level Island, AK VOR/DME	Hoods, AK FIX	*9,000

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINTS—Continued

[Amendment 441 Effective Date, May 15, 2003]

From	To	MEA
*5,900—MOCA		
Hoods, AK FIX	Sisters Island, AK VORTAC	*7,000
*5,000—MOCA		
Sisters Island, AK VORTAC	Csper, AK FIX	#*7,000
*5,000—MOCA		
#GPS MEA 5000		
Csper, AK FIX	*Hapit, AK FIX	#**15,000
*15,000—MRA		
**4,400—MOCA		
#GPS MEA 8000		
§ 95.6319 VOR Federal Airway 319 Is Amended To Read in Part		
Yakutat, AK VORTAC	Malas, AK FIX	2,600
Malas, AK FIX	Katat, AK FIX	##*10,000
*5,000—MOCA		
#MEA is established with a gap in Navigation signal coverage		
#GPS MEA 9000		
Katat, AK FIX	Casel, AK FIX	#*7,000
*5,000—MOCA		
*GPS MEA 5000		
Casel, AK FIX	EYAKS, AK FIX	*5,000
*2,600—MOCA		
Johnstone Point, AK VORTAC	Peppi, AK FIX	5,000
Wiler, AK FIX	*Anchorage, AK VOR/DME	#**10,000
*5,000—MCA Anchorage VOR/DME		
**7,000—MOCA		
#GPS MEA 7000		
§ 95.6320 VOR Federal Airway 320 Is Amended To Read in Part		
Nelli, AK FIX	Nowell, AK FIX	*10,000
*6,500—moca		
Nowell, AK FIX	Hoper, AK FIX	#*10,000
*8,500—MOCA		
#GPS MEA 8,500		
Hoper, AK FIX	Anchorage, AK VOR/DME	#7,000
*6,000—MOCA		
#GPS MEA 6,000		
§ 95.6428 VOR Federal Airway 428 Is Amended To Read in Part		
Biorka Island, AK VORTAC	Sisters Island, AK VORTAC	#*7,000
*6,000—MOCA		
#GPS MEA 6000		
Sisters Island, AK VORTAC	Haines, AK NDB	##*10,000
*8,500—MOCA		
#GPS MEA 8500		
#MEA is established with a gap in Navigation signal coverage		
Haines, AK NDB	Whitehorse, CA VOR/DME	#*10,000
*9,500—MOCA		
#GPS MEA 9500		
§ 95.6430 VOR Federal Airway 430 Is Amended To Read in Part		
Havre, MT VOR/DME	Glasgow, MT VOR/DME	*6,500
*5,500—MOCA		
Glasgow, MT VOR/DME	Williston, ND VORTAC	*6,000
*5,000—MOCA		
§ 95.6431 VOR Federal Airway 431 Is Amended To Read in Part		
Sisters Island, AK VORTAC	*Lyric, AK FIX	#**8,000
*8,000—MRA		
**5,800—MOCA		
#GPS MEA 5800		
§ 95.6440 VOR Federal Airway 440 Is Amended To Read in Part		
Sandspit, CA VORTAC	Mocha, AK FIX	###*8,000

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINTS—Continued

[Amendment 441 Effective Date, May 15, 2003]

From	To	MEA
*4,600—MOCA #For that Airspace over U.S. Territory #MEA is established with a gap in Navigation signal coverage #GPS MEA 4600		
Mocha, AK FIX	Latch, AK FIX	##*12,000
*4,000—MOCA #MEA is established with a gap in Navigation signal coverage #GPS MEA 8000		
Salis, AK FIX	*Hapit, AK FIX	##*9,000
*15,000—MRA **2,000—MOCA #MEA is established with a gap in Navigation signal coverage #GPS MEA 8000		
Hapit, AK FIX	Centa, AK FIX	##*9,000
*2,000—MOCA #MEA is established with a gap in Navigation signal coverage #GPS MEA 8000		
Centa, AK FIX	Yakutat, AK VORTAC	#*3,000
*2,000—MOCA #GPS MEA 2000		
Ocult, AK FIX	Middleton Island, AK VOR/DME	#*8,000
*2,000—MOCA #GPS MEA 7000		
Middleton Island, AK VOR/DME	Hoper, AK FIX	#*10,000
*8,500—MOCA #GPS MEA 8500		
Hoper, AK FIX	Anchorage, AK VOR/DME	#*7,000
*6,000—MOCA #GPS MEA 6000		
§ 95.6473 VOR Federal Airway 473 Is Amended To Read in Part		
Level Island, AK VOR/DME	Flips, AK FIX	#*7,000
*6,000—MOCA #GPS MEA 6000		
§ 95.6543 VOR Federal Airway 543 Is Amended To Read in Part		
Pauld, MS FIX	Meridian, MS VORTAC	2,100

[FR Doc. 03–8562 Filed 4–11–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD13–02–018]

RIN 1625–AA00

Security Zone: Protection of Tank Ships, Puget Sound, WA

AGENCY: Coast Guard, DHS.

ACTION: Final rule: Notice of enforcement of tank ship security zone.

SUMMARY: The Captain of the Port Puget Sound will begin enforcing the tank ship security zones established by 33 CFR 165.1313 on April 15, 2003. These security zones will be enforced until further notice.

DATES: 33 CFR 165.1313 will be enforced commencing April 15, 2003.

FOR FURTHER INFORMATION CONTACT: Captain of the Port Puget Sound, 1519 Alaskan Way South, Seattle, WA 98134 at (206) 217–6200 or (800) 688–6664 to obtain information concerning enforcement of this rule.

SUPPLEMENTARY INFORMATION: On March 31, 2003, the Coast Guard published a final rule (68 FR 15372) establishing regulations, in 33 CFR 165.1313, for the security of tank ships in the navigable waters of Puget Sound and adjacent waters, Washington. This security zone provides for the regulation of vessel traffic in the vicinity of tank ships and excludes persons and vessels from the immediate vicinity of all tank ships. Entry into this zone is prohibited unless authorized by the Captain of the Port or his designee. The Captain of the Port Puget Sound will begin enforcing the tank ship security zones established by 33 CFR 165.1313 on April 15, 2003. The Captain of the Port may be assisted by other Federal, State, or local agencies in enforcing this security zone.

Dated: April 2, 2003.

Danny Ellis,

Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.

[FR Doc. 03–8943 Filed 4–8–03; 3:22 pm]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD13–02–016]

RIN 1625–AA00 [Formerly 2115–AA97]

Regulated Navigation Area; Olympic View Resource Area EPA Superfund Cleanup Site, Commencement Bay, Tacoma WA

AGENCY: Coast Guard, DHS.

ACTION: Final Rule.

SUMMARY: The Coast Guard is establishing a permanent regulated navigation area (RNA) on a portion of Commencement Bay, Tacoma, Washington. This RNA will preserve the integrity of a clean sediment cap placed over the contaminated seabed as part of the remediation process at the Olympic View Resource Area Environmental Protection Agency (USEPA) Superfund Site. It is being established at the request of the USEPA and the Washington State Department of Natural Resources and prohibits activities that would disturb the seabed, such as anchoring, dredging, spudding, laying cable, or other disturbances of the bottom. This rule will not affect transit or navigation of the area.

DATE: This rule is effective May 12, 2003.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD13–02–016 and are available for inspection or copying at U.S. Coast Guard Marine Safety Office Puget Sound, 1519 Alaskan Way South, Building 1, Seattle, Washington 98134 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: MST1 Craig. R. Petersen, c/o Captain of the Port Puget Sound, 1519 Alaskan Way South, Seattle, Washington 98134, at (206) 217–6232.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On December 2, 2002, we published a notice of proposed rulemaking (NPRM) entitled Regulated Navigation Area; Olympic View EPA Superfund Cleanup Site, Commencement Bay, Tacoma, WA, in the **Federal Register** (67 FR 71513). We received two phone calls commenting on the proposal. No public hearing was requested, and none held.

Background and Purpose

The Olympic View Resource Area Superfund Site is located between the eastern boundary of the Thea Foss Waterway and the western boundary of the Middle Waterway of Commencement Bay, Washington. The site includes property owned and or leased by the now closed Puget Sound Plywood Company, contaminated sediments in Commencement Bay, and other upland sources of contamination. The site is approximately 12.4 acres in size and includes 10.6 acres of intertidal and shallow subtidal marine aquatic land. An area of 2.2 acres of marine sediments is contaminated within the site.

Part of the remediation process for this site consists of covering the contaminated sediments with a layer of clean medium to coarse-grained sand approximately one-meter (3-feet) thick or greater. This cap is used to isolate contaminants and limit their vertical migration and release into the water column. The cap will also limit the potential for marine organisms to reach the contaminated sediment.

This Regulated Navigation Area (RNA) is a permanent regulation restricting activities such as anchoring, dredging, spudding, laying cable or other activities, which would disturb the sediment cap covering the contaminated seabed. The rule does not affect normal transit or navigation of the area. The Olympic View Resource Area is located offshore of the peninsula between the Thea Foss and Middle Waterways in Commencement Bay, Tacoma, Washington. The sediment cap includes approximately 480 feet of shoreline extending approximately 420 feet into the bay. This area is relatively unprotected and is rarely utilized as an anchorage.

Discussion of Comments and Changes

The Coast Guard received two phone calls commenting on the notice of proposed rulemaking (NPRM). The following paragraphs contain a discussion of comments received and an explanation of changes, if any, to the proposed regulations.

Comment: Two phone comments were received stating that the longitude on the last set of coordinates described in the NPRM as 47°15′46.74493″ North, 122°26′09.27617″ West appeared incorrect and did not make sense.

Response: These comments were investigated and found to be correct. The correct longitude on the last set of coordinates should be 122°26′02.50574″ West. Accordingly, the last set of coordinates listed in paragraph (a) of the final rule has been corrected and reads 47°15′46.74493″ North, 122°26′02.50574″ West. The size of the RNA did not appreciably change due to this correction.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS).

This finding is based on the fact that the regulated area established by the rule would encompass a small area that should not impact commercial or recreational traffic. The Olympic View Resource Area does not appear to have any viable industrial or commercial use. Moreover, any land or water use on the site that would be at odds with the RNA would likely be restricted through the site's designation by the City of Tacoma as a Natural Resource Damage Assessment (NRDA) settlement site, pursuant to a Consent Decree between the City of Tacoma and the Natural Resource Trustees. Furthermore, on May 24, 2000, the State Commissioner of Public Lands established the project area as part of an environmental reserve under RCW 79.68.060. This designation removes the site from potential development or commercial leasing. For the above reasons, the Coast Guard does not anticipate any significant economic impact.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to anchor, dredge, spud, lay cable or disturb the seabed in any fashion when this rule is in effect. The RNA will not have a significant economic impact due to its small area. Because the impacts of this rule are expected to be so minimal, the Coast Guard certifies under 605(b) of the

Regulatory Flexibility Act (5 U.S.C. 601–612) that this final rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offered to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process. No assistance was requested by small entities.

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

Collection of Information

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

Federalism

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 would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

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

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that Order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have analyzed this rule under Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation. This particular regulated navigation area is established for the purpose of preserving the remediation efforts at a USEPA Superfund Site. The rule itself will not cause nor introduce any environmental impacts and will be transparent in all regards except for prohibiting activities which could disturb the seabed within the established boundaries of the RNA. A final ''Environmental Analysis Check List'' and a final ''Categorical Exclusion Determination'' are available in the docket where indicated under **ADDRESSES**.

The USEPA has determined that there will be no significant environmental impact arising from the creation of this RNA designed to protect the sediment cap. The actual placement of the cap at the Olympic View Resource Area site was determined by the USEPA to provide an environmental benefit to the area by allowing organisms to colonize the clean sediments of the cap (''Action Memorandum for a Non-time-critical Removal Action at the Olympic View Resource Area within the Commencement Bay Nearshore/Tideflats Superfund Site, Tacoma, Pierce County, Washington''—July 16, 2001). The USEPA's authority to place the cap is expressed in this publicly available document, and additional information is available at the Marine Safety Office at the address under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5; Department of Homeland Security Delegation No. 0170.

■ 2. Section 165.1311 is added to read as follows:

§ 165.1311 Olympic View Resource Area, Tacoma, WA.

(a) *Regulated area.* A regulated navigation area is established on that portion of Commencement Bay bounded by a line beginning at: 47°15′40.19753″ N, 122°26′09.27617″ W; thence to 47°15′42.21070″ N, 122°26′10.65290″ W; thence to 47°15′41.84696″ N, 122°26′11.80062″ W; thence to 47°15′45.57725″ N, 122°26′14.35173″ W; thence to 47°15′53.06020″ N, 122°26′06.61366″ W; thence to

47°15′46.74493″ N, 122°26′02.50574″ W; thence returning along the shoreline to the point of origin. [Datum NAD 1983].

(b) *Regulations.* All vessels and persons are prohibited from anchoring, dredging, laying cable, dragging, seining, bottom fishing, conducting salvage operations, or any other activity which could potentially disturb the seabed in the designated area. Vessels may otherwise transit or navigate within this area without reservation.

(c) *Waiver.* The Captain of the Port, Puget Sound, upon advice from the United States Environmental Protection Agency (USEPA) Project Manager and the Washington State Department of Natural Resources, may, upon written request, authorize a waiver from this section if it is determined that the proposed operation supports USEPA remedial objectives, or can be performed in a manner that ensures the integrity of the sediment cap. A written request must describe the intended operation, state the need, and describe the proposed precautionary measures. Requests shall be submitted in triplicate, to facilitate review by USEPA, Coast Guard, and Washington State Agencies. USEPA managed remedial design, remedial action, habitat mitigation, or monitoring activities associated with the Olympic View Resource Area Superfund Site are excluded from the waiver requirement. USEPA is required, however, to alert the Coast Guard in advance concerning any of the above-mentioned activities that may, or will, take place in the Regulated Area.

Dated: March 27, 2003.

Erroll Brown,

Rear Admiral, U.S. Coast Guard, 13th District Commander.

[FR Doc. 03–8944 Filed 4–10–03; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP San Diego 03–014]

RIN 1625–AA00

Security Zone; Waters Adjacent to San Onofre, San Diego County, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone in the waters adjacent to the San Onofre Nuclear Generating Station in San Diego County, CA. This action is necessary to ensure public safety and prevent sabotage or terrorist acts against the public and commercial structures and individuals near or in this structure. This security zone will prohibit all persons and vessels from entering, transiting through or anchoring within the security zone unless authorized by the Captain of the Port (COTP), or his designated representative. This security zone will not affect recreational activities within the surf zone or the beach.

DATES: This rule is effective from 12:01 a.m. (PST) on March 21, 2003 to 11:59 p.m. (PDT) on May 21, 2003.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of docket COTP San Diego 03–014, and are available for inspection or copying at U.S. Coast Guard Marine Safety Office San Diego, 2716 N. Harbor Dr., San Diego, CA 92101, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Rick Sorrell, Marine Safety Office San Diego, at (619) 683–6495.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On February 6, 2002, we published a temporary final rule for waters adjacent to the San Onofre Nuclear Generating Station entitled ''Security Zone; Waters adjacent to San Onofre, San Diego County, California'' in the **Federal Register** (67 FR 5480) under Sec. 165.T11–048. It has been in effect since October 25, 2001 and was set to expire at 3:59 p.m. PDT on June 21, 2002. It has since been extended and is now set to expire at 11:59 p.m. PDT March 21, 2003.

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 a NPRM. Due to the terrorist attacks on September 11, 2001 and the warnings given by national security and intelligence officials, there is an increased risk that further subversive or terrorist activity may be launched against the United States. A heightened level of security has been established concerning all vessels operating in the waters adjacent to the San Onofre Nuclear Generating Station area. This security zone is needed to protect the United States and more specifically the personnel and property of the San Onofre Nuclear Generating Station. The original TFR was urgently required to prevent possible terrorist strikes against the United States and more specifically the people, waterways, and properties near the San Onofre Nuclear Generating Station. It was anticipated that we would assess the security environment at the end of the effective period to determine whether continuing security precautions were required and, if so, propose regulations responsive to existing conditions. We have determined the need for continued security regulations exists.

The measures contemplated by this rule are intended to prevent future terrorist attacks against individuals and facilities within or adjacent to San Onofre Nuclear Generating Station. Immediate action is required to accomplish these objectives and necessary to continue safeguarding these vessels and the surrounding area. Any delay in the effective date of this rule is impractical and contrary to the public interest.

For the reasons stated in the paragraphs above under 5 U.S.C. 553(d)(3), the Coast Guard also finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

Background and Purpose

On September 11, 2001, terrorists launched attacks on civilian and military targets within the United States killing large numbers of people and damaging properties of national significance. Vessels operating near the San Onofre Nuclear Generating Station present possible platforms from which individuals may gain unauthorized access to this installation, or launch terrorist attacks upon the waterfront structures and adjacent population centers.

In response to these terrorist acts, and in order to prevent similar occurrences, the Coast Guard has established a temporary security zone in the navigable waters of the United States adjacent to the San Onofre Nuclear Generating Station. This temporary security zone is necessary to provide for the safety and security of the United States of America and the people, ports, waterways and properties within the San Onofre Nuclear Generating Station area.

As of today, the need for this security zone still exists. The effective period of this temporary final rule will extend through 11:59 p.m. PST March 21, 2003.

Discussion of Rule

This regulation extends the current security zone that prohibits all vessel traffic from entering, transiting or anchoring within a one nautical mile

radius of San Onofre Nuclear Generating Station that is centered at the following coordinate: 33° 22' 30'' N, 117° 33' 50'' W. This security zone will not affect recreational activities within the surf zone or the beach.

As part of the Diplomatic Security and Antiterrorism Act of 1986 (Pub. L. 99–399), Congress amended The Ports and Waterways Safety Act (PWSA) to allow the Coast Guard to take actions, including the establishment of security and safety zones, to prevent or respond to acts of terrorism against individuals, vessels, or public or commercial structures. 33 U.S.C. 1226. The terrorist acts against the United States on September 11, 2001, have increased the need for safety and security measures on U.S. ports and waterways. In response to these terrorist acts, and in order to prevent similar occurrences, the Coast Guard is establishing a temporary security zone in the navigable waters of the United States adjacent to the San Onofre Nuclear Generating Station. This temporary security zone is necessary to provide for the safety and security of the United States of America and the people, ports, waterways and properties within the San Onofre Nuclear Generating Station area.

This temporary security zone, prohibiting all vessel traffic from entering, transiting or anchoring within the above-described area, is necessary for the security and protection of the San Onofre Nuclear Generating Station. This zone will be enforced by Coast Guard patrol craft or any patrol craft and resources enlisted by the COTP.

Persons and vessels are prohibited from entering into this security zone unless authorized by the Captain of the Port or his designated representative. Each person and vessel in a security zone shall obey any direction or order of the COTP. The COTP may remove any person, vessel, article, or thing from a security zone. No person may board, or take or place any article or thing on board, any vessel in a security zone without the permission of the COTP.

Any violation of the security zone described herein is punishable by, among other things, criminal penalties (imprisonment for not more than 12 years and a fine of not more than $250,000), in rem liability against the offending vessel, and license sanctions.

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).

Due to the recent terrorist actions against the United States the implementation of this security zone is necessary for the protection of the United States and its people. Because these security zones are established in an area near the San Onofre Nuclear Generating Station that is seldom used, the Coast Guard expects the economic impact of this rule to be so minimal that full regulatory evaluation under paragraph 10(e) of the regulatory policies and procedures of DHS is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' includes small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations less than 50,000.

This security zone will not have a significant impact on a substantial number of small entities because the portion of the security zone that affects the San Onofre Nuclear Generating Station area is infrequently transited. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this temporary final rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard offers to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact Lieutenant Commander Rick Sorrell, Marine Safety Office San Diego, at (619) 683–6495.

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. 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 and have determined that this rule 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 expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

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

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes,

or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (34)(g), of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation because we are establishing a security zone. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.

■ 2. Revise § 165.T11–048 to read as follows:

§ 165.T11–048 Security Zone; Waters adjacent to San Onofre, San Diego County, CA.

(a) *Location.* This security zone will encompass the waters within a one nautical mile seaward arc off San Onofre Nuclear Generating Station that is centered at the following coordinate: latitude 33°22.186′ N, longitude 117°33.607′ W. This security zone will not affect recreational activities within the surf zone or the beach.

(b) *Effective Dates.* This security zone will be in effect from 12:01 a.m. (PST) on March 21, 2003 to 11:59 p.m. (PDT) on May 21, 2003.

(c) *Waivers.* The COTP may waive any of the requirements of this rule for any person, vessel or class of vessel upon finding that circumstances are such that application of the security zone is unnecessary for national or port security.

(1) The following categories of persons are automatically exempt from requirement to depart the security zone but must comply with the provisions set forth below to operate in the security zone:

(i) Recreational surfers;

(ii) Hikers on the beach;

(iii) Swimmers.

(2) Reports to the COTP and requests for waivers required by this section must be made by telephone or radio call to the following numbers or on the following channels: Marine Safety Office San Diego at (619) 683–6495 or VHF–FM channel 16.

(3) COTP reserves the authority to revoke any waivers granted in order to provide for the safety and security of boaters, the San Onofre Nuclear Generating Station or its personnel.

(d) *Authority.* In addition to 33 U.S.C. 1231, the authority for this section includes 33 U.S.C. 1226.

Dated: March 21, 2003.

Stephen P. Metruck,

Commander, Coast Guard, Captain of the Port, San Diego.

[FR Doc. 03–8945 Filed 4–10–03; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[WV059–6027a; FRL–7479–9]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, State of West Virginia; Control of Emissions From Commercial and Industrial Solid Waste Incinerator Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This action approves the commercial and industrial solid waste incinerator 111(d)/129 plan (the ''plan'') submitted to EPA on November 29, 2001 by the West Virginia Department of Environmental Protection, Division of Air Quality (DAQ). The plan was submitted to fulfill requirements of the Clean Air Act (CAA). The DAQ plan establishes emission limits, monitoring, operating, and recordkeeping requirements for commercial and industrial solid waste incinerator (CISWI) units for which construction commenced on or before November 30, 1999.

DATES: This final rule is effective on June 10, 2003 without further notice, unless EPA receives adverse written comment by May 12, 2003. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be mailed to Walter Wilkie, Deputy Chief, Air Quality Planning and Information Services Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

FOR FURTHER INFORMATION CONTACT: James B. Topsale at (215) 814–2190, or by e-mail at *topsale.jim@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Sections 111(d) and 129 of the CAA requires states to submit plans to control certain pollutants (designated pollutants) at existing solid waste combustor facilities (designated facilities) whenever standards of performance have been established under section 111(b) for new sources of the same type, and EPA has established emission guidelines (EG) for such existing sources. A designated pollutant is any pollutant for which no air quality criteria have been issued, and which is not included on a list published under section 108(a) or section 112(b)(1)(A) of the CAA, but emissions of which are subject to a standard of performance for new stationary sources. However, section 129 of the CAA, also requires EPA to promulgate EG for CISWI units that emit a mixture of air pollutants. These pollutants include organics (dioxins/furans), carbon monoxide, metals (cadmium, lead, mercury), acid gases (hydrogen chloride, sulfur dioxide, and nitrogen oxides) and particulate matter (including opacity). On December 1, 2000 (65 FR 75338), EPA promulgated CISWI unit new source performance standards and EG, 40 CFR part 60, subparts CCCC and

DDDD, respectively. The designated facility to which the EG apply is each existing CISWI unit, as defined in subpart DDDD, that commenced construction on or before November 30, 1999.

Section 111(d) of the CAA requires that ''designated'' pollutants, regulated under standards of performance for new stationary sources by section 111(b) of the CAA, must also be controlled at existing sources in the same source category to a level stipulated in an EG document. Section 129 of the CAA specifically addresses solid waste combustion and emissions controls based on what is commonly referred to as ''maximum achievable control technology'' (MACT). Section 129 requires EPA to promulgate a MACT based emission guidelines document for CISWI units, and then requires states to develop plans that implement the EG requirements. The CISWI EG under 40 CFR part 60, subpart DDDD, establish emission and operating requirements under the authority of the CAA, sections 111(d) and 129. These requirements must be incorporated into a State plan that is ''at least as protective'' as the EG, and is Federally enforceable upon approval by EPA. The procedures for adoption and submittal of State plans are codified in 40 CFR part 60, subpart B.

II. Review of West Virginia's CISWI Plan

EPA has reviewed the West Virginia CISWI plan in the context of the requirements of 40 CFR part 60, and subparts B and DDDD. A summary of the review is provided below.

A. Identification of Enforceable State Mechanism(s) for Implementing the EG

On September 25, 2002, the DAQ submitted to EPA a copy of the plan's enforceable mechanism, regulation 45CSR18, ''To Prevent and Control Emissions from Commercial and Industrial Solid Waste Incinerator Units.'' The regulation, which became effective on May 1, 2002, contains a compliance schedule that is not considered expeditious by EPA. As a result, the DAQ amended its plan to include a State Consent Order (CO) with a revised compliance schedule, which is applicable to the only known affected facility, E.I. Du Pont de Nemours and Company, Washington Works (''DuPont''), located in Wood County, West Virginia.

A second state regulation, 45CSR6, effective July 1, 2001, establishes the air pollution control requirements for air curtain incinerator (ACI) units. 45CSR6, section 4.8, stipulates the air pollution control requirements for both new and existing units. Affected facilities constructed on or before November 30, 1999 are subject to the same requirements as new units under 40 CFR part 60, subpart CCCC. The DAQ has made a conscious decision to subject these sources, if any, to the same standards as new sources. However, the DAQ is not aware of any affected ACI units.

B. Demonstration of Legal Authority

The DAQ states that it has sufficient statutory and regulatory authority to implement and enforce the plan. This is discussed in section VII of the plan narrative, a November 29, 2001 letter from DAQ Counsel, and the January 22, 2003 plan amendment. The DAQ cites the following references for legal authority: W.Va. Code section 22–5–1 *et seq.*, applicable state CISWI air quality regulations WV CSR18, and WV CSR6, section 4.8. The DAQ has the required legal authority based on EPA's review of the submitted legal opinions, statutes, and rules. This includes the West Virginia CISWI regulations and the Dupont Consent Order; each of which is considered as being at least as protective as the applicable Federal requirements for existing CISWI units.

C. Inventory of CISWI Units in West Virginia Affected by the EG

As noted above, there is only one known affected facility, Dupont, located in Wood County, West Virginia. There is no known affected ACI unit in West Virginia.

D. Inventory of Emissions From CISWI Units in West Virginia

The submitted plan contains an estimate of emissions from the Dupont facility. Emissions estimates are provided for organics (dioxins/furans), acid gases (hydrogen chloride, sulphur dioxide, and nitrogen oxides), and metals (cadmium, lead, mercury).

E. Emission Limitations for CISWI Units

The state CISWI regulations include emission limitation requirements that are at least as protective as those in the EG, subpart DDDD.

F. Compliance Schedules

The state CISWI regulation, 45 CSR18, which became effective on May 1, 2002, contains a compliance schedule, as noted above, that is not considered expeditious by EPA. As a result, the DAQ amended its plan to include the Dupont Consent Order, which includes a revised compliance schedule that requires final compliance on or before September 30, 2003. EPA believes the revised compliance schedule is an expeditious one. This determination is based on a review of air pollution control retrofit case studies of smaller hospital/medical infectious waste incinerator units, which are similar in size and design to CISWI units. The retrofit case studies are referenced in EPA's November 25, 2002 proposed Federal plan (67 FR 70640) for CISWI units. See the proposed Federal plan preamble, section IV. F, ''How Did EPA Determine the Compliance Schedule?'' The Dupont Consent Order was executed on January 17 and 23, 2003, by DAQ and Dupont representatives, respectively. If an unknown individual CISWI unit is discovered after EPA approval of this plan, the unit will be subject to the Federal plan.

G. Testing, Monitoring, Recordkeeping, and Reporting Requirements

The state CISWI regulations include the applicable source compliance testing, monitoring, recordkeeping, and reporting requirements of the EG.

H. A Record of the Public Hearing on the State Plan

Public hearings were held in Charleston, West Virginia, on November 8, 2001 for the original plan, and then again on January 6, 2003 for the amended plan. The DAQ provided evidence of complying with the public notice and other hearing requirements of subpart B.

I. Provision for Annual State Progress Reports to EPA

The DAQ will submit to EPA on an annual basis a report which details the progress in the enforcement of the plan. The first progress report will be submitted to EPA within one year after approval of the state plan.

III. Final Action

EPA is approving the West Virginia CISWI plan for controlling designated pollutants under sections 111(d) and 129 of the CAA. Therefore, EPA is amending 40 CFR part 62 to reflect this action. This approval is based on the rationale discussed above and in further detail in the technical support document (TSD) associated with this action.

There are a number of plan elements which are not relevant or germane to this plan approval action. Accordingly, EPA is taking no action on the following plan elements:

(1) The provisions of 45CSR6 that regulate incinerators other than affected ACI units;

(2) The compliance date provisions codified at 45CSR18, section 7.1; and

(3) The Dupont Consent Order, Section I, Findings of Facts, paragraphs 4 and 6, relating to greenhouse gas emissions, and state permit requirements not required under subpart DDDD. These three elements are not part of the EPA approved West Virginia CISWI plan.

As provided by 40 CFR 60.28(c), any revisions to the West Virginia plan, or the associated Dupont Consent Order, will not be considered part of the applicable plan until submitted by the DAQ in accordance with 40 CFR 60.28(a) or (b), as applicable, and until approved by EPA in accordance with 40 CFR part 60, subpart B.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action simply approves a pre-existing Federal requirement for state air pollution control agencies and existing CISWI units that are subject to the provisions of 40 CFR part 60, subparts B and DDDD, respectively. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the 111(d) plan should relevant adverse or critical comments be filed. This rule will be effective June 10, 2003 without further notice unless the Agency receives relevant adverse comments by May 12, 2003. If EPA receives such comments, then EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule did not take effect. EPA will address all public comments in a subsequent final rule based on the 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. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing 111(d)/129 plan 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 111(d)/129 plan submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a 111(d)/129 plan submission, to use VCS in place of a 111(d)/129 plan 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.*).

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 10, 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, approving the West Virginia CISWI plan, may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Aluminum, Fertilizers, Fluoride, Intergovernmental relations, Paper and paper products industry, Phosphate, Reporting and recordkeeping requirements, Sulfur oxides, Sulfur acid plants, Waste treatment and disposal.

Dated: March 31, 2003.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

■ 40 CFR part 62, subpart XX, is amended as follows:

PART 62—[AMENDED]

■ 1. The authority citation for part 62 continues to read as follows:

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

Subpart XX—West Virginia

■ 2. An undesignated center heading and sections 62.12155, 62.12156, and 62.12157 are added to subpart XX, to read as follows:

Emissions From Existing Commercial Industrial Solid Waste Incinerators (CISWI) Units—Section 111(d)/129 Plans

§ 62.12155 Identification of plan.

Section 111(d)/129 CISWI plan submitted on November 29, 2001, amended September 25, 2002, and January 22, 2003.

§ 62.12156 Identification of sources.

The plan applies to the Dupont CISWI unit located in Wood County, West Virginia.

§ 62.12157 Effective date.

The effective date of the plan is June 10, 2003.

[FR Doc. 03–8829 Filed 4–10–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 89

[AMS–FRL–7482–1]

Control of Emissions From New Nonroad Diesel Engines: Amendments to the Nonroad Engine Definition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is issuing a direct final rule revising the definition of nonroad engines to include all diesel-powered engines used in agricultural operations in the State of California that are certified by the engine maker to meet the applicable nonroad emission standards. Our rule will consider such engines as nonroad engines without regard to whether these engines are portable or transportable or how long these engines remain in one fixed location at a farm.

DATES: This direct final rule is effective on May 14, 2003, without further notice, unless we receive adverse comments by May 12, 2003, or receive a request for a public hearing by April 28, 2003. Should we receive any adverse comments on this direct final rule, we will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Comments: All comments and materials relevant to today's action should be submitted to Public Docket No. OAR–2003–0046 at the following address: Environmental Protection Agency, EPA Docket Center (EPA/DC), Air and Radiation Docket, Mail Code 6102T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

Docket: Materials relevant to this rulemaking are contained in Public Docket Number OAR–2003–0046 at the following address: EPA Docket Center (EPA/DC), Public Reading Room, Room B102, EPA West Building, 1301 Constitution Avenue, NW., Washington DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, except on government holidays. You can reach the Reading Room by telephone at (202) 566–1742, and by facsimile at (202) 566–1741. The telephone number for the Air Docket is (202) 566–1742. You may be charged a reasonable fee for photocopying docket materials, as provided in 40 CFR part 2.

FOR FURTHER INFORMATION CONTACT: Robert Larson, U.S. EPA, National Vehicle and Fuel Emissions Laboratory, Transportation and Regional Programs Division, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone (734) 214–4277, fax (734) 214–4956, e-mail *larson.robert@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Regulated Entities

Entities potentially impacted by this change in regulation are farming interests in the State of California and those interests that manufacture or put into commerce new, compression-ignition nonroad engines, including:

Category	NAICS codes	Examples of potentially regulated entities
Manufacturing	333618	Manufacturers of new nonroad diesel engines.
Agriculture, Forestry, Fishing, Hunting	111XXX	Farms with crop production.
Agriculture, Forestry, Fishing, Hunting	112XXX	Farms with animal production.
Manufacturing	333111	Farm machinery and equipment.

B. How Can I Get Copies of This Document?

1. *Docket.* EPA has established an official public docket for this action under Air Docket ID No. OAR–2003–0046. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing The official public docket is the collection of materials that is available for public viewing at the Air Docket in the EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

2. *Electronic Access.* You may access this **Federal Register** document electronically through the EPA Internet under the **Federal Register** listings at *http://www.epa.gov/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.

EPA is publishing this rule without a prior proposal. However, if we receive adverse comment on this rulemaking, we will publish a timely withdrawal in the **Federal Register** indicating that this rule is being withdrawn due to adverse comment. In the ''Proposed Rules'' section of today's **Federal Register** publication, we are publishing a separate document that will serve as the proposal to adopt the provisions in this Direct Final Rule if adverse comments are filed. This rule will be effective on

May 14, 2003, without further notice unless we receive adverse comment by May 12, 2003, or receive a request for a public hearing by April 28, 2003. We may address all adverse comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period.

II. Summary of Rule

The change to the definition of nonroad engine is intended to encourage agricultural operations in the State of California to reduce emission from their existing stationary diesel-powered [1] engines by replacing them with engines certified to the emission standards for nonroad engines, thereby greatly reducing NO_X emissions from these engines. The rule does not require the replacement of existing engines with certified engines. However, as explained below, EPA believes that owners of engines will choose to replace them voluntarily.

The Clean Air Act divides internal combustion engines into three categories: Stationary internal combustion engines, engines used in highway motor vehicles, and nonroad engines. The last category includes virtually all mobile engines that are not used in motor vehicles. Nonroad engines are considered mobile sources under the Act and are regulated by EPA under section 213 of the Act. However, the boundaries between these three categories of engines is not well delineated in the Act, so EPA promulgated a rule defining ''nonroad engine,'' exercising its authority to clarify these boundaries (59 FR 31306, June 17, 1994). *See* 40 CFR 89.2. The current definition of nonroad engine requires that the engine meet one of several criteria primarily based on how it is used. For example, the engine is defined as a nonroad engine if it is used to propel a piece of mobile equipment such as a bulldozer or farm tractor or if it is used in equipment that is propelled while performing its function such as a lawn mower. In addition, the engine is considered a nonroad engine if it is used in a piece of equipment that is portable or transportable. Such equipment could include a pump mounted on a trailer or on a set of skids for the purpose of moving the equipment from one location to another for operation in multiple locations. However, such an engine would not be considered a nonroad engine if the engine or the equipment in which it is located is actually used in one fixed location for more than 12 consecutive months. If an engine is located in one place and operated more than 12 consecutive months or otherwise does not meet the definition of nonroad engine (for example, if it is permanently attached to one location), the engine is not considered a nonroad engine and is not subject to EPA's emission standards for nonroad engines. Instead, it is generally considered stationary and is subject to regulation under Titles I and V of the Clean Air Act.

In the case of agricultural pump engines used in the State of California, EPA estimates that approximately half of these fall under the definition of nonroad engines due to their portability while the rest are considered stationary. Other than portability, both sets of engines perform basically the same set of functions and operate similarly. Thus, a farming operation could have engines of the same horsepower and even the same manufacturer performing the same basic function of powering a pump, but one would be considered a mobile source nonroad engine subject to the requirements established under Title II of the Clean Air Act while its counterpart is treated as stationary and subject to the provisions of Titles I and V of the Clean Air Act.

In California, stationary agricultural pump engines have historically not been required to reduce their emission levels.[2] In contrast, nonroad engines have emission standards in place which have substantially improved their emission performance. Thus, using the example case from the previous paragraph, an agricultural operation could have two pump engines identical in function except the one considered a nonroad engine could have significantly better emission performance than its counterpart stationary pump engine. Clearly, from an emission performance standpoint, it would be preferable to have both engines meeting the lower emission levels of the nonroad engine.

Due to the substantial number of agricultural pump engines in use in California, particularly concentrated in the major agricultural areas such as the San Joaquin Valley, and due to the fact that the portion of these engines installed in stationary pumps have not been previously controlled (except perhaps by voluntary action of the owner [3]), we believe it would be environmentally beneficial to encourage agricultural operations to replace relatively high emitting stationary pump engines with engines meeting the nonroad emission standards. The State of California has in fact acted since 1999 to reduce the emissions from these stationary engines by replacing these stationary engines through its Carl Moyer program which has provided funding for the purchase of new engines certified to meet the emission standards applicable to new nonroad engines.

EPA is changing the definition of nonroad engine to include diesel engines used in agricultural operations in the State of California that are certified by the engine manufacturer to meet the nonroad emission standards for that engine, where the engine is part of an engine family that contains engines that otherwise meet the definition of nonroad engine. Such engines will no longer be stationary internal combustion engines. Thus, farmers would not include the emissions from such nonroad engines when they determine whether their agricultural operation is a major source for purposes of Title V permitting or other requirements. We believe that this change will encourage the use of engines certified to nonroad standards, which will result in a reduction in emissions from uncontrolled levels. We believe that farmers will prefer to obtain new engines regulated as nonroad engines, rather than to continue using engines that will be regulated under stationary source permitting requirements including Title V and New Source Review (NSR). Regulations promulgated under Title II focus primarily on compliance by manufacturers rather than users, whereas Title V and NSR focuses compliance requirements on users.

Of course, replacing current engines with new nonroad engines comes at some cost. However, the State of California through its Carl Moyer program has been providing funds to help farmers replace existing engines with newer cleaner engines. Additionally, the U.S. Department of Agriculture, through programs administered by its Natural Resources

[1] In this preamble, references to diesel-powered engines or diesel engines denotes engines operating over what is commonly referred to as the diesel engine cycle, also known as the compression ignition cycle. It is not limited to engines running on diesel fuel. For example, engines fueled with diesel fuel, compressed natural gas (CNG), or other fuel, may be diesel-powered engines.

[2] California state law presently exempts these engines from all New Source Review and Title V permitting requirements as well as any local operating permit requirements. As a result of this exemption, EPA recently proposed to find that the California State Implementation Plan is substantially inadequate. 68 FR 7327 (February 13, 2003)

[3] Some pieces of stationary agricultural equipment use engines that are certified to nonroad engine standards, or that are identical to certified engines. Internal combustion engines can be manufactured for many uses, and some engines manufactured to meet the nonroad engine standards may end up in stationary equipment. Farmers may choose to purchase such equipment.

Conservation Services (NCRS) anticipates making some funding available under the Environmental Quality Incentives Program (EQIP) to the extent practicable for replacement of existing agricultural engines with engines meeting the requirements of our nonroad regulations.

What Is EPA Doing?

We are revising the definition of nonroad engines to include certain diesel engines that are used in agricultural operations in California that would otherwise not meet the current definition of nonroad engine. As a result, a diesel engine used in agricultural operations in California that does not meet the current definition, *e.g.* because it is used in a stationary application, would still be considered a nonroad engine if it is part of an engine family certified by the engine maker to the applicable nonroad engines standards, and at least some of the engines in that engine family meet the current definition of nonroad engine.

Internal combustion engines are often manufactured for use in many different applications. Engines that are part of an engine family that has been certified by EPA to meet applicable nonroad engine standards may get used in either portable or stationary applications. Under the current definition, only the engines used in mobile applications meet the definition of nonroad engine and those used in stationary applications do not. Under this revision, an engine in that certified engine family that is used in agricultural operations in California would continue to meet the definition of nonroad irrespective of its use as long as some engines in the engine family are used in portable applications.

This rule change does not require farmers in California to replace existing engines with new engines certified to the nonroad standards. However, for farmers who have already made this replacement or who do so in the future, their engines will be treated by EPA as nonroad engines, subject to the mobile source requirements established under Title II of the Clean Air Act, rather than as stationary engines subject to the stationary source requirements of Title I and V of the Clean Air Act. Those engines that are not replaced will continue to be regarded as stationary sources subject to those requirements.

Why Is EPA Making This Change?

As discussed below, EPA believes that allowing diesel agricultural engines in California to be classified as nonroad engines if they are certified to those standards will result in more emission reductions than would otherwise occur if such engines remained subject to the stationary source requirements and that these reductions will occur more quickly than if these engines continue to be regulated as stationary sources.

Engines used in stationary applications on farms in California have previously not been regulated under the stationary source requirements of the Clean Air Act, including Title V requirements. Effective November 14, 2002, such engines became subject to the Title V permit program pursuant to EPA's regulations at 40 CFR part 71.[4] Title V, however, does not require subject sources to reduce emissions from the source's operation. The main goal of Title V is to improve a source's compliance with all Clean Air Act requirements to which it is subject. New Source Review requirements of the Clean Air Act requires emission controls be evaluated and possibly installed for new major sources or existing major sources which perform a significant modification. While New Source Review and other requirements under Title I or Title V (*e.g.,* Reasonably Available Control Technology requirements for major sources of NO_X required under Title I) may lead to emission reduction for some engines in the future, it is unclear to what extent agricultural engines in California would be required to reduce emissions as a result of such requirements. Finally, even assuming potential future emission controls for some of these engines that could result from stationary source requirements, it is not expected that such controls would result in greater total emission reductions compared to what would result from using engines meeting the applicable nonroad emission standards.

In contrast, regulations for diesel nonroad engines establish federal emission standards for these engines and a pre-production certification procedure to ensure compliance with the standards, and include various other compliance and enforcement measures. These standards require substantial control of emissions and are generally designed to ''achieve the greatest degree of emission reduction achievable through the application of [available] technology * * *, giving appropriate consideration to * * * cost * * * noise, energy and safety factors.'' See Clean Air Act section 213(a)(3). These regulations have been in effect beginning with the 1996 model year. The so called ''Tier 2'' version of these regulations is currently being phased in and will result in a further improvement in emission performance. More stringent ''Tier 3'' standards will be phased in beginning with the 2006 model year. Additionally, EPA is developing another set of more stringent nonroad emission standards which we anticipate will very substantially improve the emission performance of new nonroad engines in the future. This sequence of increasingly more stringent emission regulations for these new nonroad diesel engines will assure that the nonroad requirements result in the maximum feasible emission controls we can anticipate for at least the next decade or so. If engines meeting these nonroad standards are extensively used in agricultural applications, maximum feasible emission reductions should result. This regulatory amendment is intended to encourage the widespread use of such nonroad engines for all agricultural pump applications in the State of California.

What Is Current Emission Performance of These Stationary Engines?

We estimate that approximately 3,700 stationary diesel engines are used in agricultural applications in California, primarily for powering irrigation pumps such as those used for crop irrigation and for tending livestock. Some of these are quite old, dating as far back as 1960. However, between 1999 and 2001 approximately 1,500 engines were replaced through a state financed program known as the Carl Moyer program. Under the Carl Moyer program, existing stationary diesel engines were replaced with new engines of similar power and performance that were also certified to meet the nonroad emission standards. It is estimated that this program reduced oxides of nitrogen (NO_X) emissions statewide in California by over 1,750 tons per year. The remaining approximately 2,200 stationary engines are estimated to have average emission levels approximately 8.76 g/bhp-hr, which is about twice as much as the emissions of a nonroad engine manufactured to current (*i.e.,* Tier 2) nonroad standards (4.8 to 4.9 g/hphr NO_X + HMHC for engines between 100–750 hr). Current nonroad standards also require emissions of particulate matter (PM) to be approximately 40 percent lower than Tier 1 levels.

What Is the Impact of These Stationary Source Emissions on Air Quality?

Currently, agricultural stationary source diesel engines represent one of the most significant sources of NO_X emissions from agricultural activities in California. Particularly in major farming areas such as the San Joaquin Valley, NO_X emissions from stationary diesel engines represent approximately 5% of

[4] **Federal Register** 63551 (October 15, 2002)

the total NO_X emissions inventory, thus contributing to the ozone and PM–10 non-attainment status of the area. These engines also emit particulate matter directly.

Thus, replacing these relatively dirty stationary diesel engines with much cleaner currently available diesel engines will help air quality immediately. The anticipated future standards which are expected to further reduce emissions from nonroad engines will also mean that new agricultural engines in California should have even better emission performance in the future, providing more emission benefits as farmers replace their engines in later years.

What Would Happen if This Change Were not Made?

Under Title V, farms need to assess their inventories of emissions. If the total of these emissions exceeds a certain level (called the major source threshold), they would be subject to the permitting requirements of Titles I and V of the CAA. One of these permitting requirements is the NSR program. NSR requires major stationary sources that desire to construct for the first time or to modify their facility to get a NSR permit (also called a preconstruction permit) and meet emission control requirements. The other permitting requirement is EPA's operating permits program. This requires major stationary sources to get an operating permit, but does not require emission control. Thus, farm engines classified as stationary sources and operated on a farm which has collective emissions great enough to trigger the major source threshold would be subject to both these permitting programs. Under today's action, stationary farm engines that meet the nonroad certification requirement would not be subject to these two permitting programs. They also would not be subject to other potential state or local requirements directed specifically at stationary sources (*e.g.,* NO_X RACT programs under Title I), but could be subject to other state or local requirements directed at nonroad engines (*e.g.,* state nonroad engine emission standards or use restrictions).

What Do We Expect Will Happen as a Result of This Change?

As noted above, stationary engines in agricultural applications have in the past not been required to control their emissions under either federal regulations or under any State of California regulation or program aimed at improving air quality. In most cases, diesel engines represent the predominant source of NO_X emissions on the farm. Even after taking into account the engines that were already replaced under the Carl Moyer program, we estimate that around 2,200 uncontrolled stationary diesel agricultural engines remain in use in California. We estimate that replacing these over the next two years with engines meeting the existing Tier 2 and Tier 3 nonroad emission standards would result in a reduction of up to 4,400 tons of NO_X annually from agricultural operations. Particularly in areas with intensive levels of farming, such reductions would be significant. We estimate replacing the current stationary diesel engines with new nonroad engines would reduce NO_X emission for all current agricultural diesel engines, both stationary and nonroad, by about 20 percent. It would also represent a significant reduction in direct PM emissions from such engines.

This regulatory change will specify that stationary diesel engines used in agricultural applications in California be treated as nonroad sources if they otherwise meet the applicable nonroad emission requirements and are part of an engine family that includes engines that otherwise meet the nonroad engine definition. As a voluntary program, not all farming operations may choose to switch their stationary diesel engines to compliant nonroad engines. However, under Title V, agricultural operations have to inventory their sources of stationary emissions and estimate the combined level of annual emissions from these sources. For ozone nonattainment areas, operations which exceed an annual air emissions threshold for a pollutant (50 tons per year for areas designated as having ''serious'' air pollution, 25 tons per year for areas designated as having ''severe'' air pollution and 10 tons per year for areas designated as having ''extreme'' air pollution) are designated as ''major'' sources of air pollution and have to annually report these emissions. For PM–10 nonattainment areas, the thresholds are 100 tons for operations in moderate nonattainment areas and 70 tons for areas in serious nonattainment. Additionally, operations designated as ''major'' stationary sources must meet the NSR and NO_X RACT requirements discussed below. For a significant number of agricultural operations, switching from their existing stationary source diesel engines to new nonroad certified engines will remove these engines from the stationary source category, reducing farms' stationary source emissions enough so that they will no longer be considered major sources of NO_X emissions, thus avoiding the obligations noted above. For those remaining agricultural operations which would still exceed the ''major'' source threshold even after switching to nonroad certified engines, these operations may choose to make this switch anyway as this will reduce some of the reporting and other procedural obligations under any potential future stationary source control programs. Finally, we anticipate that some of the cost of the new engines may be subsidized by the USDA, consistent with eligibility requirements under the EQIP or perhaps via continued funding under the State of California's Carl Moyer program. For these reasons, we believe that it is likely that all agricultural pump engines currently used in operations which would otherwise exceed the threshold for major source designation and subject to regulation under Title V will be converted to new nonroad certified engines. In addition, as this regulation will encourage the manufacture of agricultural equipment containing engines meeting the nonroad engine standards, it is also likely that this approach will result in greater use of lower-emitting agricultural engines even in locations that do not exceed major source thresholds.

As noted above, this is a voluntary program so the agricultural operation has the opportunity to choose to take advantage of this regulation change or not. No adverse impact on agricultural operations is anticipated under this rule.

While this rule would exclude a set of sources in California from certain provisions of Title I and V, we would expect a lesser degree of emission control from these engines if this regulation change were not being adopted. The State or localities may choose not to require controls for many engines, particularly those that are not located in major sources. Those engines not on farms designated ''major'' sources may not be controlled, and it is not clear that even engines that are controlled would be controlled to the same level of emissions as nonroad certified engines. Since the nonroad rules are generally aimed at achieving the greatest emission control available, it would be unlikely stationary source controls would result in any greater control.

NSR requirements, which apply only to new or modified sources, would require Lowest Achievable Emissions Rate (LAER) [5] in nonattainment areas or

[5] LAER is defined as the most stringent emission limitation derived from either of the following: (1) The most stringent emission limitation contained in

Best Achievable Control Technology (BACT)[6] in attainment areas. For internal combustion engines similar to the diesel agricultural engines affected by this rule, no single industry-wide technology has been generally determined to be LAER or BACT, but some recent local decisions regarding LAER and BACT in California indicate that diesel engines have not generally had to meet NO_X emission standards more stringent than current Title II standards.

In addition, the Clean Air Act requires Reasonably Available Control Technology (RACT) for major NO_X stationary sources in most ozone nonattainment areas.[7] We have defined RACT as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. 44 FR 53762 (September 17, 1979). RACT may require technology that has been applied to similar, but not necessarily identical, source categories. 57 FR 55620 (November 25, 1992). There has been no source category-wide RACT determination for these engines, but we believe it is unlikely that RACT requirements for these engines would be more stringent, and in some cases they may be less stringent, than the applicable nonroad engine standards.

Finally, any emission reductions under the stationary source provisions would likely occur later than anticipated via this rule change. While NSR and other Title I requirements may at some point in the near future begin to be applied to agricultural sources, implementation of such requirements would have to allow for the lead time needed to take regulatory and/or legislative action to promulgate such regulations and the lead time needed to implement such regulations.

There are some restrictions on state and local ability to regulate nonroad engines. *See* Clean Air Act section 209(e). States and local jurisdictions may not promulgate their own emission standards for nonroad engines. However, the State of California may promulgate and enforce standards for all nonroad agricultural engines, except new engines under 175 horsepower, if the state receives authorization from EPA to do so. Though California must make certain showings to receive this authorization, the Clean Air Act provides considerable deference to California to promulgate its own standards. Even for engines below 175 horsepower, California can receive authorization to promulgate standards for such engines if they are not standards affecting new (*i.e.,* ''showroom new'') engines.

In addition, states and localities may promulgate use restrictions for such engines, such as time-of-use restrictions and fuel restrictions. These requirements, as well as the state standards discussed in the paragraph above, may be enacted by state and local entities to help areas meet the attainment requirements under the Act by achieving even greater NO_X and PM reductions.

Why Are Only Agricultural Engines in the State of California Covered by This Rule Change?

This rule represents a small deviation from the general manner in which EPA has delineated the boundary between nonroad engines and stationary internal combustion engines. EPA has in the past based the definition on whether the engine will be used in a mobile or stationary manner, not on other characteristics such as engine size or the type of work, or industrial category of work, in which the engine was engaged. EPA believes that the particular circumstances of these California agricultural engines make it appropriate for EPA to use a somewhat different approach in this targeted rule.[8] First, the engines being reclassified in this rule are doing work that is indistinguishable from work done by engines already classified as nonroad engines—in fact, as noted above agricultural operations often have a combination of nonroad and stationary engines performing the same function, such as pumping water for crop irrigation or livestock watering. Moreover, the certified engines that would be defined as nonroad engines by this regulatory change are engines that are part of engine families that have been certified for use and are used in other mobile applications. Therefore, many of the certified engines affected by this rule are in fact indistinguishable from other certified nonroad engines.

More importantly, the unique circumstances in California make this revision appropriate for these engines. As noted above, unlike other stationary sources that are already subject to stationary source emission controls, farm engines have not historically been subject to stationary source emission control regulations. The approach we use in this rule basically allows a farm to voluntarily reduce emissions from its engines in a manner that will result in definite emission reductions that are likely greater and more rapid than would be achieved under the previous approach. This rule will thus not disturb existing regulatory programs in a way that a broader rule would.

This revision is particularly appropriate for California. California is uniquely positioned as the only state that may promulgate its own standards for nonroad engines under section 209(b). Other states may only promulgate standards identical to any California chooses to adopt. Since California is in a unique position to continue promulgating standards regulating these engines as nonroad engines, it can implement effective emission control programs for these engines. Also, given the particular air quality concerns and the need for reductions of NO_X in California as well as the opportunity to significantly reduce emissions from agricultural pump engines (the opportunity benefitted by the potential funding through the Carl Moyer program and the U.S. Department of Agriculture), farms in California are uniquely situated to take advantage of this regulatory provision.

This rule is in many ways an extension of the policy behind California's existing Carl Moyer program to provide new certified engines to these farmers. That program provided funding for farmers that purchased engines meeting nonroad standards, whereas this revision provides regulatory changes that encourage the use of

the implementation plan of any State for such class or category of source; or (2) the most stringent emission limitation achieved in practice by such class or category of source. CAA Section 171(3)

[6] The BACT requirement is defined as: ''An emissions limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to regulation under the Clean Air Act which would be emitted from any proposed major stationary source or major modification which the Administrator, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR parts 60 and 61. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.'' 40 CFR 52.21(b)(12)

[7] There are similar RACM requirements in PM–10 nonattainment areas.

[8] The use of targeted rules of limited scope, especially in the context of a voluntary program, is similar to other projects in which EPA has engaged.

certified engines. EPA believes that this action is similar in many ways to programs EPA has implemented and continues to consider, under which EPA offers flexibility in its regulations, etc., in site-specific situations to encourage companies, communities, and other project sponsors to develop ''cleaner, cheaper and smarter'' alternatives to the current system. *See* 62 FR 19872 (April 23, 1997), for example.

It is not clear that this approach would be appropriate in other circumstances, given the different historical and environmental contexts and different types of engines used. Moreover, there is the potential that a broader use of this approach could possibly lead to exploitation of mobile source certification as a way to avoid stationary source controls, or might otherwise disrupt the proper functioning of the federal, state and local programs to control stationary source emissions. Given the potentially significant reductions that this program will facilitate, the general lack of reductions previously required under the existing regulatory approach, the voluntary nature of this approach, available funding and the limited scope of this approach, EPA believes that this rule is appropriate and justified.

What Are the Statutory Provisions Underlying This Rule Change?

The Clean Air Act's statutory provisions are relatively ambiguous regarding the specific boundaries between nonroad engines and stationary internal combustion engines. Section 216(10) states that a nonroad engine is ''an internal combustion engine * * * that is not used in a motor vehicle or a vehicle used solely for competition, or that is not subject to standards promulgated under section 111 or section 202.'' Section 111(a)(3) states that ''stationary source means any building, structure, facility or installation which emits or may emit any air pollutant. Nothing in Title II of this Act relating to nonroad engines shall be construed to apply to stationary internal combustion engines.''

EPA's prior rulemaking that clarified the delineation between nonroad and stationary engine focused on the use and application of the engine, and did so on an engine by engine basis. This targeted revision also focuses on the application and use of engines, but in a broader manner. Under this approach, EPA looks at the engine family as a group, not engine by engine. Where the engine family contains engines that are, under the previous definition, nonroad engines, EPA will allow other specific engines that are essentially identical to be considered nonroad engines. We believe this approach is reasonable in these circumstances for the reasons delineated above.

III. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency is required to determine whether this regulatory action would be ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. The order defines a ''significant regulatory action'' as any regulatory action that is likely to result in a rule that may:

—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;
—Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
—Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or,
—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, we have determined that this final rule is not a ''significant regulatory action.''

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and implementing regulations, 5 CFR part 1320, do not apply to this action as it does not involve the collection of information as defined therein.

C. Regulatory Flexibility Act

EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this final rule. EPA has also determined that this rule will not have a significant economic impact on a substantial number of small entities, in particular because this rule change does not mandate that farms replace any existing engine.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 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, we 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 for any single year. Before promulgating a rule for which a written statement is needed, section 205 of the UMRA generally requires us 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 us to adopt an alternative that is not the least costly, most cost-effective, or least burdensome alternative if we provide an explanation in the final rule of why such an alternative was adopted.

Before we establish any regulatory requirement that may significantly or uniquely affect small governments, including tribal governments, we must develop a small government plan pursuant to section 203 of the UMRA. Such a plan must provide for notifying potentially affected small governments, and enabling officials of affected small governments to have meaningful and timely input in the development of our regulatory proposals with significant federal intergovernmental mandates. The plan must also provide for informing, educating, and advising small governments on compliance with the regulatory requirements.

This rule contains no federal mandates for state, local, or tribal governments as defined by the provisions of Title II of the UMRA. The rule imposes no enforceable duties on any of these governmental entities. Nothing in the rule will significantly or uniquely affect small governments.

We have determined that this rule does not contain a federal mandate that may result in estimated expenditures of more than $100 million to the private sector in any single year. This action has the net effect of revising certain provisions of the Tier 2 rule. Therefore, the requirements of the UMRA do not apply to this action.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires us to develop an accountable process to ensure ''meaningful and timely input by state

and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

Under section 6 of Executive Order 13132, we may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the federal government provides the funds necessary to pay the direct compliance costs incurred by state and local governments, or we consults with state and local officials early in the process of developing the proposed regulation. We also may not issue a regulation that has federalism implications and that preempts state law, unless the Agency consults with state and local officials early in the process of developing the proposed regulation.

Section 4 of the Executive Order contains additional requirements for rules that preempt state or local law, even if those rules do not have federalism implications (*i.e.,* the rules will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government). Those requirements include providing all affected state and local officials notice and an opportunity for appropriate participation in the development of the regulation. If the preemption is not based on express or implied statutory authority, we also must consult, to the extent practicable, with appropriate state and local officials regarding the conflict between state law and federally protected interests within the Agency's area of regulatory responsibility.

This rule does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This rule revises certain provisions of earlier rules that adopted national standards to control emissions from nonroad diesel engines. The requirements of the rule will be enforced by the federal government at the national level. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (59 FR 22951, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' This final rule does not have tribal implications, as specified in Executive Order 13175. Today's rule does not uniquely affect the communities of American Indian tribal governments. Furthermore, today's rule does not impose any direct compliance costs on these communities and no circumstances specific to such communities exist that will cause an impact on these communities beyond those discussed in the other sections of today's document. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) applies to any rule that (1) is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that we have reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, section 5–501 of the Executive Order directs us to 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 us.

This rule is not subject to the Executive Order because it is not an economically significant regulatory action as defined by Executive Order 12866. Furthermore, this rule does not concern an environmental health or safety risk that we have reason to believe may have a disproportionate effect on children.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), section 12(d) of Public Law 104–113, directs us to use voluntary consensus standards in our regulatory activities unless it would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, and business practices) developed or adopted by voluntary consensus standards bodies. The NTTAA directs us to provide Congress, through OMB, explanations when we decide not to use available and applicable voluntary consensus standards.

No new technical standards are established in today's rule.

J. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as amended 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 Congress and the comptroller General of the United States. We will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective May 27, 2003.

IV. Statutory Provisions and Legal Authority

Statutory authority for today's final rule is found in the Clean Air Act, 42 U.S.C. 7401 *et seq.,* in particular, section 213 of the Act, 42 U.S.C. 7547. This rule is being promulgated under the administrative and procedural provisions of Clean Air Act section 307(d), 42 U.S.C. 7607(d). This rule will affect not only persons in California but also the manufacturers outside the State who manufacture engines and equipment for sale in California. For this reason, I hereby determine and find that this is a final action of national applicability. Under section 307(b)(1) of the Act, judicial review of this final action may be sought only in the United

States Court of Appeals for the District of Columbia Circuit.

List of Subjects in 40 CFR Part 89

Environmental protection, Administrative practice and procedure, Motor vehicle pollution.

Dated: April 7, 2003.

Christine Todd Whitman,

Administrator.

■ For the reasons set forth in the preamble, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 89—CONTROL OF EMISSIONS FROM NEW AND IN-USE NONROAD COMPRESSION—IGNITION ENGINES

■ 1. The authority for part 89 continues to read as follows:

Authority: 42 U.S.C. 7521, 7522, 7523, 7524, 7527, 7541, 7542, 7543, 7545, 7547, 7549, 7550 and 7601(a).

Subpart A—[Amended]

■ 2. Section 89.2 is amended by adding paragraph (1)(iv) to the definition for ''nonroad engine'' to read as follows:

§ 89.2 Definitions.

* * * * *

Nonroad engine means:

(1) * * *

(iv) That is a compression-ignition engine included in an engine family certified to meet applicable nonroad emission requirements of this part if: the engine is used in agricultural operations in the growing of crops or raising of fowl or animals in the State of California; and any other engines in the certified engine family otherwise meet the definition of nonroad engine.

* * * * *

[FR Doc. 03–8955 Filed 4–10–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–7478–5]

Tennessee: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: Tennessee has applied to EPA for Final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has determined that these changes satisfy all requirements needed to qualify for Final authorization, and is authorizing the State's changes through this immediate final action. EPA is publishing this rule to authorize the changes without a prior proposal because we believe this action is not controversial and do not expect comments that oppose it. Unless we get written comments which oppose this authorization during the comment period, the decision to authorize Tennessee's changes to their hazardous waste program will take effect. If we get comments that oppose this action, we will publish a document in the **Federal Register** withdrawing this rule before it takes effect and a separate document in the proposed rules section of this **Federal Register** will serve as a proposal to authorize the changes.

DATES: This Final authorization will become effective on June 10, 2003 unless EPA recieves adverse written comment by May 12, 2003. If EPA receives such comment, it will publish a timely withdrawal of this immediate final rule in the **Federal Register** and inform the public that this authorization will not take effect.

ADDRESSES: Send written comments to Narindar M. Kumar, Chief, RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, The Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303–3104; (404) 562–8440. We must receive your comments by May 12, 2003. You can view and copy Tennessee's application from 8 a.m. to 4:30 p.m. at the following addresses: Tennessee Department of Environment and Conservation, Division of Solid Waste Management, 5th Floor, L & C Tower, 401 Church Street, Nashville, Tennessee 37243–1535, Phone Number: (615) 532–0850; and EPA Region, Region 4, Library, 61 Forsyth Street, SW., Atlanta, Georgia 30303–3104; (404) 562–8190.

FOR FURTHER INFORMATION CONTACT: Gwendolyn Gleaton, RCRA Services Section, RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, The Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303–3104; (404) 562–8500.

SUPPLEMENTARY INFORMATION:

A. Why are Revisions to State Programs Necessary?

States which have received final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and ask EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

B. What Decisions Have We Made in This Rule?

We conclude that Tennessee's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we grant Tennessee Final authorization to operate its hazardous waste program with the changes described in the authorization application. Tennessee has responsibility for permitting Treatment, Storage, and Disposal Facilities (TSDFs) within its borders (except in Indian Country) and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, EPA will implement those requirements and prohibitions in Tennessee, including issuing permits, until the State is granted authorization to do so.

C. What Is the Effect of Today's Authorization Decision?

The effect of this decision is that a facility in Tennessee subject to RCRA will now have to comply with the authorized State requirements instead of the equivalent Federal requirements in order to comply with RCRA. Tennessee has enforcement responsibilities under its State hazardous waste program for violations of such program, but EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, authority to:

- Do inspections, and require monitoring, tests, analyses or reports
- Enforce RCRA requirements and suspend or revoke permits
- Take enforcement actions regardless of whether the State has taken its own actions

This action does not impose additional requirements on the regulated community because the

regulations for which Tennessee is being authorized by today's action are already effective, and are not changed by today's action.

D. Why Wasn't There a Proposed Rule Before Today's Rule?

EPA did not publish a proposal before today's rule because we view this as a routine program change and do not expect comments that oppose this approval. We are providing an opportunity for public comment now. In addition to this rule, in the proposed rules section of today's **Federal Register** we are publishing a separate document that proposes to authorize the State program changes.

E. What Happens if EPA Receives Comments That Oppose This Action?

If EPA receives comments that oppose this authorization, we will withdraw this rule by publishing a document in the **Federal Register** before the rule becomes effective. EPA will base any further decision on the authorization of the State program changes on the proposal mentioned in the previous paragraph. We will then address all public comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this authorization, you must do so at this time.

If we receive comments that oppose only the authorization of a particular change to the State hazardous waste program, we will withdraw that part of this rule but the authorization of the program changes that the comments do not oppose will become effective on the date specified above. The **Federal Register** withdrawal document will specify which part of the authorization will become effective, and which part is being withdrawn.

F. What Has Tennessee Previously Been Authorized For?

Tennessee initially received Final authorization on January 22, 1985, effective February 5, 1985 (50 FR 2820), to implement the RCRA hazardous waste management program. We granted authorization for changes to their program on October 26, 2000, effective December 26, 2000 (65 FR 64161), September 15, 1999, effective November 1, 1999 (64 FR 49998), January 30, 1998, effective March 31, 1998 (63 FR 45870), on May 23, 1996, effective July 22, 1996 (61 FR 25796), on August 24, 1995, effective October 23, 1995 (60 FR 43979), on May 8, 1995, effective July 7, 1995 (60 FR 22524), on June 1, 1992, effective July 31, 1992 (57 FR 23063), and on June 12, 1987, effective August 11, 1987 (52 FR 22443).

G. What Changes Are We Authorizing With Today's Action?

On March 23, 2001, Tennessee submitted a final complete program revision application, seeking authorization of their changes in accordance with 40 CFR 271.21. We now make an immediate final decision, subject to receipt of written comments that oppose this action, that Tennessee's hazardous waste program revision satisfies all of the requirements necessary to qualify for Final authorization. Therefore, we grant Tennessee Final authorization for the following program change:

Description of Federal requirement	Federal Register date and page	Analogous State authority [1]
174—Post Closure Permit Requirement and Closure Process.	63 FR 56710, 10/22/98	Tennessee Code Annotated (TCA) 68–211–106(a)(1) & (2); 68–211–107(a); 68–211–1001 *et seq;* 68–212–106(a)(1); 68–212–107(a), (d)(1), (3), & (6); Tennessee Revised Code (TRC) 1200–1–11–.02(1)(e)10, .02(1)(f)1(iii)(IV)I–III, .11(2)(a)9, .11(3)(c)4, .11(3)(c)4(i)–(iv), .11(5)(f)8, .11(5)(f)8(i)–(iv), .11(6)(e)7, .11(6)(e)7(i)–(iv), .11(7)(e)7, .11(7)(e)7(i)(iv).

[1] The Tennessee provisions are from the Tennessee Administrative Regulations, effective July 19, 1999.

H. Where Are the Revised State Rules Different From the Federal Rules?

There are no State requirements that are more stringent or broader in scope than the Federal requirements.

I. Who Handles Permits After the Authorization Takes Effect?

Tennessee will issue permits for all the provisions for which it is authorized and will administer the permits it issues. EPA will continue to administer any RCRA hazardous waste permits or portions of permits which we issued prior to the effective date of this authorization. We will not issue any more new permits or new portions of permits for the provisions listed in the Table above after the effective date of this authorization. EPA will continue to implement and issue permits for HSWA requirements for which Tennessee is not yet authorized.

J. How Does Today's Action Affect Indian Country (18 U.S.C. 115) in Tennessee?

Tennessee is not authorized to carry out its hazardous waste program in Indian country within the State. Therefore, this action has no effect on Indian country. EPA will continue to implement and administer the RCRA program in these lands.

K. What Is Codification and Is EPA Codifying Tennessee's Hazardous Waste Program as Authorized in This Rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. We do this by referencing the authorized State rules in 40 CFR part 272. We reserve the amendment of 40 CFR part 272, subpart RR for this authorization of Tennessee's program changes until a later date.

L. Administrative Requirements

The Office of Management and Budget has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993), and therefore this action is not subject to review by OMB. This action authorizes State requirements for the purpose of RCRA section 3006 and imposes no additional requirements beyond those imposed by State law. Accordingly, I certify that this action 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 action authorizes pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). For the same reason, this action also does not significantly or uniquely affect the communities of Tribal governments, as specified by

Executive Order 13175 (65 FR 67249, November 6, 2000). This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

Under RCRA section 3006(b), EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. 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. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document 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 in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This action will be effective June 10, 2003.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indians-lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

J.I. Palmer, Jr.,

Regional Administrator, Region 4.

[FR Doc. 03–8664 Filed 4–10–03; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 021122286–3036–02; I.D. 040703C]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in the West Yakutat District of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the pollock total allowable catch (TAC) specified for the West Yakutat District of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), April 7, 2003, through 2400 hrs, A.l.t., December 31, 2003.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.20(c)(3)(ii), the pollock TAC specified for the West Yakutat District of the GOA is 1,078 metric tons (mt) as established by the final 2003 harvest specifications for groundfish of the GOA (68 FR 9924, March 3, 2003).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the pollock TAC specified for the West Yakutat District of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 1,058 mt, and is setting aside the remaining 20 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Consequently, NMFS is prohibiting directed fishing for pollock in the West Yakutat District of the GOA.

Maximum retainable amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is contrary to the public interest. This requirement is contrary to the public interest as it would delay the closure of the fishery, lead to exceeding the TAC, and therefore reduce the public's ability to use and enjoy the fishery resource.

The Assistant Administrator for Fisheries, NOAA, also finds good cause to waive the 30–day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by section 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 7, 2003.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 03–8930 Filed 4–8–03; 4:57 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 68, No. 70
Friday, April 11, 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 AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 2

[Docket No. 97–033–1]

Animal Welfare; Medical Records

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the Animal Welfare Act regulations to require that research facilities, dealers, and exhibitors maintain medical records as part of their program of adequate veterinary care. We believe research facilities, dealers, and exhibitors should maintain medical records as a means of communication concerning the care being provided to animals and to ensure that animals receive adequate veterinary care. In addition, these records would provide a basis for the Animal and Plant Health Inspection Service to better assess the veterinary care programs of research facilities, dealers, and exhibitors.

DATES: We will consider all comments that we receive on or before June 10, 2003.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 97–033–1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 97–033–1. If you use e-mail, address your comment to *regulations@aphis.usda.gov.* Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and ''Docket No. 97–033–1'' on the subject line.

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

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at *http://www.aphis.usda.gov/ppd/rad/webrepor.html.*

FOR FURTHER INFORMATION CONTACT: Dr. Jerry DePoyster, Senior Veterinary Medical Officer, Animal Care, APHIS, 4700 River Road Unit 84, Riverdale, MD 20737–1231; (301) 734–7586.

SUPPLEMENTARY INFORMATION:

Background

The Animal Welfare Act (the Act) (7 U.S.C. 2131 *et seq.*) authorizes the Secretary of Agriculture to promulgate standards and other requirements governing the humane handling, housing, care, treatment, and transportation of certain animals by dealers, research facilities, exhibitors, carriers, and intermediate handlers. The Secretary of Agriculture has delegated the responsibility of enforcing the Act to the Administrator of the Animal and Plant Health Inspection Service (APHIS). The regulations established under the Act are contained in title 9 of the Code of Federal Regulations (9 CFR), chapter I, subchapter A, parts 1, 2, and 3. Subparts C and D of 9 CFR part 2 (§§ 2.30 through 2.40, referred to below as the regulations) require, among other things, that each research facility, dealer, and exhibitor have an attending veterinarian and maintain a program of adequate veterinary care.

Currently, § 2.33(b), regarding research facilities, and § 2.40(b), regarding dealers and exhibitors, describe the elements that must be included in a program of adequate veterinary care. These elements include: (1) The availability of appropriate facilities, personnel, equipment, and services; (2) the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries and the availability of emergency, weekend, and holiday care; (3) daily observation of all animals for health assessment; (4) guidance to principal investigators and other personnel involved in the care and use of animals regarding handling, immobilization, anesthesia, analgesia, tranquilization, and euthanasia; and (5) adequate pre- and post-procedural care according to current established veterinary medical and nursing procedures. Sections 2.33(b)(3) and 2.40(b)(3) further provide that a mechanism of direct and frequent communication is required so that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian.

While maintenance of medical records is implied through our requirements for adequate veterinary care, the regulations do not specifically stipulate the maintenance of medical records as one of the elements in a program of adequate veterinary care. Medical records are an essential part of any program of adequate veterinary care. Adequate veterinary care can only be provided to animals if an accurate medical history is maintained on the animals to provide communication among all personnel involved in providing care. In addition, medical records provide a basis for APHIS inspectors to assess a veterinary care program and ensure that animals receive adequate veterinary care.

Therefore, we propose to add new §§ 2.33(b)(6) and 2.40(b)(6) to the regulations to include the maintenance of legible medical records as an additional element of the program of adequate veterinary care required by the regulations. To ensure that medical records include, at a minimum, information such as the vaccination history, surgical history, and any known drug sensitivities of the animals, we would specify that each medical record must include: (1) The identity of the animal (with the exception that routine husbandry, such as vaccinations, preventive medical procedures, or treatments, performed on all animals in a group (or herd) may be kept on a single record); (2) the date, description of the problem, pertinent history, observations, examination findings, test results, and plan for treatment and care with a tentative diagnosis and a prognosis, when appropriate; (3) the type and chronology of treatment procedures performed, the context of

the problem to which the treatment procedures pertain, and the identification of the medication used, the date given, dosage, route of administration, frequency, and duration of treatment; (4) the names of all vaccines administered and the dates of vaccination; and (5) the dates and results of all screening, routine, or other required or recommended tests.

Amending the regulations to specifically include requirements for maintaining medical records would necessitate changes to the provisions of the regulations regarding recordkeeping requirements for research facilities, dealers, and exhibitors. Section 2.35 pertains to the recordkeeping requirements for research facilities, and paragraph (f) of that section stipulates that records and reports must be maintained for at least 3 years. We would amend the recordkeeping requirements for research facilities in § 2.35(f) to require that medical records be kept for 1 year after the disposition of the animals and that one copy of those records be provided to subsequent owners of the animals or to any person to whom the animals are consigned. The retention period for all other records and reports would continue to be 3 years.

We would amend § 2.75, regarding recordkeeping by dealers and exhibitors, by adding a new paragraph (b)(4) requiring that one copy of the medical records be provided to subsequent owners of the animals or to any other person to whom the animals are consigned. Because § 2.80 currently contains a requirement that dealers and exhibitors, among others, retain records for 1 year after the disposition of the animals, we would not need to provide a specific retention period for medical records.

Executive Order 12866 and Regulatory Flexibility Act

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

This proposed rule would amend the Animal Welfare Act regulations to require that research facilities, dealers, and exhibitors maintain medical records as part of their program of adequate veterinary care. Currently, the maintenance of medical records is not specifically listed as one of the elements of a program of adequate veterinary care. However, we believe that requiring research facilities, dealers, and exhibitors to maintain medical records would help ensure that animals receive adequate veterinary care. In addition, these records would provide a basis for APHIS to better assess the veterinary care programs of research facilities, dealers, and exhibitors.

In fiscal year 2000, there were 8,773 facilities of all sizes licensed or registered under the Act, including 4,612 dealers; 2,508 exhibitors; and 1,265 research facilities. Most research facilities are large relative to other regulated entities, and the average number of animals per research facility in fiscal year 2000 was 1,027.[1] This rule would affect those facilities that provide veterinary care.

In 1997, there were 10,045 U.S. farms in North American Industry Classification System (NAICS) category 11299 (All Other Animal Production, which includes dog and cat breeders/dealers), and the average annual sales per farm for that year was $105,624, well below the U.S. Small Business Administration's (SBA) small entity threshold of $750,000. In addition, in 1997, there were 4,607 U.S. firms in NAICS 541710 (Research and Development in the Physical, Engineering, and Life Sciences, which includes research facilities) that operated for the full year, and 99 percent of those firms had fewer than 500 employees, which is the SBA's small entity threshold for firms in NAICS 541710. In 1997, there were 498 firms in NAICS 711190 (Other Performing Arts Companies, which includes circus exhibitors) that operated for the full year, and 99 percent of those firms had less than $5 million in sales that year, which is the SBA's small entity threshold for firms in NAICS 711190.

APHIS does not anticipate a great increase in burden to regulated entities. Almost all research facilities and more than 75 percent of other regulated facilities already comply with these proposed minimum standards for medical records. However, there may be a few entities that would need to improve the recordkeeping already in place, thus increasing their burden at least temporarily. We anticipate that the costs associated with any increase in burden would be minimal and would be limited primarily to the salary costs for the employee or employees responsible for assembling the documentation necessary to establish a medical record that contains the information described in this proposed rule.

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

Executive Order 12372

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

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. The Act does not provide administrative procedures which must be exhausted prior to a judicial challenge to the provisions of this rule.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. 97–033–1. Please send a copy of your comments to: (1) Docket No. 97–033–1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238, and (2) Clearance Officer, OCIO, USDA, room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

This proposed rule would amend the Animal Welfare Act regulations by requiring research facilities, dealers, and exhibitors to maintain medical records as part of their program of adequate veterinary care. We would require medical records to include: (1) The identity of the animal (with the exception that routine husbandry, such as vaccinations, preventive medical procedures, or treatments, performed on all animals in a group (or herd) may be

[1] *See* APHIS'' Animal Welfare Enforcement Report for Fiscal Year 2000, available on the Internet at *http://www.aphis.usda.gov/ac/publications.html*. The average of 1,027 animals per research facility is based on 1,265 total facilities (1,231 active facilities and 34 inactive facilities).

kept on a single record); (2) the date, description of the problem, pertinent history, observations, examination findings, test results, and plan for treatment and care with a tentative diagnosis and a prognosis, when appropriate; (3) the type and chronology of treatment procedures performed, the context of the problem to which the treatment procedures pertain, and the identification of the medication used, the date given, dosage, route of administration, frequency, and duration of treatment; (4) the names of all vaccines administered and the dates of vaccination; and (5) the dates and results of all screening, routine, or other required or recommended tests.

In addition, we would amend the regulations regarding recordkeeping requirements for research facilities, dealers, and exhibitors. Specifically, we would amend the recordkeeping requirements for research facilities in § 2.35(f) to require that medical records be kept for 1 year after the disposition of the animals and that one copy of those records be provided to subsequent owners of the animals or to any person to whom the animals are consigned. We would amend § 2.75, regarding recordkeeping by dealers and exhibitors, by adding a new paragraph (b)(4) requiring that one copy of the medical records be provided to subsequent owners of the animals or to any other person to whom the animals are consigned.

We are soliciting comments from the public (as well as affected agencies) concerning our proposed information collection and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond (such as 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).

Estimate of burden: Public reporting burden for this collection of information is estimated to average 0.083 hours per response.

Respondents: Research facilities, dealers, and exhibitors.

Estimated annual number of respondents: 8,000.

Estimated annual number of responses per respondent: 691,975.

Estimated annual number of responses: 5,535,800.

Estimated total annual burden on respondents: 459,605 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

Copies of this information collection can be obtained from Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

Government Paperwork Elimination Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the Government Paperwork Elimination Act (GPEA), which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible. For information pertinent to GPEA compliance related to this proposed rule, please contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

List of Subjects in 9 CFR Part 2

Animal welfare, Pets, Reporting and recordkeeping requirements, Research.

Accordingly, we propose to amend 9 CFR part 2 as follows:

PART 2—REGULATIONS

1. The authority citation for part 2 would continue to read as follows:

Authority: 7 U.S.C. 2131–2159; 7 CFR 2.22, 2.80, and 371.7.

2. In § 2.33, paragraph (b) would be amended as follows:

a. In paragraph (b)(4), by removing the word ''and'' immediately after the semicolon.

b. In paragraph (b)(5), by removing the period and adding the word ''; and'' in its place.

c. By adding new paragraph (b)(6) to read as set forth below.

§ 2.33 Attending veterinarian and adequate veterinary care.

* * * * *

(b) * * *

(6) The maintenance of medical records is a required component of adequate veterinary care. They serve as a basis for reviewing the medical history and planning veterinary care and provide a mechanism of communication for matters of animal health, behavior, and well-being. Medical records document the animal's illness, veterinary care, and treatment and serve as a basis for review, study, and evaluation of veterinary care rendered by the facility. Medical records must be legible and include at least the following information:

(i) The identity of the individual animal; *Provided, however,* That routine husbandry, such as vaccinations, preventive medical procedures, or treatments, performed on all animals in a group (or herd) may be kept on a single record;

(ii) The date, description of the problem, pertinent history, observations, examination findings, test results, and plan for treatment and care with a tentative diagnosis and a prognosis, when appropriate;

(iii) The type and chronology of treatment procedures performed, the context of the problem to which the treatment procedures pertain, and the identification of the medication used, the date given, dosage, route of administration, frequency, and duration of treatment;

(iv) The names of all vaccines administered and the dates of vaccination; and

(v) The dates and results of all screening, routine, or other required or recommended tests.

3. In § 2.35, paragraph (f), the first sentence would be removed and two new sentences would be added in its place to read as follows:

§ 2.35 Recordkeeping requirements.

* * * * *

(f) The medical records required under § 2.33(b)(6) shall be kept for at least 1 year after the disposition of the animal, and a copy shall be given to the subsequent owner of the animal or to any person to whom the animal is consigned. All other records and reports shall be maintained for at least 3 years.

* * *

4. In § 2.40, paragraph (b) would be amended as follows:

a. In paragraph (b)(4), by removing the word ''and'' immediately after the semicolon.

b. In paragraph (b)(5), by removing the period and adding the word ''; and'' in its place.

c. By adding new paragraph (b)(6) to read as set forth below.

§ 2.40 Attending veterinarian and adequate veterinary care (dealers and exhibitors).

* * * * *

(b) * * *

(6) The maintenance of medical records is a required component of

adequate veterinary care. They serve as a basis for reviewing the medical history and planning veterinary care and provide a mechanism of communication for matters of animal health, behavior, and well-being. Medical records document the animal's illness, veterinary care, and treatment and serve as a basis for review, study, and evaluation of veterinary care rendered by the facility. Medical records must be legible and include at least the following information:

(i) The identity of the individual animal; *Provided, however,* That routine husbandry, such as vaccinations, preventive medical procedures, or treatments, performed on all animals in a group (or herd), may be kept on a single record;

(ii) The date, description of the problem, pertinent history, observations, examination findings, test results, and plan for treatment and care with a tentative diagnosis and a prognosis, when appropriate;

(iii) The type and chronology of treatment procedures performed, the context of the problem to which the treatment procedures pertain, and the identification of the medication used, the date given, dosage, route of administration, frequency, and duration of treatment;

(iv) The names of all vaccines administered and the dates of vaccination; and

(v) The dates and results of all screening, routine, or other required or recommended tests.

5. In § 2.75, a new paragraph (b)(4) would be added to read as follows:

§ 2.75 Records: Dealers and exhibitors.

* * * * *

(b) * * *

(4) One copy of the medical records containing the information required by § 2.40(b)(6) shall be provided to the subsequent owner of the animal or to any person to whom the animal is consigned.

Done in Washington, DC, this 7th day of April 2003.

Peter Fernandez,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 03–8928 Filed 4–10–03; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–401–AD]

RIN 2120–AA64

Airworthiness Directives; Aerospatiale Model ATR72 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 Aerospatiale Model ATR72 series airplanes. This proposal would require installing brackets and ramps under floor panels between frames 23C and 23D, and installing wire bundles on the ramps. This action is necessary to prevent chafing damage to the electrical wire cables, which could lead to an electrical short circuit and potential for a fire under the floor panels. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by May 12, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–401–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–401–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 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2125; 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 2001–NM–401–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–401–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 certain Aerospatiale Model ATR72 series

airplanes. The DGAC advises of an incident in which loss of a blue hydraulic circuit occurred during landing. The circuit failure was found to be the result of an electrical short circuit between the electrical power supply cables for the blue hydraulic pump and the steering hydraulic pipe, located under certain floor panels. There was evidence of a fire in the vicinity due to the electrical short circuit. The apparent cause of these failures was a specific quality problem during cable installation on the production line. Improper routing of electrical cables in the subject area, if not corrected, could result in chafing damage to the electrical wire cables, which could lead to an electrical short circuit and potential for a fire under the floor panels.

Explanation of Relevant Service Information

Aerospatiale has issued Avions de Transport Regional Service Bulletin ATR72–92–1006, dated September 28, 2001, which describes procedures for installing, under floor panels between frames 23C and 23D, brackets and ramps that correctly route the wire bundles, which have the power supply cables for the blue hydraulic pump, and installing wire bundles on the ramps so that the cables pass the steering hydraulic pipe without chafing. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive 2001–505–059(B), dated October 17, 2001, in order to assure the continued airworthiness of these airplanes in France.

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 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 require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

The FAA estimates that 65 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 6 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $1,844 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $143,260, or $2,204 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 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:

Aerospatiale: Docket 2001–NM–401–AD.

Applicability: Model ATR72 series airplanes, certificated in any category; except those airplanes on which modification 5297 has been accomplished in production, or on which Avions de Transport Regional (ATR) Service Bulletin ATR72–92–1006, dated September 28, 2001, has been accomplished in service.

Note 1: This AD applies to each airplane 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 airplanes 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 chafing damage to the electrical wire cables, which could lead to an electrical short circuit and consequent fire under the floor panels, accomplish the following:

Installation

(a) Within 12 months after the effective date of this AD, perform the actions specified in paragraphs (a)(1) and (a)(2) of this AD per the Accomplishment Instructions of ATR Service Bulletin ATR72–92–1006, dated September 28, 2001.

(1) Install brackets and ramps under floor panels between frames 23C and 23D.

(2) Install wire bundles on the ramps.

Alternative Methods of Compliance

(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, International Branch, ANM–116, Transport Airplane Directorate, FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Note 3: The subject of this AD is addressed in French airworthiness directive 2001–505–059(B), dated October 17, 2001.

Issued in Renton, Washington, on April 7, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–8891 Filed 4–10–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–NM–16–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A319, A320, and A321 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 Airbus Model A319, A320, and A321 series airplanes equipped with certain cockpit lateral fixed windows manufactured by PPG Aerospace. This proposal would require a detailed inspection of the cockpit lateral fixed windows to detect moisture ingression and delamination, and follow-on/corrective actions as applicable. This proposed AD also provides for an optional terminating action for the repetitive inspections. This action is necessary to prevent moisture ingression and delamination of the cockpit lateral fixed windows, which could result in the loss of the outer glass ply, and consequent damage to the airplane and injury to people or damage to property on the ground. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by May 12, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2002–NM–16–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–16–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 for Windows 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: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2125; 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–16–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–16–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Generale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A319, A320, and A321 series airplanes equipped with certain cockpit lateral fixed windows manufactured by PPG Aerospace. The DGAC advises that an operator reported partial separation of the outer glass ply of the right-hand cockpit lateral fixed window. This window had been previously identified as having delamination in the lower forward corner. Investigation revealed that a process used in the manufacturing of these windows was deficient, resulting in moisture ingress and delamination of the outer glass ply. This condition, if not corrected, could result in loss of the outer glass ply, and consequent damage to the airplane and injury to people or damage to property on the ground.

Explanation of Relevant Service Information

Airbus has issued Service Bulletin A320–56–1009, Revision 01, including Appendix 01 and Reporting Sheet, dated July 4, 2002. This service bulletin describes procedures for a detailed inspection of cockpit lateral fixed windows manufactured by PPG Aerospace having part number (P/N) NP–165313–1 or NP–165313–2, and having a serial number (S/N) below 95001H0001 (PPG Aerospace manufacturing date before January 1, 1995), to detect moisture ingression evidenced by urethane degradation or delamination. For windows having no

moisture ingression, the service bulletin describes procedures for either follow-on repetitive inspections of those windows to detect moisture ingression; or replacement of those windows with windows having P/N NP–165313–1 or NP–165313–2, and S/N 95001H0001 or above (PPG Aerospace manufacturing date January 1, 1995, or after), or with windows having P/N NP–165313–3 or NP–165313–4. For windows having urethane degradation, the service bulletin describes procedures for replacement of those windows with windows having a certain P/N and S/N. For windows having delamination, the service bulletin describes procedures for measuring the length of the delamination, and either performing follow-on repetitive inspections or replacing the windows with windows having a certain P/N and S/N, depending on the length of the delamination. Accomplishment of the replacement described in the service bulletin would eliminate the need for repetitive inspections.

The DGAC classified this service bulletin as mandatory and issued French airworthiness directive 2001–632(B), dated December 26, 2001, in order to assure the continued airworthiness of these airplanes in France.

The Airbus service bulletin references PPG Aerospace Service Bulletin NP–165313–56–001, dated May 15, 2001, as an additional source of service information for accomplishing the actions described previously.

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. 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.

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 designs registered in the United States, the proposed AD would require accomplishment of the actions specified in the Airbus service bulletin described previously. This proposed AD also would provide for optional terminating action for the repetitive inspections.

Operators should note that, to be consistent with the findings of the DGAC, we have determined that the repetitive inspections proposed by this AD can be allowed to continue in lieu of accomplishment of the optional terminating replacement, provided that no moisture ingression or delamination is found during the inspections. In making this determination, we consider that, in this case, long-term continued operational safety will be adequately assured by accomplishing the repetitive inspections to detect moisture ingression and delamination before they represent a hazard to the airplane.

Difference Between Service Information and Proposed Rule

Operators should note that, although Airbus Service Bulletin A320–56–1009, Revision 01, recommends that, in Appendix 01, operators submit inspection findings to Airbus, this AD does not include such a reporting requirement.

Cost Impact

The FAA estimates that 36 Model A319, A320, and A321 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed detailed inspection to identify moisture ingression of certain identified cockpit lateral fixed windows, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the detailed inspection proposed by this AD on U.S. operators is estimated to be $4,320, or $120 per airplane, per inspection cycle.

The cost impact figure discussed above 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.

Should an operator elect to accomplish the optional terminating replacement that would be provided by this AD action, we estimate that it would take approximately 4 work hours per airplane to accomplish it, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the optional terminating replacement would be $240 per airplane.

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–16–AD.

Applicability: Model A319, A320, and A321 series airplanes, certificated in any category; equipped with PPG Aerospace cockpit lateral fixed windows having part number (P/N) NP–165313–1 or NP–165313–2, and having a serial number (S/N) below 95001H0001 (PPG Aerospace manufacturing date before January 1, 1995).

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area

subject to the requirements of this AD. For airplanes 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 (c) 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 moisture ingression and delamination of the cockpit lateral fixed windows, which could result in the loss of the outer glass ply, and consequent damage to the airplane and injury to people or damage to property on the ground, accomplish the following:

Repetitive Inspections and Replacement, if Necessary

(a) Within 500 flight hours after the effective date of this AD, perform a detailed inspection to detect urethane degradation or delamination of the outer glass ply; per the Accomplishment Instructions of Airbus Service Bulletin A320–56–1009, Revision 01, excluding Appendix 01 and Reporting Sheet, dated July 4, 2002.

Note 2: For the purposes of this AD, a detailed inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

(1) If no urethane degradation or delamination is found: Accomplish the actions specified in paragraph (a)(1)(i) or (a)(1)(ii) of this AD.

(i) Repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 500 flight hours, until the replacement specified in paragraph (a)(1)(ii) of this AD has been accomplished; or

(ii) Within 500 flight hours after the inspection required by paragraph (a) of this AD: Replace the cockpit lateral fixed windows with new windows having P/N NP–165313–1 or NP–165313–2, and S/N 95001H0001 or above (PPG Aerospace manufacturing date January 1, 1995, or after); or with new windows having P/N NP–165313–3 or NP–165313–4, per the Accomplishment Instructions of the service bulletin. Accomplishment of the replacement terminates the requirements of this AD.

(2) If any urethane degradation is found: Within 50 flight hours after the inspection required by paragraph (a) of this AD, accomplish the replacement specified in paragraph (a)(1)(ii) of this AD.

(3) If any delamination is found: Before further flight, measure the length of the delamination per the Accomplishment Instructions of the service bulletin.

(i) If the length of the delamination is less than or equal to 1.0 inch (25.4 millimeters (mm)): Accomplish the actions specified in paragraph (a)(1)(i) or (a)(1)(ii) of this AD.

(ii) If the length of the delamination is greater than 1.0 inch (25.4 mm): Within 50 flight hours after the inspection required by paragraph (a) of this AD, accomplish the actions specified in paragraph (a)(1)(ii) of this AD.

Note 3: The Airbus service bulletin references PPG Aerospace Service Bulletin NP–165313–56–001, dated May 15, 2001, as an additional source of service information for accomplishing the applicable actions required by this AD.

Actions Accomplished per Previous Issue of Service Bulletin

(b) Actions accomplished before the effective date of this AD per Airbus Service Bulletin A320–56–1009, dated August 30, 2001, are considered acceptable for compliance with the actions required by this AD.

Alternative Methods of Compliance

(c) 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, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 5: The subject of this AD is addressed in French airworthiness directive 2001–632(B), dated December 26, 2001.

Issued in Renton, Washington, on April 7, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–8893 Filed 4–10–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–126485–01]

RIN 1545–BA06

Statutory Mergers and Consolidations; Hearing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Change of location of public hearing.

SUMMARY: This document changes the location of the public hearing on proposed regulations relating to statutory mergers and consolidations under section 368 of the Internal Revenue Code.

DATES: The public hearing will be held on Wednesday, May 21, 2003, beginning at 10 a.m.

ADDRESSES: The public hearing originally scheduled in room 4718, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC, is changed to the auditorium, room 7218, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning submissions of comments, the hearing, and/or to be placed on the building access list to attend the hearing contact Guy R. Traynor of the Regulations Unit, Associate Chief Counsel, (Procedure and Administration) at (202) 622–7180 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and notice of public hearing appearing in the **Federal Register** on January 24, 2003 (68 FR 3477), announced that a public hearing on proposed regulations relating to statutory mergers and consolidations under section 368 of the Internal Revenue Code would be held on Wednesday, May 21, 2003, beginning at 10 a.m. in room 4718 of the Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

The location of the public hearing has changed. The hearing is scheduled for Wednesday, May 21, 2003, beginning at 10 a.m. in the auditorium, room 7218, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Because of controlled access restrictions, attendees are not admitted beyond the lobby of the Internal Revenue Building until 9:30 a.m. The IRS will prepare an agenda showing the scheduling of the speakers after the

outlines are received from the persons testifying and make copies available free of charge at the hearing.

Cynthia E. Grigsby,

Chief, Regulations Unit, Associate Chief Counsel (Procedure & Administration).

[FR Doc. 03–8963 Filed 4–10–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 73

[Notice No. 5]

RIN 1512–AC84

Electronic Signatures; Electronic Submission of Forms (2000R–458P)

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) proposes to amend its regulations to permit industry members to use electronic technology to reduce the need for and storage of paper documents. In order to accomplish our goals, we are proposing to allow you to use electronic, rather than handwritten, signatures to sign certain forms, and to submit certain forms to TTB electronically through a TTB-approved electronic document receiving system.

DATES: If you wish to comment on this proposal, we must receive your written comments on or before May 12, 2003.

ADDRESSES: You may send comments to any of the following addresses:

- Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, PO Box 50221, Washington, DC 20091–0221 (Attn: Notice No. 5);
- (202) 927–8525 (facsimile);
- *nprm@ttb.gov* (e-mail);
- *http://www.ttb.gov* (online). A comment form is available with the online version of this notice posted on our Internet Web site.

You may view copies of the proposed regulations and any comments received on this notice by appointment at the ATF Reference Library, 650 Massachusetts Avenue, NW., Washington, DC 20226; phone (202) 927–8210.

See the Public Participation section of this notice for specific instructions and requirements.

FOR FURTHER INFORMATION CONTACT: Lisa M. Gesser, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, 650 Massachusetts Avenue NW., Washington, DC 20226; phone (301) 290–1460 or e-mail *LMGesser@ttb.gov.*

SUPPLEMENTARY INFORMATION:

What Would These Proposed Regulations Do?

This proposal would amend the regulations to allow you to:

- Use electronic signatures to sign certain forms you submit to us instead of using traditional handwritten signatures; and
- Submit certain forms to TTB electronically through an electronic document receiving system that we approve.

Why Does TTB Want To Allow You To Submit Certain Forms Electronically?

We believe that by giving you the option to submit certain forms electronically, instead of requiring paper documents, we can:

- Reduce the costs associated with submitting and maintaining large volumes of paper documents;
- Improve the quality and accessibility of data;
- Allow for the faster review and approval of a variety of documents; and
- Allow for a variety of our documents to be available around the clock.

What Is TTB's Authority To Propose These Regulations?

Our authority to propose these regulations comes from:

(1) *Government Paperwork Elimination Act (GPEA).* GPEA was signed into law on October 21, 1998. GPEA directs federal agencies to provide for the optional use and acceptance of electronic documents and signatures, and electronic recordkeeping, where practical, by October 2003. (See §§ 1702–1710 of Pub. L. 105–277.)

(2) *Internal Revenue Code of 1986 (26 U.S.C.)* The Internal Revenue Code of 1986 authorizes the Secretary of the Treasury to, by regulation, encourage electronic filing, address what constitutes a timely filed electronic document, and develop procedures for the acceptance of signatures in digital or other electronic form. (*See* 26 U.S.C. 6011, 6061, and 7502.)

(3) *Electronic Signatures in Global and National Commerce Act of 2000 (E–SIGN).* E–SIGN provides that no contract, signature, or record relating to a transaction shall be denied legal effect *solely* because it is in electronic form, nor may a document be denied legal effect *solely* because an electronic signature or record was used in its formation. E–SIGN applies to documents that are created in a commercial, consumer, or business transaction. It does not cover transactions that are uniquely governmental such as a compliance report. (*See* Pub. L. 106–229.)

(4) *Office of Management and Budget Circular A–130.* OMB's Circular A–130 requires agencies to employ electronic information collection techniques where such means will reduce the burden on the public, increase efficiency, reduce costs, and help provide better service. (*See* Circular A–130, Para. 8.a.1(k).)

How Does TTB Plan on Implementing Electronic Filing?

We are proposing to create a new part 73 in title 27 CFR, chapter I, entitled Electronic Signatures; Electronic Submission of Forms.'' This proposed part 73 will explain our overall policy regarding electronic signatures and the electronic submission of certain forms to TTB.

Electronic Signatures

Once we publish the final rule, we will recognize electronic signatures executed to certain electronic forms as the full equivalent of, and having the same legal effect as, traditional handwritten signatures executed on paper. We will notify you, by publishing a general notice in the **Federal Register** and on our Web site (*http://www.ttb.gov*), when you may use electronic signatures to execute certain electronic forms. The general notice will provide you with specific instructions about how to submit and what technology will be acceptable to TTB.

Electronic Submission of Forms to TTB

We are in the process of developing the means to allow you to submit forms electronically. This is a lengthy process; we will need to develop the hardware and software components to accept each different type of form. Once we are able to accept a certain form, we will announce in the **Federal Register** and on our Web site that you may register to submit that form electronically. The announcement will provide you with instructions on how to register.

Will I Still Have To Maintain Paper Copies?

If the regulations require you to maintain certain documents in paper format, you must continue to maintain those documents in paper format even if you submit them to us electronically. Nothing in this proposed part alters any other regulatory or statutory requirement that records be maintained in paper format. This part does provide

that TTB may publish a general notice in the **Federal Register** authorizing you to maintain certain documents electronically instead of in paper form.

Regulatory Analyses and Notices

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this rule because there are no new reporting or recordkeeping requirements.

Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, provides that whenever a Federal agency proposes regulations that may have a significant economic impact on a substantial number of small entities, the agency must prepare a regulatory flexibility analysis. Today's proposal is not subject to the Act because the electronic submission of forms to TTB and the use of electronic signatures are voluntary. This proposal, if finalized, will only apply to those people who seek our approval to transmit certain forms electronically to us. These proposed regulations would reduce the burden on all affected entities, including small businesses. We have submitted a copy of this proposed rule to the Chief Counsel for Advocacy of the Small Business Administration in accordance with 26 U.S.C. 7805(f).

Executive Order 12866

This regulation is not a significant regulatory action as defined by Executive Order 12866. Accordingly, this rule is not subject to the analysis required by this Executive Order.

Executive Order 13132

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires Federal agencies to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' We certify that this proposed rule does not have federalism implications. This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. This proposed rule would not require States to accept electronic reports. The effect of this rule would be to provide additional regulatory flexibility to States because States could choose to accept electronic data that would also satisfy our reporting requirements.

Public Participation

Who May Comment on This Notice?

We request comments from all interested parties. In addition, we specifically request comments on the clarity of this proposed rule and how it may be made easier to understand. We will carefully consider any comments we receive on or before the closing date. We will give comments received after that date the same consideration if it is practical to do so. We regard all comments as originals.

How Do I Send Comments?

You may submit comments in any of four ways.

- *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 8½ x 11-inch paper;
  (2) Contain a legible, written signature; and
  (3) Be five or less pages long. This limitation assures electronic access to our 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 paper.
- *Online:* We provide a comment form with the online copy of this proposed rule on the TTB Internet Web site at *http://www.ttb.gov/alcohol/rules/index.htm.* On this Web page, select ''Send comments via e-mail'' under this notice number.

Can I Review Comments Received?

You may inspect copies of the proposed regulations and any written comments by appointment at the ATF Reference Library, 650 Massachusetts Avenue, NW., Washington, DC 20226. You may also obtain copies at 20 cents per page. You may call (202) 927–8210 if you want to schedule an appointment or to request copies of comments.

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 our reference library. To access online copies of the comments on this rulemaking, visit *http://www.ttb.gov/alcohol/rules/index.htm* and select ''View Comments'' under this notice number.

Will TTB Keep My Comments Confidential?

We do not recognize any submitted material as confidential. We will disclose all information on comments and commenters. Do not enclose in your comments any material you consider confidential or inappropriate for disclosure.

Can I Request a Public Hearing?

Yes; you may write to the Administrator within the 30-day comment period 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.

Drafting Information

The principal author of this document is Lisa M. Gesser, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau.

List of Subjects in 27 CFR Part 73

Electronic signatures, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set out in the preamble, we propose to amend chapter I of title 27 of the Code of Federal Regulations by adding a new part 73 to read as follows:

PART 73—ELECTRONIC SIGNATURES; ELECTRONIC SUBMISSION OF FORMS

Subpart A—General Provisions

Sec.

Scope

73.1 What does this part do?

Definitions

73.3 What terms must I know to understand this part?

Subpart B—Electronic Signatures

73.10 What does subpart B cover?
73.11 What are the required components and controls for acceptable electronic signatures?
73.12 What security controls must I use for identification codes/passwords?

Subpart C—Electronic Filing of Documents With TTB

73.30 What does subpart C cover?
73.31 Can I submit forms electronically to TTB?
73.32 May I electronically sign forms I submit electronically to TTB?
73.33 Am I legally bound by a form I sign electronically?

73.34 When is an electronically submitted form considered timely filed?
73.35 Do I need to keep paper copies of forms I submit to TTB electronically?

Authority: 26 U.S.C. 6011, 6061, 7502; 15 U.S.C. 7001, 7004.

Subpart A—General Provisions

Scope

§ 73.1 What does this part do?

(a) This part provides the conditions under which we will allow you to:

(1) Use electronic signatures or digital signatures executed to electronic forms instead of traditional handwritten signatures executed on paper forms.

(2) Electronically submit certain forms to TTB.

(b) This part does not require you to submit forms to us electronically.

Definitions

§ 73.3 What terms must I know to understand this part?

You need to know the following terms to understand this part:

27 CFR. Title 27 of the Code of Federal Regulations, chapter I.

Biometrics. A method of verifying an individual's identity based on measurement of the individual's physical feature(s) or repeatable action(s) where those features and/or actions are both unique to that individual and measurable.

Digital signature. An electronic signature based upon cryptographic methods of originator authentication, computed by using a set of rules and a set of parameters such that the identity of the signer and the integrity of the data can be verified. A signer creates a digital signature by using public-key encryption to transform a message digest of an electronic message. If a recipient of the digital signature has an electronic message, message digest function, and the signer's public key, the recipient can verify:

(1) Whether the transformation was accomplished with the private key that corresponds to the signer's public key; and

(2) Whether the electronic message has been altered since the transformation was made.

Electronic document receiving system. Any set of apparatus, procedures, software, records, or documentation used to receive documents communicated to it via a telecommunications network.

Electronic signature. A computer data compilation of any symbol or series of symbols executed, adopted, or authorized by an individual to be the legally binding equivalent of the individual's handwritten signature, and that:

(1) Identifies and authenticates a particular person as the source of the electronic message; and

(2) Indicates such person's approval of the information contained in the electronic message.

Form(s). The term form(s), when used in this part, includes all documents required by 27 CFR, chapter I, to be submitted to TTB.

Handwritten signature. The scripted name or legal mark of an individual handwritten by that individual and executed or adopted with the present intention to authenticate a writing in a permanent form. The act of signing with a writing or marking instrument such as a pen or stylus is preserved. The scripted name or legal mark, while conventionally applied to paper, may also be applied to other materials or devices that capture the name or mark.

Paper format. A paper document.

TTB. Refers to the Alcohol and Tobacco Tax and Trade Bureau within the Department of the Treasury.

You and I. ''You'' and ''I'' refer to the organization or person who must maintain records or submit documents to TTB to satisfy the requirements of 27 CFR, chapter I.

Subpart B—Electronic Signatures

§ 73.10 What does subpart B cover?

This subpart provides the conditions under which TTB will allow you to use electronic signatures executed to electronic forms instead of traditional handwritten signatures executed on paper forms. Where electronic signatures and their associated electronic forms meet the requirements of this part, TTB will consider the electronic signatures to be the equivalent of full handwritten signatures, initials, and other general signings this chapter requires.

§ 73.11 What are the required components and controls for acceptable electronic signatures?

(a) *Electronic signatures not based on biometrics.* If you use electronic signatures that are not based upon biometrics you must:

(1) Employ at least two distinct identification components such as an identification code and a password.

(2) Use both identification components when executing an electronic signature to an electronic document.

(3) Ensure that the electronic signature can only be used by the authorized user.

(b) *Electronic signatures based on biometrics.* If you use electronic signatures based upon biometrics, they must be designed to ensure that they cannot be used by anyone other than their genuine owners.

§ 73.12 What security controls must I use for identification codes/passwords?

If you use electronic signatures based upon use of identification codes in combination with passwords, you must employ controls to ensure their security and integrity. Such controls must include:

(a) Maintaining the uniqueness of each combined identification code and password, such that no two individuals have the same combination of identification code and password.

(b) Ensuring that identification code and password issuances are periodically checked, recalled, or revised (*e.g.,* to cover such events as password aging).

(c) Following loss management procedures to electronically de-authorize lost, stolen, missing, or otherwise potentially compromised tokens, cards, or other devices that bear or generate identification code or password information, and to issue temporary or permanent replacements using suitable, rigorous controls.

(d) Use of transaction safeguards to prevent unauthorized use of passwords and/or identification codes, and to detect and report in an immediate and urgent manner any attempts at their unauthorized use to the system security unit, and, as appropriate, to organizational management.

(e) Initial and periodic testing of devices, such as tokens or cards, that bear or generate identification code or password information to ensure that they function properly and have not been altered in any unauthorized manner.

Subpart C—Electronic Filing of Documents with TTB

§ 73.30 What does subpart C cover?

This subpart provides the conditions under which we will allow you to satisfy certain reporting requirements of this chapter by submitting forms to us electronically.

§ 73.31 Can I submit forms electronically to TTB?

Yes; you may submit an electronic form, instead of a paper form, to satisfy any reporting requirement in this chapter, only if:

(a) We have published a notice in the **Federal Register** and on our Web site (*http://www.ttb.gov*) announcing that we are prepared to receive a particular form electronically.

(b) You have registered to do so pursuant to the instructions in a notice

published in the **Federal Register** and on our Web site as stated above.

(c) You submit the electronic form to an electronic document receiving system that we have designated for the receipt of that specific form.

(d) The electronic form bears valid electronic signatures, as provided in subpart B of this part, to the same extent that the paper submission for which it substitutes would bear handwritten signatures.

§ 73.32 May I electronically sign forms I submit electronically to TTB?

You may electronically sign the electronic form you submit to us if:

(a) You have registered with TTB to do so and have certified, prior to the time of such use, that the electronic signatures or digital signatures in your system are intended to be the legally binding equivalent of traditional handwritten signatures;

(b) The electronic or digital signature meets the standards of this part and is authorized by TTB in accordance with this part; and

(c) The electronic or digital signature is sufficiently trustworthy and reliable that the signing party may not repudiate the signature.

§ 73.33 Am I legally bound by a form I sign electronically?

Yes; by electronically signing a form you submit to us, you are agreeing to be legally bound to the same extent as if you applied a traditional handwritten signature on a paper document submitted to satisfy the same reporting requirement. Persons using electronic signatures shall, upon TTB's request, provide additional certification or testimony that a specific electronic signature is the legally binding equivalent of the signer's handwritten signature.

§ 73.34 When is an electronically submitted form considered timely filed?

If you submit a form to our electronic document receiving system, your report will be considered filed on the date of the electronic postmark given by that system.

§ 73.35 Do I need to keep paper copies of forms I submit to TTB electronically?

Nothing in this part alters any other regulatory or statutory requirement that records be maintained in paper format. If the regulations in this chapter require you to keep paper copies of certain forms, you must continue to do so unless TTB otherwise authorizes you to maintain electronic copies of these documents through a general notice in the **Federal Register** or through a variance.

Signed: February 13, 2003.

Arthur J. Libertucci,

Administrator.

Approved: March 11, 2003.

Timothy E. Skud,

Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 03–8816 Filed 4–10–03; 8:45 am]

BILLING CODE 4810–31–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[WV059–6027b; FRL–7480–1]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; State of West Virginia; Control of Emissions from Existing Commercial/Industrial Incineration (CISWI) Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve the commercial and industrial solid waste incinerator 111(d)/129 plan (the ''plan'') submitted by the West Virginia Department of Environmental Protection, Division of Air Quality (DAQ). The plan was submitted to EPA by the DAQ on November 29, 2001, and amended on September 25, 2002, and January 22, 2003. In the Final Rules section of this **Federal Register**, EPA is approving the State of West Virginia's CISWI plan submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipate no adverse comments. A more detailed description of the state submittal and EPA's evaluation are included in a Technical Support Document (TSD) prepared in support of this rulemaking action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by May 12, 2003.

ADDRESSES: Written comments should be mailed to Walter Wilkie, Deputy Chief, Air Quality Planning and Information Services Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

FOR FURTHER INFORMATION CONTACT: James B. Topsale at (215) 814–2190, or by e-mail at *topsale.jim@epa.gov.*

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: March 31, 2003.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

[FR Doc. 03–8830 Filed 4–10–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 89

[AMS–FRL–7481–9]

Control of Emissions From New Nonroad Diesel Engines: Amendments to the Nonroad Engine Definition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rule.

SUMMARY: EPA is proposing to revise the definition of nonroad engines to include all diesel-powered engines used in agricultural operations in the State of California that are certified by the engine maker to meet the applicable nonroad emission standards. Under this proposed rule, such engines would be considered nonroad engines without regard to whether these engines are portable or transportable or how long these engines remain in one fixed location at a farm.

In the ''Rules and Regulations'' section of this **Federal Register**, we are making this amendment as a direct final rule without prior proposal.

We have explained our reasons for this amendment in the preamble to the

direct final rule. If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will withdraw the direct final rule and its changes will not take effect. We will address all public comments in a subsequent final rule based on this proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

DATES: If we do not receive a request for a public hearing, written comments are due May 12, 2003. Request for a public hearing must be received by April 28, 2003. If we do receive a request for a public hearing, it will be held on May 12, 2003, starting at 10 a.m. In that case, the public comment period will close on June 10, 2003.

ADDRESSES: Comments may be submitted by mail by sending two copies of your comments to: Air Docket, Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Ave., NW., Washington, DC, 20460, Attention Docket ID No. OAR–2003–0046. Comments may also be submitted electronically, by facsimile, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I of the **SUPPLEMENTARY INFORMATION** section.

Hearing: If we do receive a request for a public hearing, it will be held at the EPA's Region IX offices, 75 Hawthorne Street, San Francisco, California.

FOR FURTHER INFORMATION CONTACT: Robert Larson, U.S. EPA, National Vehicle and Fuel Emissions Laboratory, Transportation and Regional Programs Division, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone (734) 214–4277, fax (734) 214–4956, e-mail *larson.robert@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Regulated Entities

Entities potentially impacted by this change in regulation are farming interests in the State of California and those interests that manufacture or put into commerce new, compression-ignition nonroad engines, including:

Category	NAICS codes	Examples of potentially regulated entities
Manufacturing	333618	Manufacturers of new nonroad diesel engines.
Agriculture, Forestry, Fishing, Hunting	111XXX	Farms with crop production.
Agriculture, Forestry, Fishing, Hunting	112XXX	Farms with animal production.
Manufacturing	333111	Farm machinery and equipment.

B. How Can I Get Copies of This Document?

1. Docket. EPA has established an official public docket for this action under Docket ID No. OAR–2003–0046. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Air Docket in the EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742. This Docket Facility is open from 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays. The Docket telephone number is 202–566–1742.

2. Electronic Access. You may access this **Federal Register** document electronically through the EPA Internet under the **Federal Register** listings at *http://www.epa.gov/fedrgstr/.* An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the appropriate docket identification number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as 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. 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. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.C. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

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 for 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 statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in 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.

For additional information about EPA's electronic public docket visit EPA Dockets online or *see* 67 FR 38102, May 31, 2002.

C. How and to Whom Do I Submit Comments?

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.'' EPA is not required to consider these late comments.

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

i. EPA Dockets. 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. To access EPA's electronic public docket from the EPA Internet Home Page, select ''Information Sources,'' ''Dockets,'' and ''EPA Dockets.'' Once in the system, select ''search,'' and then key in Docket ID No. OAR–2003–0046. 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.

ii. E-mail. Comments may be sent by electronic mail (e-mail) to *a-and-r-docket@epa.gov* Attention Air Docket ID No. OAR–2003–0046. 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.

iii. Disk or CD ROM. You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.A.1. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. By Mail. Send two copies of your comments to: Air Docket, Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Ave., NW., Washington, DC, 20460, Attention Docket ID No. OAR–2003–0046.

3. By Hand Delivery or Courier. Deliver your comments to: EPA Docket Center, Room B102, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC, Attention Air Docket ID No. OAR–2003–0046. Such deliveries are only accepted during the Docket's normal hours of operation as identified in Unit I.

4. By Facsimile. Fax your comments to: (202) 566–1741, Attention Docket ID. No. OAR–2003–0046.

C. How Should I Submit CBI to the Agency?

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: Attention: Robert Larson, U.S. EPA, National Vehicle and Fuel Emissions Laboratory, Transportation and Regional Programs Division, 2000 Traverwood Drive, Ann Arbor, MI 48105, Docket ID No. OAR–2003–0046. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public 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.

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

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

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

II. Summary of Proposal

EPA is proposing to revise the definition of nonroad engines to include all diesel-powered engines used in agricultural operations in the State of California that are certified by the engine maker to meet the applicable nonroad emission standards. Under this proposed rule, such engines will be considered as nonroad engines without regard to whether these engines are portable or transportable or how long these engines remain in one fixed location at a farm.

However, in the ''Rules and Regulations'' section of today's **Federal Register**, we are promulgating these revisions as a direct final rule without a prior proposal. We have explained our reasons for this action. This proposal incorporates by reference all the reasoning, explanation and regulatory text from the direct final rule. For further information, including the regulatory text for this proposal, please refer to the direct final rule that is located in the ''Rules and Regulations'' section of this **Federal Register** publication. The direct final rule will be effective on May 14, 2003, without further notice unless we receive adverse comment by May 12, 2003, or receive a request for a public hearing by April 28,

2003. If we receive no adverse comment, we will take no further action on this proposed rule. If we receive adverse comment on this rulemaking, we will publish a timely withdrawal in the **Federal Register** indicating that this rule change is being withdrawn due to adverse comment. We will address all adverse comment in a subsequent final rule based upon this proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

III. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency is required to determine whether this regulatory action would be ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. The order defines a ''significant regulatory action'' as any regulatory action that is likely to result in a rule that may:

—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;

—Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

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

—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, we have determined that this proposed rule is not a ''significant regulatory action.''

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and implementing regulations, 5 CFR part 1320, do not apply to this action as it does not involve the collection of information as defined therein.

C. Regulatory Flexibility Act

EPA certifies that it is not necessary to prepare a regulatory flexibility analysis in connection with this action. This proposed rule will not have a significant economic impact on a substantial number of small entities, in particular because this rule change does not mandate that farms replace any existing engine.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 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, we 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 for any single year. Before promulgating a rule for which a written statement is needed, section 205 of the UMRA generally requires us 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 us to adopt an alternative that is not the least costly, most cost-effective, or least burdensome alternative if we provide an explanation in the final rule of why such an alternative was adopted.

Before we establish any regulatory requirement that may significantly or uniquely affect small governments, including tribal governments, we must develop a small government plan pursuant to section 203 of the UMRA. Such a plan must provide for notifying potentially affected small governments, and enabling officials of affected small governments to have meaningful and timely input in the development of our regulatory proposals with significant Federal intergovernmental mandates. The plan must also provide for informing, educating, and advising small governments on compliance with the regulatory requirements.

This rule contains no Federal mandates for State, local, or tribal governments as defined by the provisions of title II of the UMRA. The rule imposes no enforceable duties on any of these governmental entities. Nothing in the rule will significantly or uniquely affect small governments.

We have determined that this rule does not contain a Federal mandate that may result in estimated expenditures of more than $100 million to the private sector in any single year. This action has the net effect of revising certain provisions of the Tier 2 rule. Therefore, the requirements of the UMRA do not apply to this action.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires us to develop an accountable process to ensure ''meaningful and timely input by state and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

Under section 6 of Executive Order 13132, we may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or we consult with State and local officials early in the process of developing the proposed regulation. We also may not issue a regulation that has federalism implications and that preempts State law, unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

Section 4 of the Executive Order contains additional requirements for rules that preempt State or local law, even if those rules do not have federalism implications (*i.e.*, the rules will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government). Those requirements include providing all affected State and local officials notice and an opportunity for appropriate participation in the development of the regulation. If the preemption is not based on express or implied statutory authority, we also must consult, to the extent practicable, with appropriate State and local officials regarding the conflict between State law and federally protected interests within the Agency's area of regulatory responsibility.

This rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in

Executive Order 13132. This rule revises certain provisions of earlier rules that adopted national standards to control emissions from nonroad diesel engines. The requirements of the rule will be enforced by the Federal government at the national level. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (59 FR 22951, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' This proposed rule does not have tribal implications, as specified in Executive Order 13175. Today's rule does not uniquely affect the communities of American Indian tribal governments. Furthermore, today's rule does not impose any direct compliance costs on these communities and no circumstances specific to such communities exist that will cause an impact on these communities beyond those discussed in the other sections of today's document. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) applies to any rule that (1) is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that we have reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, section 5–501 of the Executive Order directs us to 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 us.

This rule is not subject to the Executive Order because it is not an economically significant regulatory action as defined by Executive Order 12866. Furthermore, this rule does not concern an environmental health or safety risk that we have reason to believe may have a disproportionate effect on children.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), section 12(d) of Public Law 104–113, directs us to use voluntary consensus standards in our regulatory activities unless it would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, and business practices) developed or adopted by voluntary consensus standards bodies. The NTTAA directs us to provide Congress, through OMB, explanations when we decide not to use available and applicable voluntary consensus standards.

No new technical standards are established in today's rule.

IV. Statutory Provisions and Legal Authority

Statutory authority for today's proposed rule is found in the Clean Air Act, 42 U.S.C. 7401 *et seq.*, in particular, section 213 of the Act, 42 U.S.C. 7547. This rule is being promulgated under the administrative and procedural provisions of Clean Air Act section 307(d), 42 U.S.C. 7607(d).

List of Subjects in 40 CFR Part 89

Environmental protection, Administrative practice and procedure, Motor vehicle pollution.

Dated: April 7, 2003.

Christine Todd Whitman,

Administrator.

[FR Doc. 03–8956 Filed 4–10–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–7478–6]

Tennessee: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Tennessee has applied to EPA for Final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA proposes to grant final authorization to Tennessee. In the ''Rules and Regulations'' section of this **Federal Register**, EPA is authorizing the changes by an immediate final rule. EPA did not make a proposal prior to the immediate final rule because we believe this action is not controversial and do not expect comments that oppose it. We have explained the reasons for this authorization in the preamble to the immediate final rule. Unless we get written comments which oppose this authorization during the comment period, the immediate final rule will become effective on the date it establishes, and we will not take further action on this proposal. If we get comments that oppose this action, we will withdraw the immediate final rule and it will not take effect. We will then respond to public comments in a later final rule based on this proposal. You may not have another opportunity for comment. If you want to comment on this action, you must do so at this time.

DATES: Send your written comments by May 12, 2003.

ADDRESSES: Send written comments to Narindar Kumar, Chief, RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, The Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, GA, 30303–8960; (404) 562–8440. You can examine copies of the materials submitted by Tennessee during normal business hours at the following locations: EPA Region 4, Library, The Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960; Phone number: (404) 562–8190, or the Tennessee Department of Environment and Conservation, Division of Solid Waste Management, 5th Floor, L & C Tower, 401 Church Street, Nashville, Tennessee 37243–1535, Phone number: (615) 532–0850.

FOR FURTHER INFORMATION CONTACT: Gwendolyn Gleaton, RCRA Services Section, RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, The Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, GA, 30303–8960; (404) 562–8500.

SUPPLEMENTARY INFORMATION: For additional information, please see the immediate final rule published in the

''Rules and Regulations'' section of this **Federal Register**.

J.I. Palmer Jr.,

Regional Administrator, Region 4.

[FR Doc. 03–8665 Filed 4–10–03; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 68, No. 70
Friday, April 11, 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

Farm Service Agency

Request for Approval of a New Information Collection—County Committee Elections

AGENCY: Farm Service Agency.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Farm Service Agency (FSA) to request approval of an information collection used to support of FSA County Committee elections.

DATES: Comments on this notice must be received on or before June 10, 2003.

FOR FURTHER INFORMATION CONTACT: Kenneth Nagel, Agricultural Program Specialist, Office of Deputy Administrator for Field Operations, Farm Service Agency, USDA, STOP 0542, 1400 Independence Ave., SW., Washington, DC 20250; telephone (202) 720–7890.

SUPPLEMENTARY INFORMATION:

Title: Nomination Form for FSA County Committee Election.

OMB Control Number: 0560–NEW.

Type of Request: Approval of a New Information Collection.

Abstract: This information collected under the Office of Management and Budget (OMB) Number 0560–NEW is needed to enable FSA to receive nominations from eligible voters for the County Committee. The County Committee, subject to the general direction and supervision of the State Committee, and other personnel, shall be generally responsible for carrying out in the county the price support program, conservation programs, disaster assistance programs, commodities programs, environmental programs, and any other programs or functions assigned by the Secretary, or a designee of the Secretary.

Estimate of Annual Burden: Public reporting burden for this information collection is estimated to average 10 minutes per response.

Respondents: Any individuals with farming interest in the Local Administrative Area (LAA). (eligible voter)

Estimated Number of Respondents: 2,100,000.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 350.

Topics for comment include but are not limited to the following: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; or (d) ways to 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. Comments should be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Kenneth Nagel, Agricultural Program Specialist, Office of Deputy Administrator for Field Operations, Farm Service Agency, USDA, STOP 0542, 1400 Independence Ave., SW., Washington, DC 20250; telephone (202) 720–7890. Copies of the information collection may be obtained from Kenneth Nagel at the above address.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

Signed at Washington, DC, April 4, 2003.

James R. Little,

Administrator, Farm Service Agency.

[FR Doc. 03–8866 Filed 4–10–03; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

Request for Extension of a Currently Approved Information Collection

AGENCY: Farm Service Agency, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Farm Service Agency (FSA) to request an extension and revision for the Highly Erodible Land Conservation and Wetland Conservation certification requirements. This information is collected in support of the conservation provisions of Title XII of the Food Security Act of 1985, as amended by the Food, Agriculture, Conservation, and Trade Act of 1990 and the Federal Agriculture, Improvement and Reform Act of 1996 (the Statute).

DATES: Comments on this notice must be received on or before June 10, 2003 to be assured consideration.

Additional Information or Comments: Contact Sharon Biastock, Agricultural Program Specialist, Production, Emergencies, and Compliance Division, USDA, FSA, STOP 0517, 1400 Independence Avenue, SW., Washington, DC 20250–0517; telephone (202) 720–6336.

SUPPLEMENTARY INFORMATION:

Title: Highly Erodible Land Conservation and Wetland Conservation Certification.

OMB Control Number: 0560–0185.

Expiration Date: March 31, 2003.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: Rules governing those requirements under Title XII of the Food Security Act of 1985, as amended by the Food, Agriculture, Conservation, and Trade Act of 1990 and the Federal Agriculture, Improvement and Reform Act of 1996 relating to highly erodible lands and wetlands are codified in 7 CFR part 12. In order to ensure that persons who request benefits subject to conservation restrictions get the necessary technical assistance and are informed regarding the compliance requirements on their land, information is collected with regard to their intended activities on their land which could affect their eligibility for

requested USDA benefits. Once technical determinations are made, producers are required to certify that they will comply with the conservation requirements on their land to maintain their eligibility for certain programs. Persons may request that certain activities be exempt according to provisions of the Statute. Information is collected from those who seek these exemptions for the purpose of evaluating whether the exempted conditions will be met.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .16 hours (10 minutes) per response.

Respondents: Individual producers.

Estimated Number of Respondents: 250,000.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 40,000.

Proposed topics for comment include: (a) Whether the collection information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of the 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. Comments should be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to Sharon Biastock, Agricultural Program Specialist, Production, Emergencies, and Compliance Division, USDA, FSA, STOP 0517, 1400 Independence Avenue, SW., Washington, DC 20250–0517, telephone (202) 720–6336.

Signed at Washington, DC, on April 4, 2003.

James R. Little,

Administrator, Farm Service Agency.

[FR Doc. 03–8867 Filed 4–10–03; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Forest Service

Siskiyou County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Siskiyou County Resource Advisory Committee will meet in Yreka, California, April 21, 2003. The meeting will include routine business and discussion, review, and recommendation of submitted project proposals.

DATES: The meeting will be held April 21, 2003 from 4 p.m. until 8 p.m.

ADDRESSES: The meeting will be held at the Yreka High School Library, Preece Way, Yreka, California.

FOR FURTHER INFORMATION CONTACT: Don Hall, RAC Coordinator, Klamath National Forest, (530) 841–4468 or electronically at *donaldhall@fs.fed.us.*

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Public comment opportunity will be provided and individuals will have the opportunity to address the Committee at that time.

Dated: April 4, 2003.

Margaret J. Boland,

Designated Federal Official.

[FR Doc. 03–8889 Filed 4–10–03; 8:45 am]

BILLING CODE 3410–11–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase from People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee is proposing to add to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

Comments must be received on or before: May 11, 2003.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly, (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C 47(a) (2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions. If the Committee approves the proposed additions, the entities of the Federal Government identified in the notice for each service will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. If approved, the action will result in authorizing small entities to furnish the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Services

Service Type/Location: Custodial Service
Federal Building #2, Food Court
Federal Building #2, Five Star Expresso Coffee Bar
Pentagon Building, Au Bon Pair
Pentagon Building, B.C Cafe
Pentagon Building, Common area restrooms
Pentagon Building, Corridor 1 Food Court
Pentagon Building, Corridor 10 Food Court
Pentagon Building, Corridor 9/10 Apex, Five Star Expresso Coffee Bar
Pentagon Building, Grease and Garbage Room
Pentagon Building, Loading dock, 1st Floor, Wedge 1
Pentagon Building, Pentagon Dining Room and Kitchen
Pentagon Building, Production Kitchen
Pentagon Building, Wedge 1 Food Court
Pentagon Building, Common area stairs and corridors, 1st Floor, 2nd Floor, 3rd Floor
Washington, DC
NPA: The Chimes, Inc., Baltimore, Maryland
Contract Activity: Navy Exchange Service Command, NEXCOM, Virginia Beach, Virginia

Service Type/Location: Grounds Maintenance USDA, Forest Service Office, Beaverhead-Deerlodge National Forest, Butte, Montana
NPA: BSW, Inc., Butte, Montana
Contract Activity: USDA-US Forest Service, Butte, Montana

Service Type/Location: Installation Support Services, Fort Hood, Texas
NPA: Training, Rehabilitation, & Development Institute, Inc., San Antonio, Texas
Contract Activity: III Corps and Fort Hood Contracting Command, Fort Hood, Texas

Service Type/Location: Janitorial/Custodial Armed Forces Reserve Center, Yakima, Washington
NPA: Yakima Specialties, Inc., Yakima, Washington
Contract Activity: Naval Facilities Engineering Command—Everett, Everett, Washington
Service Type/Location: Janitorial/Custodial U.S. Geological Survey, Klamath Field Office, Klamath Falls, Oregon
NPA: Klamath County Mental Health, Klamath Falls, Oregon
Contract Activity: U.S. Geological Survey, Sacramento, California
Service Type/Location: Operation of Masking/Taping Service Tobyhanna Army Depot, Tobyhanna, Pennsylvania
NPA: Burnley Workshop of the Poconos, Stroudsburg, Pennsylvania
Contract Activity: Tobyhanna Army Depot, Tobyhanna, Pennsylvania

G. John Heyer,
General Counsel.
[FR Doc. 03–8931 Filed 4–10–03; 8:45 am]
BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase from People Who Are Blind or Severely Disabled.

ACTION: Additions to procurement list.

SUMMARY: This action adds to the Procurement List products and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: May 11, 2003.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly, (703) 603–7740.

SUPPLEMENTARY INFORMATION: On August 23, November 1, December 6, December 20, December 27, 2002, January 24, January 31, and February 7, 2003 the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (67 FR 54629, 66607, 72640, 77962, 79045, 68 FR 3508, 4985, and 6403) of proposed additions to the procurement list.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and services and impact of the additions on the current or most recent contractors, the Committee has determined that the products and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. The action will result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products and services proposed for addition to the procurement list.

Accordingly, the following products and services are added to the procurement list:

Products

Product/NSN: MOLLE II Carrier Sleep System
8465–01–465–2124
8465–01–465–7508
NPA: Alabama Industries for the Blind, Talladega, Alabama
NPA: Raleigh Lions Clinic for the Blind, Inc., Raleigh, North Carolina
Contract Activity: Defense Supply Center Philadelphia, Philadelphia, Pennsylvania
Product/NSN: Windsock
8345–00–NSH–0001
NPA: Development Workshop, Inc., Idaho Falls, Idaho
Contract Activity: BLM National Interagency Fire Center, Boise, Idaho

Services

Service Type/Location: Facilities Maintenance, Mississippi Air National Guard, ANG CRTC/LGC, Gulfport, Mississippi
NPA: Mississippi Goodworks, Inc., Gulfport, Mississippi
Contract Activity: Mississippi ANG, Combat Readiness Training Center, Gulfport, Mississippi
Service Type/Location: Housekeeping Services, Veterans Affairs Medical Center, Clarksburg, West Virginia
NPA: Job Squad, Inc., Clarksburg, West Virginia
Contract Activity: Department of Veterans Affairs, Coatesville, Pennsylvania
Service Type/Location: Janitorial/Custodial, DuPage Air Traffic Control Tower, West Chicago, Illinois
NPA: Jewish Vocational Service and Employment Center, Chicago, Illinois
Contract Activity: Federal Aviation Administration, Des Plaines, Illinois
Service Type/Location: Janitorial/Custodial, U.S. Army Reserve Center, Marion, Illinois
NPA: Franklin-Williamson Human Services, Inc., West Frankfort, Illinois
Contract Activity: Headquarters, 88th Regional Support Command, Fort Snelling, Minnesota
Service Type/Location: Janitorial/Custodial, U.S. Geological Survey, Great Lakes Science Center, Ann Arbor, Michigan
NPA: Work Skills Corporation, Brighton, Michigan
Contract Activity: U.S. Geological Survey, Reston Virginia
Service Type/Location: Printer Toner Cartridge & Ribbons Management, Veterans Affairs Medical Center, Danville, Illinois
NPA: Thresholds Rehabilitation Inc., Chicago, Illinois
Contract Activity: Veterans Affairs Medical Center, Danville, Illinois

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

G. John Heyer,
General Counsel.
[FR Doc. 03–8932 Filed 4–10–03; 8:45 am]
BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List: Addition and Deletions; Correction

In the document appearing on page 12339, FR Doc 03–6168, in the issue of March 14, 2003, in the third column the Committee published a deletion to the Procurement List for Janitorial/Custodial, U.S. Courthouse and Customhouse, Toledo, Ohio. This deletion is cancelled. The building was identified as no longer being a Federal building. We have since been advised that information was incorrect. The building will remain on the Procurement List with continuing service provided by a Nonprofit Agency.

G. John Heyer,
General Counsel.
[FR Doc. 03–8933 Filed 4–10–03; 8:45 am]
BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

BIS Program Evaluation

ACTION: Proposed collection; comment request.

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 June 10, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, DOC Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Marna Dove, BIS ICB Liaison, (202) 482–5211, Department of Commerce, Room 6622, 14th & Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

I. Abstract

This form is used by BIS seminar instructors at seminar programs throughout the year. Seminar participants are asked to fill out the evaluation form during the program and turn it in at the end of the program. The responses to these questions provide useful and practical information that BIS can use to determine that it is providing a quality program and gives BIS information useful to making recommended improvements. It also shows attendees that BIS cares about their training experience and values their viewpoint. The gathering of performance measures is also essential in meeting the agency's responsibilities specified in the Government Performance and Results Act (GPRA).

II. Method of Collection

Survey

III. Data

OMB Number: 0694–0125.

Form Number: None.

Type of Review: Regular submission for extension of a currently approved collection.

Affected Public: Individuals, businesses or other for-profit and not-for-profit institutions.

Estimated Number of Respondents: 3,900.

Estimated Time Per Response: 10 minutes per response.

Estimated Total Annual Burden Hours: 650.

Estimated Total Annual Cost: No capital expenditures are required.

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 will also become a matter of public record.

Dated: April 7, 2003.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03–8865 Filed 4–10–03; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-412–803]

Industrial Nitrocellulose from the United Kingdom: Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Rescission of Antidumping Duty Administrative Review.

EFFECTIVE DATE: April 11, 2003.

FOR FURTHER INFORMATION CONTACT: Michele Mire or Howard Smith, AD/CVD Enforcement, Office 4, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4711 and (202) 482–5193, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 2002, the Department of Commerce (the Department) published a notice of opportunity to request an administrative review of the antidumping duty order on industrial nitrocellulose from the United Kingdom covering the period July 1, 2001 through June 30, 2002 (67 FR 44172, 44173).

On August 19, 2002, pursuant to requests by petitioner, Green Tree Chemical Technologies, Inc. (Green Tree), and respondent, Imperial Chemical Industries PLC (ICI), the Department initiated an administrative review of the antidumping duty order on industrial nitrocellulose from the United Kingdom for the period July 1, 2001 through June 30, 2002 (67 FR 55000, August 27, 2002). On October 1, 2002, Green Tree withdrew its request for an administrative review. On March 20, 2003, ICI withdrew its request for an administrative review.

Rescission of Review

Section 351.213(d)(1) of the Department's regulations provides that a party that requests an administrative review may withdraw the request within 90 days after the date of publication of the notice of initiation of the requested administrative review. Section 351.213(d)(1) also provides that the Department may extend the 90-day time limit for parties to withdraw their requests that the Department conduct administrative reviews. On October 1, 2002, and March 20, 2003, Green Tree and ICI, respectively, submitted letters withdrawing their requests that the Department conduct an administrative review of the period July 1, 2001 through June 30, 2002. Although ICI withdrew its request for the review after the 90-day period had expired, the Department is rescinding the administrative review of the antidumping duty order on industrial nitrocellulose from the United Kingdom for the period July 1, 2001 through June 30, 2002, because both parties who requested administrative reviews have withdrawn their requests, and it is otherwise reasonable to rescind the review. This action is consistent with the Department's practice. *See e.g., Frozen Concentrated Orange Juice From Brazil; Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 67 FR 40913 (June 14, 2002) where, pursuant to a request filed after the 90-day deadline, the Department rescinded the review with respect to one respondent because the review of that respondent had not progressed beyond a point where it would have been unreasonable to grant the request for rescission.

This notice is in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: March 28, 2003.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 03–8938 Filed 4–10–03; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 031703A]

Small Takes of Marine Mammals Incidental to Specified Activities; Marine Seismic Testing in the Northern Gulf of Mexico

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

ACTION: Notice of receipt of application and proposed authorization for a small take exemption; request for comments.

SUMMARY: NMFS has received an application from the Lamont-Doherty Earth Observatory (LDEO) for an Incidental Harassment Authorization (IHA) to take small numbers of marine mammals, by harassment, incidental to conducting calibration measurements of its seismic array in the northern Gulf of Mexico (GOM). Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue a small take authorization to LDEO to incidentally take, by harassment, small numbers of several species of cetaceans for a short period of time within the next 12 months.

DATES: Comments and information must be received no later than My 12, 2003.

ADDRESSES: Comments on the application should be addressed to the Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225, or by telephoning the contact listed here. A copy of the application, and/or the Environmental Assessment (EA), which contain the list of references used in this document, may be obtained by writing to this address or by telephoning the contact listed here. Comments cannot be accepted if submitted via e-mail or the Internet.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, Office of Protected Resources, NMFS, (301) 713–2055, ext 128.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA ((16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Permission may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses and that the permissible methods of taking and requirements pertaining to the monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''...an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Subsection 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Under section 18(A), the MMPA defines ''harassment'' as:

> any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns,including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.
>
> (B) The term ''Level A harassment'' means harassment described in subparagraph (A)(i).
>
> (C) The term ''Level B harassment'' means harassment described in subparagraph (A)(ii).

Subsection 101(a)(5)(D) establishes a 45–day time limit for NMFS review of an application followed by a 30–day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

Summary of Request

On February 24, 2003, NMFS received an application from LDEO for the taking, by harassment, of several species of marine mammals incidental to conducting calibration measurements of its seismic array in the northern GOM. The LDEO plans to measure sound levels from each of the airgun arrays that will be used during their seismic survey programs during future studies. These measurements will be made in shallow, shelf slope, and deep waters in the GOM during late May and/or June 2003, but may be rescheduled. The purpose of these measurements is to verify estimates of sound fields around the airgun arrays that have been made using LDEO acoustical models. Verification of the output from these models is needed to confirm the distances from the airguns (safety radii) within which mitigation may be necessary to avoid exposing marine mammals to airgun sounds at received levels exceeding established limits, e.g. the 180 and 190 dB re 1 μPa (rms) limits set for cetaceans and pinnipeds, respectively. The measurements will also verify the distances at which the sounds diminish below other lower levels that may be assumed to characterize the zone where disturbance is possible or likely.

The data to be collected during this project can be used to develop a better understanding of the impact of man-made acoustic sources on marine mammals. There is a paucity of calibrated data on levels of man-made sounds in relation to the differing responses of marine mammals to these sources. The planned project will obtain the first calibrated measurements of the *R/V Maurice Ewing's* (Ewing) acoustic sources across a broad range of frequencies from 1 Hz to 25 kHz, and for various configurations of the Ewing's airgun array. Calibration experiments will be conducted in the shallow, shelf slope, and deep water of the GOM to quantify the differences in sound attenuation in relation to water depth. Once calibration measurements have been made, they will be used to model the full propagation field of the Ewing in varying geographical settings. This modeling will provide data needed to help minimize any potential risk to marine mammals during future seismic surveys.

Description of Activity

The proposed seismic sound measurements will involve one vessel, the *Ewing*. It will deploy and retrieve a spar buoy that will record received airgun sounds, and it will tow the airgun arrays whose sounds will be measured at various distances from the buoy. The *Ewing* will deploy two different airgun arrays in each of the three water depths where measurement will be made. One array will be a 20–

gun array and the other will be a 20–gun array (with varying numbers of those 20 guns active at any one time). While towing each of the arrays and firing the guns at 20–sec intervals, the *Ewing* will approach the spar buoy from 10 km (5.4 nm) away, pass the spar buoy about 100 m (54 nm) to the side of it, and continue until it is 10 km (5.4 nm) past the spar buoy. Sounds will be recorded at the spar buoy and telemetered to the *Ewing*. The Ewing will be self-contained, and the crew of the vessel will live aboard

During the GOM cruise, water depths in the study area will range from <100 to >2000 m (<330 >6500 ft). Airgun operations will be conducted along a total of about 132 km (71.3 nm) of trackline. This includes 66 km (35.6 nm) of trackline for each of the 2–Generator-Injector (GI) guns and the 20–gun array. About one third of the survey effort will be in water <100 m (328.1 ft), one third will be in water 100–2,000 m (328.1–6,561.7 ft), and one third will be in water >2,000 m (>6,561.7 ft). These linear figures represent the planned surveys. There may be additional operations associated with equipment testing and repeat coverage of any calibration run where initial data quality is sub-standard. To allow for these possible additional operations, the estimates of marine mammals that may be taken includes an allowance for an additional 44 km (23.7 nm) of airgun operations or 110 km (59.4 nm) for each of the 2–GI and 20–gun configurations (220 km (118.8 nm) of total trackline).

About one-half of the airgun operations in each water depth category will be conducted with the 2–gun array and the other half will be with varying proportions of the 20–airgun array. During operations with the larger array, the number of airguns active will vary from 6 to 20. The five configurations to be tested (2, 6, 10, 12 and 20 airguns) will include all of the airgun configurations that are anticipated to be used during LDEO's subsequent 2003 cruises.

The procedures to be used during the airgun calibration surveys will be similar to those used during previous seismic surveys by LDEO, e.g., in the equatorial Pacific Ocean (Carbotte *et al.*, 1998, 2000). The proposed program will use conventional seismic methodology with a towed airgun array as the energy source and a LDEO spar buoy as the receiver system. At one of the locations, a moored US Navy/University of New Orleans EARS (Environmental Acoustic Recording System) buoy will also record received sound levels as an independent calibration of the data that are received by the LDEO spar buoy.

The energy for the airgun array is compressed air supplied by compressors on board the source vessel. The specific configuration of the airgun array will be varied to represent all of the different arrays that will be used during 2003 and the most common arrays that will be used in future years. In addition, a multi-beam bathymetric sonar will be operated from the source vessel for part of the calibration survey. A lower-energy sub-bottom profiler will also be operated for part of this cruise. Detailed specifications on the acoustic instrumentation planned for this calibration study can be found in LDEO's application.

Description of Habitat and Marine Mammals Affected by the Activity

A total of 28 cetacean species and one species of sirenian (West Indian manatee) are known to occur in the GOM. These species are the sperm whale (*Physeter macrocephalus*), pygmy sperm whale (*Kogia breviceps*), dwarf sperm whale (*Kogia sima*), Cuvier's beaked whale (*Ziphius cavirostris*), Sowerby's beaked whale (*Mesoplodon bidens*), Gervais' beaked whale (*Mesoplodon europaeus*), Blainville's beaked whale (*Mesoplodon densirostris*), rough-toothed dolphin (*Steno bredanensis*), bottlenose dolphin (*Tursiops truncatus*), pantropical spotted dolphin (*Stenella attenuata*), Atlantic spotted dolphin (*Stenella frontalis*), spinner dolphin (*Stenella longirostris*), Clymene dolphin (*Stenella clymene*), striped dolphin (*Stenella coeruleoalba*), Fraser's dolphin (*Lagenodelphis hosei*), Risso's dolphin (*Grampus griseus*), melon-headed whale (*Peponocephala electra*), pygmy killer whale (*Feresa attenuata*), false killer whale (*Pseudorca crassidens*), killer whale (*Orcinus orca*), short-finned pilot whale (*Globicephala macrorhynchus*), North Atlantic right whale (*Eubalaena glacialis*), humpback whale (*Megaptera novaeangliae*), minke whale (*Balaenoptera acutorostrata*), Bryde's whale (*Balaenoptera edeni*), sei whale (*Balaenoptera borealis*), fin whale (*Balaenoptera physalus*), and the blue whale (*Balaenoptera musculus*). Another 3 species (long-beaked common dolphin (*Delphinus capensis*), short-beaked common dolphin (*Delphinus delphis*), and long-finned pilot whale (*Globicephala melas*)) could potentially occur in the GOM.

In the northern GOM, cetaceans are concentrated along the continental slope near cyclonic eddy and confluence areas of cyclonic-anticyclonic eddy pairs, due to nutrient-rich water which is thought to increase zooplankton stocks and thus prey abundance in those areas (Davis *et al.*, 2002). The narrow continental shelf south of the Mississippi River delta appears to be an important habitat for some cetacean species (Baumgartner *et al.*, 2001; Davis *et al.*, 2002). Low salinity, nutrient-rich waters may occur over the continental slope near the mouth of the Mississippi River or be entrained within the confluence areas and transported beyond the continental slope, creating a deep-water environment with increased productivity (Davis *et al.*, 2002). The rate of primary productivity and the standing stocks of chlorophyll and plankton are higher in this area as compared with other regions in the oceanic Gulf (Dagg *et al.*, 1988; Ortner *et al.*, 1989; Muller-Karger *et al.*, 1991). This increased productivity may explain the presence of a breeding population of endangered sperm whales within 100 km (54 nm) of the Mississippi River delta (Davis *et al.*, 2002). The southwestern Florida continental shelf may be another region of high productivity, and an important habitat for several cetacean species (Baumgartner *et al.*, 2001).

Several species of cetaceans are also widespread outside the previously described areas, on the continental shelf and/or along the shelf break. These include bottlenose dolphins, Atlantic spotted dolphins, and Bryde's whales (Davis *et al.*, 2002). Thus, cetaceans in the GOM seem to be partitioned by their habitat preferences, which are likely based on prey distribution (Baumgartner *et al.*, 2001).

Detailed descriptions of the marine mammal species are provided in the LDEO application and EA (both documents are available upon request (see **ADDRESSES**)). Please refer to those documents for additional information. Additional information on these species can also be found in Waring *et al.* (2001, 2002). These latter reports are available at the following location: *http://www.nmfs.noaa.gov/prot_res/PR2/Stock_Assessment_Program/sars.html*

Potential Effects on Marine Mammals

As outlined in several previous NMFS documents, the effects of noise on marine mammals are highly variable and can be categorized as follows (based on Richardson *et al.*, 1995):

(1) The noise may be too weak to be heard at the location of the animal (i.e., lower than the prevailing ambient noise level, the hearing threshold of the animal at relevant frequencies, or both);

(2) The noise may be audible but not strong enough to elicit any overt behavioral response;

(3) The noise may elicit reactions of variable conspicuousness and variable

relevance to the well being of the marine mammal; these can range from temporary alert responses to active avoidance reactions such as vacating an area at least until the noise event ceases;

(4) Upon repeated exposure, a marine mammal may exhibit diminishing responsiveness (habituation), or disturbance effects may persist; the latter is most likely with sounds that are highly variable in characteristics, infrequent and unpredictable in occurrence (as are vehicle launches), and associated with situations that a marine mammal perceives as a threat;

(5) Any anthropogenic noise that is strong enough to be heard has the potential to reduce (mask) the ability of a marine mammal to hear natural sounds at similar frequencies, including calls from conspecifics, and underwater environmental sounds such as surf noise;

(6) If mammals remain in an area because it is important for feeding, breeding or some other biologically important purpose even though there is chronic exposure to noise, it is possible that there could be noise-induced physiological stress; this might (in turn) have negative effects on the well-being or reproduction of the animals involved; and

(7) Very strong sounds have the potential to cause temporary or permanent reduction in hearing sensitivity. In terrestrial mammals, and presumably marine mammals, received sound levels must far exceed the animal's hearing threshold for there to be any temporary threshold shift (TTS). For transient sounds, the sound level necessary to cause TTS is inversely related to the duration of the sound. Received sound levels must be even higher for there to be risk of permanent hearing impairment. In addition, intense acoustic or explosive events may cause trauma to tissues associated with organs vital for hearing, sound production, respiration and other functions. This trauma may include minor to severe hemorrhage.

Characteristics of Airgun Pulses

Airguns were first developed by the offshore seismic industry as a replacement to the use of explosives to obtain necessary acoustic signals (Richardson *et al.*, 1995). Airguns function by venting high-pressure air into the water. The pressure signature of an individual airgun consists of a sharp rise and then fall in pressure, followed by several positive and negative pressure excursions caused by oscillation of the resulting air bubble. The sizes, arrangement and firing times of the individual airguns in an array are designed and synchronized to suppress the pressure oscillations subsequent to the first cycle. The resulting downward-directed pulse has a duration of only 10 to 20 ms, with only one strong positive and one strong negative peak pressure (Caldwell and Dragoset, 2000). Most energy emitted from airguns is at relatively low frequencies. For example, typical high-energy airgun arrays emit most energy at 10–120 Hz. However, the pulses contain some energy up to 500–1000 Hz and above (Goold and Fish, 1998). The pulsed sounds associated with seismic exploration have higher peak levels than other industrial sounds to which whales and other marine mammals are routinely exposed.

The peak-to-peak (P-P) source levels of the 2–20–gun arrays to be studied in the planned project range from 236 to 262 dB re 1 μPascal at 1 m. These are the nominal source levels applicable to downward propagation. The effective source level for horizontal propagation is lower than the nominal source level, at least for the 6- to 20–gun arrays.

Several factors may reduce the effects of sounds on marine mammals. First, airgun arrays produce intermittent sounds, involving emission of a strong sound pulse for a small fraction of a second followed by several seconds of near silence. In contrast, some other acoustic sources produce sounds with lower peak levels, but their sounds are continuous or discontinuous but continuing for much longer durations than seismic pulses. Second, airgun arrays are designed to transmit strong sounds downward through the seafloor, and the amount of sound transmitted in near-horizontal directions is considerably reduced. Nonetheless, they also emit sounds that travel horizontally toward non-target areas. Finally an airgun array is a distributed source, not a point source. The nominal source level is an estimate of the sound that would be measured from a theoretical point source emitting the same total energy as the airgun array. That figure is useful in calculating the expected received levels in the far field (i.e., at moderate and long distances). Because the airgun array is not a single point source, there is no one location within the near field (or anywhere else) where the received level is as high as the nominal source level.

The strengths of airgun pulses can be measured in different ways, and it is important to know which method is being used when interpreting quoted source or received levels. Geophysicists usually quote P-P levels, in bar-meters or dB re 1 μPa-m. The peak (= zero-to-peak) level for the same pulse is typically about 6 dB less. In the biological literature, levels of received airgun pulses are often described based on the ''average'' or ''root-mean-square'' (rms) level over the duration of the pulse. The rms value for a given pulse is typically about 10 dB lower than the peak level, and 16 dB lower than the P-P value (Greene, 1997; McCauley *et al.*, 1998, 2000a). A fourth measure that is sometimes used is the energy level, in dB re 1 μPa^2. Because the pulses are <1 sec in duration, the numerical value of the energy is lower than the rms pressure level (but the units are different). Because the level of a given pulse will differ substantially depending on which of these measures is being applied, it is important to be aware which measure is in use when interpreting any quoted pulse level. In the past, NMFS has commonly referenced the rms levels when discussing levels of pulsed sounds that might ''harass'' marine mammals.

Seismic sound received at any given point will arrive via a direct path, indirect paths that include reflection from the sea surface and bottom, and often indirect paths including segments through the bottom sediments. Sounds propagating via indirect paths travel longer distances and often arrive later than sounds arriving via a direct path. (However, sound travel in the bottom may travel faster than that in the water and, thus, may arrive earlier than the direct arrival despite traveling a greater distance.) These variations in travel time have the effect of lengthening the duration of the received pulse. At the source, seismic pulses are about 10 to 20 ms in duration. In comparison, the pulse duration as received at long horizontal distances can be much greater. For example, for one airgun array operating in the Beaufort Sea, pulse duration was about 300 ms at a distance of 8 km (4.3 nm), 500 ms at 20 km (10.8 nm), and 850 ms at 73 km (39.4 nm) (Greene and Richardson, 1988).

Another important aspect of sound propagation is that received levels of low-frequency underwater sounds diminish close to the surface because of pressure-release and interference phenomena that occur at and near the surface (Urick, 1983; Richardson *et al.*, 1995). Paired measurements of received airgun sounds at depths of 3 m (9.8 ft) vs. 9 or 18 m (29.5 or 59 ft) have shown that received levels are typically several decibels lower at 3 m (9.8. ft)(Greene and Richardson, 1988). For a marine mammal whose auditory organs are within 0.5 or 1 m (1.6 or 3.3 ft) of the surface, the received level of the predominant low-frequency

components of the airgun pulses would be further reduced.

Pulses of underwater sound from open-water seismic exploration are often detected 50 to 100 km (30 to 54 nm) from the source location, even during operations in nearshore waters (Greene and Richardson, 1988; Burgess and Greene, 1999). At those distances, the received levels on an approximate rms basis are low (below 120 dB re 1 mPa). However, faint seismic pulses are sometimes detectable at even greater ranges (e.g., Bowles *et al.*, 1994; Fox *et al.*, 2002). Considerably higher levels can occur at distances out to several kilometers from an operating airgun array.

The distances at which seismic pulses from the Ewing's airguns are expected to diminish to various received levels of 190, 180, 170 dB and 160 dB re 1 mPa, on an rms basis) are as follows:

Airgun Array	*RMS Radii (m/ft)*			
	190 dB	180 dB	170 dB	160 dB
2 GI airguns*	15/49	50/164	155/508	520/1706
6 airguns**	50/164	220/722	700/2296	2700/8858
10 airguns**	250/820	830/2723	2330/7644	6500/21325
12 airguns**	300/984	880/2887	2680/8793	7250/23786
20 airguns**	400/1312	950/3117	3420/11220	9000/29527

* Airgun depth 6 m (20 ft)
**airgun depth 7.5 m (24.6 ft)

The primary objective of LDEO's planned study is to verify or improve these estimated distances. Additional details concerning the expected levels at various distances and angles relative to each of these airgun arrays can be found in the LDEO application.

Effects of Seismic Surveys on Marine Mammals

The LDEO application provides the following information on what is known about the effects on marine mammals of the types of seismic operations planned by LDEO. The types of effects considered here are (1) masking, (2) disturbance, and (3) potential hearing impairment and other physical effects. Additional discussion on species specific effects can be found in the LDEO application.

Masking

Masking effects on marine mammal calls and other natural sounds are expected to be limited. Seismic sounds are short pulses occurring for less than 1 sec every 20 or 60–90 sec in this project. Sounds from the multi-beam sonar are very short pulses, occurring for 1–10 msec once every 1 to 15 sec, depending on water depth. (During operations in deep water, the duration of each pulse from the multi-beam sonar as received at any one location would actually be only 1/5th or at most 2/5th of 1–10 msec, given the segmented nature of the pulses.) Some whales are known to continue calling in the presence of seismic pulses. Their calls can be heard between the seismic pulses (e.g., Richardson *et al.*, 1986; McDonald *et al.*, 1995; Greene *et al.*, 1999). Although there has been one report that sperm whales cease calling when exposed to pulses from a very distant seismic ship (Bowles *et al.*, 1994), a recent study reports that sperm whales continued calling in the presence of seismic pulses (Madsen *et al.*, 2002). Masking effects of seismic pulses are expected to be negligible in the case of the smaller odontocete cetaceans, given the intermittent nature of seismic pulses plus the fact that sounds important to them are predominantly at much higher frequencies than are airgun sounds.

Most of the energy in the sound pulses emitted by airgun arrays is at low frequencies, with strongest spectrum levels below 200 Hz and considerably lower spectrum levels above 1000 Hz. These frequencies are mainly used by mysticetes, but not by odontocetes or pinnipeds. An industrial sound source will reduce the effective communication or echolocation distance only if its frequency is close to that of the cetacean signal. If little or no overlap occurs between the industrial noise and the frequencies used, as in the case of many marine mammals vs. airgun sounds, communication and echolocation are not expected to be disrupted. Furthermore, the discontinuous nature of seismic pulses makes significant masking effects unlikely, even for mysticetes.

A few cetaceans are known to increase the source levels of their calls in the presence of elevated sound levels, or possibly to shift their peak frequencies in response to strong sound signals (Dahlheim, 1987; Au, 1993; Lesage *et al.*, 1999; Terhune, 1999; reviewed in Richardson *et al.*, 1995). These studies involved exposure to other types of anthropogenic sounds, not seismic pulses, and it is not known whether these types of responses ever occur upon exposure to seismic sounds. If so, these adaptations, along with directional hearing and preadaptation to tolerate some masking by natural sounds (Richardson *et al.*, 1995), would all reduce the importance of masking.

Disturbance by Seismic Surveys

Disturbance includes a variety of effects, including subtle changes in behavior, more conspicuous dramatic changes in activities, and displacement. Disturbance is the primary concern for this project. However, there are difficulties in defining which marine mammals should be counted as ''taken by harassment''. For many species and situations, scientists do not have detailed information about their reactions to noise, including reactions to seismic (and sonar) pulses. Behavioral reactions of marine mammals to sound are difficult to predict. Reactions to sound, if any, depend on species, state of maturity, experience, current activity, reproductive state, time of day, and many other factors. If a marine mammal does react to an underwater sound by changing its behavior or moving a small distance, the impacts of the change may not be significant to the individual let alone the stock or the species as a whole. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on the animals could be significant. Given the many uncertainties in predicting the quantity and types of impacts of noise on marine mammals, scientists often resort to estimating how many mammals were present within a particular distance of industrial activities, or exposed to a particular level of industrial sound. This likely overestimates the numbers of marine mammals that are affected in some biologically important manner.

The sound criteria used to estimate how many marine mammals might be disturbed to some biologically important degree by a seismic program are based on behavioral observations during studies of several species

(humpback, gray and bowhead whales; ringed seals). However, information is lacking for many other species. These potential impacts are discussed further in the LDEO application.

Hearing Impairment and Other Physical Effects

Temporary or permanent hearing impairment is a possibility when marine mammals are exposed to very strong sounds. The minimum sound level necessary to cause permanent hearing impairment is higher, by a variable and generally unknown amount, than the level that induces barely detectable temporary threshold shift (TTS). The level associated with the onset of TTS is considered to be a level below which there is no danger of damage and current NMFS policy regarding exposure of marine mammals to high-level sounds is that cetaceans and pinnipeds should not be exposed to impulsive sounds exceeding 180 and 190 dB re 1 micro Pa (rms), respectively.

Several aspects of the planned monitoring and mitigation measures for this project are designed to detect marine mammals occurring near the airgun array (and multi-beam sonar) and to avoid exposing them to sound pulses that might cause hearing impairment. In addition, many cetaceans are likely to show some avoidance of the area with ongoing seismic operations. In these cases, the avoidance responses of the animals themselves will reduce or avoid the possibility of hearing impairment.

Non-auditory physical effects may also occur in marine mammals exposed to strong underwater pulsed sound. Possible types of non-auditory physiological effects or injuries that might (in theory) occur include stress, neurological effects, bubble formation, resonance effects, and other types of organ or tissue damage. It is possible that some marine mammal species (i.e., beaked whales) may be especially susceptible to injury and/or stranding when exposed to strong pulsed sounds.

TTS

TTS is the mildest form of hearing impairment that can occur during exposure to a strong sound (Kryter, 1985). When an animal experiences TTS, its hearing threshold rises and a sound must be stronger in order to be heard. TTS can last from minutes or hours to (in cases of strong TTS) days. The magnitude of TTS depends on the level and duration of noise exposure, among other considerations (Richardson *et al.*, 1995). For sound exposures at or somewhat above the TTS threshold, hearing sensitivity recovers rapidly after exposure to the noise ends. Only a few data on sound levels and durations necessary to elicit mild TTS have been obtained for marine mammals.

The predicted 180– and 190–dB distances for the airgun arrays operated by LDEO during this activity were summarized previously in this document. These sound levels are not considered to be the levels at or above which TTS would occur. Rather, they are the received levels above which, in the view of a panel of bioacoustics specialists convened by NMFS, one cannot be certain that there will be no injurious effects, auditory or otherwise, to marine mammals. It has been shown that most whales tend to avoid ships and associated seismic operations. Thus, whales will likely not be exposed to such high levels of airgun sounds. Any whales close to the trackline could move away before the sounds become sufficiently strong for there to be any potential for hearing impairment. Therefore, there is little potential for whales being close enough to an array to experience TTS. In addition, ramping up airgun arrays, which has become standard operational protocol for many seismic operators, including LDEO, should allow cetaceans to move away from the seismic source and to avoid being exposed to the full acoustic output of the airgun array.

Permanent Threshold Shift (PTS)

When PTS occurs, there is physical damage to the sound receptors in the ear. In some cases, there can be total or partial deafness, and in other cases, the animal has an impaired ability to hear sounds in specific frequency ranges. Physical damage to a mammal's hearing apparatus can occur if it is exposed to sound impulses that have very high peak pressures, especially if they have very short rise times (time required for sound pulse to reach peak pressure from the baseline pressure). Such damage can result in a permanent decrease in functional sensitivity of the hearing system at some or all frequencies.

Single or occasional occurrences of mild TTS do not cause permanent auditory damage in terrestrial mammals, and presumably do not do so in marine mammals. However, very prolonged exposure to sound strong enough to elicit TTS, or shorter-term exposure to sound levels well above the TTS threshold, can cause PTS, at least in terrestrial mammals (Kryter, 1985). In terrestrial mammals, the received sound level from a single sound exposure must be far above the TTS threshold for any risk of permanent hearing damage (Kryter, 1994; Richardson *et al.*, 1995). Relationships between TTS and PTS thresholds have not been studied in marine mammals but are assumed to be similar to those in humans and other terrestrial mammals.

Some factors that contribute to onset of PTS are as follows:

(1) exposure to single very intense noises, (2) repetitive exposure to intense sounds that individually cause TTS but not PTS, and (3) recurrent ear infections or (in captive animals) exposure to certain drugs.

Cavanagh (2000) has reviewed the thresholds used to define TTS and PTS. Based on his review and SACLANT (1998), it is reasonable to assume that PTS might occur at a received sound level 20 dB or more above that which induces mild TTS. However, for PTS to occur at a received level only 20 dB above the TTS threshold, it is probable that the animal would have to be exposed to the strong sound for an extended period.

Sound impulse duration, peak amplitude, rise time, and number of pulses are the main factors thought to determine the onset and extent of PTS. Based on existing data, Ketten (1994) has noted that the criteria for differentiating the sound pressure levels that result in PTS (or TTS) are location and species-specific. PTS effects may also be influenced strongly by the health of the receiver's ear.

Given that marine mammals are unlikely to be exposed to received levels of seismic pulses that could cause TTS, it is highly unlikely that they would sustain permanent hearing impairment. If we assume that the TTS threshold for exposure to a series of seismic pulses may be on the order of 220 dB re 1 μPa (P-P) in odontocetes, then the PTS threshold might be about 240 dB re 1 μPa (P-P). In the units used by geophysicists, this is 10 bar-m. Such levels are found only in the immediate vicinity of the largest airguns (Richardson *et al.*, 1995; Caldwell and Dragoset, 2000). It is very unlikely that an odontocete would remain within a few meters of a large airgun for sufficiently long to incur PTS. The TTS (and thus PTS) thresholds of baleen whales and pinnipeds may be lower, and thus may extend to a somewhat greater distance. However, baleen whales generally avoid the immediate area around operating seismic vessels, so it is unlikely that a baleen whale could incur PTS from exposure to airgun pulses and pinnipeds are not found in the GOM. Therefore, although it is unlikely that the planned seismic surveys could cause PTS in any marine mammals, caution is warranted given the limited knowledge about noise-induced hearing damage in marine mammals, particularly baleen whales.

Strandings and Mortality

Marine mammals close to underwater detonations of high explosives can be killed or severely injured, and the auditory organs are especially susceptible to injury (Ketten *et al.*, 1993; Ketten, 1995). Airgun pulses are less energetic and have slower rise times, and there is no evidence that they can cause serious injury, death, or stranding. However, the association of mass strandings of beaked whales with naval exercises and, in a recent case, an LDEO seismic survey has raised the possibility that beaked whales may be especially susceptible to injury and/or stranding when exposed to strong pulsed sounds.

In March 2000, several beaked whales that had been exposed to repeated pulses from high intensity, mid-frequency military sonars stranded and died in the Providence Channel of the Bahamas Islands, and were subsequently found to have incurred cranial and ear damage (NOAA and USN, 2001). Based on post-mortem analyses, it was concluded that an acoustic event caused hemorrhages in and near the auditory region of some beaked whales. These hemorrhages occurred before death. They would not necessarily have caused death or permanent hearing damage, but could have compromised hearing and navigational ability (NOAA and USN, 2001). The researchers concluded that acoustic exposure caused this damage and triggered stranding, which resulted in overheating, cardiovascular collapse, and physiological shock that ultimately led to the death of the stranded beaked whales. During the event, five naval vessels used their AN/SQS–53C or –56 hull-mounted active sonars for a period of 16 hours. The sonars produced narrow (<100 Hz) bandwidth signals at center frequencies of 2.6 and 3.3 kHz (–53C), and 6.8 to 8.2 kHz (–56). The respective source levels were usually 235 and 223 dB re 1 μ Pa, but the –53C briefly operated at an unstated but substantially higher source level. The unusual bathymetry and constricted channel where the strandings occurred were conducive to channeling sound. This, and the extended operations by multiple sonars, apparently prevented escape of the animals to the open sea. In addition to the strandings, there are reports that beaked whales were no longer present in the Providence Channel region after the event, suggesting that other beaked whales either abandoned the area or (perhaps) died at sea (Balcomb and Claridge, 2001).

Other strandings of beaked whales associated with operation of military sonars have also been reported (e.g., Simmonds and Lopez-Jurado, 1991; Frantzis, 1998). In these cases, it was not determined whether there were noise-induced injuries to the ears or other organs. Another stranding of beaked whales (15 whales) happened on 24–25 September 2002 in the Canary Islands, where naval maneuvers were taking place.

It is important to note that seismic pulses and mid-frequency sonar pulses are quite different. Sounds produced by the types of airgun arrays used to profile sub-sea geological structures are broadband with most of the energy below 1 kHz. Typical military mid-frequency sonars operate at frequencies of 2 to 10 kHz, generally with a relatively narrow bandwidth at any one time (though the center frequency may change over time). Because seismic and sonar sounds have considerably different characteristics and duty cycles, it is not appropriate to assume that there is a direct connection between the effects of military sonar and seismic surveys on marine mammals. However, evidence that sonar pulses can, in special circumstances, lead to hearing damage and, indirectly, mortality suggests that caution is warranted when dealing with exposure of marine mammals to any high-intensity pulsed sound.

In addition to the sonar-related strandings, there was a recent (September, 2002) stranding of two Cuvier's beaked whales in the Gulf of California (Mexico) when a seismic survey by the National Science Foundation (NSF)/LDEO vessel Ewing was underway in the general area (Malakoff, 2002). The airgun array in use during that project was the *Ewing*'s 20–gun 8490–in^3 array. This might be a first indication that seismic surveys can have effects, at least on beaked whales, similar to the suspected effects of naval sonars. However, the evidence linking the Gulf of California strandings to the seismic surveys is inconclusive, and to this date is not based on any physical evidence (Hogarth, 2002; Yoder, 2002). The ship was also operating its multi-beam bathymetric sonar at the same time but, as discussed later in this document, this sonar had much less potential than these naval sonars to affect beaked whales. Although the link between the Gulf of California strandings and the seismic (plus multi-beam sonar) survey is inconclusive, this plus the various incidents involving beaked whale strandings associated with naval exercises suggests a need for caution in conducting seismic surveys in areas occupied by beaked whales.

Non-auditory Physiological Effects

As mentioned previously, possible types of non-auditory physiological effects or injuries that might occur in marine mammals exposed to strong underwater sound might, in theory, include stress, neurological effects, bubble formation, resonance effects, and other types of organ or tissue damage. There is no proof that any of these effects occur in marine mammals exposed to sound from airgun arrays. However, there have been no direct studies of the potential for airgun pulses to elicit any of these effects. If any such effects do occur, they would probably be limited to unusual situations when animals might be exposed at close range for unusually long periods.

Long-term exposure to anthropogenic noise may have the potential to cause physiological stress that could affect the health of individual animals or their reproductive potential, which could theoretically cause effects at the population level (Gisner (ed.), 1999). However, there is essentially no information about the occurrence of noise-induced stress in marine mammals. Also, it is doubtful that any single marine mammal would be exposed to strong seismic sounds for sufficiently long that significant physiological stress would develop. This is particularly so in the case of broad-scale seismic surveys of the type planned by LDEO, where the tracklines are generally not as closely spaced as in many 3–dimensional industry surveys, or the brief acoustic measurement program planned for the northern GOM.

Gas-filled structures in marine animals have an inherent fundamental resonance frequency. If stimulated at this frequency, the ensuing resonance could cause damage to the animal. Diving marine mammals are not subject to the bends or air embolism because, unlike a human SCUBA diver, they only breath air at sea level pressure and have protective adaptations against getting the bends. There may be a possibility that high sound levels could cause bubble formation in the blood of diving mammals that in turn could cause an air embolism, tissue separation, and high, localized pressure in nervous tissue (Gisner (ed.), 1999; Houser *et al.*, 2001).

A recent workshop (Gentry (ed.), 2002) was held to discuss whether the stranding of beaked whales in the Bahamas in 2000 might have been related to air cavity resonance or bubble formation in tissues caused by exposure to noise from naval sonar. A panel of experts concluded that resonance in air-filled structures was not likely to have caused this stranding. Among other

reasons, the air spaces in marine mammals are too large to be susceptible to resonant frequencies emitted by mid- or low-frequency sonar; lung tissue damage has not been observed in any mass, multi-species stranding of beaked whales; and the duration of sonar pings is likely too short to induce vibrations that could damage tissues (Gentry (ed.), 2002). Opinions were less conclusive about the possible role of gas (nitrogen) bubble formation/growth in the Bahamas stranding of beaked whales. Workshop participants did not rule out the possibility that bubble formation/growth played a role in the stranding and participants acknowledged that more research is needed in this area. The only available information on acoustically mediated bubble growth in marine mammals is modeling that assumes prolonged exposure to sound.

In summary, little is known about the potential for seismic survey sounds to cause auditory impairment or other physical effects in marine mammals. Available data suggest that such effects, if they occur at all, would be limited to situations where the marine mammal is located at a short distance from the sound source. However, the available data do not allow for meaningful quantitative predictions of the numbers (if any) of marine mammals that might be affected in these ways. Marine mammals that show behavioral avoidance of seismic vessels, including most baleen whales, some odontocetes, and some pinnipeds, are unlikely to incur auditory impairment or other physical effects.

Possible Effects of Mid-Frequency Sonar Signals

A multi-beam bathymetric sonar (Atlas Hydrosweep DS–2, 15.5–kHz) will be operated from the source vessel at some time during the calibration study. Sounds from the multi-beam sonar are very short pulses, occurring for 1–10 msec once every 1 to 15 sec, depending on water depth. Most of the energy in the sound pulses emitted by this multi-beam sonar is at high frequencies, centered at 15.5 kHz. The beam is narrow (2.67°) in fore-aft extent, and wide (140°) in the cross-track extent. Each ping consists of five successive transmissions (segments) at different cross-track angles. Any given mammal at depth near the trackline would be in the main beam for only one or two of the five segments, i.e. for 1/5th or at most 2/5th of the 1–10 msec.

Navy sonars that have been linked to avoidance reactions and stranding of cetaceans (1) generally are more powerful than the Atlas Hydrosweep, (2) have a longer pulse duration, and (3) are directed close to horizontally (vs. downward for the Hydrosweep). The area of possible influence of the Hydrosweep is much smaller (a narrow band below the source vessel). Marine mammals that encounter the Hydrosweep at close range are unlikely to be subjected to repeated pulses because of the narrow fore-aft width of the beam, and will receive only limited amounts of pulse energy because of the short pulses.

Masking by Mid-Frequency Sonar Signals

There is little chance that marine mammal communications will be masked appreciably by the multi-beam sonar signals given the low duty cycle of the sonar and the brief period when an individual mammal is likely to be within its beam. Furthermore, in the case of baleen whales, the sonar signals do not overlap with the predominant frequencies in the calls, which would avoid significant masking.

Behavioral Responses Resulting from Mid-Frequency Sonar Signals

Marine mammal behavioral reactions to military and other sonars appear to vary by species and circumstance. Sperm whales reacted to military sonar, apparently from a submarine, by dispersing from social aggregations, moving away from the sound source, remaining relatively silent and becoming difficult to approach (Watkins *et al.*, 1985). Other early and generally limited observations were summarized in Richardson *et al.* (1995). More recently, Rendell and Gordon (1999) recorded vocal behavior of pilot whales during periods of active naval sonar transmission. The sonar signal was made up of several components each lasting 0.17 sec and sweeping up from 4 to 5 kHz. The pilot whales were significantly more vocal while the pulse trios were being emitted than during the intervening quiet periods, but did not leave the area even after several hours of exposure to the sonar.

Reactions of beaked whales near the Bahamas to mid-frequency naval sonars were summarized earlier. Following extended exposure to pulses from a variety of ships, some individuals beached themselves, and others may have abandoned the area (Balcomb and Claridge, 2001; NOAA and USN, 2001). Pulse durations from these sonars were much longer than those of the LDEO multi-beam sonar, and a given mammal would probably receive many pulses. All of these observations are of limited relevance to the present situation because exposures to multi-beam pulses are expected to be brief as the vessel passes by, and the individual pulses will be very short.

Captive bottlenose dolphins and a beluga whale exhibited changes in behavior when exposed to 1–sec pulsed sounds at frequencies similar to those that will be emitted by the multi-beam sonar used by LDEO (Ridgway *et al.*, 1997; Schlundt *et al.*, 2000), and to shorter broadband pulsed signals (Finneran *et al.*, 2000, 2002). Behavioral changes typically involved what appeared to be deliberate attempts to avoid the sound exposure or to avoid the location of the exposure site during subsequent tests (Schlundt *et al.*, 2000; Finneran *et al.*, 2002). Dolphins exposed to 1–sec intense tones exhibited short-term changes in behavior above received sound levels of 178 to 193 dB re 1 μPa rms and belugas did so at received levels of 180 to 196 dB and above. Received levels necessary to elicit such reactions to shorter pulses were higher (Finneran *et al.*, 2000, 2002). Test animals sometimes vocalized after exposure to pulsed, mid-frequency sound from a watergun (Finneran *et al.*, 2002). In some instances, animals exhibited aggressive behavior toward the test apparatus (Ridgway *et al.*, 1997; Schlundt *et al.*, 2000). The relevance of these data to free-ranging odontocetes is uncertain. In the wild, cetaceans sometimes avoid sound sources well before they are exposed to the levels listed above, and reactions in the wild may be more subtle than those described by Ridgway *et al.* (1997) and Schlundt *et al.*(2000).

In summary, cetacean behavioral reactions to military and other sonars appear to vary by species and circumstance. While there may be a link between naval sonar use and changes in cetacean vocalization rates and movements, it is unclear what impact these behavioral changes (which are likely to be short-term) might have on the animals. Therefore, as mentioned previously, because simple momentary behavioral reactions that are within normal behavioral patterns for that species are not considered to be a taking, the very brief exposure of cetaceans to signals from the Hydrosweep is unlikely to result in a ''take'' by harassment.

Hearing Impairment and Other Physical Effects

Given recent stranding events that have been associated with the operation of naval sonar, there is much concern that sonar noise can cause serious impacts to marine mammals (for discussion see Effects of Seismic Surveys on Marine Mammals). It is worth noting that the multi-beam sonar

proposed for use by LDEO is quite different than sonars used for navy operations. Pulse duration of the multi-beam sonar is very short relative to the naval sonars. Also, at any given location, an individual marine mammal would be in the beam of the multi-beam sonar for much less time given the generally downward orientation of the beam and its narrow fore-aft beamwidth. (Navy sonars often use near-horizontally-directed sound.) These factors would all reduce the sound energy received from the multi-beam sonar rather drastically relative to that from the sonars used by the Navy.

Possible Effects of the Sub-bottom Profiler Signals

A sub-bottom profiler will be operated from the source vessel at some times during the planned study. Sounds from the sub-bottom profiler are very short pulses, occurring for 1, 2 or 4 msec once every second. Most of the energy in the sound pulses emitted by this multi-beam sonar is at mid frequencies, centered at 3.5 kHz. The beamwidth is approximately 300 and is directed downward.

Sound levels have not been measured for the sub-bottom profiler used by the *Ewing*, but Burgess and Lawson (2000) measured the sounds propagating more or less horizontally from a similar unit with similar source output (205 dB re 1 μPa-m source level). The 160 and 180 dB re 1 μPa (rms) radii, in the horizontal direction, were estimated to be near 20 m (65.6 ft) and 8 m (26.2 ft) from the source, as measured in 13 m (42.6 ft) water depth. The corresponding distances for an animal in the beam below the transducer would be greater, on the order of 180 m (590.5 ft) and 18 m (59 ft) (assuming spherical spreading).

The sub-bottom profiler on the *Ewing* has a maximum source level of 204 dB re 1 μPa-m. Thus the received level should be expected to decrease to 160 and 180 dB about 160 and 16 m (525 and 52.5 ft) below the transducer, respectively (again assuming spherical spreading). Corresponding distances in the horizontal plane would be lower, given the directionality of this source (30° beamwidth) and the measurements of Burgess and Lawson (2000).

Masking by Sub-bottom Profiler Signals

There is little chance that marine mammal communications will be masked appreciably by the sub-bottom profiler signals given its relatively low power output, the low duty cycle and the brief period when an individual mammal is likely to be within its beam. Furthermore, in the case of baleen whales, the sonar signals do not overlap with the predominant frequencies in the calls, which would avoid significant masking.

Behavioral Responses by Sub-bottom Profiler Signals

Marine mammal behavioral reactions to pulsed sound sources are discussed above and responses to the sub-bottom profiler are likely to be similar to those of other pulsed sources at the same received levels. However, the pulsed signals from the sub-bottom profiler are much weaker than those from the airgun array and the multi-beam, so behavioral responses are not expected unless marine mammals were very close to the source, e.g. with about 160 m (525 ft) below the vessel, or a lesser distance to the side. Thus, the very brief exposure of cetaceans to small numbers of signals from the sub-bottom profiler would not result in Level B harassment.

Hearing Impairment and Other Physical Effects

Source levels of the sub-bottom profiler are much lower than airguns and the multi-beam. Sound levels from a sub-bottom profiler similar to the one on the *Ewing* were estimated to decrease to 180 dB re 1 μPa (rms) at 8 m (26.2 ft) horizontally from the source (Burgess and Lawson, 2000), and about 18 m (59 ft) downward from the source. Thus few, if any, marine mammals are likely to approach close enough to the sub-bottom profiler to be exposed to pulse levels that might cause hearing impairment or other physical injuries.

Furthermore, the sub-bottom profiler is usually operated simultaneously with other higher-power acoustic sources. Many marine mammals will move away in response to the approaching higher-power sources before the mammals would be close enough to be affected by the less intense sounds from the sub-bottom profiler. In the event that mammals do not avoid the approaching vessel and its various sound sources, mitigation measures that would be applied to minimize effects of the higher-power sources would further reduce or eliminate any minor effects of the sub-bottom profiler.

Estimates of Take by Harassment

As described previously in this document and in the LDEO application, animals subjected to sound levels greater than 160 dB may alter their behavior or distribution, and, therefore, might be considered to be taken by harassment. However, the 160–dB criterion, used by NMFS as an indicator of where Level B harassment may result from impulse sounds, is based on studies of baleen whales. Odontocete hearing at low frequencies is relatively insensitive, and the dolphins generally appear to be more tolerant of strong sounds than are most baleen whales. For that reason, it has been suggested that for purposes of estimating incidental harassment of odontocetes, a 170–dB criterion might be appropriate.

All anticipated takes would be Level B harassment takes involving temporary changes in behavior. The mitigation measures to be applied by LDEO will minimize the possibility of injurious takes during the planned acoustic calibration project in the northern GOM. The estimate of the number of marine mammals that might be taken by harassment is based on a consideration of the number of marine mammals that might be disturbed by operations with the specific airgun arrays planned for each of the calibration runs past the spar buoy. LDEO's initial estimates of the numbers that might be disturbed assume that, on average, cetaceans exposed to airgun sounds with received levels ≤160 dB re 1 μPa (rms) might be sufficiently disturbed to be ''taken by harassment.'' The best estimate also includes an allowance for four extra source-vessel transits past the spar buoy in order to obtain the required calibration data and, therefore, is an overestimate if the calibrations measurements require only six transits. The best estimates take account of data on marine mammal abundance from previous surveys in that area.

The anticipated radii of influence of the multi-beam sonar and the sub-bottom profiler are much less than that for the airgun array (see previous discussion). It is assumed that any marine mammal close enough to be affected by the multi-beam sonar or the sub-bottom profiler would already be affected by the airguns. Therefore, no additional takings by harassment would occur for animals that might be affected by the multi-beam sonar or the sub-bottom profiler.

Estimates of Take by Harassment for the GOM

Extensive aircraft- and ship-based surveys have been conducted for marine mammals in the GOM, including the area where the calibration study will be conducted (Davis *et al.*, 2000, 2002; Wursig *et al.*, 2000; Baumgartner *et al.*, 2001). However, oceanographic and other conditions strongly influence the distribution and numbers of marine mammals present in an area (Davis *et al.*, 2002). Thus, for some species the densities derived from recent surveys may not be representative of the densities that will be encountered

during the proposed acoustical calibration study. Table 3 in the LGEO application gives the densities for each species or species group of marine mammals in LDEO's proposed study area based on the 1996/97 GulfCet II surveys (Davis *et al.*, 2000). The densities from the GulfCet studies had been corrected by the original authors for detectability bias but not for availability bias. Therefore, in Table 3, LDEO has adjusted the originally reported densities and population estimates to account for availability bias. Based on those densities, the numbers of each species that might be taken by harassment and the requested level of take by harassment are shown in that table.

Dolphins account for 94 percent of the ''best estimate'' (i.e., 486 of 520 animals). There is no general agreement regarding any alternative ''take'' criterion for dolphins exposed to airgun pulses. However, if only those dolphins exposed to ≥170 dB re 1 μPa (rms) were affected sufficiently to be considered ''taken by harassment'', then the best estimate for dolphins would be 183 rather than 486. This is based on the predicted 170 dB radii around the 2 GI gun and 20–airgun arrays (155 m (508 ft) and 3,420 m (11, 220 ft), respectively). This number of 183 animals is considered by LDEO to be a more realistic ''best estimate'' of the number of dolphins that may be disturbed (i.e., Level B harassment). This number is about 0.1 percent of the estimated GOM population of dolphins (approx. 165,715). Therefore, the total number of dolphins likely to react behaviorally is considerably lower than the estimated 486 animals.

Of the 520 marine mammals that might be exposed to airgun sounds with received levels >160 dB re 1 μPa (rms), an estimated two would be sperm whales. Two sperm whales represent 0.4 percent of the estimated GOM population of about 530 sperm whales.

Mitigation

The directional nature of the alternative airgun arrays to be used in this project (especially the larger arrays) is an important mitigating factor. This directionality will result in reduced sound levels at any given horizontal distance than would be expected at that distance if the source were omnidirectional with the stated nominal source level.

For the proposed airgun calibration work in the GOM in 2003, LDEO at times will use 2 GI-guns with total volume 210 in^3, and at other times will use a 20–gun array with 6–20 active guns and total volume 1350–8600 in^3. Individual airguns will range in size from 80 to 850 in^3. The airguns comprising these arrays will be spread out horizontally, so that the energy from the array will be directed mostly downward.

The sound pressure fields have been modeled in relation to distance and direction from each of the five array configurations and are shown in Figs. 7–11 in LDEO's application. The radii around the arrays where the received level would be 180 dB re 1 μPa (rms), the shutdown criterion applicable to cetaceans, were estimated as 50 m (164 ft), 220 m (722 ft), 830 m (2,723 ft), 880 m (2,887 ft) and 950 m (3,117 ft) for the 2-, 6-, 10-, 12-, and 20–gun arrays, respectively.

Vessel-based observers will watch for marine mammals in the vicinity of the arrays. Until such time as the sound pressure fields estimated by the model have been confirmed by measurements of actual sound pressure levels, LDEO proposes to use 1.5 times the 180 dB isopleth. One of the main purposes of the measurements that will be made during the GOM project is to verify or refine these safety radii. The current plan is to measure sounds produced by the 6-, 10-, 12- and 20–gun arrays during the same transit past the spar buoy, operating these four combinations of airguns in a repeating sequence. The safety radius for the 20–gun array (x1.5) will be used whenever the sequence including (at times) 20 active guns is in progress. Sounds from the 2 GI guns will be measured during separate transits past the spar buoy. During the GOM cruise, the proposed safety radii for cetaceans are 75 m (246 ft) and 1,425 m (4,675 ft), respectively, for the 2 GI-guns and 20–gun array. LDEO proposes to shut down the airguns if marine mammals are detected within the proposed safety radii.

Also, LDEO proposes to use a ramp-up (soft-start) procedure when commencing operations. Ramp-up will begin with the smallest gun in the array that is being used (80 in3 for all subsets of the 20–gun array). Guns will be added in a sequence such that the source level of the array will increase at a rate no greater than 6 dB per 5–minutes.

Marine Mammal Mitigation Monitoring

Vessel-based observers will monitor marine mammals near the source vessel starting 30 minutes before all airgun operations. Airguns will be operated only during daylight; they will not be operated or started up during nighttime. Airgun operations will be suspended when marine mammals are observed within, or about to enter, designated safety zones where there is a possibility of significant effects on hearing or other physical effects. Vessel-based observers will watch for marine mammals near the seismic vessel during daylight periods with shooting, and for at least 30 minutes prior to the planned start of airgun operations.

Two observers will monitor marine mammals near the *Ewing* during all airgun operations in the GOM. The *Ewing* is a suitable platform for marine mammal observations. The observer's eye level will be approximately 11 m (36 ft) above sea level when stationed on the bridge, allowing for good visibility within a 21° arc for each observer. In addition to visual observations, a towed hydrophone array will be used to detect and locate marine mammals. This will increase the likelihood of detecting and identifying any marine mammals that are present during airgun operations. The proposed monitoring plan is summarized later in this document.

Proposed Safety Radii

Received sound levels have been modeled for the 2-, 6-, 10-, 12-, and 20–airgun arrays and are depicted in Figures 7–11 of the LDEO application. Based on the modeling, estimates of the 190-, 180-, 170-, and 160–dB re 1 μPa (rms) distances (safety radii) for these arrays are shown in Table 1 in the application and previously in this document. Acoustic measurements in shallow (<100 m/328 ft), mid-depths (100–2000 m/328–6,562 ft), but probably about 1000 m (3,281 ft)), and deep (>2000 m) water will be taken during the proposed cruise, in order to check the modeled received sound levels during operation of these airgun arrays in a wide variety of water depths. Because the safety radii will not be confirmed before the cruise, conservative safety radii will be used during the proposed GOM surveys. Conservative radii will be established at 1.5 times the distances calculated for the 2 GI-guns and the 20 airgun array. Thus, during the GOM cruise the proposed conservative safety radii for cetaceans are 75 m (246 ft) and 1,425 m (4,675 ft) for the 2 GI guns and 20–gun arrays, respectively.

Airgun operations will be suspended immediately when cetaceans are detected within or about to enter the appropriate 180–dB (rms) radius. This 180 dB criterion is consistent with guidelines listed for cetaceans by NMFS (2000) and other guidance by NMFS.

Mitigation During Operations

The following mitigation measures, as well as marine mammal monitoring, will be adopted during the GOM

acoustic verification program, provided that doing so will not compromise operational safety requirements:

Course alteration

If a marine mammal is detected outside the safety radius and, based on its position and the relative motion, is likely to enter the safety radius, alternative ship tracks will be plotted against anticipated mammal locations. If practical, the vessel's course and/or speed will be changed in a manner that avoids approaching within the safety radius while also minimizing the effect to the planned science objectives. The marine mammal activities and movements relative to the seismic vessel will be closely monitored to ensure that the marine mammal does not approach within the safety radius. If the mammal appears likely to enter the safey radius, further mitigative actions will be taken (i.e., either further course alterations or shutdown of the airguns).

Shutdown procedures

Vessel-based observers using visual aids and acoutical arrays will monitor marine mammals near the seismic vessel for 30 minutes prior to start up and during all airgun operations. No airguns will be operated during periods of darkness. Airgun operations will be suspended immediately when marine mammals are observed or otherwise detected within, or about to enter, designated safety zones where there is a possibility of physical effects, including effects on hearing (based on the 180 dB criterion specified by NMFS). The shutdown procedure should be accomplished within several seconds (or a ''one shot'' period) of the determination that a marine mammal is within or about to enter the safety zone. Airgun operations will not resume until the marine mammal is outside the safety radius. Once the safety zone is clear of marine mammals, the observers will advise that seismic surveys can re-commence. The ''ramp-up'' procedure will then be followed.

Ramp-up procedure

A ''ramp-up'' procedure will be followed when the airgun arrays begin operating after a specified-duration period without airgun operations. Under normal operational conditions (vessel speed 4–5 knots), a ramp-up would be required after a ''no shooting'' period lasting 2 minutes or longer. At 4 knots, the source vessel would travel 247 m (810 ft) during a 2–minute period. If the towing speed is reduced to 3 knots or less, as sometimes required when maneuvering in shallow water, it is proposed that a ramp-up would be required after a ''no shooting'' period lasting 3 minutes or longer. At towing speeds not exceeding 3 knots, the source vessel would travel no more than 277 m (909 ft) in 3 minutes. These guidelines would require modification if the normal shot interval were more than 2 or 3 min, respectively, but that is not expected to occur during the GOM project.

Ramp-up will begin with the smallest gun in the array that is being used (80 in3). Guns will be added in a sequence such that the source level of the array will increase in steps not exceeding 6 dB per 5–minute period over a total duration of approximately 18–20 min (10–12 gun arrays).

Avoidance of Cetacean Concentrations

The *Ewing* will be involved in separately-permitted studies of sperm whales during the late May and June period when the proposed acoustical measurements will be obtained. Thus the scientists in charge of this program will have first-hand knowledge of the locations of concentrations of sperm whales and other cetaceans. The proposed acoustical measurements therefore will be able to avoid operating near known concentrations of marine mammals.

Monitoring and Reporting

Vessel-based Visual Monitoring

As mentioned under Mitigation, two observers dedicated to marine mammal observations will be stationed aboard LDEO's seismic survey vessel during the acoustical measurement program in the GOM. It is proposed that two marine mammal observers aboard the seismic vessel will search for and observe marine mammals whenever airgun operations are in progress. Airgun operations will be restricted to periods with good visibility during daylight hours. Two observers will be on duty for at least 30 minutes prior to the start of airgun operations and during ramp-up procedures. The observers will watch for marine mammals from the highest practical vantage point on the vessel, which is the bridge. The observer(s) will systematically scan the area around the vessel with 7X50 Fujinon reticle binoculars or with the naked eye. ''Bigeye'' (25 X 150) binoculars will be available during this cruise to assist with species identification of marine mammals that are sighted. Laser rangefinding binoculars (Bushnell Lytespeed 800 laser rangefinder with 4X optics or equivalent) will be available to assist with distance estimation. If a marine mammal is detected well outside the safety radius, the vessel may be maneuvered to avoid having the mammal come within the safety radius. When mammals are detected within or about to enter the designated safety radii, the airguns will be shut down immediately. The observer(s) will continue to maintain watch to determine when the animal is outside the safety radius. Airgun operations will not resume until the animal is outside the safety radius.

The vessel-based monitoring will provide data required to estimate the numbers of marine mammals exposed to various received sound levels, to document any apparent disturbance reactions, and thus to estimate the numbers of mammals potentially taken by harassment. It will also provide the information needed in order to shut down the airguns at times when mammals are present in or near the safety zone. When a mammal sighting is made, the following information about the sighting will be recorded: (1) Species, group size, age/size/sex categories (if determinable), behavior when first sighted and after initial sighting, heading (if consistent), bearing and distance from seismic vessel, sighting cue, apparent reaction to seismic vessel (e.g., none, avoidance, approach, paralleling, etc.), and behavioral pace; (2) Time, location, heading, speed, activity of the vessel (shooting or not), sea state, visibility, cloud cover, and sun glare (The data listed under (2) will also be recorded at the start and end of each observation watch and during a watch, whenever there is a change in one or more of the variables.) All mammal observations and airgun shutdowns will be recorded in a standardized format.

At least two experienced marine mammal observers (with at least one previous year of marine mammal observation experience) will be on duty aboard the seismic vessel.

Prior to the start of the project, the primary observers will participate in a 1–day meeting and training or refresher course on the specific marine mammal monitoring procedures required for this project.

Two observers will be on duty in shifts of duration no longer than 4 hours. Use of two simultaneous observers will increase the proportion of the marine mammals present near the source vessel that are detected. Bridge personnel additional to the dedicated marine mammal observers will also assist in detecting marine mammals and implementing mitigation requirements, and before the start of the seismic survey will be given instruction in how to do so. The results from the vessel-based observations will provide (1) the

basis for real-time mitigation (airgun shutdown); (2) information needed to estimate the number of marine mammals potentially taken by harassment, which must be reported to NMFS; (3) data on the occurrence, distribution, and activities of marine mammals in the area where the seismic study is conducted; (4) information to compare the distance and distribution of marine mammals relative to the source vessel at times with and without seismic activity; and (5) data on the behavior and movement patterns of marine mammals seen at times with and without seismic activity.

Vessel-based Passive Acoustic Monitoring

A towed hydrophone array will be deployed during the airgun measurements in the GOM. The acoustical array will be monitored during airgun operations to detect, locate and identify marine mammals near the Ewing, insofar as this is possible via passive acoustic methods. The acoustical array will provide additional ability to detect, locate and identify marine mammals over and above that provided by visual observations. The acoustical data will be integrated, in real time, with the visual observations to ensure that marine mammals do not enter the 180–dB safety radius.

Acoustical Measurements of Airgun Sounds

The acoustic measurement program is designed to document the received levels of the airgun sounds, relative to distance, during operation of each standard configuration of airgun array deployed from the *Ewing*. In particular, these data will be used to verify or refine present estimates of the safety radii. Those radii are used to determine when the airguns need to be shut down to prevent exposure of cetaceans to received levels ≥180 dB. Sound measurements will be made and reported as discussed previously in this document. LDEO will use the standard methods that have been used and reported during other recent studies of seismic and marine mammals (Greene *et al.*, 1997; McCauley *et al.*, 1998, 2000a,b).

Reporting

A report will be submitted to NMFS within 90 days after the end of the acoustic measurement program in the GOM. The report will describe the operations that were conducted, the marine mammals that were detected near the operations, and at least some of the results of the acoustical measurements to verify the safety radii. (Data from the LDEO spar buoy are expected to be available quickly, but it is uncertain how quickly the EARS data will be available given the nature of the EARS buoys.) The report will be submitted to NMFS, providing full documentation of methods, results, and interpretation pertaining to all monitoring tasks with the possible exception of the backup EARS data. The 90–day report will summarize the dates and locations of seismic operations, sound measurement data, marine mammal sightings (dates, times, locations, activities, associated seismic survey activities), and estimates of the amount and nature of potential take of marine mammals by harassment or in other ways.

Endangered Species Act (ESA)

Under section 7 of the ESA, NMFS has begun consultation on the proposed issuance of an IHA under section 101(a)(5)(D) of the MMPA for this activity. Consultation will be concluded prior to the issuance of an IHA.

National Environmental Policy Act (NEPA)

The NSF has prepared an EA for the GOM calibration study. NMFS is reviewing this EA and will either adopt it or prepare its own NEPA document before making a determination on the issuance of an IHA. A copy of the NSF EA for this activity is available upon request (see **ADDRESSES**).

Preliminary Conclusions

NMFS has preliminarily determined that the short-term impact of conducting a short-term calibration study of the seismic airgun array onboard the Ewing in the northern GOM in 2003, will result, at worst, in a temporary modification in behavior by certain species of marine mammals. While behavioral modifications may be made by these species as a result of seismic survey activities, this behavioral change is expected to result in no more than a negligible impact on the affected species.

While the number of potential incidental harassment takes will depend on the distribution and abundance of marine mammals in the vicinity of the survey activity, the number of potential harassment takings is estimated to be small. In addition, no take by injury and/or death is anticipated, and the potential for temporary or permanent hearing impairment is low and will be avoided through the incorporation of the mitigation measures mentioned in this document.

Proposed Authorization

NMFS proposes to issue an IHA to LDEO for conducting a calibration study of the seismic airgun arrays onboard the Ewing in the northern GOM provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. NMFS has preliminarily determined that the proposed activity would result in the harassment of only small numbers of marine mammals; would have no more than a negligible impact on the affected marine mammal stocks; and would not have an unmitigable adverse impact on the availability of stocks for subsistence uses.

Information Solicited

NMFS requests interested persons to submit comments and information concerning this request (see **ADDRESSES**).

Dated: April 7, 2003.

Laurie K. Allen,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 03–8935 Filed 4–10–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 040403A]

Advisory Committee to the U.S. Section to the International Commission for the Conservation of Atlantic Tunas (ICCAT); Spring Species Working Group Workshop

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

ACTION: Notice of public meeting.

SUMMARY: The Advisory Committee to the U.S. Section to ICCAT announces its spring meeting with its Species Working Group Technical Advisors, April 30–May 1, 2003.

DATES: The open sessions of the Committee meeting will be held on April 30, 2003, from 9:30 a.m. to 12:30 p.m., and on May 1, 2003, from 10:30 a.m. to 1:30 p.m. Closed sessions will be held on April 30, 2003, from 1:45 p.m. to approximately 6 p.m., and on May 1, 2003, from 8:30 a.m. to 10:30 a.m.

ADDRESSES: The meeting will be held at the Hilton Hotel Silver Spring, 8727 Colesville Road, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Kim Blankenbeker at (301) 713–2276.

SUPPLEMENTARY INFORMATION: The Advisory Committee to the U.S. Section to ICCAT will meet in two open sessions to receive and discuss information on (1) the 2002 ICCAT meeting results and U.S. implementation of ICCAT decisions; (2) 2003 ICCAT and NMFS research and monitoring activities; (3) 2003 Commission activities; (4) results of the Committee's Species Working Group deliberations; and (5) Advisory Committee operational issues. The public will have access to the open sessions of the meeting, but there will be no opportunity for public comment.

The Advisory Committee will go into executive session during the afternoon of April 30, 2003, to discuss sensitive information relating to (1) post ICCAT 2002 discussions and negotiations, including upcoming ICCAT working group meetings on trade and on monitoring and compliance; (2) the Atlantic Tunas Convention Act required consultation on the identification of countries that are diminishing the effectiveness of ICCAT; and (3) other matters relating to the international management of ICCAT species. In addition, the Committee will meet in its Species Working Groups for a portion of the afternoon of April 30 and part of the morning of May 1, 2003. These sessions are not open to the public, but the results of the deliberations of the Species Working Groups will be reported to the full Advisory Committee during the Committee's afternoon open session on May 1.

Special Accommodations

The meeting location is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kim Blankenbeker at (301) 713–2276 at least 5 days prior to the meeting date.

Dated: April 8, 2003.

Richard W. Surdi,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 03–8934 Filed 4–10–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF THE DEFENSE

Office of the Secretary

Notice of Intent To Prepare a Programmatic Environmental Impact Statement for the Ballistic Missile Defense System

AGENCY: Missile Defense Agency, Department of Defense.

ACTION: Notice of intent.

SUMMARY: The Missile Defense Agency (MDA) is publishing this notice to announce its intent to prepare a Programmatic Environmental Impact Statement (PEIS) in accordance with the National Environmental Policy Act of 1969 and the Council on Environmental Quality implementing regulations. This PEIS will assess environmental issues associated with the proposed action, foreseeable future actions, and their reasonable alternatives, including the no action alternative, and as appropriate, cumulative effects. This PEIS will support decisions to meet the fundamental objectives of the MDA's mission to test, develop, transfer to deployment, and to plan for decommissioning activities for a Ballistic Missile Defense System to defend the forces and territories of the United States (U.S.), its Allies, and friends against all classes of ballistic missile threats, in all phases of flight.

Scoping: Public scoping meetings will be conducted as a part of the PEIS process to ensure opportunity for all interested government and private organizations, and the general public to identify their issues of concern they believe should be addressed in the content of the PEIS. Schedule and location for the public scoping meetings are:

- April 30, 2003, 6 p.m., Doubletree Hotel, 300 Army Navy Dr., Arlington, VA.
- May 06, 2003, 6 p.m., Sheraton Grand Hotel, 1230 J. St., Sacramento, CA.
- May 08, 2003, 6 p.m., Sheraton Hotel, 401 E. 6th Ave., Anchorage, AK.
- May 13, 2003, 6 p.m., Doubletree Hotel, 1956 Ala Moana Blvd., Honolulu, HI

For those that cannot attend the public scoping meetings, written comments via the U.S. mail, or e-mail are encouraged. Comments should clearly identify and describe the specific issue(s) or topics that the PEIS should address. Comments are welcomed anytime throughout the PEIS process. Formal opportunities for comment and participation include: (1) Public scoping meetings; (2) anytime during the process via mail, telephone, fax, or e-mail; (3) during review, public hearings, and comment on the Draft PEIS; and, (4) review of the Final PEIS. Interested parties may also request to be included on the mailing list for public distribution of the PEIS.

To ensure sufficient time to consider issues identified during the public scoping meeting period, comments should be submitted to one of the addresses listed below no later than June 12, 2003. Additional information regarding the development of the BMDS PEIS is available on the public participation Web site *http://www.acq.osd.mil/bmdo.*

ADDRESSES: Written comments, statements, and/or questions regarding scoping issues should be addressed to: MDA BMDS PEIS, c/o ICF Consulting, 9300 Lee Highway, Fairfax, VA 22031, Phone (Toll Free) 1–877–MDA–PEIS (1–877–632–7347), Fax (Toll Free) 1–877–851–5451, E-mail *bmds.peis@mda.osd.mil,* Web site *http://www.acq.osd.mil/bmdo.*

Dated: April 7, 2003.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03–8897 Filed 4–10–03; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Proposed Collection; Comment Request

AGENCY: Department of Defense Medical Examination Review Board, Department of Defense.

ACTION: Notice.

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Department of Defense Medical Examination Review Board announces the proposed public information collection and seeks public comment on the provisions thereof. 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 of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Considerations will be given to all comments received by June 10, 2003.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to Department of Defense Medical Examination Review Board (DoDMERB), 8034 Edgerton Drive, Suite 132, USAF Academy, CO 80840–2200, Attention: CMSgt Jaime P. Bouchard.

FOR FURTHER INFORMATION CONTACT: To request more information on this

proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call DoDMERB at (719) 333–7896.

Title, Associated Form, and OMB Number: DoDMERB Report of Medical Examination, DD Forms 2351, 2369, 2370, 2372, 2374, 2378, 2379, 2380, 2381, 2382, 2480, 2489, 2492, and 2632.

Needs and Uses: The information collection requirement is necessary to determine the medical qualification of applicants to the five Service academies, the four-year Reserve Officer Training Corps College Scholarship Program, Uniformed Services University of the Health Sciences, and the Army, Navy, and Air Force Scholarship and Non-Scholarship Programs. The collection of medical history of each applicant is to determine if applicants meet medical standards outlined in Department of Defense Directive 6130.3, Physical Standards for Appointment, Enlistment and Induction, dated 2 May 1994.

Affected Public: Individuals applying for entrance into one of the programs described above.

Annual Burden Hours: 45,000.

Number of Respondents: 45,000.

Responses per Respondent: 1.

Average Burden per Response: 60 minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Respondents are individuals who are interested in applying to attend one of the five Service academies, the four-year Reserve Officer Training Corps Scholarship Program, Uniformed Services University of the Health Sciences, or Army, Navy, and Air Force Scholarship and Non-Scholarship Programs.

The completed forms are processed through medical reviewers representing their respective services to determine a medical qualification status. Associated forms may or may not be required depending on the medical information contained in the medical examination. If the medical examination and associated forms, if necessary, are not accomplished, individuals reviewing the medical examination cannot be readily assured of the medical qualifications of the individual. Without this process the individual applying to any of these programs could not have a medical qualification determination. It is essential that individuals have a medical qualification determination to ensure compliance with the physical standards established for each respective military service program.

Pamela Fitzgerald,

Air Force Federal Register Liaison Officer.

[FR Doc. 03–8872 Filed 4–10–03; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Proposed Collection; Comment Request

AGENCY: United States Air Force (USAF) Museum System; Department of Defense.

ACTION: Notice.

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the United States Air Force Museum System announces the proposed public information collection and seeks public comment on the provisions thereof. 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 of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Considerations will be given to all comments received by June 10, 2003.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to the United States Air Force Museum, 1100 Spaatz Street, Wright-Patterson AFB, OH 45433–7192, Attn: Ms. Bonnie Holtmann, Volunteer Services Administrator.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call the Volunteer Services Office at (937) 255–8099, extension 313.

Title, Associated Form, and OMB Number: United States Air Force Museum System Volunteer Application/Registration, Air Force Form (AF) 3569, September 1997, OMB Number 0701–0127.

Needs and Uses: The information collection requirement is necessary to provide: (a) the general public an instrument to interface with the United States Air Force Museum System Volunteer Program; (b) the United States Air Force Museum System the means with which to select respondents pursuant to the United States Air Force Museum System Volunteer Program. The primary uses of the information collection include the evaluation and placement of respondents within the United States Air Force Museum System Volunteer Program.

Affected Public: General population civilian, active and retired military individuals.

Annual Burden Hours: 68.

Number of Respondents: 271 per annum.

Responses per Respondent: 1.

Average Burden per Response: 15 minutes.

Frequency: One time only.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Respondents are individuals expressing an interest in participating in the United States Air Force Museum System Volunteer Program authorized by 10 U.S.C. 81, section 1588 and regulated by Air Force Instruction 84–103. Air Force Instruction 84–103, paragraph 3.5.3 requires the use of Air Force Form 3569. Air Force Form 3569 provides the most expedient means to secure basic personal information (*i.e.*, name, telephone number, address and experience pursuant to the United States Air Force Museum System Volunteer Program requirements) and is used solely by the United States Air Force Museum System Volunteer Program to recruit, evaluate and make work assignment decisions. Air Force Form 3569 is the only instrument that exists which facilitates this purpose. The United States Air Force Museum Volunteer Program is an integral function in the operation of the United States Air Force Museum System. Volunteers provide valuable time, incalculable talent, skill and knowledge of United States Air Force aviation history so that all visitors to the many United States Air Force Museum System facilities throughout the United States may enjoy the important contribution of United States Air Force historical heritage.

The completed forms are processed through medical reviewers representing their respective services to determine a medical qualification status. Associated forms may or may not be required depending on the medical information contained in the medical examination. If the medical examination and associated forms, if necessary, are not

accomplished, individuals reviewing the medical examination cannot be readily assured of the medical qualifications of the individual. Without this process the individual applying to any of these programs could not have a medical qualification determination. It is essential that individual's have a medical qualification determination to ensure compliance with the physical standards established for each respective military service program.

Pamela Fitzgerald,

Air Force Federal Register Liaison Officer.

[FR Doc. 03–8873 Filed 4–10–03; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Notice of Availability of a Draft Environmental Impact Statement; Mercury Management

AGENCY: Defense National Stockpile Center, DLA, DoD.

ACTION: Notice of availability of a Draft Mercury Management Environmental Impact Statement.

SUMMARY: The Defense Logistics Agency (DLA) announces the availability of its Draft Mercury Management Environmental Impact Statement (Draft EIS). This announcement is pursuant to the Council on Environmental Quality's regulations (40 CFR parts 1500–1508) and the Defense Logistic Agency's (DLA) regulations (DLAR 1000.22) that implement the National Environmental Policy Act (NEPA).

The Defense National Stockpile Center (DNSC) inventory of elemental mercury (approximately 4,436 metric tons) is currently stored in enclosed warehouses at four sites in the United States: Near New Haven, IN; in Oak Ridge, TN; in Hillsborough, NJ; and near Warren, OH. Because the mercury has been declared in excess of national defense needs, DNSC must decide on a strategy for the long-term management of this excess commodity. The Draft EIS analyzes three alternatives for managing the National Defense Stockpile inventory of excess mercury: (1) No-action, *i.e.*, leave the mercury at the existing storage locations, (2) consolidated storage of the mercury stockpile at one site, and (3) sale of the stockpile. DNSC's preferred alternative is (2) consolidated storage. The Draft EIS evaluates a range of locations that would be acceptable consolidation sites.

Public comments are invited and encouraged concerning the analysis of environmental and socioeconomic issues, as well as the management alternatives considered in the Draft EIS.

DATES: Public meetings are scheduled to be held as follows: May 20, 2003 in New Haven, IN; May 22 in Niles, OH; June 10 in Hawthorne, NV; June 12 in Tooele, UT; June 17 in Hillsborough, NJ; June 24 in Washington, DC; and July 1 in Oak Ridge, TN. The times and locations of the meetings are provided in the **SUPPLEMENTARY INFORMATION** section of this announcement. The comment period ends on July 18, 2003. Comments on the Draft EIS must be postmarked, e-mailed, or otherwise submitted no later than this date.

ADDRESSES: Paper copies and computer disks (CD) of the Draft EIS (about 450 pages) and Executive Summary are available by writing to: Attention: Project Manager, Mercury Management EIS; DNSC–E; Defense National Stockpile Center, 8725 John J. Kingman Road, Suite 3229, Fort Belvoir, VA 22060–6223, or calling toll free at 1–888–306–6682. Electronic versions of the Executive Summary and the Draft EIS are found on the internet at *www.mercuryeis.com.* Copies of the Draft EIS may also be reviewed at locations listed in the **SUPPLEMENTARY INFORMATION** section. Written comments on the Draft EIS should be sent to the above address, faxed to 1–888–306–8818, or posted to the Mercury Management EIS website at *www.mercuryeis.com.* Comments may be dictated by calling toll free at 1–888–306–6682.

FOR FURTHER INFORMATION: Requests for information can be made by: Leaving a voice message at 1–888–306–6682; faxing a message to 1–888–306–8818; e-mailing a request to *information@mercuryeis.com;* or accessing the Mercury Management EIS website at *www.mercuryeis.com.*

SUPPLEMENTARY INFORMATION: The Defense National Stockpile Center (DNSC) is responsible for the disposition of stockpiled materials declared in excess of national defense needs. The United States Congress has determined that the U.S. Department of Defense no longer needs to maintain a stockpile of mercury because of the increased use of mercury substitutes and because of increases in the nation's secondary mercury production through recovery and recycling. The DNSC excess mercury was offered for sale in open competitions until 1994 when concerns over mercury accumulation in the global environment prompted DNSC to suspend sales. The DNSC inventory of mercury (approximately 4,436 metric tons) is stored in enclosed warehouses at four sites in the United States: New Haven, IN (557 metric tons); Oak Ridge, TN (699 metric tons); Hillsborough, NJ (2,617 metric tons); and Warren, OH (564 metric tons).

As custodian of the mercury, DNSC must decide on a strategy for long-term management of this material. In compliance with NEPA and DLA Regulation 1000.22, ''Environmental Considerations in DLA Actions in the United States,'' DNSC has prepared the Draft EIS to evaluate the environmental impacts of a range of reasonable alternatives for long-term management (*i.e.*, 40 years) of the excess mercury. The alternatives are: (1) No action, *i.e.*, maintaining storage at the four existing sites; (2) consolidation and storage at one of the three current DNSC mercury storage sites or at one of three other candidate locations; and (3) sale of the mercury inventory. The agency's preferred alternative is (2) consolidated storage. The Draft EIS evaluates a range of locations that would be acceptable consolidation sites. If a site other than those evaluated is selected, further environmental analysis would be required.

The Draft EIS also describes the potential environmental, human health, and socioeconomic impacts of these alternatives, together with cost considerations. Several treatment technologies were considered as possible alternatives for mercury management. Based on the immaturity of bulk mercury treatment technologies and the lack of a U.S. Environmental Protection Agency (EPA) approved path forward, bulk treatment and disposal of elemental mercury is not considered viable at this time and is not evaluated in detail in the Draft EIS.

The Department of Energy (DOE) and Environmental Protection Agency (EPA) are cooperating agencies in the preparation of this Draft EIS. DOE is recognized because of their special expertise and because some of the DNSC excess mercury is stored at their Y–12 National Security Complex in Oak Ridge, Tennessee. EPA is recognized because of their special expertise in the areas of mercury fate and effects in the environment, mercury stabilization and disposal technologies, and the regulation of hazardous material.

This Draft EIS is being distributed for public review and copies are also available at the following locations:

Allen County Public Library, 435 Ann Street, New Haven, Indiana 46774.

Bridgewater Branch Library, N. Bridge Street and Vogt Drive, Bridgewater, New Jersey 08807.

Fairfax County Public Library, 12000 Government Center Parkway, Suite 324, Fairfax, VA 22035.

Ford Memorial Library, 7169 North Main Street, Ovid, New York 14521.
Hillsborough Public Library, 379 South Branch Road, Hillsborough, New Jersey 08844.
Martin Luther King Jr. Library, 901 G Street NW., Washington, DC 20001.
Mineral County Public Library, P.O. Box 1390, Hawthorne, Nevada 89415.
Oak Ridge Public Library, 1401 Oak Ridge Turnpike, Oak Ridge, TN 37830.
Raritan Valley Community College, Evelyn S. Field Library, North Branch, Route 28 and Lamington Road, Somerville, New Jersey 08876.
Seneca Army Depot, 5786 State Route 96, Building 123, Romulus, NY 14541.
Somerville Public Library, 35 West End Avenue, Somerville, New Jersey 08876.
Tooele City Public Library, 128 West Vine Street, Tooele, Utah 84074.
Warren-Trumbull County Public Library, 444 Mahoning Avenue, NW., Warren, Ohio 44483.
Waterloo Library and Historical Society, 31 East Williams Street, Waterloo, New York 13165.
West End Branch Library, 1101 24th and L Street, NW., Washington, DC 20037.

DNSC invites Federal agencies, state, local and tribal governments, and the general public to comment on the environmental and socioeconomic issues and the management alternatives addressed in the Draft EIS. The public comment period began with the publication of the EPA Notice of Availability in the **Federal Register** on April 11, 2003, and will continue until July 18, 2003. DNSC will consider all comments received or postmarked by the end of the comment period when preparing the Final Mercury Management EIS. Comments received after that date will be considered to the extent practicable. As part of the public review process, DNSC has scheduled public meetings at the following locations:

May 20, 2003, 6 to 9 p.m.
Park Hill Learning Center, 1000 Prospect Avenue, New Haven, Indiana.
May 22, 2003, 6 to 9 p.m.
McMenamy's Multipurpose Complex, 325 Youngstown-Warren Road, Niles, Ohio.
June 10, 2003, 6 to 9 p.m.
Hawthorne Convention Center, 932 E Street, Hawthorne, Nevada.
June 12, 2003, 6 to 9 p.m.
Tooele High School, 240 West 1st South, Tooele, Utah.
June 17, 2003, 6 to 9 p.m.
Hillsborough High School, 466 Raider Boulevard, Hillsborough, New Jersey.
June 24, 2003, 1 to 4 p.m.
Hall of States, 444 North Capitol Street, NW., Washington, DC.
July 1, 2003, 6 to 9 p.m.
Garden Plaza Hotel, 215 S. Illinois Avenue, Oak Ridge, Tennessee.

The registration desk and exhibit area at the meeting will open at 6 p.m. (1 p.m. for the Washington, DC meeting). DNSC staff will be available to explain exhibits, provide information materials, and answer questions. At 7 p.m. (2 p.m. for the Washington, DC meeting), DNSC will provide a short presentation on the EIS process and the Mercury Management EIS. Following the DNSC presentation, elected or appointed officials, organizations, and individuals will be invited to offer comments. Comments will be recorded for the record. Speakers will be allotted five minutes each. The meetings will be managed by a facilitator who will help keep the focus on obtaining public input on the content of the Draft EIS. At 8:30 p.m. (3:30 p.m. for the Washington, DC meeting), the public comment portion of the meeting will conclude and the exhibit area will reopen. DNSC staff will be available to explain exhibits, provide information materials, and answer questions. The meeting will end at 9 p.m. (4 p,m. for the Washington, DC meeting).

Requests to speak at the meetings may be made by writing to the Mercury Management EIS project manager (*see* **ADDRESSES**, above), by calling the toll free phone number (888–306–6682) by 4 p.m. EST the day before the meeting, or in person at the meeting. If you phone in to pre-register, please leave your name, the organization you represent, and the location of the meeting you plan to attend. Speakers will be heard on a first-come, first-served basis as time permits. Speakers do not have to pre-register, but pre-registered speakers will be ensured an opportunity to speak. Comments will be transcribed by a court reporter and will become a part of the meeting record. Speakers are encouraged to provide written versions of their spoken comments. The facilitator and DNSC staff may ask questions to clarify the speaker's comments.

Written comments will be accepted at the meetings and comment forms will be provided for this purpose. For those who prefer to dictate comments before or after the formal comment portion of the meeting, a court reporter will be available in the exhibit area until the meeting closes.

All meeting facilities are handicapped accessible. A hearing impaired sign language interpreter will be provided at all meetings. Persons who have other special requirements should contact the Project Manager in advance so that arrangements may be made to accommodate their needs.

Input from the public meetings along with comments received by other means (*i.e.*, mail, phone, fax, email, and website) will be used by DNSC in preparing the Final Mercury Management EIS. Written and spoken comments will be given equal weight. The Final Mercury Management EIS will be distributed to information repositories, mailed out upon request, and can be viewed at *www.mercuryeis.com.*

Issued in Fort Belvoir, VA, on this 7th day of April 2003.

Cornel A. Holder,

Administrator, Defense National Stockpile Center.

[FR Doc. 03–8507 Filed 4–10–03; 8:45 am]

BILLING CODE 3620–01–U

DEPARTMENT OF EDUCATION

Meeting of the Presidents Board of Advisors on Tribal Colleges and Universities

AGENCY: President's Board of Advisors on Tribal Colleges and Universities, U.S. Department of Education

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of an upcoming meeting of the President's Board of Advisors on Tribal Colleges and Universities (the Board) and is intended to notify the general public of their opportunity to attend. This notice also describes the functions of the Board. Notice of the Board's meetings is required under section 10(a)(2) of the Federal Advisory Committee Act and by the Board's charter.

Agenda: The purpose of the meeting will be to formalize committee assignments, discuss the draft strategic plan, and to continue discussions on the Federal agencies' Three-Year Plans.

Date and Time: April 30, 2003—9 a.m. to 4 p.m. and May 1, 2003—9 a.m. to 2 p.m.

Location: Wyndham Washington Hotel, 1400 M Street, NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Betty Thompson, Interim Executive Director, President's Board of Advisors on Tribal Colleges and Universities, U.S. Department of Education, Suite 408, 555 New Jersey Avenue, NW., Washington, DC 20208. Telephone: (202) 219–0704. Fax: (202) 208–2174.

SUPPLEMENTARY INFORMATION: The Board is established by Executive Order 13270, dated July 3, 2002, to provide advice regarding the progress made by Federal agencies toward fulfilling the purposes and objectives of the order. The Board also provides recommendations to the President, through the Secretary of Education, on ways the Federal government can help tribal colleges: (1) Use long-term development, endowment building and planning to strengthen institutional viability; (2) improve financial management and security, obtain private sector funding support, and expand and complement Federal education initiatives; (3) develop institutional capacity through the use of new and emerging technologies offered by both the Federal and private sectors; (4) enhance physical infrastructure to facilitate more efficient operation and effective recruitment and retention of students and faculty; and (5) help implement the No Child Left Behind Act of 2001 and meet other high standards of educational achievement.

The general public is welcome to attend the April 30–May 1, 2003, meeting. However, space is limited and is available on a first-come, first-serve basis. Individuals who need accommodations for a disability in order to attend the meeting (*i.e.* interpreting services, assistive listening devices, materials in alternative format) should notify Betty Thompson at (202) 219–0704 no later than April 15, 2003. We will attempt to meet requests after this date, but cannot guarantee availability of the requested accommodation. The meeting site is accessible to individuals with disabilities.

A summary of the activities of the meeting and other related materials that are informative to the public will be available to the public within 14 days after the meeting. Records are kept of all Board proceedings and are available for public inspection at the White House Initiative on Tribal Colleges and Universities, United States Department of Education, Suite 408, 555 New Jersey Avenue, NW., Washington, DC 20208.

Rod Paige,

Secretary, U.S. Department of Education.

[FR Doc. 03–8895 Filed 4–10–03; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF EDUCATION

Privacy Act of 1974; Computer Matching Program

AGENCY: Department of Education.

ACTION: Notice of computer matching between the U.S. Department of Education and the U.S. Postal Service.

SUMMARY: Pursuant to the Computer Matching and Privacy Protection Act of 1988 and the Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs, a notice is hereby given of the computer matching program between the U.S. Department of Education (ED) and the U.S. Postal Service (USPS). The following notice represents the approval of a new computer matching agreement by the ED and USPS Data Integrity Boards to implement the matching program on the effective date as indicated in paragraph E of this notice.

In accordance with the Privacy Act of 1974, as amended by the Computer Matching and Privacy Protection Act of 1988, the Office of Management and Budget (OMB) Final Guidelines on the Conduct of Matching Programs (see 54 FR 25818, June 19, 1989), and OMB Circular A–130, the following information is provided:

A. Participating Agencies

The USPS is the recipient agency and will perform the computer match with debtor records provided by ED, the source agency in this matching program.

B. Purposes of the Matching Program

This matching program will compare USPS payroll and ED delinquent debtor files for the purposes of identifying postal employees who may owe delinquent debts to the Federal Government under programs administered by ED. The pay of an employee identified and verified as a delinquent debtor may be offset under the provisions of the Debt Collection Act of 1982 (Pub. L. 97–365) when voluntary payment is not made.

C. Legal Authorities Authorizing Operation of the Match

This matching program will be undertaken under the authority of the Debt Collection Act of 1982 (Pub. L. 97–365) as amended, which authorizes federal agencies to offset a federal employee's salary as a means of satisfying delinquent debts owed to the United States.

D. Categories of Individuals Involved and Identification of Records Used

The following systems of records, maintained by the participant agencies under the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503), will be used to disclose records for this matching program:

1. USPS' ''Finance Records—Payroll System, USPS 050–020,'' containing records for approximately 800,000 employees. (Disclosure will be made pursuant to routine use No. 24 of USPS 050–020, which last appeared in the **Federal Register** at 57 FR 57515 on December 4, 1992.)

2. ED's ''Title IV Program Files'' (18–11–05), containing debt records for approximately 4,600,000 borrowers. (A notice of this system was last published in the **Federal Register** at 64 FR 30163 on June 4, 1999.)

E. Beginning and Ending Dates of the Matching Program

The matching program will become effective 40 days after a copy of the agreement, as approved by the Data Integrity Board of each agency, is sent to Congress and the Office of Management and Budget, or 30 days after publication of this notice in the **Federal Register**, whichever date is later. The matching program will continue for 18 months after the effective date. The agreement may be extended for one additional year beyond that period, if within 90 days prior to the actual expiration date of the matching agreement, the Data Integrity Boards of both the USPS and ED find that the computer matching program will be conducted without change and each party certifies that the matching program has been conducted in compliance with the matching agreement.

F. Address for Receipt of Comments and Inquiries

If you wish to comment on this matching program or obtain additional information about the program including a copy of the computer matching agreement between ED and USPS, contact John R. Adams, U.S. Department of Education, 830 First Street NE Room 41B3, Washington, DC 20202–5320. Telephone: (202) 377–3211. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

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 portable document

format (PDF) on the Internet at the following site: *http:///www.ed.gov/legislation/FedRegister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html.*

Authority: (5 U.S.C. 5514(a); 5 U.S.C. 552a).

Dated: April 7, 2003.

Theresa S. Shaw,

Chief Operating Officer, Federal Student Aid.

[FR Doc. 03–8929 Filed 4–10–03; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC03–587–000, FERC Form No. 587]

Proposed Information Collection and Request for Comments

April 4, 2003.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed information collection and request for comments.

SUMMARY: In compliance with the requirements of section 3506(c)(2)(a) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13), the Federal Energy Regulatory Commission (Commission) is soliciting public comment on the specific aspects of the information collection described below.

DATES: Consideration will be given to comments submitted on or before June 4, 2003.

ADDRESSES: Copies of the proposed collection of information can be obtained from and written comments may be submitted to the Federal Energy Regulatory Commission, Attn: Michael Miller, Office of the Executive Director, ED–30, 888 First Street, NE., Washington, DC 20426. Comments on the proposed collection of information 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 should refer to Docket No. IC03–587–000.

Documents filed electronically via the Internet can be prepared in a variety of formats including WordPerfect, MS Word, Portable Document Format, Rich Text Format of 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 documents. User assistance for electronic filings is available at 202–502–8258 or by E-mail to *efiling@fer.gov*. Comments should not be submitted to this E-mail address.

All comments may be viewed, printed or downloaded remotely via the Internet through FERC's homepage using the FERRIS 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 at (202) 502–8415, by fax at (202) 273–0873, and by e-mail at *michael.miller@ferc.gov* or Anumzziatta Purchiaroni at (202) 502–6191, by fax (202) 219–2732, *anumzziatta.purchiaroni@ferc.gov*.

SUPPLEMENTARY INFORMATION: The Commission is reinstating its form ''Land Description'' (FERC Form No.587), which is used to collect information required by the statutory provisions of section 24 of the Federal Power Act (FPA), (16 U.S.C.818). Applicants proposing hydropower projects, or changes to existing projects located on lands owned by the United States are required to provide a description of the U.S. lands affected to the Commission and Secretary of Interior. FERC Form No. 587 consolidates the information required, and identifies hydropower project boundary maps associated with lands of the United States. The Commission verifies the accuracy of the information supplied and coordinates with the Bureau Land of Management State Offices (BLM) so the U.S. lands can be reserved as hydropower sites and withdrawn from other uses. FERC Form No. 587 was formerly approved by the Office of Management and Budget (OMB), and requires re-authorization.

Action: The Commission is requesting reinstatement and a three-year approval of the former collection of information. In addition, the Commission is revising the format of FERC Form No. 587.

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)x(2)x(3)
250	1	1	250

The estimated total cost to respondents is $14,067.00. (Hours divided by 2,080 hours per year per employee times $117,041.00 per year per average employee = $ 14,067.00.) The cost per respondent is $56.27.

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. 03–8978 Filed 4–10–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–301–070]

ANR Pipeline Company; Notice of Negotiated Rate Filing

April 4, 2003.

Take notice that on March 24, 2003, ANR Pipeline Company (ANR) tendered for filing amendments to twenty negotiated rate service agreements with Madison Gas and Electric Company in compliance with the Commission's June 25, 2002, letter order in the above-referenced docket.

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 385.314 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed on or before comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: April 11, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–8985 Filed 4–10–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11810–000]

Augusta Canal Hydro Power Project; Notice of Convening Conference

April 4, 2003.

Pursuant to rule 601 of the Commission's Rules of Practice and Procedure, 18 CFR 385.601, the Dispute Resolution Service will convene a conference on Monday and Tuesday, April 14th and 15th, 2003, to primarily discuss agency comments on the draft license application and other issues as required by the consultative part of the Commission's licensing requirements for the City of Augusta. The meeting will discuss how alternative dispute resolution processes and procedures may assist the participants in resolving disputes arising in the above-docketed proceeding. The conference will be held at Savannah Rapids Pavilion which is located at the terminus of Evans to Locks Rd. in Columbia County, GA, at the site of the Augusta Diversion Dam, beginning at 9 a.m. on April 14 and ending at approximately 4 p.m. on April 15.

Interested parties are invited to inform Mr. Shapiro, identified below, prior to April 10, 2003, of other issues and concerns that need to be addressed and to *see* about scheduling these into the process.

Mr. Steven A. Shapiro, acting for the Dispute Resolution Service, will convene the conference. He will be available to communicate in private with any participant prior to the conference. If a participant has any questions regarding the conference, please call Mr. Shapiro at 202/502–8894 or e-mail to *Steven.Shapiro@ferc.gov*. Parties may also communicate with Richard Miles, the Director of the Commission's Dispute Resolution Service at 1–877–FERC–ADR (337–2237) or 202/502–8702 and his e-mail address is *Richard.Miles@ferc.gov*.

Magalie R. Salas,

Secretary.

[FR Doc. 03–8979 Filed 4–10–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–389–082]

Columbia Gulf Transmission Company; Notice of Negotiated Rate Filing

April 4, 2003.

Take notice that on April 1, 2003, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing the following contract for disclosure of a negotiated rate transaction:

PAL Service Agreement No. 75377 between Columbia Gulf Transmission Company and Petrocom Energy Group, dated March 25, 2003.

Columbia Gulf states that service is to commence May 1, 2003, and end May 31, 2003, under the agreement.

Columbia Gulf states that it has served copies of the filing on all parties identified on the official service list in Docket No. RP96–389.

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 385.314 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online

Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: April 14, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–8982 Filed 4–10–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–485–003]

Enbridge Pipelines (KPC); Notice of Compliance Filing

April 4, 2003.

Take notice that on April 1, 2003, Enbridge Pipelines (KPC) (KPC) tendered for filing revised tariff sheets which are to be included in its FERC Gas Tariff, First Revised Volume No. 1, as shown on Appendix A to the filing, to be made effective on either November 9, 2002, or December 1, 2002.

KPC states that the purpose of the filing is to comply with the Commission's Order issued on March 18, 2003, wherein the Commission accepted KPC's tariff sheets filed on October 10, 2002, subject to refiling those sheets to reflect the allocation of cost associated with the Transok lease payments, exclusively to Zone 1.

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 section 385.211 of the Commission's rules and regulations. All such protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Protest Date: April 14, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–8986 Filed 4–10–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–176–082]

Natural Gas Pipeline Company of America; Notice of Negotiated Rates

April 4, 2003.

Take notice that on April 1, 2003, Natural Gas Pipeline Company of America (Natural) tendered for filing to become part of its FERC Gas Tariff, Sixth Revised Volume No. 1, certain tariff sheets, to be effective April 1, 2003.

Natural states that the purpose of this filing is to implement an amendment to two (2) existing negotiated rate transactions entered into by Natural and Dynegy Marketing and Trade under Natural's Rate Schedule FTS pursuant to section 49 of the General Terms and Conditions of Natural's Tariff.

Natural states that copies of the filing are being mailed to all parties set out on the official service list in Docket No. RP99–176.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: April 14, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–8983 Filed 4–10–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–176–083]

Natural Gas Pipeline Company of America; Notice of Negotiated Rates

April 4, 2003.

Take notice that on April 1, 2003, Natural Gas Pipeline Company of America (Natural) tendered for filing to become part of its FERC Gas Tariff, Sixth Revised Volume No. 1, Second Revised Sheet No. 26H, to be effective April 1, 2003.

Natural states that the purpose of this filing is to implement an amendment to an existing negotiated rate transaction entered into by Natural and The Peoples Gas Light and Coke Company under Natural's Rate Schedule FTS pursuant to section 49 of the General Terms and Conditions of Natural's Tariff.

Natural states that copies of the filing are being mailed to all parties set out on the Commission's official service list in Docket No. RP99–176.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online

Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: April 14, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–8984 Filed 4–10–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–513–025]

Questar Pipeline Company; Notice of Negotiated Rates

April 4, 2003.

Take notice that on April 1, 2003, Questar Pipeline Company (Questar) tendered a tariff filing to implement negotiated-rate contracts for BP Energy Company and Dominion Exploration & Production, Inc., as well as a correction to a contract termination date under an existing negotiated-rate contract with Dominion, as authorized by Commission orders issued October 27, 1999, and December 14, 1999, in Docket Nos. RP99–513, *et al.* Questar states that the Commission approved its request to implement a negotiated-rate option for Rate Schedules T–1, NNT, T–2, PKS, FSS and ISS shippers. Questar indicates that it submitted its negotiated-rate filing in accordance with the Commission's Policy Statement in Docket Nos. RM95–6–000 and RM96–7–000 issued January 31, 1996.

Questar states that a copy of this filing has been served upon all parties to this proceeding, Questar's customers, the Public Service Commission of Utah and the Public Service Commission of Wyoming.

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 385.314 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: April 14, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–8987 Filed 4–10–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Docket Nos. RP00–468–009, RP01–25–008, and RP03–175–003]

Texas Eastern Transmission, LP; Notice of Supplemental Compliance Filing

April 4, 2003.

Take notice that on April 1, 2003, Texas Eastern Transmission, LP (Texas Eastern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the revised tariff sheets listed in Appendix A, attached to the filing, reflecting an effective date of July 1, 2003.

Texas Eastern states that the purpose of this filing is to supplement its March 25, 2003, tariff filing in compliance with the Commission's February 24, 2003, Order on Rehearing and Compliance Filings in Texas Eastern's Order No. 637 proceeding.

Texas Eastern states that copies of this filing have been mailed to all affected customers and interested state commissions, as well as to all parties on the service lists compiled by the Secretary of the Commission in these proceedings.

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 section 385.211 of the Commission's rules and regulations. All such protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Protest Date: April 14, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–8981 Filed 4–10–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–388–003]

Transcontinental Gas Pipe Line Corporation; Notice of Filing

April 4, 2003.

Take notice that on March 31, 2003, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, First Revised Sheet No. 40P, Original Sheet No. 40P.01, Original Sheet No. 40P.02, Original Sheet No. 40P.03 and Original Sheet No. 40Q, with an effective date of May 1, 2003.

Transco states that the purpose of the instant filing is to set forth under Rate Schedule FT the incremental recourse rates for Phase I of the Momentum firm transportation service anticipated to commence May 1, 2003.

Transco states that copies of the filing are being mailed to its affected customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.314 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed on or before April 25, 2003. Protests will be

considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: April 25, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–8976 Filed 4–10–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG03–54–000, et al.]

Ingenco Wholesale Power, L.L.C., et al.; Electric Rate and Corporate Filings

April 4, 2003.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Ingenco Wholesale Power, L.L.C.

[Docket No. EG03–54–000]

Take notice that on March 31, 2003, Ingenco Wholesale Power, L.L.C. (Ingenco Wholesale) tendered for filing with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Ingenco Wholesale, a Virginia limited liability company, states that it is a wholly-owned subsidiary of Industrial Power Generating Corporation, a Virginia corporation.

Ingenco Wholesale states that it was formed for the purpose of owning Ingenco—Mountain View, a 12 MW electric generating facility located in Mountain View, Pennsylvania. Ingenco Wholesale states it will also hold an interest in other electric generation facilities currently under development and sell the output of those facilities, as well as a number of facilities that are current qualifying facilities, as is detailed in its application.

Comment Date: April 25, 2003.

2. Green Mountain Energy Company

[Docket No. ER02–1600–002]

Take notice that on March 31, 2003, Green Mountain Energy Company (GMEC) filed a newly revised tariff sheet to meet the format requirements pursuant to FERC Order 614.

Comment Date: April 21, 2003.

3. Duke Energy South Bay, LLC

[Docket No. ER03–117–001]

Take notice that on March 31, 2003, Duke Energy South Bay, LLC (Duke South Bay) submitted for filing an unexecuted Reliability Must Run Agreement with the California Independent System Operator (CAISO), which is designated as Rate Schedule FERC No. 2. Duke South Bay states that the filing is in compliance with the Commission's January 30, 2003, order in this docket, wherein the Commission ordered Duke South Bay to re-file its entire Rate Schedule in Compliance with Order No. 614.

Comment Date: April 21, 2003.

4. New York Independent System Operator, Inc.

[Docket No. ER03–238–003]

Take notice that on March 31, 2003, the New York Independent System Operator, Inc. (NYISO) submitted the compliance filing required by the Commission's January 30, 2003, order in the above-captioned proceeding.

The NYISO states it has served a copy of this filing to all parties listed on the official service list maintained by the Secretary of the Commission in Docket No. ER03–238–000.

Comment Date: April 21, 2003.

5. Pacific Gas and Electric Company

[Docket No. ER03–358–002]

Take notice that on March 31, 2003, Pacific Gas and Electric Company (PG&E) submitted a refund report in response to and in compliance with FERC's February 27, 2003, ''Order Accepting and Suspending Interconnection Agreements for Filing, Subject to Refund, and Establishing Hearing and Settlement Judge Procedures.''

PG&E states that copies of this filing have been served upon Calpine Corporation, the California Independent System operator Corporation, and the California Public Utilities Commission.

Comment Date: April 21, 2003.

6. Consumers Energy Company

[Docket No. ER03–388–001]

Take notice that on March 31, 2003, Consumers Energy Company (Consumers) tendered for filing changes to Sheet No. 23 of its First Revised Rate Schedule No. 116, pursuant to a February 27, 2002, deficiency letter in Docket No. ER03–388–000.

Consumers states that copies of the filing were served upon those on the official service list.

Comment Date: April 21, 2003.

7. PPL Wallingford Energy LLC and PPL EnergyPlus, LLC

[Docket No. ER03–421–001]

Take notice that on March 31, 2003, PPL Wallingford Energy LLC and PPL EnergyPlus, LLC tendered for filing an amendment to their January 16, 2003, filing of a Reliability Must Run Cost of Service Agreement with ISO New England, Inc. The amendment responds to the February 28, 2003, letter issued in Docket No. ER03–421–000.

Comment Date: April 21, 2003.

8. Wisconsin Electric Power Company

[Docket No. ER03–543–001]

Take notice that on March 31, 2003, Wisconsin Electric Power Company (Wisconsin Electric) tendered for filing rate designation sheets canceling First Revised Service Agreement No. 25 with Badger Power Marketing Authority of Wisconsin, Inc. in compliance with the Federal Energy Regulatory Commission's Order dated March 19, 2003, in Docket No. ER03–543–000.

Comment Date: April 21, 2003.

9. American Transmission Systems, Incorporated

[Docket No.ER03–672–000]

Take notice that on March 31, 2003, American Transmission Systems, Incorporated (ATSI) submitted for filing Third Revised Service Agreement No.214 for Network Service under its Open Access Transmission Tariff to American Municipal Power-Ohio, Inc. ATSI states that the purpose of the revised Service Agreement is to add delivery points for Huron, a new municipal electric system, and Grafton, to update certain network load and resource data. An effective date of April 1, 2003, is requested for the Service Agreement.

ATSI states that copies of this filing were served on the representatives of the City of Huron, Village of Grafton, American Municipal Power-Ohio, Inc., and the Public Utilities Commission of Ohio.

Comment Date: April 21, 2003.

10. New England Power Pool

[Docket No. ER03–673–000]

Take notice that on March 31, 2003, the New England Power Pool (NEPOOL) Participants Committee filed for acceptance materials to (1) permit NEPOOL to expand its membership to include DC Energy, LLC (DC); and (2) to terminate the memberships of Allegheny Supply Company, LLC (Allegheny), PSI Energy, Inc. (PSI), and the Robert E. McLaughlin Trust (Trust). The Participants Committee requests the following effective dates: March 1, 2003, for the termination of Allegheny, and PSI; March 31, 2003, for the termination of the Trust; and April 1, 2003, for commencement of participation in NEPOOL by DC.

The Participants Committee states that copies of these materials were sent to the New England state governors and regulatory commissions and the Participants in NEPOOL.

Comment Date: April 21, 2003.

11. Quest Energy, LLC

[Docket No. ER03–674–000]

Take notice that on March 31, 2003, WPS Resources Corporation (WPSR), on behalf of Quest Energy, LLC (Quest), submitted an amendment to its February 14, 2003 notice of change in status under Quest's market-based rate authority.

Comment Date: April 21, 2003.

12. Wisconsin River Power Company

[Docket No. ER03–675–000]

Take notice that on March 31, 2003, Wisconsin River Power Company (WRPCo or the Company) tendered for filing revised rate schedule sheets (Revised Sheets) in Original Rate Schedule FERC No. 3 (Rate Schedule) by and among WRPCo and Wisconsin Public Service Corporation (WPS) and Wisconsin Power and Light Company (WP&L). WRPCo states that the Revised Sheets amend the term of the Rate Schedule.

The Company requests that the Commission waive its notice of filing requirements to allow the Revised Sheets to become effective as of April 1, 2003, the day after filing.

WRPCo states that copies of the filing were served upon WPS, WP&L, the Public Service Commission of Wisconsin and the Michigan Public Service Commission.

Comment Date: April 21, 2003.

13. Westar Energy, Inc., Kansas Gas and Electric Company

[Docket No. ER03–676–000]

Take notice that on March 31, 2003, Westar Energy, Inc. (WE), submitted for filing Revised Pages 34–42 (Exhibits B, C and D) to WE's Electric Power, Transmission, and Service Contract with the Kansas Electric Power Cooperative (KEPCo). WE also submitted, on behalf of its wholly owned subsidiary Kansas Gas and Electric Company, d/b/a Westar Energy (KGE), Revised Pages 31–36 (Exhibits B, and C) to KGE's Electric Power, Transmission, and Service Contract with KEPCo. WE states that these revisions are part of WE's and KGE's annual exhibits filed with the Federal Energy Regulatory Commission. The revised pages are proposed to be effective June 1, 2003.

WE states that copies of the filing were served upon KEPCo and the Kansas Corporation Commission.

Comment Date: April 21, 2003.

14. Southern California Edison Company

[Docket No. ER03–677–000]

Take notice that on March 31, 2003, Southern California Edison Company (SCE) tendered for filing revisions to the Amended and Restated District-Edison 1987 Service and Interchange Agreement (Agreement) between SCE and The Metropolitan Water District of Southern California (District), Rate Schedule FERC No. 443. SCE states that the revisions to the Agreement are being filed to implement the Fourth Amendment to the District-Edison 1987 Service and Interchange Agreement (Amendment No. 4). SCE also states that Amendment No. 4 sets forth mutually agreed-upon terms relating to exchange energy and the pricing provisions for such exchange energy delivered after September 30, 2001, for the long-term.

SCE request the Commission to assign an effective date of October 1, 2001, to the revised Agreement. SCE states that copies of this filing were served upon the Public Utilities Commission of the State of California and the District.

Comment Date: April 21, 2003.

15. New England Power Company

[Docket No. ER03–678–000]

Take notice that on March 31, 2003, New England Power Company (NEP) submitted for filing:

(i) A Third Revised Service Agreement No. 20 between NEP and its affiliate, Massachusetts Electric Company (MECO), under NEP's FERC Electric Tariff, Original Volume No. 1; and

(ii) Notices of Cancellation for NEP Rate Schedules Nos. 15 and 58.

NEP states that copies of this filing have been served on MECO and regulators in the state of Massachusetts.

Comment Date: April 21, 2003.

16. Mid-Continent Area Power Pool

[Docket No. ER03–679–000]

Take notice that on March 31, 2003, the Mid-Continent Area Power Pool (MAPP) tendered for filing amendments to the Power and Energy Market Rate Tariff of the Restated Agreement.

Comment Date: April 21, 2003.

17. Avista Corporation

[Docket No. ER03–680–000]

Take notice that on March 31, 2003, Avista Corporation (Avista) tendered for filing with the Federal Energy Regulatory Commission (Commission), an Original Service Agreement No. 299, which Avista states is a Master Confirmation Agreement between Avista and Southern California Edison Company under the Western Systems Power Pool Agreement (hereinafter Master Confirmation).

Avista respectfully requests that the Commission accept the Master Confirmation for filing and grant all waivers necessary to allow the Master Confirmation to become effective March 1, 2003, or, alternatively, a determination by the Commission that the Master Confirmation need not be filed with, nor reported to, the Commission. SCE is the sole party affected by the Master Confirmation and the waiver, if granted, will not affect any other rate or charge to any other customer.

Avista states that copies of the filing were served upon Southern California Edison Company and Michael Small, General Counsel to the Western Systems Power Pool, Inc.

Comment Date: April 21, 2003.

18. Entergy Services, Inc., and Entergy Power, Inc.

[Docket No. ER03–681–000]

Take notice that on March 31, 2003, 2003, Entergy Services, Inc. (ESI), on behalf of the Entergy Louisiana, Inc. (ELI), and Entergy Power, Inc. (EPI), an affiliated marketer, filed under section 205 of the Federal Power Act for approval of a power purchase agreement between ELI and EPI. ESI and EPI seek an effective date of June 1, 2003.

ESI states that copies of this filing were served on the affected state utility commissions.

Comment Date: April 21, 2003.

19. Entergy Services, Inc., and Entergy Power, Inc.

[Docket No. ER03–682–000]

Take notice that on March 31, 2003, Entergy Services, Inc. (ESI), on behalf of Entergy New Orleans, Inc. (ENO), and

Entergy Power, Inc. (EPI), an affiliated marketer, filed under section 205 of the Federal Power Act for approval of a power purchase agreement between the ENO and EPI. ESI and EPI seek an effective date of June 1, 2003. In addition, ESI also filed for approval two additional purchase power agreements, between ENO and, respectively, Entergy Gulf States, Inc. and Entergy Arkansas, Inc. ESI also seeks an effective date of June 1, 2003, for these power purchase agreements.

ESI states that copies of this filing were served on the affected state utility commissions.

Comment Date: April 21, 2003.

20. California Independent System Operator Corporation

[Docket No. ER03–683–000]

Take notice that on March 31, 2003, the California Independent System Operator Corporation (ISO), tendered for filing with the Commission Amendment No. 50 to the ISO Tariff. ISO states that the purpose of Amendment No. 50 is to modify the Tariff to provide for a means to improve management of Intra-Zonal Congestion until the ISO implements Locational Marginal Pricing (LMP) or some other long-term comprehensive solution, and to allow the ISO to share Generator Outage information with entities operating transmission and distribution systems affected by the Outage.

The ISO states that this filing has been served on the Public Utilities Commission of the State of California, the California Energy Commission, the California Electricity Oversight Board, and all parties with effective Scheduling Coordinator Agreements under the ISO Tariff. The ISO is requesting that Amendment No. 50 be made effective May 30, 2003.

Comment Date: April 21, 2003.

21. Wisconsin Power & Light Company

[Docket No.ER03–684–000]

Take notice that on March 31, 2003, Wisconsin Power & Light Company (WPL) tendered for filing with the Commission new rates to be charged under its wholesale Rate Schedules W–2A and W–4A to reflect the current cost of service incurred by WPL and its subsidiary South Beloit Water, Gas and Electric Company. WPL has asked that new rates become effective on July 8, 2003.

WPL states that a copy of this filing has been served upon the Public Service Commission of Wisconsin and the WPL wholesale electric customers affected by this filing.

Comment Date: April 21, 2003.

22. Michigan Electric Transmission Company, LLC

[Docket No. ER03–688–000]

Take notice that on March 31, 2003, Michigan Electric Transmission Company, LLC (METC) submitted a proposed amendment to the ''Project I Transmission Ownership and Operating Agreement Between Consumers Power Company, and Michigan South Central Power Agency,'' dated November 20, 1980. METC states that it proposes to amend the Operating Agreement to add new Article 20, to allow for the reimbursement to METC for certain regional transmission organization or independent transmission provider costs assessed to METC associated with the load of Michigan South Central Power Agency. METC requests an effective date of April 1, 2003, for the proposed amendment.

Comment Date: April 21, 2003.

23. Riverview Energy Center, LLC

[Docket No. ES03–28–000]

Take notice that on March 26, 2003, Riverview Energy Center, LLC (Riverview) submitted an application pursuant to section 204 of the Federal Power Act seeking authorization to assume long-term obligations in an amount not to exceed $300 million and $68.5 million pursuant to a lease agreement with its parent company, Calpine California Equipment Finance Company, LLC.

Riverview also requests a waiver from the Commission's competitive bidding and negotiated placement requirements at 18 CFR 34.2.

Comment Date: April 18, 2003.

24. Upper Peninsula Power Company

[Docket No. ES03–29–000]

Take notice that on March 31, 2003, Upper Peninsula Power Company (Upper Peninsula) submitted an application pursuant to section 204 of the Federal Power Act seeking authorization to issue long-term, unsecured debt in an amount not to exceed $15 million at any time.

Upper Peninsula also requests a waiver from the Commission's competitive bidding and negotiated placement requirements at 18 CFR 34.2.

Comment Date: April 25, 2003.

Standard Paragraph

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov*, using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866)208–3676, or for TTY, contact (202)502–8659. Protests and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. 03–8977 Filed 4–10–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER02–2001–000 and RM01–8–000]

Revised Public Utility Filing Requirements Electric Quarterly Reports; Notice Providing Further Details on Electric Quarterly Reports Workshop

April 4, 2003.

On March 24, 2003, the Commission issued a ''Notice of Electric Quarterly Reports Workshop'' to announce, and an Errata Notice to clarify, that a workshop will be held at 9:30 a.m. on Friday, April 11, 2003, at FERC Headquarters, 888 First St., NE., Washington, DC. This notice provides further registration details and the workshop agenda (attachment).

The workshop will consist of EQR software demonstrations as well as discussion with participants. For those unable to attend in person, the workshop will be available at no cost to participants via a combination of telephone conference call and simultaneous online demonstrations

accessible from your desktop PC. To register to attend the online version of the workshop, please e-mail *eqrworkshop@ferc.gov*, and include your name, your company name, and a contact telephone number. A response to your e-mail will be sent with further information and instructions for accessing the workshop from your computer. No registration is required for those parties attending the workshop in person.

The Commission is interested in soliciting questions and or comments regarding the EQR Submission and Dissemination Systems in advance of, as well as during, the workshop. Please e-mail any questions or comments that you would like to have considered and discussed at the workshop to *eqrworkshop@ferc.gov*.

In addition, interested parties may file comments under the above-captioned Docket Numbers by April 28, 2003. Filings will be available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov*, using the Federal Energy Regulatory Record Information System (FERRIS) data base. To access the filings, enter the docket number, excluding the last three digits, in the docket number field. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659.

For additional information, please contact Barbara Bourque of FERC's Office of Market Oversight & Investigations at (202) 502–8338 or by e-mail, *barbara.bourque@ferc.gov*.

Magalie R. Salas,

Secretary.

Electric Quarterly Reports Workshop Agenda

Friday, April 11, 2003

I. Welcome to Participants
  A. Live and Web participants (Live sign-in)
  B. User's Group formation
II. FERC Issues with Data
  A. Revised 4th Quarter 2002 submissions due April 11, 2003
  1. Truncated currency totals
  2. DUNS numbers
  3. Product Name—Bookouts
  B. Product Names list expansion?
  C. Participant comments and questions
III. Submission System Changes/Updates
  A. Demonstration
  1. Error detection
  2. Reports/printing capabilities
  B. Participant comments and questions
IV. Dissemination System Changes/Updates
  A. Submission System download
  B. Spreadsheet download—demo
  C. Database download
  D. Queries—demo
  E. Participant comments and questions
V. Compliance
  A. Review of submissions
  B. Letters to companies in non-compliance status with Order 2001
  C. Participant comments and questions

[FR Doc. 03–8980 Filed 4–10–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD03–7–000]

Natural Gas Price Formation; Notice of Agenda for the April 24, 2003, Staff Technical Conference

April 4, 2003.

As announced on March 14, the Federal Energy Regulatory Commission (FERC) will hold a technical conference on Thursday, April 24, 2003, to be held at FERC headquarters, 888 First Street, NW., Washington, DC, in the Commission Meeting Room (Room 2C). The purpose is to discuss issues related to the adequacy of natural gas price information. Issues of concern: Include ways to fix deficiencies in the manner price data are currently collected; how to increase reliability; and what alternative models might produce reliable natural gas price discovery.

We plan to hear from those who currently report transactions, receive and publish price information, use the published data reports, and those with constructive suggestions for overcoming impediments and inconsistencies. Parties with specific alternative models for achieving the goals are invited. We request that anyone with a specific proposal file it in this docket number for all to access. (Instructions on filing electronically can be found at *http://www.ferc.gov/documents/makeanelectronicfiling/doorbell.htm*.)

The one-day meeting will begin at 8:30 a.m. and conclude about 5 p.m. All interested parties are invited to attend. There is neither pre-registration nor a registration fee to attend. Attached is the Agenda for the day.

As mentioned in the March 14th notice, the Capitol Connection will broadcast this conference. Capitol Connection offers coverage of all open and special Commission meetings held at the Commission's headquarters live over the Internet, as well as via telephone and satellite. For a fee, you can receive these meetings in your office, at home, or anywhere in the world. To find out more about Capitol Connection's live Internet, phone bridge, or satellite coverage, contact David Reininger or Julia Morelli at (703) 993–3100, or visit *www.capitolconnection.org*. Capitol Connection also offers FERC open meetings through its Washington, DC-area television service.

The conference will be transcribed. Those interested in obtaining transcripts of the conference should contact Ace Federal Reporters at (202) 347–3700 or (800) 336 6646. Transcripts will be made available to view electronically under this docket number seven working days after the conference. Anyone interested in purchasing videotapes of the meeting should call VISCOM at (703) 715–7999.

For additional information, please contact Saida Shaalan of the Office of Market Oversight & Investigations at 202–502–8278 or by e-mail, *Saida.Shaalan@ferc.gov*.

Magalie R. Salas,

Secretary.

Conference Agenda

Natural Gas Price Formation; Agenda for the Staff Technical Conference on April 24, 2003

[Docket No. AD03–7–000]

• William Hederman, Director, Office of Market Oversight & Investigations—Welcoming remarks 8:30—8:45 a.m.

• Stephen Harvey, Deputy Director, Market Oversight & Assessment.

How do we arrive at good, reliable natural gas prices?

What are the different models for natural gas price reporting?

What should be the minimum standards for price information collected for use by the Commission in tariffs and orders?

• Panel 1—Private Sector Price Reporting Systems 8:45—10:45 a.m.

—Larry Foster, Platt's News Service
—Ellen Beswick or Mark Curran, Intelligence Press
—Andrew Ware, Energy Intelligence Group
—Michael Smith, Executive Director, Committee of Chief Risk Officers (CCRO)
—Chuck Vice, Senior Vice President and Chief Operating Officer, Intercontinental Exchange (ICE)
—Robert Levin, Senior Vice President, NYMEX
—Break 10:45—11 a.m.

• Panel 2—Governmental or Third Party Models 11 a.m.—12 p.m.

—Craig Pirrong, Bauer College of Business, University of Houston
—Obie O'Brien, Director of Government & Regulatory Affairs, Apache Corporation
—Representative from Energy Information Administration
—Representative from National Association of Securities Dealers

• Lunch 12—1:30 p.m.

• Panel 3—Industry Responses to the Morning's Discussion 1:30—3 p.m.

—Gerald Ballinger, President, Public Energy Authority of Kentucky (representing APGA)
—Arthur Corbin, President, Coalition for Energy Market Integrity and Transparency (EMIT)(Also, President & General Manager of the Municipal Gas Authority of Georgia)
—Al Musur, Director, Energy and Utility Programs for Abott Labs (also,Chair of the Industrial Energy Consumers of America (IECA)
—Thomas Skains, Chair of American Gas Association's (AGA) Board Task Force on Gas Price Index Reform (Also President & CEO, Piedmont Natural Gas)
—Representative from Natural Gas Supply Association
—Representative from INGAA

• Break 3—3:15 p.m.

• Panel 4—Financial Houses' and Other's Responses to the Morning's Discussion 3:15—4:30 p.m.

—Laurie Ferber, Managing Director, U.S. Power Trading, Goldman Sachs
—Randall Dodd, Derivatives Study Center
—Representative from Fitch Ratings
—Representative from SILCAP, LLC

Close 4:30 p.m.

[FR Doc. 03–8975 Filed 4–10–03; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7481–5]

Science Advisory Board; Request for Nominations for Experts for a Panel on Multimedia, Multipathway, and Multireceptor Risk Assessment (3MRA) Modeling System

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency Science Advisory Board (SAB) is announcing the formation of a new panel regarding the Multimedia, Multipathway, and Multireceptor Risk Assessment (3MRA) Modeling System and soliciting nominations for membership on this panel.

DATES: Nominations should be submitted no later than May 2, 2003.

ADDRESSES: Nominations should be submitted in electronic format through the Form for Nominating Individuals to Panels of the EPA Science Advisory Board provided on the SAB Web site. The form can be found at *http://www.epa.gov/sab/sab_panel_form.htm.* To be considered, all nominations must include the information required on that form. Anyone who is unable to submit nominations via this form may contact Ms. Kathleen White, Designated Federal Officer (DFO), as indicated below.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this Request for Nominations may contact Ms. Kathleen White, (DFO), U.S. EPA Science Advisory Board (1400A), by telephone/voice mail at (202) 564–4559, by fax at (202) 501–0582; or via e-mail at *white.kathleen@epa.gov.*

SUPPLEMENTARY INFORMATION:

1. *Summary:* The Environmental Protection Agency (EPA) Science Advisory Board (SAB) is announcing the formation of a new Panel to review the technical validity of the Multimedia, Multipathway, and Multireceptor Risk Assessment (3MRA) Modeling System for setting national risk-based regulations on the waste program. The SAB is soliciting nominations to establish the members of the new Panel.

This Panel is being formed to provide advice to the Agency, as part of the EPA SAB's mission, established by 42 U.S.C. 4365, to provide independent scientific and technical advice, consultation, and recommendations to the EPA Administrator on the technical bases for EPA decision making. The Board is a chartered Federal Advisory Committee, which reports directly to the Administrator.

2. *Background:* There have been substantial efforts by Federal and State organizations and the private sector to develop risk assessment tools that include the evaluation of contaminants in different media and the integration of exposures across pathways to help establish an integrated risk-based assessment.

In December 1995, EPA's Office of Solid Waste proposed to amend existing regulations for disposal of listed hazardous wastes under the Resource Conservation and Recovery Act (RCRA). The December 1995 proposal (60 FR 6634, December 21, 1995) outlined the Hazardous Waste Identification Rule (HWIR) that was designed to establish constituent-specific exit levels for low risk solid wastes that are currently captured in the RCRA subtitle C hazardous waste system. Under this proposal, waste generators of listed wastes that could meet the new concentration-based criteria defined by the HWIR methodology would no longer be subject to the hazardous waste management system specified under subtitle C of RCRA. This would have established a risk-based ''floor'' for low risk hazardous wastes that would encourage pollution prevention, waste minimization, and the development of innovative waste treatment technologies.

In May and June of 1995, EPA's Science Advisory Board (SAB) reviewed the proposed HWIR methodology for calculating exit concentrations and in May 1996 published its findings in Review of a Methodology for Establishing Human Health and Ecologically Based Exit Criteria for the Hazardous Waste Identification Rule (HWIR) (EPA–SAB–EC–96–002), available at *http://www.epa.gov/sab/pdf/ec96002.pdf.* In addition to this review, EPA's Office of Research and Development (ORD), and numerous industrial and environmental stakeholders, also reviewed the proposed methodology. While the SAB concluded that the methodology ''lacks the scientific defensibility for its intended regulatory use,'' the SAB also made the following recommendations that, when addressed, should provide an adequate scientific basis for establishing a risk-based methodology applicable at the national level for the waste program:

(a) Develop a true multi-pathway risk assessment in which a receptor receives a contaminant from a source via all pathways concurrently, is exposed to the contaminant via different routes, and accounts for the dose corresponding to each route in an integrated way;

(b) Maintain mass balance;

(c) Conduct substantial validation of the methodology and its elements, against actual data derived from either the laboratory or field, prior to implementation of the model;

(d) Conduct a systematic examination of parameters to ensure a consistent and uniform application of the proposed approach, and further, the full suite of uncertainties to be addressed for the final methodology;

(e) Discard the proposed screening procedure for selecting the initial subset of chemicals for ecological analysis and instead require that a minimum data set

be satisfied before ecologically based exit criteria are calculated;

(f) Seek the substantive participation, input, and peer review by Agency scientists and outside peer review groups as necessary, to evaluate the individual components of the methodology in much greater detail; and,

(g) Reorganize and rewrite the documentation for both clarity and ease of use.

As a result of the methodology reviews, the Office of Solid Waste (OSW) collaborated with the Office of Research and Development (ORD) to develop and document a sound science foundation, supporting data for an assessment, and related software technology for an integrated, multimedia modeling system (entitled 3MRA) following the recommendations of the SAB and other reviewers. This effort was initiated with the peer review of an integrated research and development plan (ORD/OSW Integrated Research and Development Plan for the Hazardous Waste Identification Rule (HWIR), 1998 available at: *http://www.epa.gov/epaoswer/hazwaste/id/hwirwste/risk.htm*), that describes the assessment methodology, the technical bases for the integrated multimedia modeling system, and quality controls to be followed during the developmental process. The Multimedia, Multipathway, and Multireceptor Risk Assessment (3MRA) modeling system represents a collection of science-based models and databases that have been integrated into a software infrastructure that is based on the FRAMES (Framework for Risk Analysis in Multimedia Environmental Systems) concept, which provides a computer-based environment for linking environmental models and databases and managing the large amounts of information within the system, including the visualization of outputs. This integrated multimedia modeling system provides national-level estimates of human and ecological risks resulting from long-term (chronic) chemical release from land-based waste management units. Over 45 experts participated in the peer review process of the underlying science within the 3MRA modeling system.

The EPA plans to use the modeling system to help inform managers on a variety of decisions in the waste program, such as setting concentration-based exit criteria for wastes in the hazardous waste management regulations, or deciding whether technology-based standards are protective of human health and the environment.

3. Proposed Charge to the Panel: The EPA is asking the SAB to focus its review in the following four areas: assessment methodology, 3MRA modeling system, modeling system evaluation, and modeling system documentation. Charge questions related to those areas are identified in the relevant section below.

Assessment Methodology

The 3MRA assessment methodology presents a strategy for estimating national distributions of human and ecological risks resulting from long-term (chronic) chemical release from land-based waste management units. The national distribution is constructed by performing ''site-based'' assessments at a statistically significant number of randomly sampled hazardous waste site locations across the U.S. In the assessment methodology, a pollutant is released from a waste management unit to the various media (air, water, soil) according to its chemical properties and characteristics of the unit. The pollutant is transported through the media and exchanged between media via system linkages. Receptors are exposed concurrently to the pollutant via multiple pathways/routes resulting in an integrated dose.

The methodology describes a tiered approach for populating data files for each site evaluation. The approach is referred to as ''site-based'' because the assignment of data values for the site being simulated occurs according to a tiered protocol. Data values are filled first with data at a site level; when site data are not available, a statistically sampled value from a geographically relevant regional distribution of values are used; and lacking a representative regional distribution for the variable, a value from a national distribution is assigned.

The 3MRA methodology was designed specifically to include Monte Carlo simulation methods to address both uncertainty and variability in the risk outputs. Statistical distributions for many modeling parameters were developed and upon implementation provide a statistical measure of variability and uncertainty, *i.e.,* the range and distribution of potential exposures and risks occurring at a site. When applied to the sites in a national assessment, the result is a statistical measure of variability and uncertainty, and national distributions of risks. The sites currently in the database are randomly selected from sites across the United States to represent the national variability in waste management scenarios and locations. The methodology for selecting the sites allows for measures of protection to be calculated at the site level and aggregated over all the sites to develop the national distribution of risks.

Charge Question 1: While the EPA had the assessment methodology peer reviewed prior to the development of the 3MRA modeling system, does the SAB have any additional comments about the methodology as implemented?

3MRA Modeling System

To implement the 3MRA methodology, the EPA chose to develop a comprehensive software-based modeling system, which facilitates the consistent use of sound-science models through a framework that controls model sequencing, facilitates data exchange, and provides data analysis and results visualization tools. Following modern Object Oriented software design and development principles and honoring the use of legacy models (*i.e.,* fate and transport models that have a long history of use at the EPA), the EPA has constructed a modern modeling system that facilitates the consistent and reproducible application of the 3MRA modules and databases to problems requiring a national-scale assessment of site-based risks. The 3MRA modeling system is underpinned by a software infrastructure named FRAMES. FRAMES provides a computer-based environment for linking and applying environmental models and managing the large amounts of information within the system.

The 3MRA modeling system consists of: (a) 17 science-based modules that estimate chemical fate, transport, exposure, and risk; (b) 7 system processors that select data for model execution; manage information transfer within the system; ''roll-up'' site-based results into distributions of risk at the national level; and provide a visualization of the system outputs; and (c) multiple databases that (currently) contain the data for waste managements sites across the country as well as regional and national distributions of data values, (d) a software infrastructure (framework) based on FRAMES.

The 3MRA system was designed to provide flexibility in producing distributions of hazards or risks at sites that may manage exempted waste because the final regulatory decision framework for defining chemical-specific exit levels has not been formulated. The system is designed to allow the evaluation of human health impacts to the general population or selected subpopulations and the impact of varying the measures of protection at different probability levels. The system

has similar capabilities with respect to evaluating the impacts on ecological systems.

Charge Question 2a: Does the 3MRA modeling system provide a tool for performing national risk assessments that facilitates consistent use of the science and provides a mechanism for reproducing results?

Charge Question 2b: Does the 3MRA modeling system provide decision-makers sufficient flexibility for understanding the impacts on potential chemical exemption levels by allowing varying measures of protection based on the number of receptors and/or number of sites protected, types of human and ecological receptors, and distance?

Charge Question 2c: Does the 3MRA modeling system provide appropriate information for setting national risk-based regulations for the waste program?

Modeling System Evaluation

In response to the SAB recommendation that substantial evaluation of the modeling system is essential to building confidence in the system, the EPA focused significant efforts to ensure the scientific integrity of the 3MRA system and its results during system development and post-development. The EPA designed and implemented rigorous quality assurance and quality control procedures for software development, data collection, verification testing, and peer review on the scientific components of the system.

The EPA implemented specific steps to build a level of confidence in the system to ensure that the system will present a reasonable estimate of nationwide risk for a national-level assessment.

First, the overall technical approach and each science-based module included in 3MRA have been peer reviewed. Teams of peer reviewers (at least three per module) provided critical feedback about the science-based modules. All told, over 45 independent experts reviewed the science modules to ensure that the theoretical concepts describing the processes within release, fate, transport, uptake, exposure, and risk components were adequate representations of the processes to be evaluated.

Second, all software components and databases underwent a series of tests to verify that the software and data were performing properly. At the heart of this protocol is the requirement that each component of the modeling system include a designed and peer reviewed test plan that is executed by both the model developer and a completely independent modeler (*i.e.,* someone who did not participate in the original model development). These procedures, test plans, test packages, and test results are fully documented and available to the public.

Third, a comprehensive data collection approach was developed to parameterize the modeling system in accordance with the site-based approach described in the assessment methodology. This data collection plan described the general collection methodology for the major types of data (for example, facility location, land use, soil characteristics, receptor locations), including quality assurance and quality control procedures and references for data sources. Fourth, the 3MRA modeling system has undergone a comparison analysis with EPA's Total Risk Integrated Methodology (TRIM) that is currently under development. The objective of the model comparison effort was to increase confidence that the 3MRA modeling system produces estimates consistent with other multi-media models.

While complete validation of a modeling approach would be the ultimate proof for a multimedia system like the 3MRA, the EPA did not find a multimedia data set to compare with the system's predictive outputs. In addition, the model comparison study was conducted using an actual industrial site where environmental monitoring data for mercury representing the relationship between contaminant source and environmental concentrations were available (albeit an incomplete set of observational data). Finally, a formal program focusing on sensitivity and uncertainty analysis for high-order modeling systems has been initiated at ORD. The early focus of this program is the investigation of parameter sensitivities and system uncertainties within the 3MRA modeling system. A supercomputer has been configured to allow exhaustive experimentation with the 3MRA system in Monte Carlo mode. Initial results of these efforts have been documented.

Charge Question 3a: Is the software development and verification testing approach implemented for the 3MRA modeling system sufficient to ensure confidence that the modeling results reflect the modeling system design?

Charge Question 3b: Given the thorough evaluations that EPA has implemented using the available data resources and technologies, while also recognizing the real world limitations that apply to validating the 3MRA modeling system, have we reasonably demonstrated through methodology design, peer review, quality control, sensitivity analyses, and model comparison, that the 3MRA modeling system will produce scientifically sound results of high utility and acceptance with respect to multimedia regulatory applications?

3MRA Modeling System Documentation

In response to significant comments regarding the lack of clarity and transparency associated with documentation of the earlier modeling system the EPA has devoted significant time and resources to correcting this limitation. The 3MRA represents a comprehensive risk assessment capability and as such integrates the science from all contributing disciplines. Documentation is necessarily voluminous. In preparing the current documentation our intent is to provide different levels of presentation depending on the intended audience. The EPA has prepared a significant number of reports and documents at various levels of technical complexity that describe the 3MRA modeling system and the related HWIR application.

The review documents consist of a four volume set of documents, providing a comprehensive overview of the 3MRA modeling system. These documents are intended to be the primary means by which the general public would become familiar with the 3MRA system and are also intended to provide the level of information necessary for a risk assessor to make an informed decision regarding the applicability of the 3MRA modeling system to specific risk assessment problems.

Charge Question 4: Has the EPA made substantive progress, relative to 1995, in designing and preparing documentation for the 3MRA modeling system? Does the SAB have additional suggestions for improving the presentation of the comprehensive set of materials related to this modeling system?

4. Development Plan Document Available: For the purpose of enough understanding about the 3MRA modeling system to nominate candidates, the reader may find the ORD/OSW Integrated Research and Development Plan for the Hazardous Waste Identification Rule (HWIR), 1998 helpful. This document introduces the policy and technical issues shaping the development of the 3MRA modeling system. This document is available at: *http://www.epa.gov/epaoswer/hazwaste/id/hwirwste/risk.htm.*

5. SAB Request for Nominations: Any interested person or organization may nominate qualified individuals for Membership on the Subcommittee.

Individuals should have expertise in one or more of the following areas:

(a) Integrated Software Technology for Multimedia Modeling
(b) Sensitivity and Uncertainty Analyses for Higher Order Environmental Models
(c) Quality Assurance and Model Evaluation
(d) Integrated Multimedia Fate and Transport Modeling—air focus
(e) Integrated Multimedia Fate and Transport Modeling—surface water focus
(f) Integrated Multimedia Fate and Transport Modeling—groundwater focus
(g) Integrated Multimedia Fate and Transport Modeling—food chain focus
(h) Integrated Modeling for Human and Ecological Risk Assessments
(i) National Probabilistic Risk Assessment using Monte Carlo-based Methods
(j) Properties of Chemicals and Environmental Media
(k) Nation-wide Risk Assessments
(l) Human toxicology
(m) Ecological toxicology
(n) Risk Communication
(o) Familiarity with hazardous waste regulations and remediation technologies.

6. *Process and Deadline for Submitting Nominations:* Any interested person or organization may nominate qualified individuals to add expertise in the above areas for the Panel. Nominations should be submitted in electronic format through the Form for Nominating Individuals to Panels of the EPA Science Advisory Board provided on the SAB Web site. The form can be found at *http://www.epa.gov/sab/sab_panel_form.htm.* To be considered, all nominations must include the information required on that form.

Anyone who is unable to submit nominations using this form may contact Ms. Kathleen White at the mailing address in the section above entitled, **FOR FURTHER INFORMATION CONTACT.** Nominations should be submitted in time to arrive no later than May 2, 2003. Any questions concerning either this process or any other aspects of the notice should be directed to Ms. White.

The EPA Science Advisory Board will acknowledge receipt of the nomination and inform nominators of the panel selected. From the nominees identified by respondents to this **Federal Register** notice (termed the ''Widecast''), SAB Staff will develop a smaller subset (known as the ''Short List'') for more detailed consideration. Criteria used by the SAB Staff in developing this Short List are given at the end of the following paragraph. The Short List will be posted on the SAB Web site at: *http://www.epa.gov/sab,* and will include, for each candidate, the nominee's name and their biosketch. Public comments will be accepted for 21 calendar days on the Short List. During this comment period, the public will be requested to provide information, analysis or other documentation on nominees that the SAB Staff should consider in evaluating candidates for Panel.

For the EPA SAB, a balanced review panel (*i.e.,* committee, subcommittee, or panel) is characterized by inclusion of candidates who possess the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors, can be influenced by work history and affiliation), and the collective breadth of experience to adequately address the charge. Public responses to the Short List candidates will be considered in the selection of the panel, along with information provided by candidates and information gathered by EPA SAB Staff independently on the background of each candidate (*e.g.,* financial disclosure information and computer searches to evaluate a nominee's prior involvement with the topic under review). Specific criteria to be used in evaluating an individual subcommittee member include: (a) Scientific and/or technical expertise, knowledge, and experience (primary factors); (b) absence of financial conflicts of interest; (c) scientific credibility and impartiality; (d) availability and willingness to serve; and (e) ability to work constructively and effectively in committees.

Short List candidates will also be required to fill-out the ''Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency'' (EPA Form 3110–48). This confidential form, which is submitted by EPA SAB Members and Consultants, allows Government officials to determine whether there is a statutory conflict between that person's public responsibilities (which includes membership on an EPA Federal advisory committee) and private interests and activities, or the appearance of a lack of impartiality, as defined by Federal regulation. The blank form may be viewed and downloaded from the following URL address: (*http://www.epa.gov/sab/pdf/epaform3110–48.pdf*). Subcommittee members will likely be asked to attend two public face-to-face meetings and several public conference call meetings over the anticipated course of the review. The face-to-face meetings are likely to be in the July, August, September timeframe.

Dated: April 4, 2003.

Vanessa T. Vu,

Director, EPA Science Advisory Board Staff Office.

[FR Doc. 03–8951 Filed 4–10–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6639–3]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 04, 2003 (68 FR 16511).

Final EISs

ERP No. F–FHW–E40791–SC James E. Clyburn Connector Project, Construction of a Two-Lane Rural Roadway Northeast of Orangeburg and Southwest of Sumter, Funding and US Army COE Section 404 Permit Issuance, Calhoun, Sumter and Claredon Counties, SC.

Summary: EPA appreciates the responses to our comments regarding the draft EIS. However, EPA still has environmental concerns regarding wetland and agricultural land impacts, traffic noise and the adequacy of mitigation for these impacts.

ERP No. F–FHW–K40251–CA Butte 70/149/99/191 Highway Improvement Project, Update State Route 149 to Four-Lane Expressway from 70 North of Oroville to Route 99 South of Chico, Funding, Right-of-Way Acquisition, and U.S. Army Section 404 Permit Issuance, Butte County, CA.

Summary: EPA has continuing environmental concerns regarding the potential cumulative impacts to vernal pools and the listed species they support. EPA recommends that FHWA prepare a more thorough cumulative impacts analysis in the future for transportation projects in the Sacramento-Chico corridor.

ERP No. F–FTA–K54026–NV Las Vegas Resort Corridor Transportation

Improvements, Funding, City of Las Vegas, Clark County, NV.

Summary: EPA found that the final EIS sufficiently discussed the environmental impacts of the proposed project and incorporated all of EPA's previous recommendations. Consequently, EPA lacks objections to the proposed project.

ERP No. F–MMS–L02028–AK Beaufort Sea Planning Area Multiple Sale 186, 195 and 202 Oil and Gas Lease Sales, Alaska Outer Continental Shelf, Offshore Marine Environment, Beaufort Sea Coastal Plain, and the North Slope Borough of Alaska.

Summary: EPA continues to have environmental objections due to potential impacts to subsistence resources used by environmental justice and Tribal communities. Subsequent EISs addressing oil and gas exploration and development will need to significantly add information and protective measures if these activities affect areas containing subsistence resources.

Amended Notices: EPR No. D–AFS–K65248–CA Rating EC2 North Fork Fire Salvage Project, Harvest Salvage, Merchantable Timber Volume Sale and Sierra National Forest Land and Resource Management Plan, Implementation, Bass Lake Ranger District, Madera County, CA.

Summary: EPA expressed environmental concerns with potential adverse impacts to water quality given the only action alternative does not address consistency with EPA approved water quality standards. EPA also expressed concerns that the DEIS fully evaluated just one action alternative.

Revision of FR Notice Published on 3/28/2003: Correction of ERP Summary Paragraph.

ERP No. D–BIA–k60034–CA Rating EC2 Jamul Indian Village (Tribe) 101 Acre Fee-to-Trust Transfer and Casino Project, Implementation, San Diego County, CA.

Summary: EPA expressed environmental concerns regarding the project's potential impacts to ground water from effluent disposal and how Best Management Practices and mitigation would ensure compliance with EPA approved water quality standards.

Revision of FR Notice Published on 03/28/2003: Correction of ERP Summary Paragraph.

Dated: April 8, 2003.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 03–8948 Filed 4–10–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6639–2]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information, (202) 564–7167 *or http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements

Filed March 31, 2003 Through April 4, 2003 Pursuant to 40 CFR 1506.9.

EIS No. 030148, Final EIS, BLM, NV, Toquop Energy Project, Toquop Land Disposal Amendment to the Caliente Management Framework Plan (MFP), Construction of a 1,100-megawatt (MW) Natural Gas-Fired Water-Cooled Electric Power Generating Plant and Associated Features on Public Lands, Right-of-Way Grant, Lincoln, Clark and Washoe Counties, NV, Wait Period Ends: May 12, 2003, Contact: Dan Netcher (775) 289–1872.

This document is available on the Internet at: *http://www.fs.fed.us/r4/caribou/.*

EIS No. 030149, Draft Supplement, BLM, NV, Millennium Expansion Project, Construct a New Facilities and Expand Existing Gold Mining Operations, Glamis Marigold Mine, Plan-of-Operations, Winnemucca, Humboldt County, NV, Comment Period Ends: June 5, 2003, Contact: Jeff Johnson, (775) 623–1500.

EIS No. 030150, Draft EIS, AFS, WI, Programmatic EIS—Cheguamegon-Nicolet National Forests Revised Land and Resource Management Plan, Implementation, Ashland, Bayfield, Florence, Forest, Langlade, Oconto, Oneida, Price, Sawyer, Taylor and Vilas Counties, CA, Comment Period Ends: July 11, 2003, Contact: Sally Hess-Samuelson, (715) 362–1384.

This document is available on the Internet at: *http://www.lc.usbr.gov/lcrivops/html.*

EIS No. 030151, Draft EIS, AFS, ID, Upper and Lower East Fork Cattle and Horse Allotment Management Plans, To Update the Allotment Plans to Allow Permitted Livestock Grazing, National Forest System Lands Sawthooth and Challis National Forests, Custer County, ID, Comment Period Ends: May 30, 2003, Contact: Carol Brown, (208) 727–5000.

EIS No. 030152, Final EIS, NPS, VA, Jamestown Project, Improvements at the Jamestown unit of Colonial National Park and the Jamestown National Historic Site, Implementation, James City County, VA, Wait Period Ends: May 12, 2003, Contact: Alec Gould, (757) 898–2404.

EIS No. 030153, Final EIS, AFS, ID, Caribou National Forest Land and Resource Management Plan, Implementation Revised Forest Plan, Bannock, Bear Lake. Bingham, Bonneville, Caribou, Franklin, Oneida and Power Counties, Cache and Rich Counties, UT, Lincoln County, WY, Wait Period Ends: May 12, 2003, Contact: Jerry B. Reese, (208) 557–5761.

This document is available on the Internet at: *http://www.fs.fed.us/r4/caribou/.*

EIS No. 030154, Draft EIS, FHW, UT, Southern Corridor, Extending from I–15 at Reference Post 2 in St. George to UT–9 near Hurricane, Endangered Species Act Review Section 7, Right-of-Way and U.S. Army Corps Section 404 Permits, St. George, Washington and Hurricane, Washington County, UT, Comment Period Ends: May 30, 2003, Contact: Gregory Punske, (801) 963–0182.

EIS No. 030155, Final EIS, FRC, OR, North Umpqua Hydroelectric Project (FERC Project 1927), New License Issuance for the existing 185.5-megawatt (MW) Facility, North Umpqua River, Douglas County, OR, Wait Period Ends: May 12, 2003, Contact: John Smith, (202) 502–8972.

EIS No. 030156, Draft EIS, DOD, NV, TN, NJ, OH, IN, NY, UT, Mercury Management Project, Select and Implement a Long-Term (*i.e.*, 40 Years) Management of the Defense Stockpile of Elemental Mercury, Hawthorne, NV; New Haven, IN; Oak Ridge, TN; Romulus, NY; Somerville, NJ; Tooele, UT; and Warren, OH, Comment Period Ends: July 10, 2003, Contact: Dennis Lynch, (703) 767–7609.

This document is available on the Internet at: *http://(www.mercuryeis.com).*

EIS No. 030157, Draft Supplement, AFS, CA, WA, OR, Northern Spotted Owl Project, Updated information to Amend Selected Portions of the Aquatic Conservation Strategy, (Part of the Northwest Forest Plan), Protect and Restore Watersheds, CA, WA and OR, Comment Period Ends: July 10, 2003, Contact: Joyce Casey, (503) 326–2430.

This document is available on the Internet at: *http://www.reo.gov/acs/.*

EIS No. 030158, Draft EIS, UAF, CA, Los Angeles Air Force Base Land Conveyance, Construction and Development Project, Transfer Portions of Private Developer in

Exchange for Construction of New Seismically Stable Facilities, Cities of El Sequndo and Hawthorne, Los Angeles County, CA, Comment Period Ends: May 27, 2003, Contact: Jason Taylor, (310) 363–0142.

This document is available on the Internet at: *http://www.pirniewest.com/LAAFB.*

EIS No. 030159, Final EIS, AFS, CA, North Fork Fire Salvage Project, Harvest Salvage, Merchantable Timber Volume Sale and Sierra National Forest Land and Resource Management Plan, Implementation, Bass Lake Ranger District, Madera County, CA, Wait Period Ends: May 12, 2003, Contact: Michael Price, (559) 877–2218.

EIS No. 030160, Final Supplement, AFS, UT, Griffin Springs Resource Management Project, New Information concerning the Life History and Analysis of Endangered, Threatened, Candidate, Sensitive and Management Indicator Species, Dixie National Forest, Escalante Range District, Garfield County, UT, Wait Period Ends: May 12, 2003, Contact: David M. Keefe, (435) 826–5400.

EIS No. 030161, Draft Supplement, FTA, NY, Second Avenue Subway Project, Improve Transit Access to Manhattan's East Side and Reduce Excess Crowds on the Lexington Avenue Subway, Metropolitan Transportation Authority (MTC) New York City Transit (NYCT), New York, NY, Comment Period Ends: June 10, 2003, Contact: Irwin B. Kessman, (212) 668–2177.

EIS No. 030162, Revised Draft EIS, DOE, Hanford Site Solid (Radioactive and Hazardous) Waste Program, New Information on Waste Management Alternatives, Waste Management Practices Enhancement for Low-Level Radioactive Waste, Mixed Low-Level Radioactive Waste and Transuranic Waste, Richard, Benton County, WA, Comment Period Ends: May 27, 2003, Contact: Michael S. Collins, (800) 426–4914.

Amended Notices

EIS No. 030114, Draft EIS, NPS, AK, Glacier Bay National Park and Preserve Vessel Quotas and Operating Requirements for Cruise Ships and Tour, Charter, and Private Vessels, Implementation, AK, Comment Period Ends: May 14, 2003, Contact: Nancy Swanton, (907) 257–2651.

Revision of FR Notice Published on 3/31/2003: CEQ Comment Period Ending 5/20/2003 has been Corrected to 5/14/2003.

EIS No. 030121, Draft EIS, COE, CA, East Cliff Drive Bluff Protection and Parkway Project, Evaluate Alternatives for Coastal Bluff Erosion Protection, City of Santa Cruz, Santa Cruz County, CA, Comment Period End: May 12, 2003, Contact: Sarah Cameron, (415) 977–8538.

Revision of FR Notice Published on 3/28/2003: EIS No. 0230121 has been Corrected to 030121.

Dated: April 8, 2003.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 03–8949 Filed 4–10–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7482–4]

Science Advisory Board; Notification of Public Advisory Committee Meeting Environmental Engineering Committee (EEC) Conference Call

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA), Science Advisory Board (SAB), Environmental Engineering Committee (EEC) is announcing a planning teleconference meeting to discuss several proposed self-initiated projects for Fiscal Year 2004.

DATES: The conference call meeting will take place on Wednesday, April 30, 2003 from 11:30 p.m. to 1:30 p.m. Eastern Standard Time. Participation will be by teleconference only.

ADDRESSES: Members of the public who wish to obtain the call-in number and access code to participate must contact Ms. Sandra Friedman, EPA Science Advisory Board Staff Office; telephone/voice mail at (202) 564–2526 or via e-mail at *friedman.sandra@epa.gov* in order to register.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information about this conference call meeting should contact Ms. Kathleen White, Designated Federal Officer, by telephone/voice mail at (202) 564–4559 or via e-mail at *white.kathleen@epa.gov.* General information concerning the EPA Science Advisory Board can be found on the EPA Web site at *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION: 1. *Summary:* The U.S. Environmental Protection Agency (EPA or Agency) Science Advisory Board (SAB) is providing this notification of an upcoming teleconference call meeting of the Environmental Engineering Committee (EEC) .

The SAB was established by 42 U.S.C. 4365 to provide independent scientific and technical advice, consultation, and recommendations to the EPA Administrator on the technical basis for Agency positions and regulations. This committee of the SAB will comply with the provisions of the Federal Advisory Committee Act (FACA) and all appropriate SAB policies and procedures.

During the public conference call meeting, to take place at the date and time noted above, the EEC will discuss its proposals for self-initiated projects to be considered by the SAB in FY 2004. Self-initiated projects are scientific and technical projects proposed outside of the normal mechanism of Agency-requested consultations, advisories, and peer reviews. Such projects are intended to address critical needs for anticipatory or cross-cutting scientific and technical advice. All SAB self-initiated projects will be evaluated by the SAB's Executive Committee (EC) during its July 16–17, 2003 public meeting.

2. *Availability of Meeting Materials:* A copy of the draft agenda for the meeting that is the subject of this notice will be posted on the SAB Web site (*http://www.epa.gov/sab*) (under the AGENDAs subheading) approximately 10 days before the conference call meeting. Other materials that may be available, such as draft proposals for SAB self-initiated projects to be considered at the EEC conference call meeting will also be posted on the SAB Web site in this time-frame, linked to the calendar entry for this meeting (http://www.epa.gov/sab/mtgcal.htm.)

3. *Providing Oral or Written Comments at SAB Meetings:* It is the policy of the EPA Science Advisory Board (SAB) to accept written public comments of any length, and to accommodate oral public comments whenever possible. The EPA SAB expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. *Oral Comments:* In general, each individual or group requesting an oral presentation at a face-to-face meeting will be limited to a total time of ten minutes (unless otherwise indicated). For conference call meetings, opportunities for oral comment will usually be limited to no more than three minutes per speaker and no more than fifteen minutes total. Interested parties should contact the Designated Federal Official (DFO) at least one week prior to the meeting in order to be placed on the

public speaker list for the meeting. Speakers may attend the meeting and provide comment up to the meeting time. Speakers should bring at least 35 copies of their comments and presentation slides for distribution to the reviewers and public at the meeting.

Written Comments: Although the SAB accepts written comments until the date of the meeting (unless otherwise stated), written comments should be received in the SAB Staff Office at least one week prior to the meeting date so that the comments may be made available to the review panel for their consideration. Comments should be supplied to the appropriate DFO at the address/contact information noted below in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file format: Adobe Acrobat, WordPerfect, Word, or Rich Text files (in IBM–PC/Windows 95/98 format). Those providing written comments and who attend the meeting are also asked to bring 35 copies of their comments for public distribution. Should comment be provided at the meeting and not in advance of the meeting, they should be in-hand to the DFO up to and immediately following the meeting.

4. Meeting Access—Participation in this meeting is by teleconference only. Individuals requiring special accommodation to access this teleconference meeting, should contact the DFO at least five business days prior to the meeting so that appropriate arrangements can be made.

Dated: April 7, 2003.

Vanessa T. Vu,

Director, EPA Science Advisory Board Staff Office.

[FR Doc. 03–8957 Filed 4–10–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL –7482–5]

Science Advisory Board, Environmental Health Committee; Notification of an Upcoming Meeting and Final List of Panel Members for the Review of the Supplemental Guidance for Assessing Cancer Susceptibility From Early-life Exposure to Carcinogens (SGACS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA), Science Advisory Board (SAB), a Federal Advisory Committee, announces: (a) An upcoming meeting (b) and final list of panel members for the Review of the Supplemental Guidance for Assessing Cancer Susceptibility from Early-life Exposure to Carcinogens (SGACS).

DATES: The face-to-face meeting will take place May 12, 2003 from 1 PM to 5 PM, and May 13 and 14, 2003 from 9 to 5 PM (all times noted are Eastern Daylight Time).

ADDRESS: The meeting will take place at the Sheraton Crystal City, 1800 Jefferson-Davis Hwy, Arlington, VA 22202

FOR FURTHER INFORMATION CONTACT: For general information about the meeting, please contact Dr. Suhair Shallal, Designated Federal Officer, by telephone/voice mail at (202) 564–4566, by fax at (202) 501–0582; or via e-mail at *shallal.suhair@epa.gov.* General information concerning the EPA Science Advisory Board can be found on the EPA SAB Web site at: *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION: 1. *Notification of Public Meeting:* The U.S. Environmental Protection Agency (EPA) Science Advisory Board (SAB) is providing notification of an upcoming meeting and announcing the final membership of the SCAGS panel.

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Supplemental Guidance for Assessing Cancer Susceptibility (SGACS) panel of the US EPA Science Advisory Board (SAB) will meet to review the EPA's Office of Research and Development draft document entitled ''Supplemental Guidance for Assessing Cancer Susceptibility From Early-Life Exposure to Carcinogens''. This document provides a possible approach for assessing cancer susceptibility from early-life exposure to carcinogens.

The purpose of this meeting is to allow contemporaneous public access to the SGACS review panel's deliberations concerning the above-mentioned draft document. The meeting is open to the public; however, seating is limited and available on a first come basis. The meeting will be held at the times and dates and place specified above. A copy of the draft agenda for the meeting will be posted on the SAB Web site (*http://www.epa.gov/sab*) (under the AGENDAS subheading) approximately 10 days before the meeting.

For more information regarding the background on this advising activity, please refer to the **Federal Register**, 68 FR 10240, published on March 4, 2003 or the SAB Web site at *http://www.epa.gov/sab/panels/sgacs.html.*

The panel will be charged with responding to the following questions concerning the document to be reviewed.

(a) The Agency seeks the Science Advisory Board's review of the soundness of the Agency's position that the existing scientific information and data support the conclusion that there is greater susceptibility for the development of tumors as a result of exposures in early lifestages as compared with adults to chemicals acting through a mutagenic mode of action. Are there any key studies that the Agency has overlooked in reaching this conclusion?

(b) For chemicals acting through non-mutagenic modes of action, the Agency concludes that a range of approaches needs to be developed over time for addressing cancer risks from childhood exposures. Please comment on the Agency's conclusion that the scientific knowledge and data are insufficient at this time to develop generic guidance on how to address these chemicals and a case-by-case approach is more suitable. Is the SAB aware of any additional data for chemicals acting through non-mutagenic modes of action relevant to possible early lifestage sensitivity?

(c) Assuming that it is appropriate to conclude that there is differential lifestage susceptibility to chemicals acting through a mutagenic mode of action, the Agency's guidance uses a default approach that adjusts cancer slope factors (typically from conventional animal bioassays and/or epidemiologic studies of adult exposure) to address the impact of early-lifestage exposure. Please comment on the appropriateness of this approach.

(d) When considering differential susceptibility, the Agency's guidance separates the potential susceptible period into two age groups, 0–2 years and 2–15 years. These groupings were based on biological considerations rather than exposure considerations. The first grouping, 0–2 years of age, is meant to encompass a period of rapid development and the second grouping, 2–15 years of age, was selected to represent middle adolescence approximately following the period of rapid developmental changes during puberty. Please comment on the appropriateness of these age groupings with respect to susceptible lifestages given the current knowledge.

(e) The Guidance provides a quantitative approach to account for the greater susceptibility of early-life exposure to chemicals that act through a mutagenic mode of action. An

adjustment factor of 10 is applied to the cancer slope factor (derived from animal or epidemiology studies) for exposures before 2 years of age, a factor of 3 is applied for ages between 2 and 15 years, and no adjustment after the age of 15. Please comment on the appropriateness of these adjustment factors based on the analysis of available data.

(f) The Agency recognizes that consideration of children's risk is a rapidly developing area and, therefore, the Agency intends to issue future guidance that will further refine the present guidance and possibly address other modes of action as data become available. The Agency welcomes the SAB's recommendations on other modes of action that may be most fruitful to assess in similar future analyses.

(g) The analysis presented in the current Guidance relies on neonatal and early-life exposure studies. Can the SAB recommend how to best incorporate data from transplacental or in utero exposure studies into future analyses?

(h) The Agency welcomes the SAB's recommendations on critical data needs that will facilitate the development of future guidance addressing differential lifestage susceptibility.

Availability of Review Materials: Documents that are the subject of SAB reviews or consultations are normally available from the originating EPA office and are not available from the SAB Office. The materials for this review are available from the Office of Research and Development's National Center for Environmental Assessment, Risk Assessment Forum Web site, located at: *http://cfpub.epa.gov/ncea/raf/index.cfm.* For questions and information concerning the materials, please contact Dr. William P. Wood, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave, NW., Washington, DC 20460; tel. (202) 564–3361, or e-mail: *risk.forum@epa.gov.*

Providing Oral or Written Comments at SAB Meetings—It is the policy of the EPA Science Advisory Board (SAB) to accept written public comments of any length, and to accommodate oral public comments whenever possible. The EPA SAB expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. *Oral Comments:* In general, each individual or group requesting an oral presentation at a face-to-face meeting will be limited to a total time of ten minutes (unless otherwise indicated) and no more than one hour total. For teleconference meetings, opportunities for oral comment will usually be limited to no more than three minutes per speaker and no more than fifteen minutes total. Interested parties should contact the DFO at least one week prior to the meeting in order to be placed on the public speaker list for the meeting. Speakers may attend the meeting and provide comment up to the meeting time. Speakers should bring at least 35 copies of their comments and presentation slides for distribution to the reviewers and public at the meeting. *Written Comments:* Although the SAB accepts written comments until the date of the meeting (unless otherwise stated), written comments should be received in the SAB Staff Office at least one week prior to the meeting date so that the comments may be made available to the review panel for their consideration. Comments should be supplied to the DFO at the address/contact information noted in the opening of this notice in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file format: Adobe Acrobat, WordPerfect, Word, or Rich Text files (in IBM–PC/Windows 95/98 format). Those providing written comments and who attend the meeting are also asked to bring 35 copies of their comments for public distribution. Should comment be provided at the meeting and not in advance of the meeting, they should be in-hand to the DFO up to and immediately following the meeting. The SAB allows a grace period of 48 hours after adjournment of the public meeting to provide written comments supporting any verbal comments stated at the public meeting to be made a part of the public record.

2. *Meeting Access:* Individuals requiring special accommodation at this meeting, including wheelchair access to the conference room, should contact Ms. Sandra Friedman (*friedman.sandra@epa.gov*) or by telephone/voice mail at (202) 564–2526 at least five business days prior to the meeting date so that appropriate arrangements can be made.

3. *Final List of panel members:* The SAB Staff Office will post the names and biosketches for members of the review Panel on the SAB Web site at: *http://www.epa.gov/sab/panels/sgacsrp.html* along with the ''Panel Selection'' document that outlines the issues that were considered in selecting this panel at least 10 days prior to the first meeting, a teleconference scheduled for April 24, 2003 as previously announced in the **Federal Register** on March 4, 2003 (refer to 68 FR 10240).

Dated: April 7, 2003.

Vanessa T. Vu,

Director, EPA Science Advisory Board.

[FR Doc. 03–8958 Filed 4–10–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7481–6]

Office of Research and Development; Board of Scientific Counselors, Executive Committee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: The Board of Scientific Counselors for the U.S. EPA has convened a Communications *ad hoc* subcommittee to examine how effectively EPA Office of Research and Development (ORD) funded research results are currently communicated, both within and beyond the agency, and how they might be more effectively communicated. The immediate goal of the subcommittee effort is to help EPA/ORD more effectively disseminate ORD's research products, to explain their significance, and to assist others inside and outside the agency in applying them. To this end, on May 15, 2003, the BOSC meeting will include two sessions devoted to communication of research results. The morning session will include presentations from ORD labs and centers of a handful of their best practices in this regard. The afternoon session will include presentations of best practices from a small sample of other organizations and agencies. Both sessions will include discussions of related communications issues, including (but not limited to) defining communication goals, audience identification, criteria for evaluating efforts to communicate research results, and factors that affect their success.

DATES: On Thursday, May 15, the meeting will begin at 8 a.m. and recess at 5:30 p.m. and on Friday, May 16, 2003, the meeting will reconvene at 8:30 a.m. and will adjourn at approximately 3:30 p.m. All times noted are eastern time.

ADDRESSES: The Meeting will be held at the Lowe's L'Enfant Plaza Hotel, 480 L'Enfant Plaza, SW., Washington, DC 20024.

SUPPLEMENTARY INFORMATION: Anyone desiring a draft BOSC agenda may fax their request to Shirley R Hamilton (202) 565–2444. The meeting is open to the public. Any member of the public wishing to make a presentation at the

meeting should contact Shirley Hamilton, Designated Federal Officer, Office of Research and Development (8701R), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; or by telephone at (202) 564–6853. In general, each individual making an oral presentation will be limited to a total of three minutes.

FOR FURTHER INFORMATION CONTACT: Shirley R. Hamilton, Designated Federal Officer, U.S. Environmental Protection Agency, Office of Research and Development, National Center for Environmental Research (MC 8701R), 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (202) 564–6853.

Dated: April 4, 2003.

John C. Puzak,

Acting Director, National Center for Environmental Research.

[FR Doc. 03–8952 Filed 4–10–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0107; FRL–7300–2]

Experimental Use Permit; Receipt of Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application 75015–EUP–G from Nutra-Park Inc. requesting an experimental use permit (EUP) for the NPI 100 10EC growth regulator. The Agency has determined that the application may be of regional and national significance. Therefore, in accordance with 40 CFR 172.11(a), the Agency is soliciting comments on this application.

DATES: Comments, identified by docket ID number OPP–2003–0107, must be received on or before May 12, 2003.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Carol E. Frazer, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8810; e-mail address: frazer.carol@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to those persons who are interested in biochemical pesticides or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA) or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

1. *Docket*. EPA has established an official public docket for this action under docket identification (ID) number OPP–2003–0107. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at http://www.epa.gov/fedrgstr/.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at http://www.epa.gov/edocket/ to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as 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. 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. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

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 for 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 statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in 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.

C. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID 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.'' 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 Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

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

i. *EPA Dockets*. 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 number OPP–2003–0107. 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.

ii. *E-mail*. Comments may be sent by e-mail to opp-docket@epa.gov, Attention: Docket ID Number OPP–2003–0107. 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.

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

2. *By mail*. Send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001, Attention: Docket ID Number OPP–2003–0107.

3. *By hand delivery or courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, Attention: Docket ID Number OPP–2003–0107. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

D. How Should I Submit CBI To the Agency?

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

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public 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 listed under **FOR FURTHER INFORMATION CONTACT**.

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

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

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the notice.

7. Make sure to submit your comments by the deadline in this document.

8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

Nutra-Park Inc., 3230 Deming Way, Suite 125, Middleton, WI 53525, has applied for an EUP for field testing of a new end-use product of the biochemical pesticide lysophosphatidylethanolamine (LPE). This active ingredient has been given an exemption from the requirement for a tolerance (40 CFR 180.1199) and the registrant wishes to continue testing it in a new formulation to evaluate its use as a growth regulator to enhance ripening and shelf-life of various food commodities. Testing of 2,244 gallons of NPI 100 10EC containing 224.40 gallons of LPE will occur in nine states: Arizona, California, Florida, Georgia, Massachusetts, Oregon, South Carolina, Washington, and Wisconsin. Total acreage is 5,100.

III. What Action is the Agency Taking?

Following the review of the Nutra-Park Inc. application and any comments and data received in response to this notice, EPA will decide whether to issue or deny the EUP request for this EUP program, and if issued, the conditions under which it is to be conducted. Any issuance of an EUP will be announced in the **Federal Register**.

IV. What is the Agency's Authority for Taking this Action?

The Agency's authority for taking this action is under FIFRA section 5.

List of Subjects

Environmental protection, Experimental use permits.

Dated: April 2, 2003.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 03–8825 Filed 4–10–03; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

April 1, 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 of 1995, Pub. L. 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before May 12, 2003. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judith B. Herman, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., 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.: 3060–0454.

Title: Regulation of International Accounting Rates.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 20 respondents; 760 responses (20 carriers will file information for 38 routes annually).

Estimated Time per Response: 1 hour.

Frequency of Response: On occasion, annual and one-time reporting requirement.

Total Annual Burden: 760 hours.

Total Annual Cost: $7,000.

Needs and Uses: The Commission implemented rules to make it easier for U.S. carriers engaged in international telecommunications services to negotiate lower accounting rates. Reductions and changes are subject to the International Settlements Policy approach. The Commission uses the information as a method to monitor the international accounting rates to insure that the public interest is being served and also to enforce Commission policies and rules. The information enables the agency to preclude one-way bypass and safeguard of its international policy.

OMB Control No.: 3060–0859.

Title: Suggested Guidelines for Petitions for Ruling Under Section 253 of the Communications Act.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 80.

Estimated Time Per Response: 63–125 hours.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 6,280 hours.

Total Annual Cost: N/A.

Needs and Uses: Section 253 of the Communications Act of 1934, as amended, 47 U.S.C. 253, requires the Commission, with certain important exceptions, to preempt the enforcement of any state or local statute or regulation, or other state or local legal requirement (to the extent necessary) that prohibits or has the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service. The Commission's consideration of preemption begins with the filing of a petition by an aggrieved party. The petition is placed on public notice and commented on by others. The Commission's decision is based on the public record, generally composed of the petition and comments. The Commission has considered a number of preemption items since the passage of the Telecommunication Act of 1996, and believes it in the public interest to inform the public of the information necessary to support its full consideration of the issues likely to be involved in preemption actions.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 03–8855 Filed 4–10–03; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority 5 CFR 1320 Authority, Comments Requested

April 1, 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 of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a current valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before June 10, 2003. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW., Washington, DC 20554, or via the Internet to *Leslie.Smith@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s) contact Les Smith at 202–418–0217 or via the Internet at *Leslie.Smith@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0157.

Title: Section 73.99, Presunrise Service Authorization (PSRA) and Postsunset Service Authorization (PSSA).

Form Number: None.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 200.

Estimated time per response: 0.25 hours.

Total annual burden: 50.

Total annual costs: $10,000.

Needs and Uses: 47 CFR section 73.99(e) requires the licensee of an AM broadcast station intending to operate with a presunrise or postsunset service authorization to submit by letter the licensee's name, call letters, location, the intended service, and a description of the method whereby any necessary power reduction will be achieved. Upon submission of this information, operation may begin without further authority. The FCC staff uses the letter to maintain complete technical information about the station to ensure that the licensee is in full compliance with the Commission's rules and will not cause interference to other stations.

OMB Number: 3060–0342.

Title: Section 74.1284, Rebroadcasts.

Form Number: None.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 100.

Estimated time per response: 1 hour.

Total annual burden: 100 hours.

Total annual costs: $0.

Needs and Uses: 47 CFR section 74.1284 requires that the licensee of an FM translator station obtain prior consent from the primary FM broadcast station or other FM translator before rebroadcasting their programs. In addition, the licensee must notify the Commission of the call letters of each station rebroadcast and certify that written consent has been received from the licensee of that station whose programs are retransmitted. The FCC staff uses the data to update records and to assure compliance with FCC rules and regulations.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 03–8856 Filed 4–10–03; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 28, 2003.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Commerce Bancorp Rabbi Trust, Berkeley, Illinois; to increase ownership of Commerce Bancorp, Inc., Berkeley, Illinois, and thereby indirectly acquire control of National Bank of Commerce, Berkeley, Illinois.

Board of Governors of the Federal Reserve System, April 7, 2003.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 03–8869 Filed 4–10–03; 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 Web site 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 May 7, 2003.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. Woori Finance Holdings, Co., Ltd., Seoul, Korea; to become a bank holding company and retain its interest in Woori America Bank, New York, New York. Comments on this application must be received by April 18, 2003.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166–2034:

1. FCB Financial Services, Inc., Marion, Arkansas; to become a bank holding company by acquiring 100 percent of First Community Bank of Eastern Arkansas, Marion, Arkansas.

Board of Governors of the Federal Reserve System, April 7, 2003.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 03–8868 Filed 4–10–03; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

[Docket No. R–1128]

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket No. 03–05]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–47638; File No. S7–32–02]

Interagency Paper on Sound Practices To Strengthen the Resilience of the U.S. Financial System

AGENCIES: Board of Governors of the Federal Reserve System; Office of the Comptroller of the Currency; and Securities and Exchange Commission.

ACTION: Issuance of interagency paper.

SUMMARY: The Federal Reserve Board (Board), the Office of the Comptroller of the Currency (OCC) and the Securities and Exchange Commission (SEC) are publishing an Interagency Paper on Sound Practices to Strengthen the Resilience of the U.S. Financial System. The Federal Reserve Bank of New York also participated in drafting the paper. The paper identifies three new business continuity objectives that have special importance in the post-September 11 risk environment for all financial firms. The paper also identifies four sound practices to ensure the resilience of the U.S. financial system, which focus on minimizing the immediate systemic effects of a wide-scale disruption on critical financial markets. The agencies expect organizations that fall within the scope of this paper to adopt the sound practices within the specified implementation timeframes, as described in more detail in the paper.

FOR FURTHER INFORMATION CONTACT: *Board:* Jeffrey Marquardt, Associate Director, Division of Reserve Bank Operations and Payment Systems (202) 452–2360; or Angela Desmond, Assistant Director, Division of Banking Supervision and Regulation (202) 452–3497.

OCC: Ralph Sharpe, Deputy Comptroller for Bank Technology (202) 874–4572; or Aida Plaza Carter, Director, Bank Information Technology Operations (202) 874–4740.

SEC: Robert Colby, Deputy Director, Division of Market Regulation (202) 942–0094; David Shillman, Counsel to the Director, Division of Market Regulation (202) 942–0072; or Peter Chepucavage, Attorney Fellow, Division of Market Regulation (202) 942–0163.

SUPPLEMENTARY INFORMATION: On September 5, 2002, the Board of Governors of the Federal Reserve System, Office of the Comptroller of the Currency, and the Securities and Exchange Commission published for comment a Draft Interagency White Paper on Sound Practices to Strengthen the Resilience of the U.S. Financial System.[1] The draft white paper emphasized the criticality of protecting the financial system from serious new risks posed in the post-September 11 environment and described a series of sound practices that were identified by industry participants during a series of interviews and meetings with the agencies. Approximately 90 comment letters were submitted to one or more of the agencies by clearing and settlement system operators; banking organizations; investment banking firms; industry associations; technology companies; Federal, State and local officials; and other interested parties and are summarized below. After reviewing the comments and continuing their dialogue with interested persons, the agencies are issuing this revised final interagency paper.

The sound practices identified in the paper are intended to supplement the agencies' respective policies and other guidance on business continuity planning by financial institutions. The sound practices focus on establishing robust back-up facilities for those back-office activities necessary to recover clearance and settlement activities for the wholesale financial system in times of serious disruption and therefore do not address issues relating to trading operations or to retail financial services. The agencies are not recommending that firms move their primary offices, primary operating sites, or primary data centers out of metropolitan locations. The agencies expect organizations that fall within the scope of this paper to adopt the sound practices within the specified implementation timeframes, as described in more detail in the paper.

Summary of Comments

The commenters generally support the agencies' efforts to improve the resilience of the financial markets and agree with the goals outlined in the draft white paper. Most commenters agree with the sound practices in principle, but propose a number of modifications and clarifying changes to the document. In general, the commenters prefer that the agencies retain a ''sound practices paper format'' rather than adopt a regulatory approach that could be susceptible to a ''one size fits all'' application. They also ask that the agencies coordinate supervisory expectations with each other and with other regulatory authorities as necessary to assure a consistent approach.

There was broad consensus with the goal of ensuring that key organizations in critical financial markets are able to recover clearing and settlement activities in the event of a wide-scale disruption as rapidly as possible. Commenters agree with the definitions of critical financial markets and critical activities, but ask that the agencies make clear that the sound practices apply to back-office operations and not to trading activities or retail products. They also believe that the description of core clearing and settlement organizations is sufficient. Commenters ask for additional guidance to assist in identifying firms that play significant roles in critical financial markets and generally agree that a market share benchmark should be established; a few commenters recommend adopting a dollar volume benchmark. A few commenters suggest that benchmarks should vary by market based on the amount of concentration of key participants in the critical financial markets. Some commenters note the importance of firms being able to self-determine whether they fall into a particular category for a critical financial market, while others ask that the agencies contact organizations that appear to meet the definition for core clearing and settlement organizations or firms that play significant roles in critical markets. Several commenters acknowledge that the sound practices would effectively raise market expectations with respect to the resilience of all financial firms.

A number of commenters state that the description of a wide-scale, regional disruption should include parameters for a range of probable events (*e.g.*, power disruption, natural disaster) and include the expected duration of the outage (*e.g.*, 5, 10, or 30 days). Other commenters note that such specification is unnecessary.

The commenters agree that a within-the-business-day recovery and resumption objective for core clearing and settlement organizations is appropriate and acknowledge that a two-hour recovery time objective is an achievable goal, although somewhat aggressive for some because of the volume and complexity of transaction data involved. There is general consensus that the end-of-business-day recovery objective is achievable for firms that play significant roles in critical markets, although many state that this is possible only if firms are able

[1] 67 FR 56835, September 5, 2002.

to utilize synchronous data storage technologies, which can limit the extent of geographic separation between primary and back-up sites. A number of commenters note that a recovery time objective of four hours is unrealistic unless core clearing and settlement organizations and the telecommunications infrastructure are operating. [2] Some commenters suggest that recovery and resumption time objectives should vary by type of market. Other commenters note that further guidance on the definitions of an ''event'' and ''end-of-business day'' is needed to help ensure meaningful recovery and resumption time objectives.

A number of commenters support the concept of establishing back-up sites for operations and data centers that do not rely on the same infrastructure and other risk elements as primary sites and note that such diversification of risk is a long-standing principle of business continuity planning for financial firms. Most commenters oppose establishing any minimum distance requirement between primary and back-up facilities, citing the need for sufficient flexibility to manage costs effectively and allow for technological improvements. A few commenters believe that establishing minimum separation is appropriate and achievable. A number of commenters express concern that out-of-region back-up sites, including those of third-party service providers, often are geographically concentrated, creating additional risk in the event of a targeted attack or wide-scale disruption affecting those areas. Some commenters ask for additional guidance on how to address various infrastructure components, such as water supply sources. A few commenters indicate that they are exploring overseas locations as part of their recovery and resumption solutions and ask for some assurances that domestic and foreign financial authorities will permit such arrangements.

Commenters note that firms should be permitted to address critical staffing needs sufficient to recover from a wide-scale disruption, but should not be required to maintain a separate redundant staff at their back-up locations, which would be costly and inefficient. Others advocate maintaining a back-up site with staff able to perform critical clearing and settlement activities routinely (through two or more active production sites) or on an emergency basis (*e.g.,* through cross-training staff). Commenters state that permitting firms to adopt a risk-based approach to planning geographically dispersed back-up arrangements would allow institutions to focus on those scenarios that pose the greatest threat and manage labor needs more effectively.

Most commenters agree that routine use or testing of back-up facilities is necessary and beneficial to ensure financial system viability. They also suggest that testing should be ''end-to-end'' involving telecommunication firms, third-party service providers, and securities exchanges.

A majority of commenters state that plans to meet sound practices could be developed within a year after the agencies issue their final views. There is general consensus that sound practices can be implemented over a relatively short (two to three year) time period, if the agencies provide sufficient flexibility to accommodate the unique risk profile and planning and investment cycles of each institution. Commenters note that extending implementation schedules would help to mitigate the costs of building greater resilience into business continuity arrangements, although there was also recognition that the post-September 11 risk environment requires that achievement of the sound practices needs to be accomplished within a reasonably short time frame by peer firms. Some commenters warn that strict application of the sound practices or establishment of minimum distance and staffing requirements could require firms to bear excessive costs with the result that some might exit particular markets, leading to further concentration, decreased liquidity, and higher overall costs for participants in those markets. Several commenters expressed concern that the sound practices might result in significant employment losses and other negative impacts on the economy and tax base of the New York City metropolitan area. Virtually all commenters state that the core clearing and settlement organizations should establish more aggressive implementation timetables than other firms. Commenters also recognize that firms should set implementation benchmarks in their plans to assess progress. Some commenters assert that the incremental cost of achieving the sound practices should be subsidized, all or in part, by the government.

The agencies have incorporated many of the suggestions that were made by the commenters. The revised paper is more succinct, and generally provides more flexibility to firms in managing geographic diversity of back-up facilities, staffing arrangements, and cost-benefit considerations. It also provides more specificity as to the scope of application of the sound practices as well as the implementation guidelines. No specific mileage requirements or technology solutions are mandated. Accordingly, the agencies are issuing this final version of the interagency paper on sound practices to strengthen the resilience of the U.S. financial system.

Interagency Paper on Sound Practices To Strengthen the Resilience of the U.S. Financial System

Introduction and Background

The Federal Reserve, the Office of the Comptroller of the Currency, and the Securities and Exchange Commission (the agencies) are issuing this *Interagency Paper on Sound Practices to Strengthen the Resilience of the U.S. Financial System* to advise financial institutions on steps necessary to protect the financial system in light of the new risks posed by the post-September 11 environment. The sound practices build upon long-standing principles of business continuity planning and reflect actions identified by industry members that will strengthen the overall resilience of the U.S. financial system in the event of a wide-scale disruption.

The agencies have identified broad industry consensus on three business continuity objectives that have special importance after September 11 for all financial firms. The agencies also have identified sound practices that focus on minimizing the immediate systemic effects of a wide-scale disruption on critical financial markets. The sound practices focus on the appropriate back-up capacity necessary for recovery and resumption of clearance and settlement activities for material open transactions in wholesale financial markets. They do not address the recovery or resumption of trading operations or retail financial services. The agencies are not recommending that firms move their primary offices, primary operating sites, or primary data centers out of metropolitan locations, and understand that there are important business and

[2] Many commenters state that the recovery of financial systems can only be achieved if the telecommunications infrastructure is up and running across the nation. Firms identify a number of industry efforts to explore common infrastructure issues and possible solutions to ensure diversity of circuit routing and other reliability issues. Commenters raising this issue ask the agencies to continue to raise the issue of telecommunications infrastructure resilience with federal and state agencies, including the Federal Communications Commission, the National Security Telecommunications Advisory Committee and the Department of Homeland Security. The agencies are taking numerous actions to help direct attention to improving the resilience of the telecommunications infrastructure.

internal control reasons for financial firms to maintain processing sites near financial markets and their own headquarters. The agencies also recognize that achieving the sound practices could be a multi-year endeavor for some firms and that it is not necessary or appropriate to prescribe any specific technology solution or limit a firm's flexibility to implement the sound practices in a manner that reflects its own risk profile. The sound practices discussed in this paper supplement the agencies' respective policies and other guidance on business continuity planning.

Post-September 11 Business Continuity Objectives

During discussions about the lessons learned from September 11, industry participants and others agreed that three business continuity objectives have special importance for all financial firms and the U.S. financial system as a whole:

- Rapid recovery and timely resumption of critical operations following a wide-scale disruption;
- Rapid recovery and timely resumption of critical operations following the loss or inaccessibility of staff in at least one major operating location; and
- A high level of confidence, through ongoing use or robust testing, that critical internal and external continuity arrangements are effective and compatible.

The events of September 11 underscored the fact that the financial system operates as a network of interrelated markets and participants. The ability of an individual participant to function can have wide-ranging effects beyond its immediate counterparties. Because of the interdependent nature of the U.S. financial markets, all financial firms have a role in improving the overall resilience of the financial system. It therefore is appropriate for all financial firms to review their business continuity plans and incorporate these three broad business continuity objectives to the fullest extent practicable. In striking an appropriate balance between the new set of risks posed in the post-September 11 environment and the costs involved in planning for wide-scale disruptions, financial firms should incorporate these new and continuing risks into their assessment of their unique characteristics and risk profiles. Firms also should continue to improve upon short-term measures that have been instituted since September 11 and develop longer-term business recovery plans where gaps are identified.

Definitions

The resilience of the U.S. financial system in the event of a ''wide-scale disruption'' rests on the rapid ''recovery'' and ''resumption'' of the ''clearing and settlement activities'' that support ''critical financial markets.'' Some organizations, namely ''core clearing and settlement organizations'' and ''firms that play a significant role in critical financial markets,'' present a type of ''systemic risk'' to the U.S. financial system should they be unable to recover or, in some instances, resume clearing and settlement activities that support those markets. These terms and organizations are defined below.

Wide-Scale Disruption. A wide-scale disruption is an event that causes a severe disruption or destruction of transportation, telecommunications, power, or other critical infrastructure components across a metropolitan or other geographic area and the adjacent communities that are economically integrated with it; or that results in a wide-scale evacuation or inaccessibility of the population within normal commuting range of the disruption's origin.

Systemic Risk. Systemic risk includes the risk that the failure of one participant in a transfer system or financial market to meet its required obligations will cause other participants to be unable to meet their obligations when due, causing significant liquidity or credit problems or threatening the stability of financial markets.[3] Given the complex interdependencies of markets and among participants, thorough preparations by key market participants will reduce the potential that a sudden disruption experienced by one or a few firms will cascade into market-wide liquidity dislocations, solvency problems, and severe operational inefficiencies.[4]

Critical Financial Markets. Critical financial markets provide the means for banks, securities firms, and other financial institutions to adjust their cash and securities positions and those of their customers in order to manage liquidity, market, and other risks to their organizations. Critical financial markets also provide support for the provision of a wide range of financial services to businesses and consumers in the United States. Certain markets, such as the federal funds and government securities markets, also support the implementation of monetary policy. For purposes of this paper, ''critical financial markets'' are defined as the markets for:

- Federal funds, foreign exchange, and commercial paper;
- U.S. Government and agency securities;
- Corporate debt and equity securities.

Core Clearing and Settlement Organizations. Core clearing and settlement organizations consist of two groups of organizations that provide clearing and settlement services for critical financial markets or act as large-value payment system operators and present systemic risk should they be unable to perform. The first group consists of market utilities (government-sponsored services or industry-owned organizations) whose primary purpose is to clear and settle transactions for critical markets or transfer large-value wholesale payments. The second group of core clearing and settlement organizations consists of those private-sector firms that provide clearing and settlement services that are integral to a critical market (*i.e.,* their aggregate market share is significant enough to present systemic risk in the event of their sudden failure to carry on those activities because there are no viable immediate substitutes).

Firms that Play Significant Roles in Critical Financial Markets. Firms that play significant roles in critical financial markets are those that participate (on behalf of themselves or their customers) with sufficient market share in one or more critical financial markets such that their failure to settle their own or their customers' material pending transactions by the end of the business day could present systemic risk. While there are different ways to gauge the significance of such firms in critical markets, as a guideline, the agencies consider a firm significant in a particular critical market if it consistently clears or settles at least five percent of the value of transactions in that critical market.

Recovery and Resumption of Clearing and Settlement Activities. The rapid recovery and resumption of critical financial markets, and the avoidance of potential systemic risk, requires the rapid recovery of clearing and settlement activities for the purpose of completing material pending transactions on their scheduled settlement dates. These clearing and settlement activities include:

[3] The use of the term ''systemic risk'' in this paper is based on the international definition of systemic risk in payments and settlement systems contained in ''A glossary of terms in payment and settlement systems,'' Committee on Payment and Settlement Systems, Bank for International Settlements (2001).

[4] Under adverse market conditions or in the event of credit concerns about institutions, liquidity dislocations of the type experienced immediately after September 11 could be seriously compounded.

(a) Completing pending large-value payments;

(b) Clearing and settling material pending transactions; [5]

(c) Meeting material end-of-day funding and collateral obligations necessary to ensure the performance of items (a) and (b) above;

(d) Managing material open firm and customer risk positions, as appropriate and necessary to ensure the performance of items (a) through (c) above;

(e) Communicating firm and customer positions and reconciling the day's records, and safeguarding firm and customer assets as necessary to ensure the performance of items (a) through (d) above; and

(f) Carrying out all support and related functions that are integral to performing the above critical activities.

For purposes of this paper, the terms recovery (or recover) refers to the restoration of clearing and settlement activities after a wide-scale disruption; [6] resumption (or resume) refers to the capacity to accept and process new transactions and payments after a wide-scale disruption.

Sound Practices

The agencies have identified four broad sound practices for core clearing and settlement organizations and firms that play significant roles in critical financial markets. The sound practices are based on long-standing principles of business continuity planning in which critical activities are identified, a business impact analysis is conducted, and plans are developed, implemented, and tested. Adoption of the sound practices will help protect the financial system from the risks of a wide-scale disruption and reduce the potential that key market participants will present systemic risk to one or more critical markets because primary and back-up processing facilities and staffs are located within the same geographic region.

1. *Identify clearing and settlement activities in support of critical financial markets.* An organization should identify all clearing and settlement activities in each critical financial market in which it is a core clearing and settlement organization or plays a significant role. This assessment should include identification of activities or systems that support or are integrally related to the performance of clearing and settlement activities in those markets.

2. *Determine appropriate recovery and resumption objectives for clearing and settlement activities in support of critical markets.* For purposes of the sound practices, a recovery-time objective is the amount of time in which a firm aims to recover clearing and settlement activities after a wide-scale disruption with the overall goal of completing material pending transactions on the scheduled settlement date. Recovery-time objectives for clearing and settlement activities should be relatively consistent across critical financial markets. This promotes the compatibility of recovery plans and helps ensure that core clearing and settlement organizations and firms that play significant roles in critical financial markets will be able to participate in the financial system in times of wide-scale disruptions. Recovery-time objectives provide concrete goals to plan for and test against. They should not be regarded as hard and fast deadlines that must be met in every emergency situation. Indeed, the agencies recognize that various external factors surrounding a disruption such as time of day, scope of disruption, and status of critical infrastructure—particularly telecommunications—can affect actual recovery times.[7] Furthermore, recovery time objectives might not be achievable following a late-day disruption without an extension of normal business hours.

Market participants agree that core clearing and settlement organizations must meet more aggressive recovery-time objectives than firms that play significant roles in critical financial markets. This is because core clearing and settlement organizations are necessary to the completion of most transactions in critical markets; accordingly, they must recover and resume their critical functions in order for other market participants to process pending transactions and complete large-value payments. It also is reasonable to assume that there will be firms that play significant roles and other market participants in locations not affected by a particular disruption that will need to clear and settle pending transactions in critical markets. Therefore, core clearing and settlement organizations should plan both to *recover and resume* their processing and other activities that support critical markets. In light of the large volume and value of transactions/payments that are cleared and settled on a daily basis, failure to complete the clearing and settlement of pending transactions within the business day could create systemic liquidity dislocations, as well as exacerbate credit and market risk for critical markets. Therefore, core clearing and settlement organizations should develop the capacity to recover and resume clearing and settlement activities *within the business day on which the disruption occurs* with the overall goal of achieving recovery and resumption within two hours after an event.[8] Core clearing and settlement organizations also should develop plans for communicating with participants during a disruption to facilitate their rapid recovery.

The ability of firms that play significant roles in critical financial markets to recover clearing and settlement activities depends on the timing of the recovery of core clearing and settlement organizations for those markets. For planning purposes, firms should assume that core clearing and settlement organizations will recover and resume clearance and settlement activities within the business day of the disruption. Accordingly, firms that play significant roles in critical financial markets should plan to recover clearing and settlement activities for those markets as soon as possible after the core clearing and settlement organizations have recovered and resumed their operations and *within the business day on which a disruption occurs.* In some markets, such as wholesale payments, the banking industry has had long-established recovery benchmarks of four hours and the largest participants in the wholesale payments market have actively discussed the need for a two-hour recovery standard by such

[5] Transactions in government securities include the purchase and sale of U.S. government bills, notes, bonds and agency securities (including mortgage-backed securities issued by Government Sponsored Enterprises), as well as repurchase and reverse repurchase agreements and triparty repurchase agreements involving U.S. government and agency securities.

[6] The goal of business recovery plans is the recovery of a particular activity or function and not the recovery of a disabled facility or system.

[7] A number of firms have expressed concerns about the resilience of telecommunications and other critical infrastructure, and the current limitations on an individual firm's ability to obtain verifiable redundancy of service from such carriers. Firms that establish geographically dispersed facilities can achieve additional diversity in their telecommunications and other infrastructure services, which will provide additional resilience in ensuring recovery of critical operations. A number of financial firms are sponsoring industry-wide efforts to explore common infrastructure issues and approaches.

[8] This includes recovery of clearance and settlement activities that would normally be performed by core clearing and settlement organizations and significant firms within a particular market's business hours on the day of the disruption. These activities include inputting material transaction data or payment instructions, and performing all steps necessary to clear and complete material transactions on their regular value or settlement dates.

organizations. Firms that play significant roles in the other critical financial markets should strive to achieve a four-hour recovery time capability for clearing and settlement activities in order to ensure that they will be able to meet a within the business day recovery target.[9]

3. *Maintain sufficient geographically dispersed resources to meet recovery and resumption objectives.* Recovery of clearing and settlement activities within target times during a wide-scale disruption generally requires an appropriate level of geographic diversity between primary and back-up sites for back-office operations and data centers. The agencies do not believe it is necessary or appropriate to prescribe specific mileage requirements for geographically dispersed back-up sites. It is important for firms to retain flexibility in considering various approaches to establishing back-up arrangements that could be effective given a firm's particular risk profile. However, long-standing principles of business continuity planning suggest that back-up arrangements should be as far away from the primary site as necessary to avoid being subject to the same set of risks as the primary location. Back-up sites should not rely on the same infrastructure components (*e.g.,* transportation, telecommunications, water supply, and electric power) used by the primary site. Moreover, the operation of such sites should not be impaired by a wide-scale evacuation at or the inaccessibility of staff that service the primary site. The effectiveness of back-up arrangements in recovering from a wide-scale disruption should be confirmed through testing.

Core clearing and settlement organizations have the highest responsibility to develop resources that permit the recovery and resumption of clearing and settlement activities within the business day. Accordingly, these organizations should establish back-up facilities a significant distance away from their primary sites. Core clearing and settlement organizations that use synchronous back-up facilities or whose back-up sites depend primarily on the same labor pool as the primary site should address the risk that a wide-scale disruption could impact either or both of the sites and their labor pool. Such organizations should establish even more distant back-up arrangements that can recover and resume critical operations within the business day on which the disruption occurs.

Firms that play significant roles in critical financial markets should maintain sufficient geographically dispersed resources, including staff, equipment and data to recover clearing and settlement activities within the business day on which a disruption occurs. Firms may consider the costs and benefits of a variety of approaches that ensure rapid recovery from a wide-scale disruption.[10] However, if a back-up site relies largely on staff from the primary site, it is critical for the firm to determine how staffing needs at the back-up site would be met if a disruption results in loss or inaccessibility of staff at the primary site. Moreover, firms that use synchronous back-up facilities or whose back-up sites depend primarily on the same labor pool as the primary site should address the risk that a wide-scale disruption could impact either or both of the sites and their labor pools. As part of their ongoing planning process, firms with such back-up arrangements should strive to develop even more distant data back-up and operational resources that prove sufficient to recover clearing and settlement activities within the business day on which the disruption occurs. The business continuity planning process should take into consideration improvements in technology and business processes supporting back-up arrangements and the need to ensure greater resilience in the event of a wide-scale disruption. Interim steps a firm may take should be compatible with the objective of establishing even more distant back-up arrangements. The agencies expect that, as technology and business processes supporting back-up arrangements continue to improve and become increasingly cost effective, firms will take advantage of these developments to increase the geographic diversification of their back-up sites.

4. *Routinely use or test recovery and resumption arrangements.* One of the lessons learned from September 11 is that testing of business recovery arrangements should be expanded. It is critical for firms to test back-up facilities with the primary and back-up facilities of markets, core clearing and settlement organizations, and third-party service providers to ensure connectivity, capacity, and the integrity of data transmission. It also is important to test back-up arrangements with major counterparties and customers, as appropriate. Such testing ensures that recovery objectives are achievable and that staff and necessary external parties are sufficiently informed.

Core clearing and settlement organizations should periodically test recovery and resumption plans at all of their back-up sites. Test scenarios should include wide-scale disruptions that affect the accessibility of key staff; demonstrate the ability to recover and resume within the business day; and aim for a two-hour recovery time. Core clearing and settlement organizations should require participants to test connectivity between their primary and back-up sites and those of the core clearing and settlement organizations. They also may wish to consider organizing a broader industry stress test to ensure that recovery systems are consistently robust across critical market participants.

Firms that play significant roles in critical financial markets should routinely use or test their individual internal recovery and resumption arrangements for connectivity, functionality, and volume capacity. Firms that establish back-up sites within the current perimeter of synchronous back-up technology or that rely primarily on staff at the primary site should confirm that their plans would be effective if a wide-scale disaster affects both sites. Firms also are encouraged to take advantage of testing opportunities offered by markets, core clearing and settlement organizations and third-party service providers to ensure connectivity, capacity and the integrity of data transmission. Firms are encouraged to continue to work cooperatively with their core clearing and settlement organizations and trade associations to design and schedule appropriate industry tests to ensure the compatibility of individual recovery and resumption strategies across critical markets.

[9] As markets and clearance and settlement systems move toward longer operating hours, there may be less flexibility to extend processing hours. This underscores the importance of achieving recovery time objectives within the business day's normal processing periods to the fullest extent possible. It also underscores the importance of ensuring that internal processes can be performed in the event that business hours are extended beyond midnight.

[10] Examples of such arrangements range from maintaining a fully operational geographically dispersed back-up facility for data and operations to utilizing outsourced facilities in which equipment, software, and data are stored for staff to activate. Firms are addressing critical staffing issues in various ways, such as cross training, utilizing staff at underused systems to share or shift loads, rotating employees off-site, and establishing work shifts. A number of firms use outsourced back-up solutions for recovering clearing and settlement activities and data storage. However, numerous commenters expressed concern about the small number of recovery facilities, their lack of geographic diversity and the cost of ensuring availability of facilities during a wide-scale disruption. Firms that use outsourced back-up solutions should take into consideration any heightened risks that could affect access to those facilities during a wide-scale disruption.

Implementation of Sound Practices

Cost-Benefit Considerations. The agencies recognize the importance of cost-effective business continuity planning. The costs associated with implementing the sound practices can vary substantially depending on the extent to which incremental improvements may be needed to address the risks of a wide-scale disruption. Some firms that play significant roles in critical markets may find that they need to implement only relatively minor improvements to their back-up arrangements. Other firms may find it necessary to adopt a more robust technology or upgrade software applications in order to achieve recovery objectives identified by the sound practices. To mitigate the costs of these enhancements, firms may wish to integrate them into the strategic planning process (*e.g.*, coordinate with planned enhancements to facilities, information system components and architecture, and business processes).

Firms should recognize that adoption of the sound practices will help to reassure their counterparties and customers that they can rapidly regain their ability to clear and settle transactions in critical markets. Similarly, firms participating in the financial system would enjoy greater assurance that critical market participants will be able to withstand a wide-scale disruption and meet their payment and settlement obligations, thereby minimizing the potential for cascading fails and resulting systemic risk. Firms report that market forces clearly recognize the interdependent nature of the financial system, and customers and counterparties increasingly expect firms to demonstrate their ability to continue operations should a wide-scale disruption occur.

Implementation by core clearing and settlement organizations. Core clearing and settlement organizations should continue their accelerated efforts to develop, approve, and implement plans that substantially achieve the sound practices by the end of 2004. Plans should provide for back-up facilities that are well outside of the current synchronous range that can meet within-the-business-day recovery targets. On a case-by-case basis, core clearing and settlement organizations can be given additional time to complete implementation of back-up facilities that are well outside the current synchronous range, so long as they take concrete, near-term steps that result in substantially improved resilience by the end of 2004. The amount of flexibility will be measured against factors such as board of directors and senior management's commitment to approved budgets, and adherence to aggressive timetables and interim milestones. Plans should include measurable milestones to assess progress in achieving the sound practices.

Implementation by firms that play significant roles in critical markets. Firms that play significant roles in critical financial markets should develop, approve and implement plans that call for substantial achievement of the sound practices as soon as practicable, but generally within three years of publication of this paper.[11] In some cases, a firm may find it in necessary to provide for a longer implementation period in light of its respective risk profile, level of resilience, and unique business circumstances. All plans should incorporate interim milestones against which progress can be measured and should provide for ongoing consideration of the costs and benefits of achieving greater geographic diversification of back-up facilities.

Role of Senior Management and Boards of Directors. The agencies believe, and industry participants confirm, that incorporation of the post-September 11 business continuity objectives and sound practices discussed in this paper raises numerous short- and long-term strategic issues that require continuing leadership and involvement by the most senior levels of management. These issues must be considered in light of a firm's dependencies on other market participants and the need to achieve a consistent level of resilience across firms. Boards of directors should review business continuity strategies to ensure that plans are consistent with the firm's overall business objectives, risk management strategies, and financial resources. Decisions about overall business continuity objectives should not be left to the discretion of individual business units.

Conclusion

After September 11, financial industry participants initiated a significant review of lessons learned with a view towards strengthening their business continuity plans. The agencies believe that it is important for financial firms to improve recovery capabilities to address the continuing, serious risks to the U.S. financial system posed by the post-September 11 environment. Financial industry participants have demonstrated a keen commitment to ensuring the continued viability of the U.S. financial system by strengthening their own business continuity plans to address the risk of a wide-scale disruption. Over the past year, significant short- and longer-term improvements have been made to business recovery plans. Financial industry participants recognize the importance of continuing senior management involvement in achieving the sound practices discussed in this paper. Firms also are participating in industry initiatives aimed at improving private-sector coordination and ensuring that business recovery plans are compatible and that an appropriate level of robustness is achieved among peers.

The agencies recognize that achievement of the sound practices could be a multi-year endeavor for some organizations and that it is not necessary or appropriate to prescribe any specific technology solution for implementing the sound practices. The agencies urge all financial system participants to continue efforts over the long term to ensure that critical U.S. financial markets have appropriately robust recovery capabilities and can respond to a wide-scale disruption by adopting the sound practices to the fullest extent practicable. Finally, the agencies encourage financial firms that are not deemed to be a core clearing and settlement organization or a firm that plays a significant role in critical markets to review and consider implementation of the sound practices, particularly if a firm's transactions levels approach those deemed to be significant.

By order of the Board of Governors of the Federal Reserve System, April 7, 2003.

Jennifer J. Johnson,

Secretary of the Board.

Dated: April 7, 2003.

John D. Hawke, Jr.,

Comptroller of the Currency.

By the Securities and Exchange Commission.

Dated: April 7, 2003.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–8896 Filed 4–10–03; 8:45 am]

BILLING CODE 6210–01–P; 4810–33–P; 8010–01–P

[11] The agencies will contact each firm that appears to meet the market share thresholds and, if they conclude that the firm plays a significant role in one or more critical markets, will review the firm's plans for implementing the sound practices. The agencies also will monitor implementation of those plans.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects: Title: Implementation of the Head Start National Reporting System on Child Outcomes.

OMB No.: New collection.

Description: The Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF) of the Department of Health and Human Services (DHHS) is requesting comments on plans to implement the Head Start National Reporting System on Child Outcomes. This implementation is being conducted to collect child outcomes information that will be used to enhance Head Start program quality and accountability.

The Head Start National Reporting System (HSNRS) has three major goals. First, the HSNRS will provide teachers and local programs with additional information regarding child progress by reporting on how children are doing at the beginning and end of the program in a limited number of areas. Second, the HSNRS will create a new national system of data on child outcomes from every local Head Start agency for use in planning targeted training and technical assistance services to strengthen program effectiveness. Third, the HSNRS child outcomes information will be used within Head Start Bureau monitoring of local Head Start agencies, to strengthen program accountability for outcomes.

This effort will ensure that every Head Start program will assess in a consistent fashion the progress made by every child in a limited set of early literacy, language, and numeracy skills. All Head Start children who are 4 years old or older will be administered a direct child assessment twice a year, the data analyzed, and the findings reported to the Head Start Bureau, ACF Regional Offices and local Head Start agencies. The HSNRS assessment is designed to create aggregate data on the progress of groups of children at the center and program levels. It is not designed to report on the school readiness of individual Head Start children.

Respondents: Head Start children and Head Start staff.

Annual Burden Estimates: Estimated Response Burden for Respondents to the Full National Implementation of the Head Start National Reporting System on Child Outcomes.

ESTIMATED ANNUAL RESPONSE BURDEN FOR RESPONDENTS TO IMPLEMENT THE HEAD START NATIONAL REPORTING SYSTEM ON CHILD OUTCOMES

Respondents and activities	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Head Start Children: Complete Direct Assessments	500,000	2	1/3	333,333
Head Start Staff: Administer Direct Assessments	36,000	17×2	1/3	408,000
Head Start Staff: Enter Child Demographic Information	36,000	17	1/30	20,400
Head Start Staff: Enter Teacher Background Information	36,000	1	1/60	600
Head Start Staff: Participating in Summer Training	3,000	1	24	72,000
Head Start Staff: Training Local Assessors for the Direct Child Assessment	3,000	1	20	60,000
Head Start Staff: Receiving Training for the Direct Child Assesssments	36,000	1	8	288,000
Head Start Local Training Staff: Fall Implementation Evaluation Form	3,000	2	1/12	500
Head Start Local Program Staff: Focus Groups	600	2	1	1,200
Head Start Local Program Staff: Interview	180	2	1	360
Spring Refresher Training (Home Study): Trainers	3,000	1	8	24,000
Spring Refresher Training (Home Study): Assessors	36,000	1	4	144,000
Totals Annualized				1,352,393

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Head Start Bureau, 330 C Street, SW., Room 2010, Switzer Building, Washington, DC 20447, Attn: Tom Schultz, by e-mail to *tschultz@acf.dhhs.gov,* or by telephone at 202–205–8323. All requests should be identified by the title of the information collection.

The Department specifically requests comments 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 of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: April 8, 2003.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 03–9086 Filed 4–10–03; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget, in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for review, call the HRSA Reports Clearance Office on (301) 443–1129.

The following request has been submitted to the Office of Management

and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: Design for the Evaluation of the Maternal and Child Health Bureau, Bright Futures for Women's Health and Wellness Initiative and Preliminary Evaluation of Initial Products—New

The HRSA Office of Women's Health (OWH) is developing the Bright Futures for Women's Health and Wellness (BFWHW) Initiative to help expand the scope of women's preventive health activities, particularly related to nutrition and physical activity. A pilot test of the BFWHW health promotion tools and materials will be conducted in order to improve the effectiveness of the tools themselves, and to gather feedback on productive strategies for disseminating the tools for appropriate use to training providers and community organizations. Thus, the empirical findings from this pilot test will help shape the final BFWHW tool development. This data collection effort will ensure that the HRSA OWH develops targeted and effective tools for translating health prevention recommendations into nutrition and physical activity messages.

Toward this end, data will be collected from women patients, providers, and representatives of community organizations. Women patients ages 18 and over of various racial and ethnic backgrounds will complete questionnaires at three health centers in different geographic areas of the country. The health care providers at these same sites will also be asked to complete a brief questionnaire. Telephone interviews will be completed with representatives from community organizations located in the service areas of these health centers. The data collection period is estimated to last three weeks.

The estimated response burden is as follows:

Questionnaire	Number of respondents	Responses per respondent	Total responses	Minutes per response	Total burden hours
Woman Patient	2,400	1	2,400	5	200
Provider	18	1	18	5	1.5
Administrator	3	1	3	45	8.25
Total	2,421		2,421		203.75

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: John Morrall, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: April 7, 2003.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 03–8902 Filed 4–10–03; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Availability of Funds

AGENCY: Health Resources and Services Administration (HRSA).

ACTION: Extension of time for application deadline.

SUMMARY: This notice extends the time that applications will be accepted for fiscal year 2003 for the National Health Service Corps (NHSC) Loan Repayment Program. An August 9, 2002 **Federal Register** notice (67 FR 52049) announced that applications must be postmarked no later than March 28, 2003. The deadline for applications has been extended to April 18, 2003. Applications must be mailed to Division of National Health Service Corps, NHSC Loan Repayment Program, c/o I.Q. Solutions, 11300 Rockville Pike, Suite 801, Rockville, MD 20852, postmarked no later than April 18, 2003.

FOR FURTHER INFORMATION CONTACT: Kay Cook, National Health Service Corps, Bureau of Health Professions, Parklawn Building, Room 8A–55, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 594–4400 (*kcook@hrsa.gov*)

Dated: April 8, 2003.

Elizabeth M. Duke,

Administrator.

[FR Doc. 03–8972 Filed 4–8–03; 4:07 pm]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request: Electroencephalogram (EEG) and Event-Related Potential (ERP) Intermediate Phenotypes for Alcoholism in a Low Prevalance American Indian Tribe

Summary: Under the provisions of section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institute on Alcohol Abuse and Alcoholism (NIAAA), the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection was previously published in the **Federal Register** on October 16, 2002, page 63934 and allowed 60-days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection: Title: Electroencephalogram (EEG) and Event-Related Potential (ERP) intermediate phenotypes for alcoholism in a low prevalance American Indian tribe. *Type of Information Collection Request:* New. *Need and Use of Information Collection:* An extensive data set has already been collected by the Laboratory of Neurogenetics, NIAAA, on 294 members of a Southeastern American Indian tribe. We propose to re-contact these individuals to collect additional information. Approximately 100 of the original participants were originally selected as a representative sample of the population. The remaining 194 individuals are family members of alcoholic probands from the population sample. We propose the expand the study to collect (a) measures of intermediate phenotypes for alcoholism and (b) survey-based selected personality characteristics from the same tribal members, Intermediate

phenotypes are biological traits that may be influenced by variation at fewer genes and may mediate different aspects of the disease. The intermediate phenotype measurements that we will collect include resting EEG phenotypes (log voltae alpha (LVA) and beta spectral power), ERPs and heart rate variability (HRV). LVA has been found to be more abundant in alcoholics with co-morbid anxiety disorders. Increased beta power has been associated with increased risk of relapse. P300 ERP amplitude is reduced in alcoholics and their alcohol-naïve children. HRV is a potential intermediate phenotype for alcoholism and major depression. We also propose to administer the Temperament and Character Inventory, a standard, survey-based measure of harm avoidance, novelty seeking, reward dependence, and persistence. The use of such intermediate phenotypes and personality measures is likely to increase our ability to find vulnerability genes for alcoholism. We will use these EEG and EKG intermediate phenotypes and personality dimensions in (1) candidate gene analyses and (2) linkage analyses, utilizing the existing DNA, in order to determine the genes that increase an individuals's risk for alcoholism and anxiety disorders.

The re-recruitment of the original study participants will start in spring 2003. The study is expected to run for 6 months. *Frequency of response:* Once per respondent. *Affected Public:* Individuals. *Type of Respondents:* Adults members of the Southeastern American Indian tribe who were participants in the original study.

The annual reporting burden is as follows: *Estimated Number of Respondents:* It is estimated, after a survey by tribal members, that we will be able to re-recruit approximately 280 of the 294 original participants. *Estimated Number of Responses per Respondent:* One response per respondent. *Average Burden Hours per Response:* Three hours per individual, for a total respondent burden of 840 hours. *Estimated Total Annual Burden Hours Requested:* 840 hours. There are no Costs to Respondents to report. There are no Capital Costs to report. There are no Operating or Maintenance costs to report.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, 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.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Mary-Anne Enoch M.D., NIH/NIAAA/DICBR/LNG, 12420 Parklawn Drive, Park 5 Building, Room 451, MSC 8110, Bethesda, MD 20892–8110, or e-mail your request to: *maenoch@niaaa.nih.gov.* Dr. Enoch can be contacted by telephone at 301–496–2727.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

Dated: February 14, 2003.

Stephen Long,

Executive Officer, NIAAA.

[FR Doc. 03–8862 Filed 4–10–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clear unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Early Clinical Trials of Imaging Agents.

Date: May 2, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Kenneth L. Bielat, PhD, Scientific Review Administrator, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 7147, Bethesda, MD 20892. (301) 496–7576. *bielatk@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: April 4, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–8858 Filed 4–10–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Spores in Skin Cancer.

Date: May 15–16, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select, 8120 Wisconsin Avenue, Bethesda, MD 20892.

Contact Person: Brian Wojcik, Phd, Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institute, 6116 Cancer Institute, 6116 Executive Boulevard, Room 8019, Bethesda, MD 20892, 301/402–2785.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: April 4, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–8859 Filed 4–10–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis panel, Review of NIH–ES–03–02 Contract Proposals.

Date: May 7, 2003.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate contract proposals.

Place: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, 122, Research Triangle Park, NC 27709, (Telephone Conference Call).

Contact Person: RoseAnne M. McGee, Associate Scientific Review Administrator, Scientific Review Branch, Office of Program Operations, Division of Extramural Research and Training, Nat. Inst. of Environmental Health Sciences, PO Box 12233, MD EC–30, Research Triangle Park, NC 27709, 919/541–0752.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel. Review of NIH–ES–03–09 Contract Proposals.

Date: May 29, 2003.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, 122, Research Triangle Park, NC 27709.

Contact Person: RoseAnne M. McGee, Associate Scientific Review Administrator, Scientific Review Branch, Office of Program Operations, Division of Extramural Research and Training, Nat. Inst. of Environmental Health Sciences, PO Box 12233, MD EC–30, Research Triangle Park, NC 27709, 919/541–0752.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: April 4, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–8860 Filed 4–10–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Tumor Immunology.

Date: April 15, 2003.

Time: 11 a.m. to 12:01 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone conference call.)

Contact Person: Samuel C. Edwards, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4200, MSC 7812, Bethesda, MD 20892. (301) 435–1152. *edwardss@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, MDCN Bioengineering Meeting.

Date: April 18, 2003.

Time: 8 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Radisson Barcello, 2121 P Street, NW., Washington, DC 20037.

Contact Person: Carl D. Banner, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5212, MSC 7850, Bethesda, MD 20892. (301) 435–1251. *bannerc@drg.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Immunological Effects and Detection of Anthrax.

Date: April 23, 2003.

Time: 5 p.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone conference call.)

Contact Person: Samuel C. Edwards, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4200, MSC 7812, Bethesda, MD 20892. (301) 435–1152. *edwardss@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 VISB (02) M Vision Disabilities Study Section.

Date: April 28, 2003.

Time: 4 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone conference call.)

Contact Person: Christine Melchior, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5176, MSC 7844, Bethesda, MD 20892. (301) 435–1713. *melchioc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cancer Therapy.

Date: April 30, 2003.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone conference call.)

Contact Person: Philip Perkins, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6208, MSC 7804, Bethesda, MD 20892. (301) 435–1718. *perkinsp@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306, 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893 National Institutes of Health, HHS)

Dated: April 4, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–8861 Filed 4–10–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Mandatory Guidelines for Federal Workplace Drug Testing Programs (0930–0158, revision)—SAMHSA is requesting renewal of OMB approval for the Federal Drug Testing Custody and Control Form for Federal agency and Federally regulated drug testing programs which must comply with the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs (59 FR 29908) dated June 9, 1994, and for the information provided by laboratories for the National Laboratory Certification Program (NLCP).

The Federal Drug Testing Custody and Control Form is used by all Federal agencies and employers regulated by the Department of Transportation to document the collection and chain of custody of urine specimens at the collection site, for laboratories to report results, and for Medical Review Officers to make a determination. The Federal Drug Testing Custody and Control Form approved by OMB three years ago is being submitted for OMB approval without any revision.

Prior to an inspection, a laboratory is required to submit specific information regarding its laboratory procedures. A major change in the submitted information requires a laboratory to provide specific information on its specimen validity testing procedures. Since all certified laboratories are expected to have the capability to conduct specimen validity tests on regulated specimens, collecting this information prior to an inspection allows the inspectors to thoroughly review and understand the laboratory's specimen validity testing procedures before arriving at the laboratory.

The NLCP application form is being revised compared to the previous form. The major change in the NLCP application form includes, where appropriate in each section, a request for specific information on the applicant laboratory's ability to conduct specimen validity testing (*i.e.,* determining if a specimen is adulterated or substituted). Since all certified laboratories are expected to have the capability to conduct specimen validity tests on regulated specimens, it is necessary to ensure that each applicant laboratory has the same capability before being certified.

The annual total burden estimates for the Federal Drug Testing Custody and Control Form, the NLCP application, the NLCP inspection checklist, and NLCP recordkeeping requirements are shown in the following table.

Form/respondent	Burden/ response (hours)	Number of responses	Total annual burden (hours)
Custody and Control Form:			
Donor	.08	7,096,000	567,680
Collector	.07	7,096,000	496,720
Laboratory	.05	7,096,000	354,800
Medical Review Officer	.05	7,096,000	354,800
Laboratory Application	3.00	3	9
Laboratory Inspection Checklist	3.00	110	330
Laboratory Recordkeeping	250.00	55	13,750
Total			1,788,089

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Allison Herron Eydt, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: April 4, 2003.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 03–8888 Filed 4–10–03; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Notice of a Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Substance Abuse and Mental Health Services Administration (SAMHSA) National Advisory Council in April 2003.

The SAMHSA National Advisory Council meeting will be open and will include a report by the SAMHSA Administrator on policy and program issues, discussions on SAMHSA's Center for Substance Abuse Prevention, Center for Substance Abuse Treatment, and Center for Mental Health Services policy issues, program developments and new program initiatives, a discussion on FY 2003 appropriation issues, a Budget Update, and a update on improvements in SAMHSA. There will also be presentations on SAMHSA's data collection projects and on SAMHSA's science to services initiative.

Attendance by the public will be limited to space available. Public comments are welcome. Please communicate with the individual listed

as contact below to make arrangements to comment or to request special accommodations for persons with disabilities.

Substantive program information, a summary of the meeting, and a roster of Council members may be obtained either by accessing the SAMHSA Council Web site, *http://www.samhsa.gov/council/council* or by communicating with the contact whose name and telephone number is listed below.

Committee Name: SAMHSA National Advisory Council.

Date/Time: Thursday, April 24, 2003, 9 a.m. to 5:30 p.m. (open); Friday, April 25, 2003, 9 a.m. to 12:30 p.m. (open).

Place: Embassy Suites Hotel, Chevy Chase Room, 4300 Military Road, NW., Washington, DC 20015.

Contact: Toian Vaughn, Executive Secretary, 5600 Fishers Lane, Parklawn Building, Room 12C–05, Rockville, MD 20857. Telephone: (301) 443–7016; FAX: (301) 443–7590 and e-mail: *TVaughn@samhsa.gov.*

Dated: April 4, 2003.

Toian Vaughn,

Committee Management Officer, SAMHSA.

[FR Doc. 03–8854 Filed 2–10–03; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1422–DR]

Arizona; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Arizona, (FEMA–1422–DR), dated June 25, 2002, and related determinations.

EFFECTIVE DATE: April 1, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Arizona is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 25, 2002:

Navajo County for emergency protective measures (Category B) under the Public Assistance program (already designated for Public Assistance Categories A, Debris Removal; C, Roads and Bridges; E, Buildings and Equipment; F, Utilities and Individual Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program-Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Acting Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–8879 Filed 4–10–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1454–DR]

Kentucky; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–1454–DR), dated March 14, 2003, and related determinations.

EFFECTIVE DATE: March 27, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Kentucky is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 14, 2003: Anderson, Clay, Elliot, Estil, Knox, Lawrence, Magoffin, Mason, Menifee, Morgan, Nicholas, Powell, Rowan, and Woodford Counties for Individual Assistance (already designated for Public Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program-Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Acting Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–8881 Filed 4–10–03; 8:45 am]

BILLING CODE 6718–02–M

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1454–DR]

Kentucky; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–1454–DR), dated March 14, 2003, and related determinations.

EFFECTIVE DATE: March 27, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Kentucky is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 14, 2003: Casey County for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program-Other Needs, 83.544, Public Assistance

Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Acting Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–8882 Filed 4–10–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–3184–EM]

New York; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of New York (FEMA–3184–EM), dated March 27, 2003, and related determinations.

EFFECTIVE DATE: March 27, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 27, 2003, the President declared an emergency under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the impact in certain areas of the State of New York, resulting from the record/near record snow on February 17–18, 2003, is of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (Stafford Act). I, therefore, declare that such an emergency exists in the State of New York.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide emergency protective measures under the Public Assistance program to save lives, protect public health and safety, and property. Other forms of assistance under title V of the Stafford Act may be added at a later date, as you deem appropriate. You are further authorized to provide this emergency assistance in the affected areas for a period of 48 hours. You may extend the period of assistance, as warranted. This assistance excludes regular time costs for sub-grantees' regular employees. Assistance under this emergency is authorized at 75 percent Federal funding for eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Acting Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended, Peter Martinasco, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas of the State of New York to have been affected adversely by this declared emergency:

The counties of Albany, Broome, Chenango, Columbia, Delaware, Dutchess, Greene, Nassau, Orange, Putnam, Rockland, Schenectady, Schoharie, Suffolk, Sullivan, Ulster and Westchester Counties, and New York City for emergency protective measures (Category B) under the Public Assistance program for a period of 48 hours.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Michael D. Brown,

Acting Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–8877 Filed 4–10–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1457–DR]

North Carolina; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of North Carolina (FEMA–1457–DR), dated March 27, 2003, and related determinations.

EFFECTIVE DATE: March 27, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 27, 2003, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of North Carolina, resulting from an ice storm on February 27–28, 2003, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). I, therefore, declare that such a major disaster exists in the State of North Carolina.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Other Needs Assistance under Section 408 of the Stafford Act is later requested and warranted, Federal funds provided under that program will also be limited to 75 percent of the total eligible costs. Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Acting Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended, Michael Bolch, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of North Carolina to have been affected adversely by this declared major disaster:

Alamance, Caswell, Forsyth, Granville, Guilford, Orange, Person, Rockingham, and Stokes Counties for Public Assistance.

All counties in the State of North Carolina and the Eastern Band of the Cherokee Indians are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program-Other Needs, 83.544, Public Assistance

Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Acting Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–8886 Filed 4–10–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1453–DR]

Ohio; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Ohio, (FEMA–1453–DR), dated March 14, 2003, and related determinations.

EFFECTIVE DATE: April 1, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Ohio is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 14, 2003:

Gallia and Meigs Counties for Individual Assistance (already designated for Public Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program-Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Acting Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–8880 Filed 4–10–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–3182–EM]

Rhode Island; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of Rhode Island (FEMA–3182–EM), dated March 27, 2003, and related determinations.

EFFECTIVE DATE: March 27, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 27, 2003, the President declared an emergency under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the emergency conditions in certain areas of the State of Rhode Island, resulting from record/near record snow on February 17–18, 2003, is of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (Stafford Act). I, therefore, declare that such an emergency exists in the State of Rhode Island.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide emergency protective measures under the Public Assistance program to save lives, protect public health and safety, and property. Other forms of assistance under Title V of the Stafford Act may be added at a later date, as you deem appropriate. You are further authorized to provide this emergency assistance in the affected areas for a period of 48 hours. You may extend the period of assistance, as warranted. This assistance excludes regular time costs for sub-grantees' regular employees. Assistance under this emergency is authorized at 75 percent Federal funding for eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Acting Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended, James N. Russo, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas of the State of Rhode Island to have been affected adversely by this declared emergency:

Providence and Washington Counties for emergency protective measures (Category B) under the Public Assistance program for a period of 48 hours.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Michael D. Brown,

Acting Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–8876 Filed 4–10–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1458–DR]

Virginia; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Virginia (FEMA–1458–DR), dated March 27, 2003, and related determinations.

EFFECTIVE DATE: March 27, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 27, 2003, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the Commonwealth of Virginia, resulting from a severe winter storm, record/near record snowfall, heavy rain, flooding, and mudslides on February 15–28, 2003, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). I, therefore, declare that such a major disaster exists in the Commonwealth of Virginia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas, emergency assistance (emergency protective measures Category B under the Public Assistance program) for a period of 48 hours in the designated areas, and Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act that you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance, Hazard Mitigation, and the Other Needs Assistance under Section 408 of the Stafford Act will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Acting Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended, Justo Hernandez, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the Commonwealth of Virginia to have been affected adversely by this declared major disaster:

Buchanan, Dickenson, Montgomery, Russell, Tazewell, and Wise Counties and the cities of Norton, Roanoke and Salem for Individual Assistance.

Arlington, Clarke, Fairfax, Fauquier, Frederick, Highland, Loudoun, Orange, and Rappahannock Counties and the cities of Alexandria, Fairfax, Falls Church, and Winchester for emergency protective measures (Category B) under the Public Assistance program for a period of 48 hours.

All counties within the Commonwealth of Virginia are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program-Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Acting Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–8887 Filed 4–10–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1455–DR]

West Virginia; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of West Virginia, (FEMA–1455–DR), dated March 14, 2003, and related determinations.

EFFECTIVE DATE: April 2, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of West Virginia is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 14, 2003:

Calhoun, Greenbrier, Mason, McDowell, Mercer, Nicholas, Raleigh, Upshur, Webster, and Wyoming Counties for Individual Assistance (already designated for Public Assistance).

Fayette County for Individual Assistance.

Boone, Summers, Tyler, and Wetzel Counties for Public Assistance.

Kanawha County for Public Assistance (already designated for Individual Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program—Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Acting Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–8883 Filed 4–10–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1455–DR]

West Virginia; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of West Virginia (FEMA–1455–DR), dated March 14, 2003, and related determinations.

EFFECTIVE DATE: March 27, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of West Virginia is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 14, 2003: All counties in the State of West Virginia are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program-Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Acting Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–8884 Filed 4–10–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1455–DR]

West Virginia; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of West Virginia, (FEMA–1455–DR), dated March 14, 2003, and related determinations.

EFFECTIVE DATE: March 28, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective March 28, 2003.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program-Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Acting Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–8885 Filed 4–10–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Federal Radiological Preparedness Coordinating Committee Meeting

AGENCY: Federal Emergency Management Agency (FEMA), Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: The Federal Radiological Preparedness Coordinating Committee (FRPCC) advises the public that the FRPCC will meet on April 23, 2003, in Washington, DC.

DATES: The meeting will be held on April 23, 2003, at 9 a.m.

ADDRESSES: The meeting will be held at FEMA's Lobby Conference Center, 500 C Street, SW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Pat Tenorio, FEMA, 500 C Street, SW., Washington, DC 20472, telephone (202) 646–2870; fax (202) 646–4321; or e-mail *pat.tenorio@fema.gov.*

SUPPLEMENTARY INFORMATION: The role and functions of the FRPCC are described in 44 CFR 351.10(a) and 351.11(a). The Agenda for the upcoming FRPCC meeting is expected to include: (1) Introductions, (2) Federal agencies' updates, (3) reports from FRPCC subcommittees, (4) old and new business, and (5) business from the floor.

The meeting is open to the public, subject to the availability of space. Reasonable provision will be made, if time permits, for oral statements from the public of not more than five minutes in length. Any member of the public who wishes to make an oral statement at the April 23, 2003, FRPCC meeting should request time, in writing, from W. Craig Conklin, FRPCC Chair, FEMA, 500 C Street, SW., Washington, DC 20472. The request should be received at least five business days before the meeting. Any member of the public who wishes to file a written statement with the FRPCC should mail the statement to: Federal Radiological Preparedness Coordinating Committee, c/o Pat Tenorio, FEMA, 500 C Street, SW., Washington, DC 20472.

W. Craig Conklin,

Director, Technological Services Division, Office of National Preparedness, Federal Emergency Management Agency, Chair, Federal Radiological Preparedness Coordinating Committee.

[FR Doc. 03–8878 Filed 4–10–03; 8:45 am]

BILLING CODE 6718–06–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4809–N–15]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, room 7266, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708–1234, TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this notice according to the following categories: Suitable/available suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Shirley Kramer, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application

packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expression of interest as soon as possible. For complete details concerning the processing of application, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this notice (*i.e.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Agriculture:* Ms. Marsha Pruitt, Department of Agriculture, Reporters Building, 300 7th Street, SW., Room 310B, Washington, DC 20250; (202) 720–4335; *Energy:* Mr. Tom Knox, Department of Energy, Office of Engineering & Construction Management, CR–80, Washington, DC 20585; (202) 586–8715; *GSA:* Mr. Brian K. Polly, Assistant Commissioner, General Services Administration, Office of the Property Disposal, 18th and F Streets, NW., Washington, DC 20450; (202) 501–0052; *Interior:* Ms. Linda Tribby, Acquisition & Property Management, Department of the Interior, 1849 C Street, NW., MS5512, Washington, DC 20240; (202) 219–0728; *Navy:* Mr. Charles C. Cocks, Director, Department of the Navy, Real Estate Policy Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE., Suite 1000, Washington, DC 20374–5065; (202) 685–9200; (These are not toll-free numbers).

Dated: April 3, 2003.

John D. Garrity,

Director, Office of Special Needs Assistance Programs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM, FEDERAL REGISTER REPORT FOR 4/11/03

Suitable/Available Properties

Buildings (by State)

Iowa

Fed. Bldg./Bldg. 87
6921 Chaffee Road
Ft. Des Moines Co: Polk IA 50315–
Landholding Agency: GSA
Property Number: 54200310022
Status: Surplus
Comment: 8375 sq. ft., presence of asbestos, most recent use—storage
GSA Number: 7–G–IA–501

Post Office/Fed. Bldg.
101 Parkside
West Branch Co: Cedar IA 52358–
Landholding Agency: GSA
Property Number: 54200310023
Status: Surplus
Comment: 9500 sq. ft.
GAS Number: 7–G–IA–505

New Jersey

Warren Property
Jenks Hill Road
Harding Co: Morris NJ 07960–
Landholding Agency: Interior
Property Number: 61200310019
Status: Unutilized
Comment: 4066 sq. ft., needs major rehab, presence of asbestos/lead paint, off-site use only

Pennsylvania

Marienville Ranger Ofc.
Rte 66
Marienville Co: PA 16239–
Landholding Agency: Agriculture
Property Number: 15200310001
Status: Excess
Comment: 1792 sq. ft., presence of asbestos, most recent use—office, considerable relocation costs, off-site use only

Texas

Tract 104–47
San Antonio Missions
8902 Graaf Road
San Antonio Co: Bexar TX 78223–
Landholding Agency: Interior
Property Number: 61200310003
Status: Unutilized
Comment: 1379 sq. ft., Historic District, off-site use only

Virginia

Bldg. 1443 & Adj. Bldg.
NSS Norfolk Naval Shipyard
Portsmouth Co: VA 23704–
Landholding Agency: Navy
Property Number: 77200310060
Status: Excess
Comment: approx. 400 sq. ft. each, most recent use—storage, off-site use only

Unsuitable Properties

Buildings (by State)

California

Bldg. 6255
National Park
Yosemite Co: Tuolumne CA
Landholding Agency: Interior
Property Number: 61200310004
Status: Unutilized
Reason: Extensive deterioration

Residence #811
Cascades
Yosemite Co: Mariposa CA 95318–
Landholding Agency: Interior
Property Number: 61200310005
Status: Unutilized
Reason: Extensive deterioration

Residence #812
Cascades
Yosemite Co: Mariposa CA 95318–
Landholding Agency: Interior
Property Number: 61200310006
Status: Unutilized
Reason: Extensive deterioration

Residence #813
Cascades
Yosemite Co: Mariposa CA 95318–
Landholding Agency: Interior
Property Number: 61200310007
Status: Unutilized
Reason; Extensive deterioration

Residence #814
Cascades
Yosemite Co: Mariposa CA 95318–
Landholding Agency: Interior
Property Number: 61200310008
Status: Unutilized
Reason; Extensive deterioration

Residence #815
Cascades
Yosemite Co: Mariposa CA 95318–
Landholding Agency: Interior
Property Number: 61200310009
Status: Unutilized
Reason; Extensive deterioration

Residence #816
Cascades
Yosemite Co: Mariposa CA 95318–
Landholding Agency: Interior
Property Number: 61200310010
Status: Unutilized
Reason: Extensive deterioration

Residence #817
Cascades
Yosemite Co: Mariposa CA 95318–
Landholding Agency: Interior
Property Number: 61200310011
Status: Unutilized
Reason: Extensive deterioration

Residence #818
Cascades
Yosemite Co: Mariposa CA 95318–
Landholding Agency: Interior
Property Number: 61200310012
Status: Unutilized
Reason: Extensive deterioration

Residence #819
Cascades
Yosemite Co: Mariposa CA 95318–

Landholding Agency: Interior
Property Number: 61200310013
Status: Unutilized
Reason: Extensive deterioration

Residence #820
Cascades
Yosemite Co: Mariposa CA 95318–
Landholding Agency: Interior
Property Number: 61200310014
Status: Unutilized
Reason: Extensive deterioration

Residence #821
Cascades
Yosemite Co: Mariposa CA 95318–
Landholding Agency: Interior
Property Number: 61200310015
Status: Unutilized
Reason: Extensive deterioration

Colorado

Boker/Tract 01–138
20632 Trail Ridge
Grand Lake Co: Grand CO 80447–
Landholding Agency: Interior
Property Number: 61200310016
Status: Unutilized
Reason: Extensive deterioration

Boker/Tract 01–138
20633 Trail Ridge
Grand Lake Co: Grand CO 80447–
Landholding Agency: Interior
Property Number: 61200310017
Status: Unutilized
Reason: Extensive deterioration

Florida

Bldg. 292
Naval Air Facility
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 77200310058
Status: Unutilized
Reason: Extensive deterioration

Bldg. 1481
Naval Air Station
Milton Co: FL 32570–6001
Landholding Agency: Navy
Property Number 77200310059
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, secured area, extensive deterioration

Louisiana

Mamolo Property,
National Park,
Marrero Co: Jefferson LA 70072–
Landholding Agency: Interior.
Property Number: 61200310018.
Status: Excess.
Reason: Extensive deterioration.

New Mexico

Trailer #S–8,
Chaco Culture NHP,
Nageezi Co: San Juan NM 87037–
Landholding Agency: Interior.
Property Number: 61200310020.
Status: Unutilized.
Reason: Extensive deterioration.

Texas

5 Bldgs.
Pantex Plant.
Amarillo Co: Carson TX 79120–
Location: 12–091, 15–023, 15–023A, 16–006, FS–008
Landholding Agency: Energy
Property Number: 41200310021
Status: unutilized.
Reasons: Within 2000 ft. of flammable or explosive material, secured Area.

Tract No. 112–15
Big Thicket Nat'l Preserve
Livingston Co: Polk TX 77351–
Landholding Agency: Interior
Property Number: 61200310021
Status: Unutilized
Reason: Extensive deterioration

[FR Doc. 03–8548 Filed 4–10–03; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–040–03–5101–ER–F336; N–74943]

Notice of Availability of the Proposed Toquop Land Disposal Amendment to the Caliente Management Framework Plan and Final Environmental Impact Statement for the Toquop Energy Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of the proposed Toquop Land Disposal Amendment to the Caliente Management Framework Plan (MFP) and Final Environmental Impact Statement (FEIS) for the Toquop Energy Project.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, an FEIS has been prepared by the Bureau of Land Management (BLM), Ely Field Office, for the Toquop Energy Project. The FEIS was prepared to evaluate the effects of amending the Caliente Management Framework Plan to identify specific sections of land as available for disposal through sale or exchange, effects of an exchange of 640 acres in the Toquop area for 640 acres in the Pah Rah area, and to analyze the impacts of issuing a right-of-way for the construction and operation of a natural gas fired electric power generating plant and associated facilities on public land currently administered by the Ely and Las Vegas Field Offices of the BLM.

DATES: The Proposed Toquop Land Disposal Amendment to the Caliente Management Framework Plan and Final Environmental Impact Statement for the Toquop Energy Project is available for a 30-day protest period starting from the date the Environmental Protection Agency (EPA) publishes its NOA in the **Federal Register**. Copies of the FEIS will be mailed to individuals, agencies, or companies who previously requested copies. Instructions for filing protests are contained in the Final Environmental Impact Statement document cover sheet just inside the front cover, and are included below under **SUPPLEMENTARY INFORMATION.**

ADDRESSES: Public reading copies of the FEIS will be available for reading at public libraries: Caliente Branch Library; Clark County Library; Las Vegas Public Library; Lincoln County Library; Mesquite Library; North Las Vegas Library; Panaca High School Library; University of Nevada-Las Vegas; James R. Dickinson Library Documents Department; University of Nevada-Reno; Getchell Library Government Publication Dept.; Washoe County Library; White Pine County Library. A limited number of copies of the document will be available at the following BLM offices: BLM Nevada State Office, Las Vegas Field Office, Caliente Field Station, and Ely Field Office.

FOR FURTHER INFORMATION CONTACT: Gene A. Kolkman, Field Manager, Bureau of Land Management, Ely Field Office, 702 N. Industrial Way, Ely, Nevada 89301–9408; telephone (775) 289–1800.

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency published the notice of availability of the Draft EIS (DEIS) on May 31, 2002. The public comment period on the DEIS ended August 29, 2002. The FEIS addresses alternatives to resolve the following major issues: ground water resources, air quality, economic benefits, and desert tortoise habitat.

This proposed Toquop Land Disposal Amendment to the Caliente MFP and FEIS for the Toquop Energy Project evaluates the environmental effects that would result from issuance of a right-of-way for the construction of the proposed Toquop Energy electric power generating plant. This 1,100-megawatt (MW) natural gas-fired and water-cooled power plant and associated features would be located on public lands in Lincoln County and Clark County, southern Nevada, that are presently managed by the Ely and Las Vegas Field Offices of the U.S. Bureau of Land Management (BLM). The power plant site for the proposed action is approximately 50 miles south-southeast of Caliente, Nevada, and 12 miles northwest of Mesquite, Nevada. An alternative power plant site located in the Tule Desert approximately 12 miles north-northwest of the Toquop Wash plant site and an alternative air-cooled plant located at the Toquop Wash plant site are evaluated. This document also evaluates the effects of amending the

Caliente MFP, which would identify specific sections of land as available for disposal. This action would be needed to dispose of 640 acres in the Toquop area through sale or exchange. This document also evaluates the effects of an exchange of 640 acres in the Toquop area for 640 acres of private land located in the Pah Rah Range in Washoe County in northwestern Nevada. Federal actions addressed in the accompanying document are the BLM's issuance of rights-of-way needed to construct and operate the Toquop Energy Project and an amendment of the Caliente MFP to identify specific public lands as available for disposal through sale or facilitation of a land exchange as it relates to the proposed project. This Final EIS satisfies the National Environmental Policy Act, which mandates that federal agencies analyze the environmental consequences of major undertakings. The agency preferred alternative is the selected alternative for the proposed plan and Final EIS. The preferred alternative includes a proposed Toquop Land Disposal Amendment to the Caliente MFP, water-cooled power plant, western utility alignment ROW, wellfield ROW, and access road ROW, southern power plant site ROW, Toquop land disposal (southern parcel) through exchange. In addition to the proposed action, three other alternatives were developed for the Toquop Land Disposal Amendment to the Caliente MFP and Toquop Energy Project. The document contains a summary of the decisions and resulting impacts, an overview of the planning process and planning issues, the Proposed Plan Amendment, comment letters and responses and verbal comments received during public review of the Draft Plan Amendment and Toquop Energy Project, and responses to the substantive issues raised during the review.

The proposed Toquop Land Disposal Amendment to the Caliente Management Framework Plan may be protested by any person who participated in the planning process, and who has an interest which is or may be, adversely affected by the approval of the proposed plan amendment. A protest may raise only those issues which were submitted for the record during the planning process (*see* 43 Code of Federal Regulations 1610.5–2). The protest shall contain the following information:

- The name, mailing address, telephone number, and interest of the person filing the protest.
- A statement of the issue or issues being protested.
- A statement of the part or parts of the document being protested.
- A copy of all documents addressing the issue or issues previously submitted during the planning process by the protesting party, or an indication of the date the issue or issues were discussed for the record.
- A concise statement explaining precisely why the Bureau of Land Management, Nevada State Directors's decision is wrong.

Upon resolution of any protests, an Approved Plan Amendment and Record of Decision will be issued for the plan amendment. The Approved Plan Amendment/Record of Decision will be mailed to all individuals who participated in this planning process and all other interested public upon their request.

Mailing address for filing a protest:

Regular Mail

Director (210), Attn: Brenda Williams, P.O. Box 66538, Washington, DC 20035.

Overnight Mail

U.S. Department of the Interior, Director, Bureau of Land Management, Protest Coordinator (WO–210), 1620 ''L'' Street, NW., Rm 1075, Washington, DC 20036.

Dated: February 14, 2003.

Robert V. Abbey,

State Director, Nevada.

[FR Doc. 03–8798 Filed 4–10–03; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Notice on Outer Continental Shelf Oil and Gas Lease Sales

AGENCY: Minerals Management Service, Interior.

ACTION: List of restricted joint bidders.

SUMMARY: Pursuant to the authority vested in the Director of the Minerals Management Service by the joint bidding provisions of 30 CFR 256.41, each entity within one of the following groups shall be restricted from bidding with any entity in any other of the following groups at Outer Continental Shelf oil and gas lease sales to be held during the bidding period May 1, 2003, through October 31, 2003. The List of Restricted Joint Bidders published October 31, 2002, in the **Federal Register** at 67 FR 66416 covered the period November 1, 2002, through April 30, 2003.

Group I. Exxon Mobil Company

ExxonMobil Exploration Corporation.

Group II. Shell Oil Company

SWEPILP.
Shell Frontier Oil and Gas Inc.
Shell Consolidated Energy Resources Inc.
Shell Land and Energy Company.
Shell Onshore Ventures Inc.
Shell Offshore Properties and Capital II, Inc.
Shell Rocky Mountain Production LLC.
Shell Gulf of Mexico Inc.

Group III. BP America Production Company

Amoco Production Company.
BP Exploration and Production Inc.
BP Exploration (Alaska) Inc.

Group IV. TotalFinaElf E&P USA, Inc.

Group V. ChevronTexaco Corporation

Chevron U.S.A. Inc.
Texaco Exploration and Production Inc.
Texaco Production Inc.

Dated: March 21, 2003.

Johnnie Burton,

Director, Minerals Management Service.

[FR Doc. 03–8923 Filed 4–10–03; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

Delaware Water Gap National Recreation Area Citizen Advisory Commission Meeting

AGENCY: National Park Service; Interior.

ACTION: Notice of meeting; correction.

SUMMARY: The National Park Service published a document in the **Federal Register** of December 3, 2002, concerning public meetings of the Delaware Water Gap National Recreation Area Citizen Advisory Commission. The dates, time and location for two of those meetings have been changed (one meeting has already been held as scheduled).

Correction

In the **Federal Register** of December 3, 2002, volume 67, page 71985, concerning public meetings of the Delaware Water Gap National Recreation Area Citizen Advisory Commisison, the dates, time and location of two of the meetings have been changed:

SUMMARY: This notice announces public meetings of the Delaware Water Gap National Recreation Area Citizen Advisory Commission. Notice of these

meetings is required under the Federal Advisory Committee Act (Pub. L. 92–463).

Correction

Meeting Date and Time: Thursday, April 24, 2003 at 6 p.m.,

Address: Walpack Valley Environmental Education Center, Walpack, New Jersey 07881.

The agenda for this meeting will consist of Commission reports which typically include natural resources, recreation, and historic structures. The Superintendent will provide reports on park issues and items of interest brought forth by the Commission and the public. The agenda is set up to invite the public to bring issues of interest before the Commission.

Meeting Date and Time: Thursday, April 24, 2003 immediately following previous meeting,

Address: Walpack Valley Environmental Education Center, Walpack, New Jersey 07881.

The agenda for this meeting will consist of the annual Commission meeting and election of officers for 2003–2004.

SUPPLEMENTARY INFORMATION: The Delaware Water Gap National Recreation Area Citizen Advisory Commission was established by Pub. L. 100–573 to advise the Secretary of the Interior and the United States Congress on matters pertaining to the management and operation of the Delaware Water Gap National Recreation Area, as well as on other matters affecting the recreation area and its surrounding communities.

FOR FURTHER INFORMATION, CONTACT: Superintendent, Delaware Water Gap National Recreation Area, Bushkill, PA 18324, (570) 588–2418.

Dated: January 14, 2003.

William G. Laitner,

Superintendent.

[FR Doc. 03–8937 Filed 4–10–03; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF JUSTICE

Bureau of Justice Statistics

[OJP(BJS)–1370]

2003 Sample Survey of Law Enforcement Agencies

AGENCY: Bureau of Justice Statistics, Office of Justice Programs, Justice.

ACTION: Notice of solicitation.

SUMMARY: The purpose of this notice is to announce a public solicitation to obtain a data collection agent for the 2003 Sample Survey of Law Enforcement Agencies.

DATES: Proposals must be received at the Bureau of Justice Statistics (BJS) on or before 5 p.m. EST, May 12, 2003 or be postmarked on or before May 12, 2003.

ADDRESSES: Proposals should be sent to Application Coordinator, Bureau of Justice Statistics, 810 Seventh Street, NW., Washington, DC 20531; T: (202) 616–3497. Due to recent interruptions in mail service, it is recommended that applicants fax (202) 616–1351), e-mail (*hickmanm@ojp.usdoj.gov*), use a professional delivery service (*e.g.*, FedEx, UPS, etc.), or personally deliver applications, to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT: Matthew Hickman, Statistician, Bureau of Justice Statistics, 810 Seventh Street, NW., Washington, DC 20531; Phone (202) 353–1631 (This is not a toll free number); Email: *hickmanm@ojp.usdoj.gov.*

Authority: 42 U.S.C. 3732.

SUPPLEMENTARY INFORMATION:

Program Goals

The purpose of this award is to provide funding to administer the 2003 Sample Survey of Law Enforcement Agencies (SSLEA). This data collection is part of the Law Enforcement Management and Administrative Statistics (LEMAS) program, a recurring survey series that collects information from a nationally representative sample of law enforcement agencies. The survey will obtain information about law enforcement personnel, equipment, policies and programs, operations, terrorism/mass disaster response, computers and information systems, and other topics. The initial survey instrument and respondent list will be provided by the Bureau of Justice Statistics (BJS). It is anticipated that approximately 2,000 respondents will answer a 4-page questionnaire, and an additional 1,000 respondents will answer an 8-page questionnaire.

BJS anticipates making one award for a 12-month period under this solicitation.

Background

The LEMAS program is currently the most systematic and comprehensive source of national data on law enforcement personnel, expenditures and pay, operations, equipment, computers and information systems, and policies and procedures. Findings from the LEMAS program are designed to provide a broad picture of the current state of law enforcement in America, as well as to document both existing and emerging trends. Previous LEMAS surveys have been conducted in 1987, 1990, 1993, 1997, 1999, and 2000. Datasets and reports for these prior collections are available on the BJS Web site at *http://www.ojp.usdoj.gov/bjs.* Recently released reports from the latest survey are available from the BJS Web site, Local Police Departments, 2000, at *http://www.ojp.usdoj.gov/bjs/abstract/lpd00.htm,* and Sheriffs' Offices, 2000, at *http://www.ojp.usdoj.gov/bjs/abstract/so00.htm.*

The 2003 survey will add to the existing series by including questions related to terrorism/mass disaster response, and other current topic areas. This will provide important information for the development and expansion of law enforcement activity, and the information will be useful for policymakers engaged in research, planning, and budgeting.

Eligibility Requirements

Both profit-making and nonprofit organizations may apply for funds. Consistent with OJP fiscal requirements, however, no fees may be charged against the project by profit-making organizations.

Scope of Work

The objective of this project is to complete data collection for the 2003 Sample Survey of Law Enforcement Agencies. This includes extensive follow-up, data verification, coding and data entry, and delivery of a final data set and documentation. The initial survey instrument and respondent list will be provided by BJS. Specifically, the recipient of funds will:

1. Develop a detailed timetable for each task in the project. Data collection should begin within three months of the project start and be completed within twelve months. After the BJS project manager has agreed to the timetable, all work must be completed as scheduled.

2. Conduct a pre-test of the survey instrument in a minimum of five sites to assure that survey items are perceived by respondents as intended and can be provided in a timely manner. This task will be performed with participation of BJS staff.

3. Mail surveys to respondents and provide extensive follow-up to respondents that require help, clarification, or encouragement to complete the survey. This may involve multiple follow-up telephone calls, re-mailing or re-faxing surveys, e-mail correspondence, and site visits where necessary.

4. Develop an Internet-based or other electronic transmission option for responding to the survey.

5. Implement and maintain an automated system to provide ongoing status of each survey respondent, complete documentation, and an inventory of follow-up communication and procedures for each case. This automated tracking system should remain current and be accessible to the BJS project monitor at all times.

6. Identify techniques necessary to achieve a 90 percent or greater survey response rate. Response rates for previous LEMAS surveys have ranged from 92.6 percent to 97.8 percent.

7. Identify techniques necessary to achieve a 90 percent or greater survey item response rate. The data collection agent will have routine contact with the agencies and must be knowledgeable about the content of the instrument.

8. Deliver to BJS electronic versions of the survey data, and documentation on diskette and in ASCII file format. Survey documentation should include, but is not limited to, a comprehensive codebook detailing variable positions, data coding, variable and value labels, any recoding implemented during the data cleaning process, and copies of all program code used to generate data or published statistics. All data generated by this project belongs to BJS. Publication, presentation, or dissemination of the data in any form, prior to official release by BJS, is prohibited. All data and documentation from this survey will be accessible through the BJS website, and the data will be archived at the Inter-University Consortium for Political and Social Research (ICPSR).

Award Procedures and Evaluation Criteria

Proposals should describe the plan and implementation strategies outlined in the Scope of Work. Information on staffing levels and qualifications should be included for each task, as well as descriptions of experience relevant to the project. Resumes of the proposed project director and key staff should be enclosed with the proposal.

Applications will be reviewed competitively with the final award decision made by the Director of BJS. The applicant will be evaluated on the basis of:

1. Demonstrated knowledge of applied survey research, including survey construction, interview techniques, data collection, data coding, entry and verification, and the production of public use data files. This includes availability of an adequate computing environment, knowledge of standard social science data processing software, and demonstrated ability to produce SPSS readable data files for analysis and report production.

2. Demonstrated ability and experience in collecting data from law enforcement agencies or similar entities.

3. Demonstrated fiscal, management, staff, and organizational capacity to provide sound management for this project. Applicant should include detailed staff resources and other costs by project tasks.

Application and Award Process

An original and two (2) copies of the full proposal must be submitted including:

- Standard Form 424, Application for Federal Assistance.
- OJP Form 7150/1, Budget Detail Worksheet.
- OJP Form 4000/3, Program Narrative and Assurances.
- OJP Form 4061/6, Certification regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters; Drug Free Workplace requirements.
- OJP Form 7120–1, Accounting System and Financial Capability Questionnaire (to be submitted by applicants who have not previously received Federal Funds from the Office of Justice Programs).

These forms can be obtained online from *http://www.ojp.usdoj.gov/forms.htm.*

In addition, fund recipients are required to comply with regulations designed to protect human subjects and ensure confidentiality of data. In accordance with 28 CFR part 22, a Privacy Certificate must be submitted to BJS. Furthermore, a Screening Sheet for Protection of Human Subjects must be completed prior to the award being issued. Questions regarding Protection of Human Subjects and/or Privacy Certificate requirements can be directed to the Human Subjects Protection Officer (HSPO) at (202) 616–3282 (This is not a toll free number).

Proposals must include a project description and detailed budget. The project narrative should describe activities as discussed in the Scope of Work and address the evaluation criteria. The project narrative should contain a detailed timeline for project activities, a description of the survey methodology to be used, including defined geographic boundaries, data collection method, data entry, and data documentation procedures. The detailed budget must provide detailed costs, including salaries of staff involved in the project and the portion of those salaries to be paid from the award, fringe benefits paid to each staff person, travel costs, supplies required for the project, sub-contractual agreements, and other allowable costs. The grant will be made for a period of 12 months.

Dated: April 4, 2003.

Lawrence A. Greenfeld,

Director, Bureau of Justice Statistics.

[FR Doc. 03–8900 Filed 4–10–03; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

April 7, 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 or E-Mail: *King.Darrin@dol.gov.*

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ETA, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), 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: Employment and Training Administration (ETA).

Type of Review: Extension of a currently approved collection.

Title: Title XII Advances and Voluntary Repayments.
OMB Number: 1205–0199.
Affected Public: State, local, or tribal government.
Type of Response: Reporting.
Frequency: On occasion.
Number of Respondents: 8.
Annual Responses: 80.
Average Time per Response: 1 hour.
Total Annual Burden Hours: 80.
Total Annualized Capital/Startup Costs: $0.
Total Annual Costs (operating/maintaining systems or purchasing services): $0.
Description: Section 1202(a) of the Social Security Act provides that the Governor of any State may at any time request that funds be transferred from the account of such State to the Federal Unemployment Account in repayment of part or all of the balance of advances made to such State under section 1201. This ICR seeks approval to continue the process of requesting and repaying advances through correspondence from Governors to the Secretary of Labor.

Darrin A. King,
Acting Departmental Clearance Officer.
[FR Doc. 03–8904 Filed 4–10–03; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Office of the Secretary of Labor

Notice of Meeting: President's Council on the 21st Century Workforce and the Committees on Skills Gap, Demographics and Workplace Issues

AGENCY: Office of the Secretary of Labor.
ACTION: Notice of meeting of the President's Council on the 21st Century Workforce and meeting of Committees.

SUMMARY: Pursuant to Executive Order 13218, the Secretary of Labor will hold a meeting of the President's Council on the 21st Century Workforce, hereafter (The Council). This is the third meeting of the Council and its Committees on the Skills Gap, Changing Demographics, and Workplace Issues. The Council and Committees will provide information and advice to the President, through the Secretary of Labor and the Office of the 21st Century Workforce, on issues guided by Executive Order 13218.

Date, Time & Location: The Council and the Committees will meet on April 29, 2003, from 8:30 a.m. to approximately 2 p.m. The location of the meeting will be the Secretary's Conference Room, U.S. Department of Labor, Francis Perkins Building, 200 Constitution Avenue, NW., Washington DC 20210.

FOR FURTHER INFORMATION CONTACT: Melanie Baker, Staff Assistant, Office of the 21st Century Workforce, U.S. Department of Labor, Room S–2235, 200 Constitution Avenue, NW., Washington, DC 20210. The contact telephone number is (202) 693–6490.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. The agenda for this meeting includes:

- Welcome and remarks by U.S. Secretary of Labor Elaine L. Chao;
- Welcome and remarks by the Director of the Office of the 21st Century Workforce;
- Briefing by Department of Labor (DOL) Officials;
- Committee meeting on the Skills Gap, Changing Demographics and Workplace Issues.

An official record of the meeting will be available for public inspection in the Office of the 21st Century Workforce. All inquiries should be addressed to the Office of the 21st Century Workforce at the address and telephone number provided above.

Individuals needing special accommodations for the Council or Committee meeting should contact Melanie Baker at 202–693–6490 before April 21, 2003.

Interested parties may submit written data, views or comments, preferably 20 copies, to Melanie Baker at the address listed above. The Office of the 21st Century Workforce will forward submissions received prior to the meeting to the appropriate Council or Committees and will include each submission in the record of the meeting.

Signed in Washington DC on April 7, 2003.

Shelley S. Hymes,
Director, Office of the 21st Century Workforce.
[FR Doc. 03–8906 Filed 4–10–03; 8:45 am]
BILLING CODE 4510–23–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of March and April 2003.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated; and

(2) That sales or production, or both, of the firm or sub-division have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production of such firm or subdivision.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–41,765; Regal Plastics, LLC, Roseville, MI

In the following case, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

The investigation revealed that criterion (a)(2)(A) (I.B) (No sales or production decline and (a)(2)(B) (II.B) (No shift in production to a foreign country) have not been met.

TA–W–51,313; Fishing Vessel (F/V) Nanesse, Skagway, AK
TA–W–51,107; Halex/Scott Fetzer Co., Bedford Heights, OH

The investigation revealed that criteria (b)(3) has not been met. The workers' firm (or subdivision) is not an supplier or downstream producer to a firm (or subdivision) for trade-affected companies.

TA–W–51,080; H and L Tool Co., Erie, PA

The investigation revealed that criterion (a)(2)(A) (I.C.) (Increased imports) and (a) (2)(B) (II.B) (No shift in production to a foreign country) have not been met.

TA–W–50,836; Fishing Vessel (F/V) The Fox, Metlakatla, AK
TA–W–50,429; Universal Electronics, Inc., Menomonee Falls, WI
TA–W–50,496; U.S. Manufacturing Corp., Fraser, MI
TA–W–50,810; Deltech Polymers Corp., Troy, OH

TA–W–50,784; Sara Lee Hosiery, Rockingham, NC
TA–W–51,084; Gilinsky Logging, Inc., Rogue River, OR
TA–W–51,132; 4-C's Fisheries, Kodiak, AK
TA–W–50,511; Johns Manville, Parkersburg Plant, Vienna, WV
TA–W–50,549; Sweetheart Cup Co., Lafayette Div., Lafayette, GA
TA–W–50,657; Hewlett Packard Co., Supply Chain Div., Swedesboro, NJ
TA–W–50,926; Hartford Compressors, Inc., West Hartford, CT
TA–W–51,303; Pryor Fish Camp, Kodiak, AK

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–50,874; Ocwem Federal Bank, West Palm Beach, FL
TA–W–51,216; Lexmark International, Inc., Orlando, FL
TA–W–51,200; Synopsys, Inc., Hillsboro, OR
TA–W–51,109; Worldcom Payroll Services, LLC, Hunt Valley, MD
TA–W–50,740; Argus Services, Inc., Libby, MT
TA–W–51,053; Eastman Kodak Co., Oakdale, MN
TA–W–50,952; Trinity Industries, Inc., McKees Rocks, PA
TA–W–50,880; Savane International Corp., Santa Teresa, NM
TA–W–51,281; First Source Furniture Group LLC, Corporate Support Center, Nashville, TN
TA–W–50,915; Techbooks, York, PA
TA–W–51,140; Verizon Communications, Verizon Data Services, Temple Terrace, FL
TA–W–51,077; Advanced Technology Services, Inc., Mt. Clemens, MI

The investigation revealed that criterion (a)(2)(A) (I.A) (no employment declines) has been met.

TA–W–51,302; Fishing Vessel (F/V) Chasina Bay, Ketchikan, AK
TA–W–50,753; Fishing Vessel (F/V) Lynn & Michelle, Monokotak, AK
TA–W–51,312; Fishing Vessel (F/V) Travis G, Manokotak, AK
TA–W–51,102; Pozzi Windows, Div of Jeld-Wen, Inc., Bend OR
TA–W–51,134; Vanity Fair, Jeans Wear Div., Windsor, NC
TA–W–51,308; State of Alaska Commercial Fisheries Entry Commission Permit #SO4T60318C, Manokotak, AK

The investigation revealed that criterion (a)(2)(A) (I.B) (sales or production, or both did not decline) and (a)(2)(A) (II.B) (no shift in production to a foreign country) have not been met.

TA–W–50,838; Fishing Vessel (F/V) Windy Sea, Kodiak, AK
TA–W–51,234; HP Pelzer, Thompson, GA

The investigation revealed that criterion (a)(2)(A) (I.C.) (Increased imports) and (a)(2)(B) (No shift in production to a foreign country) have not been met.

TA–W–50,945; Chem-Fab Corp., Hot Springs, AR

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA–W–42,180; Hy-Lift, LLC, Muskegon, MI: September 17, 2001.
TA–W–42,360; Precision Twist Drill Co., Rhinelander, WI: September 16, 2001.

The following certifications have been issued. The requirements of (a)(2)(A) (increased imports) of Section 222 have been met.

TA–W–50,727; United Defense, LP, Ground Systems Div., York, PA: January 28, 2002 TA–W–50,854; Reitz Tool, Inc., Cochranton, PA: February 10, 2002.
TA–W–50,158; Stewart Apparel, Inc., Greensboro, GA: March 6, 2002.
TA–W–50,732 &A; Oneida Limited, Silversmiths Div., Sherrill, NY and Headquarters, Oneida, NY: December 10, 2001.
TA–W–50,197; Williamsport Wirerope Works, Inc., Williamsport, PA: November 22, 2001
TA–W–50,808; Thomson Industries, Inc., Port Washington, NY: December 31, 2001.
TA–W–50,820; Lapp Insulator Co. LLC, Substation Div., Leroy, NY: November 7, 2001.
TA–W–50,845; Vishay Dale Electronics, Inc., Standard Products Dept., Norfolk, NE: February 7, 2002.
TA–W–050,968; Manitowoc Cranes, a Div, of Manitowoc Co., Inc., Manitowoc, WI: February 21, 2002.
TA–W–51,070; New World Pasta Co., Louisville, KY: February 27, 2002.

The following certifications have been issued. The requirements of (a)(2)(B) (shift in production) of Section 222 have been met.

TA–W–51,090; Liberty West, Wilsonville, OR: March 6, 2002.
TA–W–50,575; ITT Industries, Inc., Fluid Handling Systems, Rochester, NY: January 7, 2002.
TA–W–51,306; State of Alaska Commercial Fisheries Entry Commission Permit #SO4T59828F, Manokotak, AK: March 21, 2002.
TA–W–50,305; State of Alaska Commercial Fisheries Entry Commission Permit #SO4T64733Q, Manokotak, AK: March 21, 2002.
TA–W–50,946; Sara Lee Intimate Apparel, Statesville, NC: February 11, 2002.
TA–W–50,912; Kroehler Furniture Manufacturing Co., Inc., Sewing Div., Conover, NC: February 5, 2002.
TA–W–51,146; Garan, Inc., Church Point, LA: March 12, 2002.
TA–W–50,739; Canron Construction Corp., Canron East, Conklin, NY: January 29, 2002.
TA–W–50,939; J-Sports, Inc., Caryville, TN: February 14, 2002.
TA–W–50,954; Eaton Corp., Fluid Power Group, Global Hose Div., including leased workers of Holland Employment Agency, Norwood, NC: February 13, 2002.
TA–W–50,972; Ontario Die International of Tennessee, Lebanon, TN: February 11, 2002.
TA–W–51,088; Farley's and Sathers Candy Co., Inc., Brooklyn, NY: February 26, 2002.
TA–W–51,178; My Room, Inc., Lawrenceville, VA: March 12, 2002.
TA–W–51,249; OSRAM SYLVANIA Products, Inc., Bangor, ME: March 20, 2002
TA–W–51,063; Ingersoll-Rand Security and Safety, including leased workers of Adecco, Inc., Security, CO: February 10, 2002.
TA–W–50,558; PCC Olofsson, a Div. of Precision Castparts Corp., Lansing, MI: January 9, 2002.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with section 250(a), subchaper D, chapter 2, title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of March and April 2003.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

None.

The investigation revealed that the criteria for eligibility have not been met for the reasons specified.

The investigation revealed that the workers of the subject firm did not produce an article within the meaning of Section 250(a) of the Trade Act, as amended.

None.

Affirmative Determinations NAFTA–TAA

None.

I hereby certify that the aforementioned determinations were issued during the month of March and April 2003. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: April 4, 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03–8915 Filed 4–10–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,598]

Blandin Paper Co. Including Temporary Workers of Search Resources, Grand Rapids, MN; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on February 13, 2003, applicable to workers of Blandin Paper Company, Grand Rapids, Minnesota. The notice was published in the **Federal Register** on March 10, 2003 (68 FR 11410).

At the request of a company official, the Department reviewed the certification for workers of the subject firm. Information provided by the company shows that temporary workers of Search Resources were employed at Blandin Paper Company to produce coated magazine paper at the Grand Rapids, Minnesota location of the subject firm.

Based on these findings, the Department is amending this certification to include temporary workers of Search Resources, Grand Rapids, Minnesota employed at Blandin Paper Company, Grand Rapids, Minnesota.

The intent of the Department's certification is to include all workers of Blandin Paper who were adversely affected by the shift in production to Canada and Finland.

The amended notice applicable to TA–W–50,598 is hereby issued as follows:

All workers of Blandin Paper, Grand Rapids, Minnesota including temporary workers of Search Resources, Grand Rapids, Minnesota engaged in employment related to the production of coated magazine paper at Blandin Paper Company, Grand Rapids, Minnesota, who became totally or partially separated from employment on or after January 17, 2002, through February 13, 2005, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 26th day of March 2003.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–8916 Filed 4–10–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,017]

Blue Bird Corp., Blue Bird Body Co., Blue Bird Midwest Division, Including Temporary Workers of Temp Associates, CSI Employment Services, Successful Futures, CSI LTD., Inc., Mt. Pleasant, IA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 3, 2002, applicable to workers of Blue Bird Corporation, Blue Bird Body Company, Blue Bird Midwest Division, Mt. Pleasant, Iowa. The notice was published in the **Federal Register** on December 23, 2002 (67 FR 78256).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. Information provided by the State and the company shows that temporary workers of Temp Associates, CSI Employment Services, Successful Futures and CSI Ltd., Inc. were employed at Blue Bird Corporation, Blue Bird Body Company, Blue Bird Midwest Division to produce school buses at the Mt. Pleasant, Iowa location of the subject firm.

Based on these findings, the Department is amending this certification to include temporary workers of Temp Associates, CSI Employment Services, Successful Futures and CSI Ltd., Inc., Mt. Pleasant, Iowa working at Blue Bird Corporation, Blue Bird Body Company, Blue Bird Midwest Division, Mt. Pleasant, Iowa.

The intent of the Department's certification is to include all workers of Blue Bird Corporation, Blue Bird Body Company, Blue Bird Midwest Division who were adversely affected by the shift in production to Canada.

The amended notice applicable to TA–W–50,017 is hereby issued as follows:

All workers of Blue Bird Corporation, Blue Bird Body Company, Blue Bird Midwest Division, Mt. Pleasant, Iowa, including temporary workers of Temp Associates, CSI Employment Services, Successful Futures and CSI Ltd., Inc., engaged in employment related to the production of school buses at Blue Bird Body Company, Blue Bird Midwest Division, Mt. Pleasant, Iowa, who became totally or partially separated from employment on or after November 5, 2001, through December 3, 2004, are eligible to

apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC this 17th day of March 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–8917 Filed 4–10–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,746]

CSI Employment Services, Mt. Pleasant, IA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 30, 2003, in response to a worker petition filed on behalf of workers of CSI Employment Services, Mt. Pleasant, Iowa.

The Department has amended an active certification for workers of Blue Bird Corporation, Blue Bird Body Company, Blue Bird Midwest Division, Mt. Pleasant, Iowa (TA–W–50,017), to include the workers of CSI Employment Services, engaged in employment related to the production of school buses at the Mt. Pleasant, Iowa plant.

Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 17th day of March, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–8910 Filed 4–10–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,961]

CSI Ltd, Inc., Burlington, IA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 24, 2003, in response to a worker petition filed by a company official on behalf of workers at CSI Ltd. Inc., Burlington, Iowa.

The Department has amended an active certification for workers of Blue Bird Corporation, Blue Bird Body Company, Blue Bird Midwest Division, Mt. Pleasant, Iowa (TA–W–50,017), to include the workers of CSI, Ltd., Inc., engaged in employment related to the production of school buses at the Mt. Pleasant, Iowa plant.

Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 17th day of March, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–8913 Filed 4–10–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–51,257]

Mason Shoe Manufacturing Co., Chippewa Falls, WI; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 21, 2003 in response to a petition filed by the United Food and Commercial Workers, Local 268 on behalf of workers at Mason Shoe Manufacturing Company, Chippewa, Wisconsin.

The petitioning group of workers is covered by an active certification (TA–W–41,017) which remains in effect until March 20, 2004. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 25th day of March, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–8914 Filed 4–10–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than April 21, 2003.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than April 21, 2003.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed in Washington, DC this 25th day of March, 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

APPENDIX.—PETITIONS INSTITUTED BETWEEN 03/17/2003 AND 03/25/2003

TA–W	Subject firm (petitions)	Location	Date of institution	Date of petition
51,170	Siemens Energy and Automation (Comp)	Miami, FL	03/17/2003	03/14/2003
51,171	SAP America, Inc. (Wkrs)	Newtown Square, PA	03/17/2003	03/07/2003
51,172	Tabuchi Electric Company (TN)	Cordova, TN	03/17/2003	03/14/2003
51,173	Ericssion, Inc. (Wkrs)	Brea, CA	03/17/2003	01/06/2003
51,174	Mann Edge Tool Company (Comp)	Lewistown, PA	03/17/2003	03/17/2003

APPENDIX.—PETITIONS INSTITUTED BETWEEN 03/17/2003 AND 03/25/2003—Continued

TA–W	Subject firm (petitions)	Location	Date of institution	Date of petition
51,175	Jamestown Precision Tooling, Inc. (Comp)	Jamestown, NY	03/17/2003	02/05/2003
51,176	Remy Logistics (Comp)	Anderson, IN	03/17/2003	03/11/2003
51,177	Kelly Services (Wkrs)	Newtown Square, PA	03/17/2003	03/07/2003
51,178	My Room, Inc. (Comp)	Lawrenceville, VA	03/17/2003	03/12/2003
51,179	Standard Corporation (Comp)	Duncan, SC	03/17/2003	03/14/2003
51,180	General Electric (Wkrs)	Corpus Christi, TX	03/17/2003	03/10/2003
51,181	Elliott Ebara Group (Wkrs)	Jeannette, PA	03/17/2003	02/28/2003
51,182	Ball Container (AR)	Blytheville, AR	03/17/2003	03/14/2003
51,183	Columbia Falls Aluminum Co. (Comp)	Columbia Falls, MT	03/17/2003	03/13/2003
51,184	ABN Amro Bank (Wkrs)	Miami, FL	03/17/2003	03/14/2003
51,185	Fishing Vessel North Runner (Comp)	Homer, AK	03/17/2003	03/13/2003
51,186	State of Alaska Commerical Fisheries (Comp)	Togiak, AK	03/17/2003	01/23/2003
51,187	Thermal-Arc, Inc. (Wkrs)	Troy, OH	03/18/2003	03/07/2003
51,188	Thunderbird Mining Company	Eveleth, MN	03/18/2003	03/17/2003
51,189	Nokia (Comp)	Santa Rosa, CA	03/18/2003	03/11/2003
51,190	Zurn Industries, Inc. (Wkrs)	Erie, PA	03/18/2003	03/13/2003
51,191	Getronics (Wkrs)	Billerica, MA	03/18/2003	03/03/2003
51,192	U.S. Textile Corporation (Wkrs)	Newland, NC	03/18/2003	03/12/2003
51,193	Journey Bottling, LLC (CA)	Santa Rosa, CA	03/18/2003	03/06/2003
51,194	Weyerhaeuser Company (Comp)	Plymouth, NC	03/18/2003	03/07/2003
51,195	Caraustar (Comp)	Rittman, OH	03/18/2003	03/14/2003
51,196	Siemens Energy and Automation, Inc. (IUECWA)	Norwood, OH	03/18/2003	01/13/2003
51,197	Boeing Company (The) (Comp)	Pueblo, CO	03/18/2003	03/17/2003
51,198	Oregon Log Homes (OR)	Sisters, OR	03/18/2003	03/17/2003
51,199	Dura Automotive Systems (NFIU)	Stockton, IL	03/18/2003	03/10/2003
51,200	Synopsys, Inc. (OR)	Hillsboro, OR	03/18/2003	03/11/2003
51,201	First International Computer of TX (Wkrs)	Austin, TX	03/18/2003	03/12/2003
51,202	Spectrum Control (Wkrs)	Wesson, MS	03/18/2003	03/03/2003
51,203	Arrow Electronics (Wkrs)	Foothill Ranch, CA	03/18/2003	03/03/2003
51,204	Corbin Ltd. (Wkrs)	Ashland, NY	03/18/2003	03/01/2003
51,205	Phoenix Gold (Wkrs)	Portland, OR	03/18/2003	03/11/2003
51,206	Hosokawa Micron International, Inc. (CA)	Santa Rosa, CA	03/18/2003	03/10/2003
51,207	General Electric (Wkrs)	Mebane, NC	03/18/2003	03/07/2003
51,208	Stanley Works (IAMAW)	Farmington, CT	03/19/2003	03/10/2003
51,209	WellChoice, Inc. (Wkrs)	New York, NY	03/19/2003	03/10/2003
51,210	Intel Corporation (Wkrs)	Santa Clara, CA	03/19/2003	03/07/2003
51,211	CommScope, Inc. (Wkrs)	Claremont, NC	03/19/2003	02/12/2003
51,212	Siemens VDO Automotive (Wkrs)	Cheshire, CT	03/19/2003	03/14/2003
51,213	MKS Instruments (CO)	Colorado Spring, CO	03/19/2003	03/07/2003
51,214	Millward Brown (Wkrs)	Racine, WI	03/19/2003	03/12/2003
51,215	Hydromatic Pump (Wkrs)	Ashland, OH	03/19/2003	03/05/2003
51,216	Lexmark International, Inc. (Comp)	Orlando, FL	03/19/2003	03/18/2003
51,217	Universal Instrument Corporation (NY)	Binghamton, NY	03/19/2003	03/10/2003
51,218	Oregon Screw Machine Products (Comp)	Portland, OR	03/19/2003	03/10/2003
51,219	Gemini Gas Compressors (Wkrs)	Corpus Christi, TX	03/19/2003	03/10/2003
51,220	Wellington Leisure Products (Comp)	Crivitz, WI	03/19/2003	03/18/2003
51,221	Industrial Clutch (IAMAW)	Waukesha, WI	03/19/2003	03/17/2003
51,222	Parker Seals (IAMAW)	Waukesha, WI	03/19/2003	03/17/2003
51,223	PPG (Wkrs)	Shelby, NC	03/19/2003	03/17/2003
51,224	Olin Brass (USWA)	Indianapolis, IN	03/19/2003	03/14/2003
51,225	Crompton Corporation (Comp)	Naugatuck, CT	03/19/2003	03/13/2003
51,226	Haworth, Inc. (MI)	Holland, MI	03/19/2003	03/13/2003
51,227	Corning Cable Systems, LLC (Wkrs)	Hickory, NC	03/19/2003	03/18/2003
51,228	M.E.L., Inc. (Comp)	Winchester, MN	03/19/2003	02/26/2003
51,229	Uniloy Milacron (Comp)	Manchester, MI	03/19/2003	03/11/2003
51,230	Viasystems (OR)	Beaverton, OR	03/19/2003	03/17/2003
51,231	Micron Technology Virginia (Wkrs)	Manassas, VA	03/19/2003	03/10/2003
51,232	Lees Curtain Company (Wkrs)	Thayer, MO	03/19/2003	03/05/2003
51,233	Universal Stainless and Alloy Products (USW)	Bridgeville, PA	03/19/2003	03/17/2003
51,234	HP Pelzer (Wkrs)	Thomson, GA	03/19/2003	03/06/2003
51,235	F/V Halo Wawa (Comp)	Ketchikan, AK	03/19/2003	03/12/2003
51,236	KC Fisheries, Inc. (Comp)	Kodiak, AK	03/19/2003	02/12/2003
51,237	F/V Sea Pride (Comp)	Everett, WA	03/19/2003	03/15/2003
51,238	Brian Couch (Comp)	Kodiak, AK	03/19/2003	03/13/2003
51,239	F/V Pamela Dawn (Comp)	Kodiak, AK	03/19/2003	03/07/2003
51.240	P.Q. Controls (ME)	Dover-Foxcroft, ME	03/20/2003	03/13/2003
51,241	Bethlehem Steel Corp. (MD)	Baltimore, MD	03/20/2003	03/19/2003
51,242	PolyOne Corporation (Comp)	Yerington, NV	03/20/2003	03/14/2003
51,243	Alcatel, USA (Wkrs)	Plano, TX	03/20/2003	03/19/2003
51,244	Teletech Holdings (Wkrs)	Duluth, GA	03/20/2003	03/17/2003
51,245	National Refractories and Minerals Corp. (USW)	Mexico, MO	03/20/2003	03/16/2003

APPENDIX.—PETITIONS INSTITUTED BETWEEN 03/17/2003 AND 03/25/2003—Continued

TA–W	Subject firm (petitions)	Location	Date of institution	Date of petition
51,246	Cold Metal Products, Inc. (Wkrs)	Campbell, OH	03/20/2003	03/10/2003
51,247	Agilent Technologies (Wkrs)	Rohnert Park, CA	03/21/2003	03/13/2003
51,248	Agilent Technologies (Wkrs)	Rohnert Park, CA	03/21/2003	03/12/2003
51,249	OSRAM Sylvania Products, Inc. (Comp)	Bangor, ME	03/21/2003	03/20/2003
51,250	Shugart Corporation (Comp)	Tucson, AZ	03/21/2003	03/20/2003
51,251	Western Geco (Wkrs)	Houston, TX	03/21/2003	03/19/2003
51,252	Filtex, Inc. (Comp)	Guntersville, AL	03/21/2003	03/21/2003
51,253	Delta Woodside Industries (Comp)	Maiden, NC	03/21/2003	03/20/2003
51,254	Napco, Inc. (Comp)	Butler, PA	03/21/2003	03/20/2003
51,255	Icy Waters US (Wkrs)	Oakville, WA	03/21/2003	03/19/2003
51,256	Westinghouse Electric Company (Wkrs)	Blairsville, PA	03/21/2003	03/20/2003
51,257	Mason Shoe Manufacturing Company (UFCW)	Chippewa Falls, WI	03/21/2003	03/02/2003
51,258	Riley Golf (CA)	Monterey, CA	03/21/2003	03/11/2003
51,259	TTM Technologies (Wkrs)	Redmond, WA	03/21/2003	03/20/2003
51,260	L.L. Bean (Wkrs)	Brunswick, ME	03/21/2003	03/07/2003
51,261	Fishing Vessel (F/V) Lonny A. (Comp)	Ekwok, AK	03/21/2003	03/19/2003
51,262	Spang and Company (Comp)	Canton, NC	03/21/2003	03/20/2003
51,263	Caterpillar, Inc. (IAMAW)	Joliet, IL	03/21/2003	03/06/2003
51,264	Multek, Inc. (Wkrs)	Irvine, CA	03/21/2003	03/13/2003
51,265	Galt Alloys, Inc. (Comp)	Canton, OH	03/21/2003	03/12/2003
51,266	GE Plastics (Wkrs)	Pittsfield, MA	03/21/2003	03/13/2003
51,267	Gemco, Inc. (Comp)	Estill, SC	03/21/2003	03/17/2003
51,268	Hamilton Beach/Proctor-Silex Inc. (Comp)	El Paso, TX	03/21/2003	03/12/2003
51,269	Hamilton Beach/Proctor-Silex Inc. (Comp)	Washington, NC	03/21/2003	03/13/2003
51,270	American United Life (Wkrs)	Avon, CT	03/21/2003	03/13/2003
51,271	James Moore and Son (Wkrs)	Brownsville, TN	03/21/2003	03/13/2003
51,272	Erasteel, Inc. (Wkrs)	McKeesport, PA	03/24/2003	03/21/2003
51,273	Sonoco Products Co. (Wkrs)	Denison, TX	03/24/2003	03/07/2003
51,274	RFD Publications, LLC (Comp)	Wilsonville, OR	03/24/2003	03/19/2003
51,275	Jon Van Ravenswaay (Comp)	Dillingham, AK	03/24/2003	03/21/2003
51,276	Radio Frequency Systems, Inc. (Wkrs)	Corvallis, OR	03/24/2003	02/15/2003
51,277	Houlton International Corporation (Comp)	Houlton, ME	03/24/2003	01/30/2003
51,278	Stanley Furniture Company (Comp)	Lexington, NC	03/24/2003	03/24/2003
51,279	Siemens Measurement Systems (Wkrs)	Spring House, PA	03/24/2003	03/21/2003
51,280	Emerson Appliance Controls (Wkrs)	Frankfort, IN	03/24/2003	03/12/2003
51,281	First Source Furniture Group (Comp)	Nashville, TN	03/24/2003	03/20/2003
51,282	Gateway Country Store (Wkrs)	Asheville, NC	03/24/2003	03/22/2003
51,283	Western Insulfoam (Wkrs)	The Dallas, OR	03/24/2003	03/21/2003
51,284	ADC Telecommunications (Wkrs)	Chickamauga, GA	03/24/2003	03/20/2003
51,285	Honeywell International (Comp)	Albuquerque, NM	03/24/2003	03/10/2003
51,286	Celestica Corporation (IBEW)	Oklahoma City, OK	03/24/2003	03/24/2003
51,287	Vision Teq (FL)	Ft. Lauderdale, FL	03/24/2003	03/24/2003
51,288	Kyocera Tycom Corporation (Wkrs)	Arden Hills, MN	03/24/2003	03/13/2003
51,289	Sun Hill Industries, Inc. (Wkrs)	Schenectady, NY	03/25/2003	03/18/2003
51,290	Glassco, Inc. (Comp)	Altoona, AL	03/25/2003	03/24/2003
51,291	U.S. Cotton, LLC (Comp)	Valley Park, MO	03/25/2003	03/24/2003
51,292	Hamilton Sundstrand (Comp)	Denver, CO	03/25/2003	03/24/2003
51,293	4 B's Restaurant (Comp)	Libby, MT	03/25/2003	03/21/2003
51,294	Acra-Line Products (Wkrs)	Tipton, IN	03/25/2003	03/24/2003
51,295	Evening Vision Dresses, Ltd. (Wkrs)	New York, NY	03/25/2003	03/20/2003
51,296	Federal Mogul (Comp)	Hampton, VA	03/25/2003	03/19/2003
51,297	Bulk Handling Systems (OR)	Eugene, OR	03/25/2003	03/19/2003
51,298	Faultless Caster (Comp)	Evansville, IN	03/25/2003	03/17/2003
51,299	Ametek (Comp)	Grand Junction, CO	03/25/2003	03/12/2003
51,300	Fujitsu Ten Corp. of America (Comp)	Rushville, IN	03/25/2003	03/21/2003
51,301	Edgcomb Metals (USWA)	Roseville, MI	03/25/2003	03/20/2003
51,302	Fishing Vessel Chasina Bay (Comp)	Ketchikan, AK	03/25/2003	03/19/2003
51,303	Pryor Fish Camp (Comp)	Kodiak, AK	03/25/2003	03/21/2003
51,304	Bristol Bay (Comp)	Manokotak, AK	03/25/2003	03/21/2003
51,305	Alaska Commercial Fisheries (Comp)	Manokotak, AK	03/25/2003	03/21/2003
51,306	Alaska Commerical Fisheries (Comp)	Manokotak, AK	03/25/2003	03/21/2003
51,307	Bristol Bay (Comp)	Manokotak, AK	03/25/2003	03/21/2003
51,308	F/V Miss Alatuss' (Comp)	Manokotak, AK	03/25/2003	03/21/2003
51,309	Peter Nanalook (Comp)	Manokotak, AK	03/25/2003	03/21/2003
51,310	Fishing Vessel Lynn & Michelle (Comp)	Monokotak, AK	03/25/2003	03/21/2003
51,311	F/V Gabriel (Comp)	Manokotak, AK	03/25/2003	03/21/2003
51,312	F/V Travis G (Comp)	Manokotak, AK	03/25/2003	03/21/2003
51,313	F/V Nanesse (Comop)	Skagway, AK	03/25/2003	03/24/2003

[FR Doc. 03–8903 Filed 4–10–03; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,325]

Successful Futures, Mt. Pleasant, IA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on December 12, 2002, in response to a worker petition filed by Iowa Workforce Development Center on behalf of workers at Successful Futures, Mt. Pleasant, Iowa.

The Department has amended an active certification for workers of Blue Bird Corporation, Blue Bird Body Company, Blue Bird Midwest Division, Mt. Pleasant, Iowa (TA–W–50,017), to include the workers of Successful Futures, engaged in employment related to the production of school buses at the Mt. Pleasant, Iowa plant.

Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 17th day of March, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–8909 Filed 4–10–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–50,747]

Temp Associates, Mt. Pleasant, IA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 30, 2003, in response to a worker petition filed by Iowa Workforce Development Center on behalf of workers at CSI Employment Services, Mt. Pleasant, Iowa

The Department has amended an active certification for workers of Blue Bird Corporation, Blue Bird Body Company, Blue Bird Midwest Division, Mt. Pleasant, Iowa (TA–W–50,017), to include the workers of Temp Associates, engaged in employment related to the production of school buses at the Mt. Pleasant, Iowa plant.

Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 17th day of March, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–8911 Filed 4–10–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–41,391 and TA–W–41,391A]

Victor Forstmann, Inc., Dublin, GA; and Victor Forstmann, Inc., New York, NY; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on July 1, 2002, applicable to workers of Victor Forstmann, Inc, Dublin, Georgia. The notice was published in the **Federal Register** on July 18, 2002 (67 FR 47400).

At the request of the petitioners, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of woolen and worsted fabrics.

The company reports that worker separations occurred at the New York, New York location of the subject firm. The New York, New York workers provide sales, designing and marketing function services for the subject firm's production facility in Dublin, Georgia.

Based on these findings, the Department is amending the certification to include workers of Victor Forstmann, Inc., New York, New York.

The intent of the Department's certification is to include all workers of Victor Forstmann, Inc. who were adversely affected by increased imports.

The amended notice applicable to TA–W–41,391 is hereby issued as follows:

All workers of Victor Forstmann, Inc., Dublin Georgia (TA–W–41,391) and Victor Forstmann, Inc., New York, New York (TA–W–41,391A) who became totally or partially separated from employment on or after March 22, 2001, through July 1, 2004, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 17th day of March, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03–8912 Filed 4–10–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–7641]

Nutramax Oral Care, Florence, MA; Notice of Revised Determination on Reconsideration

By application of February 7, 2003, a petitioner requested administrative reconsideration of the Department's denial regarding eligibility to apply for North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA–TAA), applicable to workers and former workers of the subject firm. The denial notice was issued on January 13, 2003 and published in the **Federal Register** on February 6, 2003 (67 FR 6212).

Workers were engaged in employment related to the production of dental floss and toothbrushes. The workers were denied NAFTA–TAA on the basis that there was no shift in production to Mexico or Canada, nor did imports from Canada or Mexico contribute importantly to workers' separations.

To support the request for reconsideration, the petitioners supplied additional information to supplement that which was gathered during the initial investigation. Upon further review and contact with the company, it was revealed that the company shifted a portion of production to Canada, contributing to layoffs at the subject firm.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that there was a shift in production from the workers' firm to Canada of articles that are like or directly competitive with those produced by the subject firm:

All workers of Nutramax Oral Care, Florence, Massachusetts, who became totally or partially separated from employment on or after September 25, 2001, through two years from the date of certification, are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.

Signed at Washington, DC, this 18th day of March, 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03–8908 Filed 4–10–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment Standards Administration

Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modification issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.

Modification to General Wage Determination Decisions

The number of the decisions listed to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

New Jersey
NJ020002 (Mar. 1, 2002)
NJ020003 (Mar. 1, 2002)

Volume II

Maryland
MD020001 (Mar. 1, 2002)
MD020009 (Mar. 1, 2002)
MD020011 (Mar. 1, 2002)
MD020021 (Mar. 1, 2002)
MD020030 (Mar. 1, 2002)
MD020035 (Mar. 1, 2002)
MD020037 (Mar. 1, 2002)
MD020047 (Mar. 1, 2002)
MD020050 (Mar. 1, 2002)
MD020053 (Mar. 1, 2002)
MD020054 (Mar. 1, 2002)
MD020058 (Mar. 1, 2002)

Pennsylvania
PA020005 (Mar. 1, 2002)
PA020006 (Mar. 1, 2002)
PA020007 (Mar. 1, 2002)
PA020024 (Mar. 1, 2002)
PA020025 (Mar. 1, 2002)
PA020026 (Mar. 1, 2002)
PA020030 (Mar. 1, 2002)
PA020031 (Mar. 1, 2002)

West Virginia
WV020001 (Mar. 1, 2002)
WV020002 (Mar. 1, 2002)
WV020003 (Mar. 1, 2002)
WV020006 (Mar. 1, 2002)
WV020010 (Mar. 1, 2002)

Volume III

Alabama
AL020004 (Mar. 1, 2002)
AL020006 (Mar. 1, 2002)
AL020008 (Mar. 1, 2002)
AL020017 (Mar. 1, 2002)
AL020033 (Mar. 1, 2002)
AL020034 (Mar. 1, 2002)
AL020052 (Mar. 1, 2002)

Mississippi
MS020001 (Mar. 1, 2002)
MS020003 (Mar. 1, 2002)

Volume IV

Illinois
IL020001 (Mar. 1, 2002)
IL020002 (Mar. 1, 2002)
IL020003 (Mar. 1, 2002)
IL020004 (Mar. 1, 2002)
IL020005 (Mar. 1, 2002)
IL020006 (Mar. 1, 2002)
IL020007 (Mar. 1, 2002)
IL020008 (Mar. 1, 2002)
IL020012 (Mar. 1, 2002)
IL020013 (Mar. 1, 2002)
IL020014 (Mar. 1, 2002)
IL020015 (Mar. 1, 2002)
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General Wage Determination Publication

General Wage Determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage determinations Issued Under the Davis-Bacon And Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

General wage determinations issued under the Davis-Bacon and related Acts are available electronically at no cost on the Government Printing Office site at *www.access.gpo.gov/davisbacon*. They are also available electronically by subscription to the Davis-Bacon Online Service (*http://davisbacon.fedworld.gov* of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068. This subscription offers value-added features such as electronic delivery of modified wage decisions directly to the user's desktop, the ability to access prior wage decisions issued during the year, extensive Help desk Support, etc.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest since subscriptions may be ordered for any or all of the six separate Volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed in Washington, DC, this 3rd day of April 2003.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 03–8545 Filed 4–10–03; 8:45 am]

BILLING CODE 4510–27–M

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 2001–8 CARP CD 98–99]

Distribution of 1998 and 1999 Cable Royalty Fund

AGENCY: Copyright Office, Library of Congress.

ACTION: Initiation of arbitration and announcement of schedule.

SUMMARY: The Copyright Office of the Library of Congress is announcing the initiation of and schedule for the 180-day arbitration period for the Phase I distribution of royalties collected under the cable statutory license of the Copyright Act for the 1998 and 1999 calendar years.

EFFECTIVE DATE: April 11, 2003.

ADDRESSES: All hearings and meetings for the proceeding to distribute section 111 royalties shall take place in the James Madison Memorial Building, Room LM–414, First and Independence Avenues, SE., Washington, DC 20540.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, or Susan N. Grimes, CARP Specialist, P.O. Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707–8380. Telefax: (202) 252–3423.

SUPPLEMENTARY INFORMATION

Background

This notice fulfills the requirement of 37 CFR 251.72 and 17 U.S.C. 111(d)(4)(B). Section 251.72 of the CARP rules provides that:

> If the Librarian determines that a controversy exists among claimants to either cable, satellite carrier, or digital audio recording devices and media royalties, the Librarian shall publish in the **Federal Register** a declaration of controversy along with a notice of initiation of an arbitration proceeding. Such notice shall, to the extent feasible, describe the nature, general structure and schedule of the proceeding.

37 CFR 251.72.

Each year cable systems submit royalties to the Copyright Office for the retransmission to their subscribers of over-the-air broadcast signals. These royalties are, in turn, distributed in one of two ways to copyright owners whose works were included in a retransmission of an over-the-air broadcast signal and who timely filed a claim for royalties with the Copyright Office. The copyright owners may either negotiate the terms of a settlement as to the division of the royalty funds, or the Librarian of Congress may convene a Copyright Arbitration Royalty Panel (CARP) to determine the distribution of the royalty fees that remain in controversy. 17 U.S.C. 111(d)(4)(B).

On September 6, 2000, the Library of Congress published a notice in the **Federal Register** seeking comment as to the existence of controversies for the distribution of the 1998 cable royalties. 65 FR 54077 (September 6, 2000). The parties to the distribution reported both Phase I and Phase II controversies and filed their Notices of Intent to Participate. On October 2, 2001, the Library published a Notice in the **Federal Register** seeking comments as to the existence of controversies for the distribution of 1999 cable royalties. 66 FR 50219 (October 2, 2001). The parties to this distribution reported Phase I and Phase II controversies as well and filed their Notices of Intent to Participate. By Order dated February 20, 2002, the Library consolidated the distribution of the 1998 and 1999 cable royalties into a single proceeding before a single CARP. Order in Docket No. 2001–8 CARP CD 98–99 (February 20, 2002).

Of the eight parties that filed Notices of Intent to Participate in this consolidated Phase I distribution proceeding, two parties, National Public Radio and the Devotional Claimants Group, have settled. The parties that remain are the Joint Sports Claimants, the Music Claimants, the Program Suppliers, the Canadian Claimants, the National Association of Broadcasters on behalf of commercial broadcasters, and the Public Television Claimants on behalf of noncommercial broadcasters. These parties have filed their written direct cases setting forth their requested distribution percentages, and the Library has conducted discovery on the written direct cases under 37 CFR 251.45. The cases are now ready for proceeding before a CARP under chapter 8 of the Copyright Act.

Selection of Arbitrators

In accordance with § 251.6 of the CARP rules, the arbitrators have been selected for this proceeding. They are:

The Honorable Michael Wolf (Chairperson)
The Honorable Jeffrey Gulin
The Honorable Michael Young

Initiation of the Proceeding

Pursuant to § 251.72 of the CARP rules, the Librarian is formally announcing the existence of a Phase I controversy as to the distribution of the 1998 and 1999 cable royalty funds. Any Phase II controversies will be resolved in a separate CARP proceeding.

This Phase I proceeding commences on April 24, 2003, and runs for a period of 180 days. The arbitrators shall file their written report with the Librarian on or before October 21, 2003, in accordance with § 251.53 of the CARP rules.

Schedule for the Proceeding

Section 251.11(b) of the CARP rules provides that:

> At the beginning of each proceeding, the CARP shall develop the original schedule of the proceeding which shall be published in the **Federal Register** at least seven calendar days in advance of the first meeting. Such announcement shall state the times, dates, and place of the meetings, the testimony to be heard, whether any of the meetings, or any portion of a meeting, is to be closed, and if so, which ones, and the name and telephone number of the person to contact for further information.

This notice fulfills the requirements of the rule.

The following is the schedule of the proceeding:

Opening Statements: April 24, 2003.

Presentation of the Direct Cases: April 24–June 11, 2003.

Witnesses for the Joint Sports Claimants:

April 24–25, 28–30, May 1, 2003: Paul Tagliabue, James Trautman, Robert Crandall, Thomas Hazlett, Michael Eagan, Judith Allan, Allan Selig, June Travis.

Witnesses for the National Association of Broadcasters:

May 6–9, 2003: Richard Ducey, Mark Fratrik, Marcellus Alexander, Jr., Laurence DeFranco, Gregory Rosston.

Witnesses for Public Television Claimants:

May 13–15, 2003: John Wilson, John Fuller, Leland Johnson.

Witnesses for Music Claimants:

May 16, 19–21, 2003: Seth Saltzman, W.G. ''Snuffy'' Walden, Jeffrey Lyons, Frank Krupit, Peter Boyle.

Witnesses for Canadian Claimants:

May 22–23, 28, 2003: Janice de Freitas, Andrea Wood, Lucy Medeiros, David Bennett, Debra Ringold.

Witnesses for Program Suppliers:

June 2–5, 9–11, 2003: Jack Valenti, Babe Winkelman, Marsha Kessler, Howard Green, Carl Carey, Jonda Martin, Paul Lindstrom, Paul Donato, Arthur Gruen, Robert Thompson.

Filing of Written Rebuttal Testimony: June 20, 2003.

Hearings on Discovery Disputes: July 2, 2003.

Presentation of Rebuttal Cases: July 7–19, 2003 (includes Saturdays).

Filing of Proposed Findings of Fact and Conclusions of Law: August 22, 2003.

Filing of Replies to Proposed Findings of Fact and Conclusions of Law: September 12, 2003.

Oral Argument: TBA.

Close of 180-day period: October 21, 2003.

Hearings will begin at 10 a.m. on April 24, 2003. Thereafter, all hearings will begin at 9 a.m. At this time, none of the parties have moved for closed hearings. Further refinements to the schedule will be announced in open meetings and issued as orders to the parties in the proceeding. All changes will be noted in the docket file of the proceeding and are open to public inspection.

Dated: April 7, 2003.

David O. Carson,

General Counsel.

[FR Doc. 03–8936 Filed 4–10–03; 8:45 am]

BILLING CODE 1410–33–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (03–040)]

Aerospace Safety Advisory Panel (ASAP); Meeting

AGENCY: National Aeronautics and Space Administration, (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel.

DATES: Friday, April 11, 2003, 1 p.m. to 2 p.m. Eastern Time.

ADDRESSES: National Aeronautics and Space Administration Headquarters, 300 E Street, SW., Room 5H46A, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Leonard B. Sirota, Executive Director, Aerospace Safety Advisory Panel, Code Q–1, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–0914.

SUPPLEMENTARY INFORMATION: This meeting will be conducted via telecon with Panel members and consultants. This meeting will be open to the public up to the seating capacity of the room (45). The Aerospace Safety Advisory Panel is performing an evaluation of the safety of operating the International Space Station with only two crewmembers instead of the standard three while the Space Shuttle is non-operational. The reason for the short notification is that the evaluation must be completed in a timely manner to allow the National Aeronautics and Space Administration and its Russian partners two weeks to take any needed actions prior to the scheduled Soyuz launch on April 26, 2003.

The agenda for the meeting is as follows: To discuss the safety of operating the International Space Station with only two crewmembers instead of the standard three while the Space Shuttle is non-operational.

It is imperative that the meeting be held on this date to accommodate the scheduled Soyuz launch on April 26, 2003. Visitors will be requested to sign a visitor's register and asked to comply with NASA security requirements, including the presentation of a valid picture ID before receiving an access badge. Foreign Nationals attending this meeting will be required to provide the following information: Full name; gender; date/place of birth; citizenship; Green card/via information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, phone); and title/position of visitor. To expedite admittance, attendees can provide identifying information in advance by contacting Ms. Susan Burch via e-mail at *susan.m.burch@nasa.gov* or by telephone at (202) 358–0914.

June W. Edwards,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 03–8857 Filed 4–10–03; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL COMMUNICATIONS SYSTEM

Telecommunications Service Priority System Oversight Committee

AGENCY: National Communications System (NCS).

ACTION: Notice of meeting.

A meeting of the Telecommunications Service Priority (TSP) System Oversight

Committee will convene Wednesday, May 7, 2002 from 9 a.m. to 12 p.m. The meeting will be held at 701 South Court House Road, Arlington, VA in the NCS conference room on the 2nd floor.

—TSP Program Update
—TSP Revalidation Procedures
—TSP Provisioning Philosphy

Anyone interested in attending or presenting additional information to the Committee, please contact Deborah Bea, Office of Priority Telecommunications, (703) 607–4933.

Nick Andre,

Alternate Certifying Officer, National Communications System.

[FR Doc. 03–8870 Filed 4–10–03; 8:45 am]

BILLING CODE 5001–08–M

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104–13. This is the second notice for public comment; the first was published in the **Federal Register** at 68 FR 5937, and no comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; or (d) ways to 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 should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725—17th Street, NW., Room 10235, Washington, DC 20503, and to Teresa R. Pierce, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send e-mail to *tpierce@nsf.gov.* Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703–292–7555.

NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Title: Request for Proposals.

OMB Control Number: 3145–0080.

Proposed Project: The Federal Acquisition Regulations (FAR) Subpart 15.2—''Solicitation and Receipt of Proposals and Information'' prescribes policies and procedures for preparing and issuing Requests for Proposals. The FAR System has been developed in accordance with the requirement of the Office of Federal Procurement Policy Act of 1974, as amended. The NSF Act of 1950, as amended, 42 U.S.C. 1870, Sec. II, states that NSF has the authority to:

(c) Enter into contracts or other arrangements, or modifications thereof, for the carrying on, by organizations or individuals in the United States and foreign countries, including other government agencies of the United States and of foreign countries, of such scientific or engineering activities as the Foundation deems necessary to carry out the purposes of this Act, and, at the request of the Secretary of Defense, specific scientific or engineering activities in connection with matters relating to international cooperation or national security, and, when deemed appropriate by the Foundation, such contracts or other arrangements or modifications thereof, may be entered into without legal consideration, without performance or other bonds and without regard to section 5 of title 41, U.S.C.

Use of the Information: Request for Proposals (RFP) is used to competitively solicit proposals in response to NSF need for services. Impact will be on those individuals or organizations who elect to submit proposals in response to the RFP. Information gathered will be evaluated in light of NSF procurement requirements to determine who will be awarded a contract.

Estimate of burden: The Foundation estimates that, on average, 558 hours per respondent will be required to complete the RFP.

Respondents: Individuals; business or other for-profit; not-for-profit institutions; Federal government; state, local, or tribal governments.

Estimated Number of Responses: 75.

Estimated Total Annual Burden on Respondents: 41,850 hours.

Dated: April 8, 2003.

Teresa R. Pierce,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 03–8960 Filed 4–10–03; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–05337]

Notice of Finding of No Significant Impact and Availability of Environmental Assessment for License Amendment of Byproduct Material License No. 29–07694–01, BASF Corporation, West Windsor, NJ

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to BASF Corporation for Byproduct Material License No. 29–07694–01, to authorize release of its facility in West Windsor, New Jersey, for unrestricted use and has prepared an Environmental Assessment (EA) in support of this action in accordance with the requirements of 10 CFR part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate.

II. EA Summary

The purpose of the proposed action is to allow for the release of the licensee's West Windsor, New Jersey facility for unrestricted use. BASF Corporation (previously American Cyanamid Company) was authorized by NRC from September 25, 1961 to use radioactive materials for research and development purposes at the site. On October 31, 2001, BASF Corporation submitted a Facility Release Plan although one was not required. On March 8, 2002, the NRC issued amendment 40 to License No. 29–07694–01 which authorizes BASF to proceed with the decontamination and decommissioning as discussed in this plan. On September 20, 2002, BASF Corporation requested release for unrestricted use of the buildings at Quakerbridge and Clarksville Roads, West Windsor, New Jersey as authorized by the NRC License No. 29–07694–01, and termination of

the license. BASF Corporation has conducted surveys of the facility and determined that the facility meets the license termination criteria in subpart E of 10 CFR part 20.

III. Finding of No Significant Impact

The NRC staff has evaluated BASF Corporation's request and the results of the surveys. The NRC staff has concluded that the completed action complies with 10 CFR part 20. The staff has prepared the EA (summarized above) in support of the proposed license amendment to terminate the license and release the facility for unrestricted use. On the basis of the EA, NRC has concluded that the environmental impacts from the proposed action are expected to be insignificant and has determined not to prepare an environmental impact statement for the proposed action.

IV. Further Information

The EA and the documents related to this proposed action, including the application for the license amendment and supporting documentation, are available for inspection at NRC's Public Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html* (ADAMS Accesion No. ML030930120). Any questions with respect to this action should be referred to Kathy Modes, Nuclear Materials Safety Branch 2, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406, telephone (610) 337–5251, fax (610) 337–5269.

Dated at King of Prussia, Pennsylvania this 3rd day of April, 2003.

For the Nuclear Regulatory Commission.

John D. Kinneman,

Chief, Nuclear Materials Safety Branch 2, Division of Nuclear Materials Safety, Region I.

[FR Doc. 03–8898 Filed 4–10–03; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–12908]

Notice of Finding of No Significant Impact and Availability of Environmental Assessment for License Amendment of Byproduct Material License No. 31–17528–01, Radiac Research Corporation, Brooklyn, NY

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Radiac Research Corporation's (Licensee or Radiac) for Byproduct Material License No. 31–17528–01, to authorize an increase in possession limits of byproduct and source material for its facility in Brooklyn, New York. The NRC staff has prepared an Environmental Assessment (EA) in support of this action in accordance with the requirements of 10 CFR part 51. The conclusion of the EA is a Finding of No Significant Impact (FONSI) for the proposed licensing action.

II. EA Summary

The purpose of the proposed action is to renew Radiac's Byproduct Materials License No. 31–17528–01 and authorize the increased possession limits the Licensee has requested. The Licensee currently transports prepackaged radioactive waste from its clients' facilities to various disposal sites, and wants to include transport of properly packaged devices containing licensed material, such as irradiators, 'EXIT' signs, etc., back to vendors of the devices, other licensees or to disposal sites as an additional service. Such devices may contain up to several thousand curies of licensed material in sealed form. The Licensee needs these increased possession limits in order to supply a competitive service to clients. The Licensee will not store packages containing such devices at its facilities in Brooklyn, New York, because the contents of the packages may exceed the possession limits authorized by its State of New York license. Instead, the Licensee will transfer such packages from the client's facility directly to another licensee or a disposal site.

Radiac's NRC License currently authorizes it to transport radioactive waste that may contain as much as 50 curies of byproduct and source material and as much as 700 grams of special nuclear material. The Licensee initially requested to renew its license based on the procedures and statements contained in its license application dated November 21, 1989. Since there have been changes in regulatory requirements and NRC policy since that date, on May 20, 2002, the NRC requested that the Licensee submit a new application in accordance with current NRC policy and incorporating current regulatory requirements. The Licensee submitted a revised application dated July 31, 2002. That application included a request for an increase in authorized possession limit for byproduct and source material from 50 curies to 1500 curies, and authorization to possess an additional 5000 curies of hydrogen 3 (tritium) and to transport prepacked licensed material from one licensee to another.

III. Finding of No Significant Impact

NRC has prepared the EA (summarized above) in support of the Licensee's application for renewal of its NRC License and the change in possession limits and authorized activities. The increase in risk to the public and workers, and environment from the renewal and increase in possession limits is small and expected doses from routine operations, as well as potential accidents, are well below regulatory limits. Additionally, the increase in the number of shipments will be small. Therefore, NRC has concluded that the environmental impacts from the proposed amendment and renewal are expected to be insignificant and has determined not to prepare an environmental impact statement for the proposed action.

IV. Further Information

The EA and the documents related to this proposed action, including the application for the license amendment and supporting documentation, are available for inspection at NRC's Public Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* The ADAMS Accession Number of the EA is ML030940154; the specific documents used in reviewing the action are described in the EA. Questions regarding this action should be directed to Dr. Sattar Lodhi, Nuclear Materials Safety Branch 2, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406, telephone (610) 337–5364, fax (610) 337–5269.

Dated at King of Prussia, Pennsylvania, this 4th day of April, 2003.

For the Nuclear Regulatory Commission.

John D. Kinneman,

Chief, Nuclear Materials Safety Branch 2, Division of Nuclear Materials Safety, Region I.

[FR Doc. 03–8899 Filed 4–10–03; 8:45 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

Summary: In accordance with the Paperwork Reduction of Act of 1995 (44 U.S.C. chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title:* Survivor Questionnaire.

(2) *Form(s) submitted:* RL–94–F.

(3) *OMB Number:* 3220–0032.

(4) *Expiration date of current OMB clearance:* 6/30/2003.

(5) *Type of request:* Extension of a currently approved collection.

(6) *Respondents:* Individuals or households.

(7) *Estimated annual number of respondents:* 8,000.

(8) *Total annual responses:* 8,000.

(9) *Total annual reporting hours:* 1,391.

(10) *Collection description:* Under section 6 of the Railroad Retirement Act, benefits are payable to the survivors or the estates of deceased railroad employees. The collection obtains information about the survivors if any, the payment of burial expenses and administration of estate when unknown to the Railroad Retirement Board. The information is used to determine whether and to whom benefits are payable.

Additional Information or Comments: Copies of the forms and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312–751–3363).

Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611–2092 and to the OMB Desk Officer for the RRB, at the Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 03–8871 Filed 4–10–03; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–25994; File No. 812–12815]

Principal Life Insurance Company, et al., Notice of Application

April 7, 2003.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of application for an order pursuant to section 26(c) of the Investment Company Act of 1940 (the ''Act'') approving the substitution of securities and an order of exemption pursuant to section 17(b) of the Act.

APPLICANTS: Principal Life Insurance Company (''Principal Life''), Principal Life Insurance Company Variable Life Separate Account (the ''Separate Account'').

SUMMARY OF APPLICATION: Applicants seek an order to permit, under the specific circumstances identified in the application, the substitution of shares of the Bond Account of Principal Variable Contracts Fund, Inc. (''Bond Account'') for shares of the High Yield Account of Principal Variable Contracts Fund, Inc. (''High Yield Account''). The shares are currently held by the Separate Account which is a unit investment trust under the Act. Applicants also request an order exempting the proposed substitution from the provisions of section 17(a) of the Act.

FILING DATE: The Application was filed on May 8, 2002, and amended on December 19, 2002, and March 24, 2003.

HEARING OR NOTIFICATION OF HEARING: An order granting the Application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 on April 29, 2003 and should be accompanied by proof of service on Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW, Washington, DC 20549. Applicants, c/o John W. Blouch, Esq., Jones & Blouch L.L.P., 1025 Thomas Jefferson Street, NW., Washington, DC 20007–0805; copy to Michael D. Roughton, Esq., Principal Financial Group, Inc., 711 High Street, Des Moines, Iowa 50392–0200.

FOR FURTHER INFORMATION CONTACT: Rebecca A. Marquigny, Senior Counsel, or Zandra Bailes, Branch Chief, Office of Insurance Products, Division of Investment Management, at (202) 942–0670.

SUPPLEMENTARY INFORMATION: Following is a summary of the Application; the complete Application is available for a fee from the SEC's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 (telephone (202) 942–8090).

Applicants' Representations

1. Principal Life is a stock life insurance company organized under the laws of Iowa in 1879. It is authorized to transact life insurance and annuity business in all of the United States and the District of Columbia.

2. The Separate Account was established in 1987 by Principal Life as a separate account under Iowa law for the purpose of funding variable life contracts issued by Principal Life. The only contract affected by this application is a flexible premium variable life insurance policy called ''Flex Variable Life'' (File No. 33–13481) (the ''Contract''). The Separate Account is registered as a unit investment trust under the Act.

3. Purchase payments for the Contract are allocated to one or more subaccounts (''Divisions'') of the Separate Account. The Contracts permit allocations of accumulation value to the available Divisions. Each Division invests in shares of an underlying mutual fund (''Underlying Fund''). There currently are 40 Divisions available under the Contract, 23 of which invest in Principal Variable Contracts Fund, Inc. (''Principal Fund''), an open-end management investment company registered under the Act (File Nos. 811–01944 and 002–35570). The only Divisions affected by this application are the High Yield Division which invests solely in the High Yield Account and the Bond Division which invests solely in the Bond Account. The High Yield Account and the Bond Account are referred to collectively as the ''Funds.''

4. The Contract permits transfers of accumulation value from one Division to another. No sales charge applies to a transfer of accumulation value among the Divisions. Under the Contract, four free transfers are permitted each year, and $25 is charged for each subsequent transfer.

5. Applicants propose a substitution of shares of the Bond Account for shares of the High Yield Account held by the High Yield Division.

6. The High Yield Account is managed by Principal Management Corporation (''PMC''), an indirect, wholly-owned subsidiary of Principal Financial Group, Inc. The High Yield Account's investment objective is to seek high current income primarily by purchasing high yielding, lower or non-rated, fixed income securities which are believed not to involve undue risk to income or principal. Capital growth is a secondary objective when consistent with the objective of high current income. The expense ratio of the High Yield Account for 2002 was 0.66%. The High Yield Account has no 12b–1 plan. The total return of the High Yield Account was 1.90% for the year ended December 31, 2002. The average annual

total return for the five-year period ended December 31, 2002, was −0.12% and for the ten-year period ended December 31, 2002 was 6.51%.

7. The Bond Account is managed by PMC. The Bond Account's investment objective is to seek as high a level of income as is consistent with the preservation of capital and prudent investment risk by investing primarily in intermediate maturity fixed-income or debt securities rated BBB or higher by Standard & Poor's Rating Service or Baa or higher by Moody's Investor's Service, Inc. The expense ratio of the Bond Account for 2002 was 0.49%. The Bond Account has no 12b–1 plan. The total return of the Bond Account for the year ended December 31, 2002, was 9.26%. The average annual total return for the five-year period ended December 31, 2002, was 6.04%, and for the ten-year period ended December 31, 2002 was 7.23%. There are no fee waiver or expense reimbursement provisions with respect to either Fund.

8. Applicants believe that the substitution will better serve the interests of contractowners because it will eliminate an investment option under the Contract that has never been able to attract significant contractowner interest, will provide contractowners with an investment in an account that has similar, although not identical, investment objectives and policies, a lower expense ratio and superior historical performance, and should benefit contractowners by providing economies of scale that result from investing in a much larger account. Applicants represent that the substitution will take place at the relative net asset values determined on the date of the substitution in accordance with Section 22 of the Act and Rule 22c–1 thereunder. Applicants represent that there will be no financial impact to any contractowner.

9. Applicants agree that, to the extent that the annualized expenses of the Bond Account exceed, for each fiscal quarter during the two-year period following the Substitution, the 2002 net expense level of the High Yield Account, Principal Life will, for each Contract outstanding on the date of the Substitution, make a reduction in (or reimbursement of) the Bond Division expenses on the last day of each such fiscal period, such that the sum of the net expenses of the Bond Account and the net expenses of the Bond Division will, on an annualized basis, be no greater than the sum of the net expenses of the High Yield Account and the net expenses of the High Yield Division for the 2002 fiscal year. In addition, for the two-year period following the Substitution, Principal Life will not increase asset-based fees or charges under the Contract.

10. The substitution will be effected by having the High Yield Division redeem its shares of the High Yield Account for cash at the net asset value calculated on the date of the substitution and purchase shares of the Bond Account for cash at net asset value on the same date. In the alternative, the substitution may be effected by having a partial ''in-kind'' redemption with the High Yield Division receiving from the High Yield Account securities that are eligible investments for the Bond Account and that have a value equal to the net asset value of the shares of the High Yield Account being redeemed and then contributing these securities to the Bond Account in exchange for shares of the Bond Account having a net asset value equal to the value of the securities contributed (the ''In-Kind Transaction''). In connection with the completion of the substitution, Principal Life will withdraw its seed money from the High Yield Account and terminate the High Yield Account. In addition, Principal Life will combine the High Yield Division with the Bond Division.

11. Applicants represent that the proposed substitution was described in a supplement to the prospectus for the Contract (''Sticker'') filed with the Commission on August 16, 2002, and mailed to contractowners. The Sticker gave contractowners notice of the substitution, described the reasons for engaging in the substitution and informed the contractowners that no amounts may be transferred to the High Yield Division on or after May 31, 2003. In addition, the Sticker informed affected contractowners that they will have an opportunity to reallocate accumulation value, prior to the substitution, from the High Yield Division, or for 60 days after the substitution, from the Bond Division to another Division available under the Contract, without the imposition of any transfer-charge or limitation and without counting the transfer as one of the four annual free transfers (the ''Free Transfer Right''). Contractowners may elect to reallocate accumulation value to the Fidelity VIP High Yield Division (''Fidelity High Income Division'') that invests solely in an Underlying Fund that, like the High Yield Account, emphasizes investment in lower-quality debt securities.

12. Each contractowner has been provided a prospectus for the Bond Account. Within five days after the substitution, Principal Life will send to contractowners written confirmation that the substitution has occurred.

13. Applicants represent that Principal Life will pay all expenses and transaction costs of the substitution. Affected contractowners will not incur any fees or charges as a result of the substitution, nor will their rights or the obligations of Principal Life under the Contract be altered in any way. The proposed substitution will not cause the fees and charges under the Contract currently being paid by contractowners to be greater after the substitution than before the substitution. The proposed substitution will not have a tax impact on contractowners.

Applicants' Legal Analysis

1. Applicants request an order pursuant to section 26(c) of the Act approving the substitution. Section 26(c) of the Act makes it unlawful for any depositor or trustee of a registered unit investment trust holding the security of a single issuer to substitute another security for such security unless the Commission approves the substitution. The Commission will approve such a substitution if the evidence establishes that it is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

2. Applicants assert that the purposes, terms and conditions of the substitution are consistent with the principles and purposes of section 26(c) and do not entail any of the abuses that section 26(c) is designed to prevent. Substitution is an appropriate solution to the small size and higher relative expense of the High Yield Account. Applicants believe that the Bond Account will better serve contractowner interests because of its larger size, lower expenses and better historical performance. Moreover, Principal Life has reserved the right to effect substitutions in the Contract and disclosed this reserved right in the prospectus for the Contract.

3. Applicants represent that the substitution will not result in the type of costly, forced redemption that section 26(c) was intended to guard against and, for the following reasons, is consistent with the protection of investors and the purposes fairly intended by the Act:

(a) The proposed substitution permits contractowners continuity of investment objectives and expectations. Both the Bond Account and the High Yield Account seek a high level of income through investing in fixed-income securities. Although the Bond Account and the High Yield Account differ significantly in the credit quality of the securities in which each principally invests, there is substantial overlap in the range of the credit qualities of the

securities in which each may invest, and the Bond Account, with its emphasis on investment grade securities, will afford shareholders of the High Yield Account an opportunity for continued, if reduced, investment exposure to high yield securities.

(b) The contract owners will have ample opportunity to consider their investment options because they will be given notice prior to the substitution and will have an opportunity to reallocate accumulation value among other available Divisions without the imposition of any transfer charge or limitation as a result of the Free Transfer Right. Contractowners who wish to maintain a higher investment exposure to high yield securities than is possible through the Bond Division may elect to reallocate accumulation value to the Fidelity High Income Division available under the Contract.

(c) The costs of the substitution will be borne by Principal Life and will not be borne by the Funds or the contractowners.

(d) The substitution will be at net asset values of the respective shares, without the imposition of any transfer or similar charge and with no change in the amount of any contractowner's accumulation value under the Contract.

(e) The substitution will not cause the fees and charges under the Contract currently being paid by contractowners to be greater after the substitution than before the substitution.

(f) Within five days after the substitution, Principal Life will send to contractowners written confirmation that the substitution has occurred.

(g) The substitution will in no way alter the insurance benefits to contractowners or the contractual obligations of Principal Life.

(h) The substitution will in no way alter the tax benefits to contractowners.

(i) To the extent that the annualized expenses of the Bond Account exceed, for each fiscal quarter during the two-year period following the substitution, the 2002 net expense level of the High Yield Account, Principal Life will, for each Contract outstanding on the date of the substitution, make a reduction in (or reimbursement of) the Bond Division expenses on the last day of each such fiscal period, such that the sum of the net expenses of the Bond Account and the net expenses of the Bond Division will, on an annualized basis, be no greater than the sum of the net expenses of the High Yield Account and the net expenses of the High Yield Division for the 2002 fiscal year. In addition, for the two-year period following the substitution, Principal Life will not increase asset-based fees or charges under the Contract.

4. Section 17(a) of the Act provides, in pertinent part, that it is unlawful for any affiliated person of a registered investment company, or any affiliated person of such an affiliated person, acting as principal, knowingly to sell any security or other property to such registered company or to purchase from such registered company any security or other property. Section 2(a)(3) of the Act defines the term ''affiliated person'' of another person to include in pertinent part ''(A) any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person; (B) any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person; (C) any person directly or indirectly controlling, controlled by, or under common control with such other person; * * * (E) if such other person is an investment company, any investment adviser thereof or any member of an advisory board thereof.''

5. Each of the Funds was sponsored by Principal Life. Principal Life may be deemed an affiliated person of an affiliated person of each of the Funds because it is under common control with PMC, which serves as the investment adviser to the Funds. Moreover, Principal Life is the owner of all the outstanding shares of the Bond Account and all of the outstanding shares of the High Yield Account. As a result of these relationships, the Funds might be deemed to be under common control and, therefore, affiliated persons of each other for purposes of the prohibitions set forth in section 17(a) of the Act. Thus, absent exemptive relief, consummation of the substitution using the In-Kind Transaction could result in a violation of section 17(a) because the transaction would involve the purchase from and sale of securities to an investment company by an affiliated person, or an affiliated person of an affiliated person, of that investment company.

6. Section 17(b) of the Act provides that the Commission may exempt any transaction from the prohibitions of section 17(a) if the evidence establishes that:

(a) The terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned;

(b) The proposed transaction is consistent with the policy of each registered investment company concerned, as recited in the registration statements and reports filed under the Act; and

(c) The proposed transaction is consistent with the general purposes of the Act.

7. Applicants assert that the terms of the proposed In-Kind Transaction are reasonable and fair and do not involve any overreaching on the part of any person concerned. The substitution will be accomplished on the basis of the relative net asset values of each of the Funds and, therefore, will have no economic impact on the interest of any contractowner.

8. Applicants assert that the substitution is consistent with the investment objective of each of the Funds in that both Funds seek a high level of income through investing if fixed-income securities. Although the funds differ significantly in the credit quality of the securities in which each principally invests, there is substantial overlap in the range of the credit qualities of the securities in which each may invest, and the Bond Account, with its emphasis on investment grade securities, will nonetheless afford contractowners with an interest in the High Yield Division an opportunity for continued, if reduced, investment exposure to high yield securities. In addition, contractowners with an opportunity to transfer their interest, without charge, to any other Division, including the Fidelity High Income Division.

9. Applicants assert that the substitution is consistent with the general purposes of the Act. Section 1(b)(2) of the Act declares that the public interest and interest of investors are adversely affected when investment companies are organized and managed in the interest of affiliated persons, rather than in the interest of the company's security holders. The substitution does not result in any of the self-dealing abuses that the Act was designed to prevent. Principal Life will pay all expenses incurred in connection with the substitution. The substitution will be effected by Principal Life in accordance with the terms of the Contract. The substitution will eliminate a small fund that has never been able to attract significant investor interest, will provide contractowners with an interest in that fund with an interest in a fund that has similar, although not identical, investment objectives and policies as well as a lower expense ratio and superior historical performance, and should benefit the shareholders of both Funds by providing economies of scale that

result from combining the assets and operations of the two Funds.

10. Applicants request an order of the Commission pursuant to Section 26(c) of the Act approving the substitution and an order of exemption pursuant to section 17(b) of the Act in connection with aspects of the substitution that may be deemed to be prohibited by section 17(a), as described above. Section 26(c), in pertinent part, provides that the Commission shall issue an order approving a substitution of securities if the evidence establishes that it is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. For the reasons and upon the facts set forth above, Applicants believe that the requested order meets the standards set forth in section 26(c) and should, therefore, be granted. Section 17(b) of the Act provides that the Commission may grant an order exempting transactions prohibited by section 17(a) of the Act upon application subject to certain conditions. Applicants represent that the proposed In-Kind Transaction meets all of the requirements of section 17(b) of the Act and that an exemption should be granted, to the extent necessary, from the provisions of section 17(a).

Conclusion

Section 6(c) of the Act, in pertinent part, provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act, or any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants submit that, for the reasons stated in the Application, their exemptive requests meet the standards set out in section 6(c) and that an order should, therefore, be granted.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–8921 Filed 4–10–03; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–25995; File No. 812–12840]

Principal Life Insurance Company, et al., Notice of Application

April 7, 2003.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of application for an order pursuant to section 26(b) of the Investment Company Act of 1940 (the ''Act'') approving the substitution of securities and an order of exemption pursuant to section 17(b) of the Act.

APPLICANTS: Principal Life Insurance Company (''Principal Life''), Principal Life Insurance Company Variable Life VL Separate Account (the ''VL Separate Account''), and Principal Life Insurance Company Separate Account B (''Separate Account B'').

SUMMARY: Applicants seek an order to permit, under the specific circumstances identified in the application, the substitution of shares of the SmallCap Account of Principal Variable Contracts Fund, Inc, (''SmallCap Account'') for shares of the MicroCap Account of Principal Variable Contracts Fund, Inc. (''MicroCap Account''). Applicants also request an order exempting the proposed substitution from the provisions of section 17(a) of the Act.

DATES: The Application was filed on May 8, 2002, and amended on December 19, 2002, and March 24, 2003.

HEARING OR NOTIFICATION OF HEARING: An order granting the Application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 on April 29, 2003, and should be accompanied by proof of service on Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, c/o John W. Blouch, Esq., Jones & Blouch L.L.P., 1025 Thomas Jefferson Street, NW., Washington, DC 20007–0805; copy to Michael D. Roughton, Esq., Principal Financial Group, Inc., 711 High Street, Des Moines, Iowa 50392–0200.

FOR FURTHER INFORMATION CONTACT: Rebecca A. Marquigny, Senior Counsel, or Zandra Bailes, Branch Chief, Office of Insurance Products, Division of Investment Management, at (202) 942–0670.

SUPPLEMENTARY INFORMATION: Following is a summary of the Application; the complete Application is available for a fee from the SEC's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 (telephone (202) 942–8090).

Applicants' Representations

1. Principal Life is a stock life insurance company organized under the laws of Iowa in 1879. It is authorized to transact life insurance and annuity business in all of the United States and the District of Columbia.

2. The VL Separate Account was established in 1987 by Principal Life as a separate account under Iowa law for the purpose of funding variable life contracts issued by Principal Life (File No. 811–05118). Separate Account B was established in 1970 by Principal Life as a separate account under Iowa law for the purpose of funding variable annuity contracts issued by Principal Life (File No. 811–02091). The only contracts affected by this application are: (a) Four flexible premium variable life insurance policies called ''Flex Variable Life'' (File No. 033–13481) (''FVL Contract''), ''Prinflex Life'' (File No. 333–00101) (''Prinflex Contract''), ''Survivorship Variable Universal Life'' (File No. 333–71521) (''Survivorship Contract''), and ''Principal Variable Universal Life Accumulator'' (File No. 333–65690) (''Accumulator Contract''); (b) an individual deferred annuity contract called ''Flexible Variable Annuity'' (File No. 33–74232) (''FVA Contract''); and (c) a group variable annuity contract called ''Premier Variable Annuity Contract'' (File No. 333–63401) (''Premier Contract,'' collectively with FVL Contract, Prinflex Contract, Survivorship Contract, Accumulator Contract and FVA Contract, the ''Contracts'').

3. Purchase payments for FVL, Prinflex, Survivorship and Accumulator Contracts are allocated to one or more subaccounts (''Divisions'') of VL Separate Account. Purchase payments for FVA and Premier Contracts are allocated to one or more Divisions of Separate Account B. The Contracts permit allocations of accumulation value to the available Divisions. Each Division invests in shares of an underlying mutual fund (''Underlying Fund''). There currently are 40 Divisions available under the FVL

Contract, 23 of which invest in Principal Variable Contracts Fund, Inc. (''Principal Fund''), an open-end management investment company registered under the Act (File Nos. 811–01944 and 002–35570). There currently are 47 Divisions available under the Accumulator and Prinflex Contracts, 25 of which invest in Principal Fund. There currently are 39 Divisions available under the Survivorship Contract, 25 of which invest in Principal Fund. There currently are 41 Divisions available under the FBA Contract, 26 of which invest in Principal Fund. There currently are 25 Divisions available under the Premier Contract, all of which invest in Principal Fund. The only Divisions affected by this application are the MicroCap Divisions of VL Separate Account and Separate Account B which invest solely in the MicroCap Account and the SmallCap Division of those two Separate Accounts which invest solely in the SmallCap Account. MicroCap Account and SmallCap Account are referred to collectively as the ''Funds.''

4. The Contracts permit transfers of accumulated value from one Division to another. The total amount transferred each time must be at least $250 under the FVL Contract or $100 under the FVA, Survivorship, Accumulator, or Prinflex Contracts, unless a lesser amount constitutes the Contract's entire accumulated value in a Division. Transfers between Divisions under the Premier Contract are not subject to a minimum amount or any charge. A transaction charge of $25 is imposed on each transfer of accumulated value among Divisions under the FVL Contract exceeding four per policy year. A transaction charge of $30 is imposed on each transfer of accumulated value among Divisions under the FVA Contract exceeding twelve per policy year. No transaction charge applies to transfers under the Prinflex, Accumulator or Survivorship Contracts.

5. Applicants propose a substitution of shares of the SmallCap Account for shares of the MicroCap Account held by the MicroCap Divisions of VL Separate Account and Separate Account B.

6. Principal Management Corporation (''PMC''), a registered investment adviser under the Investment Advisers Act of 1940, as amended (''Advisers Act''), and an indirect, wholly-owned subsidiary of Principal Financial Group, Inc., serves as the investment adviser for the Funds. Pursuant to sub-advisory agreements, the MicroCap Account is managed by Goldman Sachs Asset Management (''GSAM''), a registered investment adviser under the Advisers Act, and the SmallCap Account is managed by Invista Capital Management, LLC (''Invista''), a registered investment adviser under the Advisers Act. Invista is an indirect, wholly-owned subsidiary of Principal Life.

7. The MicroCap Account's investment objective is to seek long term growth of capital primarily by investing in value and growth oriented companies with small market capitalizations. Under normal market conditions, the MicroCap Account invests at least 80% of its net assets plus any borrowings for investment purposes (measured at the time of purchase) in a broadly diversified portfolio of equity securities in microcap U.S. issuers (including foreign issuers that are traded in the United States). These microcap issuers will generally have market capitalizations of less than $1 billion at the time of investment. The expense ratio of the MicroCap Account for 2002 was 1.25%. The MicroCap Account has no 12b–1 plan. The total return of the MicroCap Account was −16.89% for the year ended December 31, 2002, and the average annual total return for the life of the Account through December 31, 2002, was −5.54%.

8. The SmallCap Account's investment objective is to seek long term growth of capital by investing primarily in equity securities of both growth and value oriented companies with comparatively smaller market capitalizations. Under normal market conditions, the SmallCap Account invests at least 80% of its assets in common stocks of companies with small market capitalizations (those with market capitalizations similar to companies in the Russell 2000 Index) at the time of purchase. The expense ratio of the SmallCap Account for 2002 was 0.97%. The SmallCap Account has no 12b–1 plan. The total return of the SmallCap Account for the year ended December 31, 2002, was −27.33%, and the average annual total return for the life of the Account through December 31, 2002, was −5.95%. There are no fee waiver or expense reimbursement provisions with respect to either Fund.

9. Applicants believe that the substitution will better serve the interests of contractowners because it will eliminate an investment option under the Contracts that has never been able to attract significant contractowner interest and will provide contractowners with an investment in an account that has similar, although not identical, investment objectives and policies as well as a lower expense ratio. Applicants also believe that the substitution should benefit contractowners by providing economies of scale that result from investing in a much larger account. Applicants represent that the substitution will take place at the relative net asset values determined on the date of the substitution in accordance with section 22(c) of the Act and rule 22c–1 thereunder. Applicants represent that there will be no financial impact to any contractowner. The substitution will be effected by having the MicroCap Divisions redeem their shares of the MicroCap Account for cash at the net asset value calculated on the date of the substitution and purchase shares of the SmallCap Account for cash at net asset value on the same date. In the alternative, the substitution may be effected by having a partial ''in-kind'' redemption with the MicroCap Divisions receiving from the MicroCap Account securities that are eligible investments for the SmallCap Account and that have a value equal to the net asset value of the shares of the MicroCap Account being redeemed and then contributing these securities to the SmallCap Account in exchange for shares of the SmallCap Account having a net asset value equal to the value of the securities contributed (the ''In-Kind Transaction''). In connection with the completion of the substitution, Principal Life will withdraw its seed money from the MicroCap Account and terminate the MicroCap Account. In addition, Principal Life will combine the MicroCap Division with the SmallCap Division.

10. Applicants represent that the proposed substitution was described in supplements to the prospectuses for the Contracts (''Stickers'') which were filed with the Commission on August 16, 2002, and mailed to contractowners. The Stickers gave contractowners notice of the substitution, described the reasons for engaging in the substitution, and informed contractowners that no amounts may be transferred to the MicroCap Division on or after May 31, 2003. In addition, the Stickers informed affected contractowners that they will have an opportunity to reallocate accumulation value, prior to the substitution, from the MicroCap Division, or for 60 days after the substitution, from the SmallCap Division to another Division available under the Contracts, without the imposition of any transfer charge or limitation and without counting the transfer as one of the annual free transfers (the ''Free Transfer Right'').

11. Each contractowner has been provided a prospectus for the SmallCap Account. Within five days after the substitution, Principal Life will send to contractowners written confirmation

that the substitution has occurred. The confirmation will be accompanied by a notice describing the Free Transfer Right.

12. Applicants represent that Principal Life will pay all expenses and transaction costs of the substitution. Affected contractowners will not incur any fees or charges as a result of the substitution, nor will their rights or the obligations of Principal Life under the Contracts be altered in any way. The proposed substitution will not cause the fees and charges under the Contracts currently being paid by contractowners to be greater after the substitution than before the substitution. The proposed substitution will not have a tax impact on contractowners.

Applicants' Legal Analysis

1. Applicants request an order pursuant to section 26(c) of the Act approving the substitution. Section 26(c) of the Act makes it unlawful for any depositor or trustee of a registered unit investment trust holding the security of a single issuer to substitute another security for such security unless the Commission approves the substitution. The Commission will approve such a substitution if the evidence establishes that it is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

2. Applicants assert that the purposes, terms and conditions of the substitution are consistent with the principles and purposes of section 26(c) and do not entail any of the abuses that section 26(c) is designed to prevent. Substitution is an appropriate solution to the small size and higher relative expense of the MicroCap Account. Applicants believe that the SmallCap Account will better serve contractowner interests because of its larger size and lower expenses. Moreover, Principal Life has reserved the right to effect substitutions in the Contracts and disclosed this reserved right in the prospectus for the Contracts.

3. Applicants represent that the substitution will not result in the type of costly, forced redemption that section 26(c) was intended to guard against and, for the following reasons, is consistent with the protection of investors and the purposes fairly intended by the Act:

(a) The proposed substitution permits contractowners continuity of investment objectives and expectations. Both the SmallCap Account and the MicroCap Account seek long term growth of capital primarily by investing in value and growth oriented companies. Although the SmallCap Account and the MicroCap Account differ primarily in the market capitalization of the companies in which they invest, with the SmallCap Account investing primarily in companies with small market capitalizations ranging approximately from $150 million to $1.4 billion, and the MicroCap Account investing primarily in companies with market capitalizations under $1 billion, there is substantial overlap in the securities in which each may invest. The SmallCap Account, with its emphasis on investing in companies with small market capitalizations, will afford shareholders of the MicroCap Account an opportunity for continued investment exposure to companies with smaller market capitalizations.

(b) The contract owners will have ample opportunity to consider their investment options because they will be given notice prior to the substitution and will have an opportunity to reallocate accumulation value among other available Divisions without the imposition of any transfer charge or limitation as a result of the Free Transfer Right.

(c) The costs of the substitution will be borne by Principal Life and will not be borne by the Funds or the contract owners.

(d) The substitution will be at net asset values of the respective shares, without the imposition of any transfer or similar charge and with no change in the amount of any contract owner's accumulation value under the Contracts.

(e) The substitution will not cause the fees and charges under the Contracts currently being paid by contract owners to be greater after the substitution than before the substitution.

(f) Within five days after the substitution, Principal Life will send to contract owners written confirmation that the substitution has occurred.

(g) The substitution will in no way alter the insurance benefits to contract owners or the contractual obligations of Principal Life.

(h) The substitution will in no way alter the tax benefits to contract owners.

(i) To the extent that the annualized expenses of the SmallCap Account exceed, for each fiscal quarter during the two-year period following the substitution, the 2002 net expense level of the MicroCap Account, Principal Life will, for each Contract outstanding on the date of the substitution, make a reduction in (or reimbursement of) the SmallCap Division expenses on the last day of each such fiscal period, such that the sum of the net expenses of the SmallCap Account and the net expenses of the SmallCap Division will, on an annualized basis, be no greater than the sum of the net expenses of the MicroCap Account and the net expenses of the MicroCap Division for the 2002 fiscal year. In addition, for the two-year period following the substitution, Principal Life will not increase asset-based fees or charges under the Contracts.

4. Section 17(a) of the Act provides, in pertinent part, that it is unlawful for any affiliated person of a registered investment company, or any affiliated person of such an affiliated person, acting as principal, knowingly to sell any security or other property to such registered company or to purchase from such registered company any security or other property. Section 2(a)(3) of the Act defines the term ''affiliated person'' of another person to include in pertinent part ''(A) any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person; (B) any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person; (C) any person directly or indirectly controlling, controlled by, or under common control with such other person; * * * (E) if such other person is an investment company, any investment adviser thereof or any member of an advisory board thereof.''

5. Each of the Funds was sponsored by Principal Life. Principal Life may be deemed an affiliated person of an affiliated person of each of the Funds because it is under common control with Principal Management Corporation, which serves as the investment adviser to the Funds. Moreover, Principal Life is the owner of all the outstanding shares of the SmallCap Account and all of the outstanding shares of the MicroCap Account. As a result of these relationships, the Funds might be deemed to be under common control and, therefore, affiliated persons of each other for purposes of the prohibitions set forth in section 17(a) of the Act. Thus, absent exemptive relief, consummation of the substitution using the In-Kind Transaction could result in a violation of section 17(a) because the transaction would involve the purchase from and sale of securities to an investment company by an affiliated person, or an affiliated person of an affiliated person, of that investment company.

6. Section 17(b) of the Act provides that the Commission may exempt any transaction from the prohibitions of section 17(a) if the evidence establishes that:

(a) The terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned;

(b) The proposed transaction is consistent with the policy of each registered investment company concerned, as recited in the registration statements and reports filed under the Act; and

(c) The proposed transaction is consistent with the general purposes of the Act.

7. Applicants represent that the terms of the proposed In-Kind Transaction are reasonable and fair and do not involve any overreaching on the part of any person concerned. The substitution will be accomplished on the basis of the relative net asset values of each of the Funds and, therefore, will have no economic impact on the interest of any contract owner.

8. Applicants represent that the substitution is consistent with the investment objective of each of the Funds in that both Funds seek long term growth of capital by investing primarily in value and growth oriented companies. Although the SmallCap Account and the MicroCap Account differ primarily in the market capitalization of the companies they invest in, with the SmallCap Account investing primarily in companies with small market capitalizations, ranging approximately from $150 million to $1.4 billion, and the MicroCap Account investing primarily in companies with market capitalizations under $1 billion, there is substantial overlap in the securities in which each may invest, and the SmallCap Account, with its emphasis on investing in companies with small market capitalizations, will afford shareholders of the MicroCap Account an opportunity for continued investment exposure to companies with smaller market capitalizations. In addition, contract owners with an interest in the MicroCap Division will have the opportunity to transfer their interest, without charge, to any other Division.

9. Applicants represent that the substitution is consistent with the general purposes of the Act. Section 1(b)(2) of the Act declares that the public interest and interest of investors are adversely affected when investment companies are organized and managed in the interest of affiliated persons, rather than in the interest of the company's security holders. The substitution does not result in any of the self-dealing abuses that the Act was designed to prevent. Principal Life will pay all expenses incurred in connection with the substitution. The substitution will be effected by Principal Life in accordance with the terms of the Contracts. The substitution will eliminate a small fund that has never been able to attract significant investor interest, will provide contract owners with an interest in that fund with an interest in a fund that has similar, although not identical, investment objectives and policies as well as a lower expense ratio, and should benefit the shareholders of both Funds by providing economies of scale that result from combining the assets and operations of the two Funds.

10. Applicants request an order of the Commission pursuant to section 26(c) of the Act approving the substitution and an order of exemption pursuant to section 17(b) of the Act in connection with aspects of the substitution that may be deemed to be prohibited by section 17(a), as described above. Section 26(c), in pertinent part, provides that the Commission shall issue an order approving a substitution of securities if the evidence establishes that it is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. For the reasons and upon the facts set forth above, Applicants believe that the requested order meets the standards set forth in section 26(c) and should, therefore, be granted. Section 17(b) of the Act provides that the Commission may grant an order exempting transactions prohibited by section 17(a) of the Act upon application subject to certain conditions. Applicants represent that the proposed In-Kind Transaction meets all of the requirements of section 17(b) of the Act and that an exemption should be granted, to the extent necessary, from the provisions of section 17(a).

Conclusion

Section 6(c) of the Act, in pertinent part, provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act, or any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants submit that, for the reasons stated in the Application, their exemptive requests meet the standards set out in section 6(c) and that an order should, therefore, be granted.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–8922 Filed 4–10–03; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act; Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of April 14, 2003:

A Closed Meeting will be held on Tuesday, April 15, 2003 at 10 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (5), (7), (8), (9)(B) and (10) and 17 CFR 200.402(a) (5), (7), (8), (9)(ii) and (10), permit consideration of the scheduled matters at the Closed Meeting.

The subject matter of the Closed Meeting scheduled for Tuesday, April 15, 2003 will be:

Institution and settlement of administrative proceedings of an enforcement nature;

Regulatory matter regarding a financial institution;

Institution and settlement of injunctive actions; and

Formal Orders of Investigation;

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted, or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

Dated: April 8, 2003.

Jonathan G. Katz,

Secretary.

[FR Doc. 03–8996 Filed 4–8–03; 4:08 pm]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–47637; File No. SR–NASD–2003–47]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc. To Modify the Display Charge Associated With the Use of the Nasdaq Workstation II Service by NASD Members

April 7, 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 March 21, 2003, the National Association of Securities Dealers, Inc. (''NASD''), through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. 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

Nasdaq proposes to modify the display charge paid by NASD members for use of the Nasdaq Workstation II (''NWII'') Service.[3] Nasdaq proposes to implement the proposed rule change on April 1, 2003.

The text of the proposed rule change appears below. New text is in italics. Deleted text is in brackets.

* * * * *

7000. CHARGES FOR SERVICES AND EQUIPMENT

7010. System Services

(a)–(e) No change

(f) Nasdaq Workstation ™ Service

(1) The following charges shall apply to the receipt of Level 2 or Level 3 Nasdaq Service via equipment and communications linkages prescribed for the Nasdaq Workstation II Service:

Service Charge—[$1,875/month per service delivery platform (*''SDP''*) from December 1, 2000 through February 28, 2001] $2,035/month per *service delivery platform* (''SDP'') [beginning March 1, 2001]

Display Charge—$525/month per [presentation device (''PD'')] *logon for the first 150 logons $200/month for each additional logon*

Additional Circuit/SDP Charge—[$3,075 per month from December 1, 2000 through February 28, 2001, and] $3,235/month [beginning March 1, 2001]*

Maintenance—$55/[SDP or] *presentation device* (''PD'') logon *or SDP*/month

A subscriber that accesses Nasdaq Workstation II Service via an application programming interface (''API'') shall be assessed the Service Charge for each of the subscriber's SDPs and shall be assessed the Display Charge for each of the subscriber's [API linkages] *logons,* including *logons of* an NWII substitute or quote-update facility. API subscribers also shall be subject to the Additional Circuit/SDP Charge.

(2) No change.

* A subscriber shall be subject to the Additional Circuit/SDP Charge when the subscriber has not maximized capacity on its SDP(s) by placing eight [PDs and/or API servers] *logons* on an SDP and obtains an additional SDP(s); in such case, the subscriber shall be charged the Additional Circuit/SDP Charge (in lieu of the service charge) for each ''underutilized'' SDP(s) (*i.e.*, the difference between the number of SDPs a subscriber has and the number of SDPs the subscriber would need to support its *logons* [PDs and/or API servers], assuming an eight-to-one ratio). A subscriber also shall be subject to the Additional Circuit/SDP Charge when the subscriber has not maximized capacity on its T1 circuits by placing eighteen SDPs on a T1 circuit; in such case, the subscriber shall be charged the Additional Circuit/SDP Charge (in lieu of the service charge) for each ''underutilized'' SDP slot on the existing T1 circuit(s). Regardless of the SDP allocation across T1 circuits, a subscriber will not be subject to the Additional Circuit/SDP Charge if the subscriber does not exceed the minimum number of T1 circuits needed to support its SDP, assuming an eighteen-to-one ratio.

(g)–(s) No change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq 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. Nasdaq 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

The NWII service allows market participants to access The Nasdaq Stock Market and other Nasdaq facilities through Nasdaq's Enterprise Wide Network II (''EWN II''). To use the NWII service, each subscriber location has at least one service delivery platform (''SDP'') that connects to the EWN II by a dedicated T1 circuit pair. The subscriber then connects the workstations used by its employees to the SDP. Thus, the SDP functions as the gateway from the subscriber's workstations to the EWN II.

Different subscribers use different types of workstations. A subscriber may use either an ''NWII presentation device'' (a workstation and associated software provided by Nasdaq) or its own workstation and software (often referred to as an ''application programming interface'' device, or an ''NWII substitute''), and many subscribers use both options. Each workstation, however, is associated with a particular ''logon,''[4] the code that a user enters to identify himself or herself as an authorized NWII user and thereby gain access to the NWII service. Nasdaq currently assesses a ''display charge'' of $525 per month for each logon.[5]

Nasdaq represents that, as part of an ongoing effort to reduce costs incurred by Nasdaq's market participants to use its systems and services, Nasdaq is proposing to modify the display charge to reflect the economies of scale realized when providing subscribers with a large number of logons. Specifically, Nasdaq asserts that if a subscriber has more than 150 logons, the per logon average cost to provide NWII service to that subscriber will decrease over a substantial range of additional logons. Moreover, Nasdaq represents that the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] On March 21, 2003, Nasdaq also submitted a proposed rule change to modify this charge for non-members. *See* File No. SR–NASD–2003–48.

[4] Nasdaq represents that the term ''logon'' as used throughout the proposed rule change refers to a logon ID (or logon identifier) and not a logon event. Telephone conversation between John M. Yetter, Assistant General Counsel, Nasdaq, and Frank N. Genco, Attorney, Division of Market Regulation (''Division''), Commission, on March 28, 2003.

[5] Nasdaq notes that NASD Rule 7010(f)(1), as in effect prior to the amendments made by this proposed rule change, uses a variety of terms to refer to the concept reflected in the term ''logon.'' As a part of this proposed rule change, Nasdaq is clarifying the rule by using the term ''logon'' throughout, and is also removing language describing fees in effect prior to March 1, 2001.

average costs associated with subscriber support also decrease as the number of logons increases. Accordingly, Nasdaq believes that it is reasonable to offer a discount on additional logons to subscribers with more than 150 logons, to reflect the lower average costs associated with providing this volume of logons.[6] A subscriber will pay the current display charge of $525 per month per logon for its first 150 logons, and a reduced charge of $200 per month for each additional logon.[7] Nasdaq believes that this reduction will also make it more economical for subscribers to install systems with redundancy, which will enable them to remain fully operational even if they experience equipment failures or an unexpected increase in demand.

In determining the number of logons used by a particular subscriber, Nasdaq will permit a particular corporate entity to aggregate its logons with those used by its wholly owned subsidiaries, parent corporations of which it is a wholly owned subsidiary, or affiliated corporations that are wholly owned by a common parent. A subscriber that wishes to aggregate its logons with those of its affiliates in this manner will be required to provide supporting information about its corporate structure to Nasdaq.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of section 15A of the Act,[8] in general, and section 15A(b)(5) of the Act,[9] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility or system which the NASD operates or controls.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective pursuant to section 19(b)(3)(A)(ii) of the Act[10] and subparagraph (f)(2) of Rule 19b–4[11] thereunder, because it establishes or changes a due, fee, or other charge. At any time within 60 days of March 21, 2003, 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.[12]

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 filings will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–2003–47 and should be submitted by May 2, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–8919 Filed 4–10–03; 8:45 am]

BILLING CODE 8010–01–P

[6] Telephone conversation between John M. Yetter, Assistant General Counsel, Nasdaq, and Hong-Anh Tran, Special Counsel, Division, Commission, on April 1, 2003.

[7] Nasdaq represents that a change to its Tools Plus SDP pricing is not warranted at this time. *See also* Securities Exchange Act Release No. 46973 (December 9, 2002), 67 FR 77305 (December 17, 2002) (File No. SR–NASD–2002–164).

[8] 15 U.S.C. 78*o*–3.

[9] 15 U.S.C. 78*o*–3(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

[11] 17 CFR 240.19b–4(f)(2).

[12] *See* 15 U.S.C. 78(b)(3)(C).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–47644; File No. SR–NSCC–2003–04]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change Relating to NSCC's Insurance Processing Service

April 7, 2003.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on March 14, 2003, National Securities Clearing Corporation (''NSCC'') 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 primarily by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to grant accelerated approval.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of an enhancement to NSCC's Insurance Processing Service (''IPS'') that will provide information about insurance products to distributors of those products. The enhancement will allow Insurance Carrier Members and Data Services Only Members of NSCC to populate a series of databases maintained by NSCC (known collectively as the ''Product Repository'') with information related to insurance products.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC 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. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified parts of these statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule filing is to create an enhancement to IPS that will provide information about insurance products to distributors of those products. Insurance Carrier Members and Data Services Only Members of NSCC will populate the Product Repository databases with information related to insurance products, and Members and Data Services Only Members may access the Product Repository to obtain information about insurance products.

The Product Repository will be a series of databases maintained by IPS that will contain information relating to insurance products. Initially, the product repository will contain information relating to annuities and thereafter to life insurance and other long term care products. With respect to each contract of a particular Insurance Carrier Member or Data Services Only Member, the Product Repository databases will be populated only by that Insurance Carrier Member or Data Services Only Member.

The Insurance Carrier Member or Data Services Only Member that populates the relevant database for a particular contract will be responsible for the contents and for any necessary updates. Such Insurance Carrier Member or Data Services Only Member will specify any limitation with respect to access to such data. As with other IPS services, NSCC will not be responsible for the completeness or accuracy of any of the information contained in the databases, or for any errors, omissions, or delays which may occur relating to the databases in the absence of gross negligence on NSCC's part.

There will be no money settlement associated with the Product Repository.

NSCC believes that the proposed rule change is consistent with the provisions of the Act and the rules and regulations thereunder because it will provide information that may facilitate the prompt and accurate processing of transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change would 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

No written comments relating to the proposed rule change have been solicited or received. NSCC will notify the Commission of any written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder and particularly with the requirements of section 17A(b)(3)(F).[3] Section 17A(b)(3)(F) requires that the rules of a clearing agency be designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. The Commission believes that the proposed rule change is consistent with this requirement because while providing a useful service to its Insurance Processing Service, NSCC is not responsible for the completeness or accurateness of the information of the database or in the absence of NSCC's gross negligence for any errors, omissions, or delays relating to the database. As a result, NSCC's ability to safeguard securities and funds which are in its custody or control or for which it is responsible will not be affected by the offering of the Product Repository databases.

NSCC has requested that the Commission approve this rule change prior to the thirtieth day after the date of publication of notice of the filing because the Product Repository will be available to NSCC's members beginning on April 7, 2003. The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after publication of notice because by so approving NSCC will be able to implement the enhancements in accordance with its systems implementation schedule.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549–0609. Comments may also be submitted electronically at the following e-mail address: rule-comments@sec.gov. All comment letters should refer to File No. SR–NSCC–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 proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of NSCC. All submissions should refer to the File No. SR–NSCC–2003–04 and should be submitted by May 2, 2003.

V. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act and the rules and regulations thereunder applicable.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR–NSCC–2003–04) be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–8920 Filed 4–10–03; 8:45 am]

BILLING CODE 8010–01–P

[3] 15 U.S.C. 78q–1(b)(3)(F).

[4] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

Privacy Act of 1974 as Amended; Computer Matching Program (SSA/Department of Labor (DOL))—Match Number 1003

AGENCY: Social Security Administration (SSA).

ACTION: Notice of the renewal of an existing computer matching program which is scheduled to expire on May 16, 2003.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces the renewal of an existing computer matching program that SSA is currently conducting with DOL.

DATES: SSA will file a report of the subject matching program with the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The renewal of the matching program will be effective as indicated below.

ADDRESSES: Interested parties may comment on this notice by either telefax to (410) 965–8582 or writing to the Associate Commissioner for Income Security Programs, 760 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235–6401. All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: The Associate Commissioner for Income Security Programs as shown above.

SUPPLEMENTARY INFORMATION:

A. General

The Computer Matching and Privacy Protection Act of 1988 (Public Law (Pub. L.) 100–503), amended the Privacy Act (5 U.S.C. 552a) by describing the manner in which computer matching involving Federal agencies could be performed and adding certain protections for individuals applying for and receiving Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protections for such individuals.

The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. It requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

(2) Obtain the approval of the matching agreement by the Data Integrity Boards (DIB) of the participating Federal agencies;

(3) Publish notice of the computer matching program in the **Federal Register**;

(4) Furnish detailed reports about matching programs to Congress and OMB;

(5) Notify applicants and beneficiaries that their records are subject to matching; and

(6) Verify match findings before reducing, suspending, terminating or denying an individual's benefits or payments.

B. SSA Computer Matches Subject to the Privacy Act

We have taken action to ensure that all of SSA's computer matching programs comply with the requirements of the Privacy Act, as amended.

Dated: April 4, 2003.

Martin H. Gerry,

Deputy Commissioner for Disability and Income Security Programs.

Notice of Computer Matching Program, Social Security Administration (SSA) With the Department of Labor (DOL)

A. Participating Agencies

SSA and DOL.

B. Purpose of the Matching Program

The purpose of this matching program is to establish the conditions, safeguards and procedures for DOL's disclosure of Part C Black Lung (BL) benefit data to SSA. SSA will use the match results to verify that recipients of Part C BL benefits are receiving the correct amount of Social Security disability benefits, as required by the Social Security Act (the Act).

C. Authority for Conducting the Matching Program

Section 224(h)(1) of the Act (42 U.S.C. 424a(h)(1)).

D. Categories of Records and Individuals Covered by the Matching Program

DOL will provide SSA with an electronic or magnetic tape file extracted from the Office of Workers' Compensation Programs' BL Benefits Payments File. The extracted file will contain information about all live miners, under age 65, entitled to Part C BL benefits. Each record on the DOL file will be matched with SSA's Master Beneficiary Record (SSA/OEEAS 60–0090), to identify individuals potentially subject to benefit reductions due to their receipt of Part C BL benefits, under section 224 of the Act (42 U.S.C. 424a).

E. Inclusive Dates of the Matching Program

The matching program will become effective upon signing of the agreement by both parties to the agreement and approval of the agreement by the Data Integrity Boards of the respective agencies, but no sooner than 40 days after notice of the matching program is sent to Congress and the Office of Management and Budget, or 30 days after publication of this notice in the **Federal Register**, whichever date is later. The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

[FR Doc. 03–8907 Filed 4–10–03; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 4335]

Culturally Significant Objects Imported for Exhibition Determinations: ''Kazimir Malevich: Suprematism''

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999 (64 FR 56014), and Delegation of Authority No. 236 of October 19, 1999 (64 FR 57920), as amended, I hereby determine that the objects to be included in the exhibition, ''Kazimir Malevich: Suprematism,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. These objects are imported pursuant to loan agreements with foreign lenders. I also determine that the exhibition or display of the exhibit objects at the Solomon R. Guggenheim Museum, New York, New York, from on or about May 22, 2003, to on or about September 7, 2003, the Menil Collection, Houston, Texas, from on or about October 2, 2003, to on or about January 11, 2004, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of exhibit objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, 202/619–5997, and the address is United States Department of State, SA–44, Room 700, 301 4th Street, SW., Washington, DC 20547–0001.

Dated: April 4, 2003.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 03–9049 Filed 4–10–03; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed the Week Ending April 4, 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.

Docket Number: OST–2003–14869.

Date Filed: April 3, 2003.

Parties: Members of the International Air Transport Association.

Subject: PTC12 NMS–AFR 0161 dated 14 March 2002 (Mail Vote 279), Mid Atlantic-Africa Resolutions r1–r10, PTC12 NMS–AFR 0162 dated 14 March 2003 (Mail Vote 280), South Atlantic-Africa Resolutions r11–r23, Minutes—PTC12 NMS–AFR 0163 dated 21 March 2003, Tables—PTC12 NMS–AFR Fares 0079 dated 21 March 2003, PTC12 NMS–AFR Fares 0080 dated 21 March 2003, Intended effective date: 1 May 2003.

Docket Number: OST–2003–14870.

Date Filed: April 3, 2003.

Parties: Members of the International Air Transport Association.

Subject: PTC2 EUR 510 dated 4 April 2003, Mail Vote 290—Resolution 010d, TC2 Within Europe Special Passenger Amending Resolution, from Poland to Europe, Intended effective date: 11 April 2003.

Dorothy Y. Beard,

Chief, Docket Operations & Media Management, Federal Register Liaison.

[FR Doc. 03–8950 Filed 4–10–03; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Draft Environmental Impact Statement for the Green Line Corridor Transit Project; Baltimore, MD

AGENCY: Federal Transit Administration (FTA), U.S. Department of Transportation.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: The Federal Transit Administration (FTA) and the Maryland Transit Administration (MTA) are issuing this notice to advise agencies and the public that, in accordance with the National Environmental Policy Act, the FTA and the MTA will prepare a Draft Environmental Impact Statement (DEIS) to assess the impacts of potential transit alternatives in the Green Line Corridor. This corridor extends from Johns Hopkins Medical Center north to Morgan State University. The Green Line Corridor Transit Project would serve older dense city neighborhoods in northeast Baltimore and would provide convenient and efficient access between Johns Hopkins Medical Center, the proposed East Baltimore Biotechnology Park, Morgan State University, and the Baltimore City Central Business District, as well as improved connectivity with other transit services in Baltimore and support economic development. The 23-member Advisory Committee to MTA that developed the Baltimore Region Rail System Plan identified growing traffic congestion in the Baltimore region, the need for improved access to jobs, improving air quality and the desire to keep the Baltimore region competitive as important concerns for the Baltimore Region. The Green Line Corridor Transit Project was identified as a priority project for addressing these issues. The project is also included in the Baltimore Region Constrained Long-Range Plan.

The purpose of the Green Line DEIS is to examine the engineering feasibility, potential benefits, costs, and social, cultural, economic, built and natural environmental impacts of feasible alternatives in the corridor to improve transit mobility in the Baltimore metropolitan area. The DEIS will examine and evaluate rail, bus rapid transit (BRT), transportation systems management/transportation demand management (TSM/TDM), and no-build alternatives. Tunnel, surface and/or aerial alignment options will be considered for rail and BRT alternatives.

Scoping Meetings: Public scoping meetings for the Green Line Corridor Transit Project DEIS will be held at times and locations to be held on:

June 12—Dunbar High School, 1400 Orleans Street—3:30 p.m.–8 p.m.

June 14—Good Samaritan Hospital, 5601 Loch Raven Boulevard—10 a.m.–2 p.m.

Additional meeting dates, times and locations will be announced on the project Web site accessed through *http://www.mtamaryland.com,* and will be published in the following newspapers:

The Baltimore Sun
The Afro-American
The Baltimore Times
The Morgan University Spokesman
The Johns Hopkins Gazette
The Northeast Booster

Scoping material will be available at the meetings and may also be obtained in advance of the meetings by contacting Mr. Lorenzo Bryant, Project Manager, at the address below. Scoping material will also be made available on the project Web site accessed through *http://www.mtamaryland.com.* Oral and written comments may be given at the scoping meetings; a stenographer will be available to record all comments. Information will be made available in both English and Spanish.

ADDRESSES: Written comments on the project scope should be sent by August 1, 2003 to Mr. Lorenzo Bryant, Attn: Green Line, Maryland Transit Administration, William Donald Schaefer Tower, 6 St. Paul Street, Baltimore, MD 21202–1614, or via e-mail to *railplan@mdot.state.md.us.* Mr. Bryant may also be reached by calling (410) 767–3754.

FOR FURTHER INFORMATION CONTACT: If you wish to be placed on the mailing list to receive further information as the study develops, contact Mr. Lorenzo Bryant, Project Manager, or Mr. Jamie Kendrick, Project Outreach Manager, at the above address or *railplan@mdot.state.md.us.* For further information you may also contact Ms. Gail McFadden-Roberts, AICP, Community Planner, Office of Planning and Program Development, Federal Transit Administration, Region III, phone: (215) 656–7100, fax: (215) 656–7260.

SUPPLEMENTARY INFORMATION:

I. Scoping

The FTA and MTA invite all interested individuals and organizations, and federal, state, and local agencies to provide comments on the scope of the study. During the scoping process, comments should focus on identifying specific social, cultural, economic, or natural environmental issues to be evaluated and suggest alternatives, which may be less costly or have less environmental impacts, while achieving similar transportation objectives. The objectives of the Green Line Corridor Transit Project are to: connect northeastern Baltimore to Johns Hopkins Medical Center, downtown Baltimore, the major growth area of Owings Mills; serve Morgan State University; provide convenient service to existing neighborhoods; provide connections to

Baltimore's existing Metro, Light Rail and MARC lines; provide access to the proposed East Baltimore Biotechnology Park; support Smart Growth by serving established city neighborhoods; improve transportation accessibility to existing employment centers in downtown Baltimore; and provide a viable transit alternative to single occupancy vehicle (SOV) travel in the Baltimore region, which is a non-attainment area under the Clean Air Act. Comments should focus on the issues and alternatives for analysis and not on a preference for a particular alternative.

Following public scoping meetings, public outreach activities will include meetings with Local Working Groups established for the study and comprised of community leaders; public meetings and hearings; distribution of a study newsletter; project website and electronic mail newsletters; and other outreach methods and forums. The purpose of the public outreach activities during the scoping process is to inform the public of the proposed study process and to solicit input from the community on the proposed study. Every effort will be made to ensure that the widest possible range of public participants have the opportunity to attend general public meetings held by MTA to solicit input on the Green Line Corridor Transit Project DEIS. Attendance will be sought through mailings, notices, advertisements, press releases and other outreach efforts.

II. Description of Primary Study Area and Transportation Needs

The Green Line study area extends approximately 4 miles in a northeast direction within Baltimore City. The study area begins at the existing terminus of the Baltimore Metro line at Johns Hopkins Medical Center and extends north and east to Morgan State University campus. The southern portion of the study area consists primarily of dense residential and institutional land use, while the northern portion consists primarily of lower-density residential areas and institutional use.

The Green Line Corridor Transit Project would provide a connection between communities in northeast Baltimore City and western Baltimore County and would provide convenient and efficient access to major employment centers in downtown and northeast Baltimore at Johns Hopkins Medical Center, the proposed East Baltimore Biotechnology Park and Morgan State University. It would support the redevelopment and revitalization efforts in east and northeast Baltimore. The purpose of the Green Line Corridor Project DEIS is to examine in further detail potential solutions for addressing mobility issues in the Baltimore region. The focus of the DEIS will be to identify a preferred alternative to improve mobility within the region while being sensitive to the socioeconomic, cultural and natural environmental considerations on a local and regional basis.

The following existing and forecasted reasons dictate the need for a transportation investment in the Baltimore Metropolitan region:

- Growth and development in the region continue at high rates. Smart Growth principles require that the region's economic centers such as Baltimore need to be stimulated, remain vibrant and continue to grow into the future; the Green Line extension would support regional economic centers by providing convenient access to these areas.
- Increased travel demand is causing traffic congestion, unsafe roadway conditions and longer travel delays; the Green Line would provide transportation alternatives to those who currently drive, and would help free road space for those who are auto-dependent, making roadways safer and less prone to delays.
- Many residents in the region lack convenient and accessible transit service to job opportunities; the Green Line will provide fast efficient transit service to these areas and provide residents with enhanced opportunities for employment and mobility through increased connectivity with existing transit services.
- Air quality is a serious problem in the Baltimore region; the Green Line Corridor Transit Project can help the region meet federal health standards for clean air by reducing single occupancy vehicle use.

III. Alternatives

The alternatives proposed for evaluation include: a no-build alternative, which includes the current network plus all ongoing, programmed, and committed projects listed in the Transportation Improvement Program (TIP for the years 2002–2006); a TSM/TDM alternative, which would include improving existing transit services such as additional bus service and routes; BRT alternatives; and rail alternatives. The no-build alternative will provide a basis for comparison with the TSM/TDM and build alternatives.

Each build alternative will explore the construction of new transportation infrastructure, such as tracks, stations, and maintenance yards. Tunnel, surface and/or aerial options will be developed for each of the build alternative alignments. Multi-modal alternatives will also be explored.

IV. Probable Effects

The FTA and MTA will evaluate all potential changes to the social, cultural, economic, built and natural environment, including land acquisition and displacements; land use, zoning, economic development; parklands; community disruption; aesthetics; historical and archaeological resources; traffic and parking; air quality; noise and vibration; water quality; wetlands; environmentally sensitive areas; endangered species; energy requirements and potential for conservation; hazardous waste; environmental justice; safety and security; and secondary and cumulative impacts. Key areas of environmental concern include areas of potential new construction (e.g. structures, new transit stations, new track, etc.). Impacts will be evaluated for both the short-term construction period and for the long-term period of operation associated with each alternative. Measures to avoid, minimize and mitigate any significant adverse impacts will be identified.

V. Federal Transit Administration (FTA) Procedures

The Green Line Corridor Transit Project DEIS will be prepared in accordance with section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 (as amended) and as implemented by the Council on Environmental Quality (CEQ) regulations (40 CFR parts 1500 " 1508) and Federal Transit Administration (FTA) regulations (23 CFR part 771), and the FTA Statewide Planning/Metropolitan Planning regulations (23 CFR part 450). These studies will also comply with the requirements of the National Historic Preservation Act of 1966, as amended, section 4(f) of the 1966 U.S. Department of Transportation Act, the 1990 Clean Air Act Amendments, the Executive Order 12898 on Environmental Justice, and other applicable rules, regulations, and guidance documents. In addition, MTA will seek section 5309 New Starts funding for the project, and will be subject to the FTA New Starts regulation (49 CFR part 611). New Starts regulation requires the submission of certain specific information to FTA to support a request to initiate preliminary engineering, which is normally done in conjunction with the NEPA process.

Upon completion, the DEIS will be available for both public and agency review and comment. Public hearings will be held within the study area.

Based on the DEIS and the public and agency comments received, a locally preferred alternative will be selected that will be further detailed in the Final EIS.

Issued on: April 8, 2003.

Herman C. Shipman,

Acting Regional Administrator, Federal Transit Administration TRO III.

[FR Doc. 03–8939 Filed 4–10–03; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Draft Environmental Impact Statement for the Red Line Corridor Transit Project; Baltimore, MD

AGENCIES: Federal Transit Administration (FTA), U.S Department of Transportation.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: The Federal Transit Administration (FTA) and the Maryland Transit Administration (MTA) are issuing this notice to advise agencies and the public that, in accordance with the National Environmental Policy Act, the FTA and the MTA will prepare a Draft Environmental Impact Statement (DEIS) to assess the impacts of potential transit alternatives in the Red Line Corridor. This corridor extends from the Social Security complex in Baltimore County through the Baltimore City Central Business District (CBD) to Patterson Park in Baltimore, MD. The Red Line Corridor Transit Project would connect eastern and western communities of Baltimore City and Baltimore County, providing the first east-west fixed rail or bus rapid transit connection in Baltimore, and would provide convenient and efficient access to major employment centers in downtown and in Woodlawn. Growing traffic congestion in the Baltimore region has been identified, particularly in the western quadrant of Baltimore City and Baltimore County and there is an intent to improve access to jobs and improve air quality. Significant development and revitalization efforts are also underway in the corridor that will require additional transportation access.

A 23-member Advisory Committee to MTA developed the Baltimore Region Rail System Plan and identified a transit project in the Red Line Corridor as a priority project for implementation. The Advisory Committee recommended ''that the MTA immediately begin environmental analysis, planning and design studies'' for the project, based on an assessment that this project will best provide an east-west link to jobs, tourism sites and the University of Maryland in the central business district; provide a link to the employment center with 20,000 jobs in the Social Security/Woodlawn area; provide improved transit service to East and West Baltimore communities; and provide connectivity to the existing bus, MARC commuter and Metro rail lines in Baltimore. The project is also included in the Baltimore Region Constrained Long-Range Transportation Plan.

The purpose of the Red Line Corridor Transit Project DEIS is to examine the engineering feasibility, potential benefits, costs, and social, cultural, economic, built and natural environmental impacts of feasible alternatives in the corridor that will improve transit mobility in the Baltimore metropolitan area. The DEIS will examine and evaluate rail, bus rapid transit (BRT), transportation systems management and transportation demand management (TSM/TDM) strategies, and a no-build alternative. Tunnel, surface and/or aerial construction options will be considered for rail and BRT alternatives.

Scoping Meetings: Public scoping meetings for the Red Line Corridor Transit Project DEIS will be held on:

June 5—Rosemont Tower, 740 Poplar Grove Street—4 p.m.–8 p.m.

June 7—Woodlawn Community Center, 2120 Gwynn Oak Avenue—10 a.m.–2 p.m.

Additional meeting dates, times and locations will be announced on the project web-site accessed through *http://www.mtamaryland.com,* and these details will be published in the following newspapers:

The Daily Record
The Baltimore Sun
The Catonsville Times
The Baltimore Times
The Afro-American
Howard County Times
East Baltimore Guide
El Tiempo
El Mesejeros
Baltimore Business Journal

Scoping material will be available at the meetings and may also be obtained in advance of the meetings by contacting Mr. Lorenzo Bryant, Project Manager, at the address below. Scoping material will also be made available on the project web-site accessed through *http://www.mtamaryland.com.* Oral and written comments may be given at the scoping meetings or comments may be sent to the address below. A stenographer will be available at the meetings to record comments. Information will be made available in both English and Spanish.

ADDRESSES: Written comments on the project scope should be sent by August 1, 2003 to Mr. Lorenzo Bryant, Attn: Red Line, Maryland Transit Administration, William Donald Schaefer Tower, 6 St. Paul Street, Baltimore, MD 21202–1614, or via e-mail to *railplan@mdot.state.md.us.* Mr. Bryant may also be reached by calling (410) 767–3754.

FOR FURTHER INFORMATION CONTACT: If you wish to be placed on the mailing list to receive further information as the study develops, contact Mr. Lorenzo Bryant, Project Manager, or Mr. Jamie Kendrick, Public Outreach Manager, at the above address or *railplan@mdot.state.md.us.* For further information you may also contact Ms. Gail McFadden-Roberts, AICP, Community Planner, Office of Planning and Program Development, Federal Transit Administration, Region III, phone: (215) 656–7100, fax: (215) 656–7260.

SUPPLEMENTARY INFORMATION:

I. Scoping

The FTA and MTA invite all interested individuals and organizations, and Federal, State, and local agencies to provide comments on the scope of the study. During the scoping process, comments should focus on identifying specific social, cultural, economic, or natural environmental issues to be evaluated and suggest alternatives, which may be less costly or have less environmental impacts, while achieving the similar transportation objectives. The objectives of the Red Line Corridor Transit Project are: to provide the first east-west transit connection in the Baltimore region; to connect communities in eastern and western Baltimore City and County with Baltimore's existing bus, Metro, Light Rail and MARC lines; to provide more efficient travel times for people on one of the most heavily traveled corridors in the region and which is presently subject to increasing traffic congestion; to improve transportation accessibility to existing employment centers in downtown Baltimore and Woodlawn as well as emerging redevelopment areas in Inner Harbor East, Canton, West Baltimore, and at University Center; and to provide a viable transit alternative to single occupancy vehicle (SOV) travel in the Baltimore region, which is a non-attainment area under the Clear Air Act. Comments should focus on the issues

and alternatives for analysis and not on a preference for a particular alternative.

Following the public scoping process, public outreach activities will include: meetings with Local Working Groups established for the study and comprised of community leaders; public meetings and hearings; distribution of a study newsletter; project Web site and electronic mail newsletters; and use of other outreach methods and forums. The purpose of the public outreach activities during the Scoping process is to inform the public of the proposed study process and to solicit input from the community on the proposed study. Every effort will be made to ensure that the widest possible range of public participants have the opportunity to attend general public meetings held by MTA to solicit input on the Red Line Corridor Transit Project DEIS. Attendance will be sought through mailings, notices, advertisements, press releases, and other outreach activities.

II. Description of Primary Study Area and Transportation Needs

The Red Line Corridor Transit Project area extends approximately 10.5 miles in an east-west direction within Baltimore City and Baltimore County. The western-most terminus of the study area is located at the Center of Medical/Medicaid Services approximately 2 miles west of I–695 (Baltimore Beltway) near the Social Security Complex in Baltimore County and extends east through the Baltimore City Central Business District (CBD), ending at its eastern-most terminus near Patterson Park. Much of the study area is intensely developed. The western portion of the study area consists primarily of residential land use while the CBD consists primarily of commercial and office space with scattered high-density residential development. The eastern portion of the study area consists of commercial land use and residential development.

The Red Line Corridor Transit Project would provide a connection for eastern and western communities of Baltimore City and Baltimore County and would provide convenient and efficient access to major employment centers in downtown and in Woodlawn, thus supporting redevelopment and neighborhood revitalization efforts in Baltimore City and Baltimore County. The purpose of the Red Line Corridor Transit Project DEIS is to examine in further detail potential solutions for addressing mobility issues in the Baltimore region. The focus of the DEIS will be to identify a preferred alternative to improve mobility in the region while being sensitive to the socio-economic, cultural and natural environmental considerations on a local and regional basis.

The following existing and expected future conditions dictate the need for a transit investment in the Baltimore Metropolitan region:

- While growth and development in the region continue at high rates, mobility and access for commuters to transit options within the region has not grown to the same extent; the Red Line transit project would help to improve current travel and access conditions and anticipate future demands;
- Increased travel is causing congestion and the Red Line transit project would give travelers a real choice in how to get from place to place in the region while helping to free road space for those who chose to drive or who must drive;
- Delay affects all transit users, but the time required to complete commutes by bus or rail continue to increase substantially; the Red Line would give the region a needed east-west transit link that would offer new ridership and provide connectivity with existing bus, heavy rail and light rail service, which would enhance the service and ridership of existing facilities;
- The Baltimore Region is struggling to meet federal health standards for air pollution. New development oriented to a new transit system can help the region meet both its air quality and its economic development goals; and
- Many residents in the region lack transit service and any nearby bus service is often inconvenient, limited and slow due to traffic congestion. The Red Line transit project would provide a feasible mode of transport for commuters while improving the efficiency and effectiveness of the current transit services.

III. Alternatives

The alternatives proposed for evaluation include: a no-build alternative, which includes the current network plus all ongoing and committed projects listed in the Transportation Improvement Program (TIP for the years 2002–2006); a TSM/TDM alternative, which would include improving existing transit services such as additional bus service and routes; and build alternatives which include rail and BRT. The no-build alternative will provide a basis for comparison with the TSM/TDM and build alternatives.

Each build alternative will explore the construction of new transportation infrastructure such as tracks, stations, and maintenance yards. Tunnel, surface and/or aerial options will be developed for each of the build alternative alignments. Multi-modal alternatives will also be explored.

IV. Probable Effects

The FTA and MTA will evaluate all potential changes to the social, cultural, economic, built and natural environment, including land acquisition and displacements; land use, zoning, economic development; parklands; community disruption; aesthetics; historical and archaeological resources; traffic and parking; air quality; noise and vibration; water quality; wetlands; environmentally sensitive areas; endangered species; energy requirements and potential for conservation; hazardous waste; environmental justice; safety and security; and secondary and cumulative impacts. Key areas of environmental concern include areas of potential new construction (*e.g.* structures, new transit stations, new track, etc.). Impacts will be evaluated for both the short-term construction period and for the long-term period of operation associated with each alternative. Measures to avoid, minimize and mitigate any significant adverse impacts will be identified.

V. FTA Procedures

The Red Line Corridor Transit Project DEIS will be prepared in accordance with section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 (as amended) and as implemented by the Council on Environmental Quality (CEQ) regulations (40 CFR parts 1500–1508) and Federal Transit Administration (FTA) regulations (23 CFR part 771), and the FTA Statewide Planning/Metropolitan Planning regulations (23 CFR part 450). These studies will also comply with the requirements of the National Historic Preservation Act of 1966, as amended, section 4(f) of the 1966 U.S. Department of Transportation Act, the 1990 Clean Air Act Amendments, the Executive Order 12898 on Environmental Justice, and other applicable rules, regulations, and guidance documents. In addition, if MTA seeks section 5309 New Starts funding for the project, MTA will be subject to the FTA New Starts regulation (49 CFR part 611). New Starts regulation requires the submission of certain specific information to FTA to support a request to initiate preliminary engineering, which is normally done in conjunction with the NEPA process.

Upon completion, the DEIS will be available for both public and agency review and comment. Public hearings will be held within the study area. Based on the DEIS and the public and agency comments received, a locally preferred alternative will be selected

that will be further detailed in the Final EIS.

Issued on: April 8, 2003.

Herman C. Shipman,

Acting Regional Administrator, Federal Transit Administration, TRO III.

[FR Doc. 03–8940 Filed 4–10–03; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2003–14880]

Initial Decision That Certain NexL Sports Products Motorcycle Helmets Fail To Comply With Federal Motor Vehicle Safety Standard 218; Public Proceeding Scheduled To Hear Arguments and To Determine Adequacy of Remedy by NexL Sports Products

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of public meeting.

SUMMARY: NHTSA will hold a public meeting, beginning at 10 a.m. on May 14, 2003 regarding its Initial Decision that NexL Sports Products (NexL) ''Beanie DOT Motorcycle Helmets'' (model 02) fail to comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 218, *Motorcycle Helmets*. At the same time, NHTSA will conduct a hearing to determine if NexL's remedy for the noncompliance of its model 01 helmets with FMVSS No. 218 was adequate.

FOR FURTHER INFORMATION CONTACT: Andrew J. DiMarsico, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; (202) 366–5263. NHTSA's Initial Decision, and the information on which it is based, is available at NHTSA's Technical Information Services, Room 5111, 400 Seventh Street, SW., Washington, DC 20590;Telephone: 202–366–2588. When visiting Technical Information Services or contacting it via the telephone, refer to Investigation File CI–218–020612.

SUPPLEMENTARY INFORMATION: Pursuant to 49 U.S.C. 30118(a), NHTSA's Associate Administrator for Enforcement made an Initial Decision that NexL model 02 motorcycle helmets do not comply with the requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 218, *Motorcycle Helmets*, 49 CFR 571.218. These requirements include: Impact attenuation tests, penetration tests, retention system tests and labeling.

In an impact attenuation test pursuant to S7.1 of 49 CFR 571.218, a guided free fall anvil impacts the helmet at specified locations. The height and speed of the guided free fall anvil are set forth in the Standard. To pass, all of the following requirements must be met: (a) Peak accelerations must not exceed 400g; (b) accelerations in excess of 200g must not exceed a cumulative duration of 2.0 milliseconds; and (c) accelerations in excess of 150g must not exceed a cumulative duration of 4.0 milliseconds.

In a penetration test pursuant to S7.2, a guided free fall test striker impacts the outer surface of the complete helmet. To pass, the metal striker must not come into contact with the surface of the specified test headform inside the helmet.

A retention system test, in accordance with S7.3, addresses the retention system of a helmet on a DOT headform by adding specified force to the retention system. The retention system or its components cannot separate or the test device move more than 1 inch (2.5 cm) when measured between preliminary and test load positions.

For labeling purposes, S5.6.1 requires that each helmet be permanently and legibly labeled with the manufacturer's identification and a label that the helmet meets all applicable FMVSS. The label must also include specific language that is set forth in S5.6.

In 2000, NexL began manufacturing and selling model 01 motorcycle helmets. NHTSA's Office of Vehicle Safety Compliance (OVSC) tested several model 01 helmets on May 18, 2001. Those tests indicated numerous apparent failures to comply with several requirements of FMVSS No. 218. NexL subsequently advised NHTSA in a Noncompliance Information Report, dated March 8, 2002, of its decision that the model 01 helmets did not comply with FMVSS No. 218. NexL therefore conducted a recall campaign (NHTSA No. 02E–008) in which its designated remedy for the noncompliance was to replace each model 01 helmet with a NexL model 02 helmet.

The model 02 motorcycle helmet is a redesigned version of the recalled model 01 helmet. In addition to being NexL's designated remedy for the earlier noncompliance, model 02 helmets have been sold to the public.

As part of its annual compliance testing program, OVSC conducted compliance tests of NexL model 02 helmets at two independent test laboratories. On June 12, 2002, Head Protection Research Laboratory (HPR) located in Paramount, California tested four NexL model 02 helmets to the performance requirements of FMVSS No. 218. Subsequently, on July 29, 2002, SGS U.S. Testing Company, Inc. (UST), located in Fairfield, New Jersey, tested four other NexL model 02 helmets. Again, on February 28, 2003, HPR conducted more tests on NexL model 02 helmets. Each series of test results indicated failures of NexL's model 02 helmets to comply with many of the requirements set forth in FMVSS No. 218.

Following initial test failures, OVSC opened an investigation into the compliance of the model 02 helmets with FMVSS No. 218 (CI–218–020612). As part of that investigation, OVSC sent an Information Request (IR) letter to NexL in which it requested information concerning the number of model 02 helmets manufactured by NexL, all tests performed by NexL to support its certification that the model 02 helmets met all applicable FMVSS, consumer complaints, and any engineering analysis regarding the test failures identified by OVSC. NexL responded to that IR on September 4, 2002. Among other things, NexL asserted that the results of tests conducted by Sacramento Test Laboratory (STL), dated August 23, 2002, demonstrated that the model 02 helmets comply with FMVSS No. 218. However, contrary to NexL's assertion, the STL tests also indicate numerous failures to meet the performance requirements of the standard.

OVSC's Report of Investigation, which contains a full description of the compliance investigation, is attached as an Appendix to this notice. The complete public file for the investigation is available at Technical Information Services, Room 5111, 400 Seventh Street, SW., Washington, DC 20590; Telephone: 202–366–2588.

Based upon all of the available information, NHTSA's Associate Administrator for Enforcement has made an Initial Decision, pursuant to 49 U.S.C. 30118(a) and 49 CFR 554.10, that NexL model 02 motorcycle helmets fail to comply with FMVSS No. 218. Pursuant to 49 U.S.C. 30118(b)(1) and 49 CFR 554.10(b), NHTSA will conduct a public meeting, beginning at 10 a.m. on May 14, 2003 in Room 6332, Department of Transportation Building, 400 Seventh Street, SW., Washington, DC, at which time the manufacturer and all other interested persons will be afforded an opportunity to present information, views, and arguments on the issues of whether NexL's model 02 helmets covered by NHTSA's Initial

Decision fail to comply with FMVSS No. 218.

In addition, in view of the fact that the model 02 helmet was the remedy designated by NexL to address the noncompliance of its model 01 helmet in Recall 02E–008, there is reason to believe that this remedy is inadequate to assure compliance with FMVSS No. 218, as required by 49 U.S.C. 30120(c). Therefore, in accordance with 49 U.S.C. 30120(e) and 49 CFR 557.6 and 557.7, NHTSA will conduct a public hearing to decide whether that remedy was adequate and whether to order NexL to provide a different remedy. Because of the similarity of the subject matter, this hearing will be combined with the public meeting on the Initial Decision.

Interested persons are invited to participate in this proceeding through written and/or oral presentations. Persons wishing to make oral presentations must notify Tilda Proctor, National Highway Safety Administration, Room 5321, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–4759, or by fax at (202) 366–8065, before the close of business on May 7, 2003. The notifications should specify the amount of time that the presentation is expected to last. The agency will prepare a schedule of presentations. Depending upon the number of persons who wish to make oral presentations, and the anticipated length of those presentations, the agency may add an additional day or days to the meeting/hearing and may limit the length of oral presentations.

Persons who wish to file written comments should submit them to the same address, preferably no later than the beginning of the meeting/hearing on May 14, 2003. However, the agency will accept written submissions until May 28, 2003.

Authority: 49 U.S.C. 30118(a), (b), and 49 U.S.C. 30120(c), (e); delegations of authority at 49 CFR 1.50(a) and 49 CFR 501.8.

Issued on: April 7, 2003.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

[FR Doc. 03–8941 Filed 4–10–03; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34177 (Sub–No. 1)]

Iowa, Chicago & Eastern Railroad Corporation—Trackage Rights Exemption—Commuter Rail Division of Regional Transportation Authority of Northeast Illinois and Soo Line Railroad Company

Soo Line Railroad Company, d/b/a Canadian Pacific Railway (CPR), will agree to grant overhead trackage rights [1] to Iowa, Chicago & Eastern Railroad Corporation (IC&E) [2] over: (1) A line of railroad owned by Metra, between milepost 40.3, near Pingree Grove, IL, and the connection with Belt Railway Company of Chicago (BRC) at milepost 6.6, at Cragin Junction, Chicago, IL, a distance of approximately 33.7 miles;[3] and (2) certain CPR-owned connecting track at Tower B–12 in Franklin Park, IL, as necessary to connect and interchange with the Indiana Harbor Belt Railroad Company at that location.

The transaction was scheduled to be consummated on April 1, 2003, the effective date of the exemption.

The purpose of the trackage rights is to allow IC&E to effectively and efficiently interchange traffic in the Chicago terminal on a permanent basis.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34177 (Sub-No. 1), must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Thomas J. Litwiler, Fletcher & Sippel LLC, Two Prudential Plaza, Suite 3125, 180 North Stetson Avenue, Chicago, IL 60601–6721.

Board decisions and notices are available on our website at *http://www.stb.dot.gov.*

Decided: April 4, 2003.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 03–8843 Filed 4–10–03; 8:45 am]

BILLING CODE 4915–00–P

[1] On March 25, 2003, IC&E concurrently filed a motion for a protective order pursuant to 49 CFR 1104.14(b) for a draft Trackage Rights Agreement between IC&E and CPR. The draft Trackage Rights Agreement was submitted under seal, as Exhibit 2 to the notice of exemption. By decision served on April 4, 2003, the Board granted IC&E's motion for a protective order.

In its motion, IC&E explains that, pursuant to a separate contract between CPR and the Commuter Rail Division of the Regional Transportation Authority of Northeast Illinois, d/b/a Metra (Metra), CPR has certain rights to admit a third party to use of the subject line owned by Metra. IC&E states that CPR is admitting it to the Metra line as such a third-party user, and that the trackage rights agreement is solely between CPR and IC&E. IC&E advises that CPR's admittance of IC&E to the Metra line is with the consent of Metra.

[2] IC&E is a Class II rail carrier operating approximately 1400 miles of trackage in the states of Iowa, Illinois, Kansas, Missouri, Minnesota, and Wisconsin. IC&E began rail operations on July 30, 2002, after acquiring the rail lines of I&M Rail Link, LLC. *See Iowa, Chicago & Eastern Railroad Corporation—Acquisition and Operation Exemption—Lines of I&M Rail Link, LLC,* STB Finance Docket No. 34177 (STB served June 12, 2002, July 22, 2002, and Jan. 21, 2003).

[3] The proposed Metra trackage rights permit IC&E to connect and interchange with BRC at Cragin Junction (including the use of CPR's Galewood Yard at Cragin Junction in connection with movements to and from BRC), CPR at Bensenville Yard in Bensenville, IL, and Elgin, Joliet & Eastern Railway Company at Spaulding, IL.

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 3, 2003.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before May 12, 2003, to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0817.

Regulation Project Number: EE–28–78 Final.

Type of Review: Extension.

Title: Inspection of Applications for Tax Exemption and Applications for

Determination Letters for Pension and Other Plans.

Description: Internal Revenue Code (IRC) section 6104 requires applications for tax exempt status, annual reports of private foundations, and certain portions of returns to be open for public inspection. Some information may be withheld from disclosure. IRS needs the information to comply with requests for public inspection of the above-named documents.

Respondents: Business or other for-profit, individuals or households, not-for-profit institutions.

Estimated Number of Respondents: 42,370.

Estimated Burden Hours per Respondent: 12 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 8,538 hours.

OMB Number: 1545–1809.

Form Number: IRS Form 8882.

Type of Review: Extension.

Title: Credit for Employer-Provided Child Care Facilities and Services.

Description: Qualified employers use Form 8882 to request a credit for employer-provided child care facilities and services. Section 45F provides credit based on costs incurred by an employer in providing child care facilities and resource and referral services. The credit is 25 percent of the qualified child care expenditures plus 10 percent of the qualified child care resource and referral expenditures for the tax year, up to a maximum credit of $150,000 per tax year.

Respondents: Business or other for-profit, individuals or households.

Estimated Number of Respondents/Recordkeepers: 1,000,000.

Estimated Burden Hours per Respondent/Recordkeeper:

Recordkeeping—8 hr., 7 min.
Learning about the law or the form—42 min.
Preparing and sending the form to the IRS—51 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 9,680,000 hours.

OMB Number: 1545–1810.

Form Number: IRS Form 8881.

Type of Review: Extension.

Title: Credit for Small Employer Pension Plan Startup Costs.

Description: Qualified small employers use Form 8881 to request a credit for start up costs related to eligible retirement plans. Form 8881 implements section 45E, which provides a credit based on costs incurred by an employer in establishing or administering an eligible employer plan or for the retirement-related education of employees with respect to the plan. The credit is 50 percent of the qualified costs for the tax year, up to a maximum credit of $500 for the first tax year and each of the two subsequent tax years.

Respondents: Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 100,000.

Estimated Burden Hours per Respondent/Recordkeeper:

Recordkeeping—7 hr., 39 min.
Learning about the law or the form—53 min.
Preparing and sending the form to the IRS—1 hr., 3 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 960,000 hours.

OMB Number: 1545–1815.

Form Number: IRS Form 5498–ESA.

Type of Review: Extension.

Title: Coverdell ESA Contribution Information.

Description: Form 5498–ESA is used by trustees and issuers of Coverdell Education Savings accounts to report contributions made to these accounts to beneficiaries.

Respondents: Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 10,000.

Estimated Burden Hours per Respondent/Recordkeeper: 7 minutes.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 18,000 hours.

OMB Number: 1545–1822.

Revenue Procedure Number: Revenue Procedure 2003–11.

Type of Review: Extension.

Title: Offshore Voluntary Compliance Initiative.

Description: Revenue Procedure 2003–11 describes the Offshore Voluntary Compliance Initiative, which is directed at taxpayers that have under-reported their tax liability through financial arrangements outside the United States that rely on the use of credit, debit, or charge cards (offshore credit cards) or foreign banks, financial institutions, corporations, partnerships, trusts, or other entities (offshore financial arrangements). Taxpayers that participate in the initiative and provide the information and material that their participation requires can avoid certain penalties.

Respondents: Individuals or households, business or other for-profit, not-for-profit institutions.

Estimated Number of Respondents: 2,000.

Estimated Burden Hours per Respondent: 50 hours.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 100,000 hours.

Clearance Officer: Glenn Kirkland, (202) 622–3428, Internal Revenue Service, Room 6411–03, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Joseph F. Lackey, Jr., (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Mary A. Able,

Departmental Reports, Management Officer.

[FR Doc. 03–8863 Filed 4–10–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 3, 2003.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pubic Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before May 12, 2003 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1233.

Regulation Project Number: IA–14–91 Final.

Type of Review: Extension.

Title: Adjusted Current Earnings.

Description: This regulation affects business and other for-profit institutions. This information is required by the IRS to ensure the proper application of section 1.56(g)–1 of the regulation. It will be used to verify that taxpayers have properly elected the benefits of section 1.56(g)–1® of the regulation.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 1,000.

Estimated Burden Hours Per Respondent: 1 hour.

Estimated Total Reporting/Recordkeeping Burden: 1,000 hours.

OMB Number: 1545–1380.

Regulation Project Number: IA–17–90 Final.

Type of Review: Extension.

Title: Reporting Requirements for Recipients of Points Paid on Residential Mortgages.

Description: To encourage compliance with the tax laws relating to the mortgage interest deduction, the regulations require the reporting on Form 1098 of points paid on residential mortgages. Only businesses that receive mortgage interest in the course of a trade or business are affected by this requirement.

Respondents: Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 37,644.

Estimated Burden Hours per Respondent/Recordkeeper: 7 hours, 31 minutes.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 283,056 hours.

OMB Number: 1545–1431.

Regulation Project Number: IA–74–93 Final.

Type of Review: Extension.

Title: Substantiation Requirement for Certain Contributions.

Description: These regulations provide that, for purposes of substantiation for certain charitable contributions, consideration does not include de minimis goods or services. It also provides guidance on how taxpayers may satisfy the substantiation requirement for contributions of $250 or more.

Respondents: Business or other for-profit, Individuals or households, not-for-profit institutions.

Estimated Number of Respondents: 16,000.

Estimated Burden Hours per Respondent: 3 hours, 13 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 51,500 hours.

Clearance Officer: Glenn Kirkland, (202) 622–3428, Internal Revenue Service, Room 6411–03, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Joseph F. Lackey, Jr., (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 03–8864 Filed 4–10–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Departmental Offices; Debt Management Advisory Committee Meeting

Notice is hereby given, pursuant to 5 U.S.C. App. 2, 10(a)(2), that a meeting will be held at the U.S. Treasury Department, 15th and Pennsylvania Avenue, NW., Washington, DC, on April 29, 2003, of the following debt management advisory committee:

The Bond Market Association, Treasury Borrowing Advisory Committee.

The agenda for the meeting provides for a technical background briefing by Treasury staff, followed by a charge by the Secretary of the Treasury or his designate that the Committee discuss particular issues, and a working session. Following the working session, the Committee will present a written report of its recommendations.

The background briefing by Treasury staff will be held at 9 a.m. eastern time and will be open to the public. The remaining sessions and the committee's reporting session will be closed to the public, pursuant to 5 U.S.C. App. 2, 10(d) and Pub. L. 103–202, 202(c)(1)(B) (31 U.S.C. 3121 note).

This notice shall constitute my determination, pursuant to the authority placed in heads of departments by 5 U.S.C. App. 2, 10(d) and vested in me by Treasury Department Order No. 101–05, that the closed portions of the meeting are concerned with discussions of the issues presented to the Committee by the Secretary and recommendations of the Committee to the Secretary, pursuant to Pub. L. 103–202, 202(c)(1)(B). Thus, this information is exempt from disclosure under that provision and 5 U.S.C. 552b(c)(3)(B). In addition, the closed portions of the meeting are concerned with information that is exempt from disclosure under 5 U.S.C. 552b(c)(9)(A). The public interest requires that such meetings be closed to the public because the Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community. When so utilized, such a committee is recognized to be an advisory committee under 5 U.S.C. App. 2, 3.

Although the Treasury's final announcement of financing plans may not reflect the recommendations provided in reports of the advisory committee, premature disclosure of the committee's deliberations and reports would be likely to lead to significant financial speculation in the securities market. Thus, these meetings fall within the exemption covered by 5 U.S.C. 552b(c)(9)(A).

The Office of Financial Markets is responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of committee activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552b. The Designated Federal Officer or other responsible agency official who may be contacted for additional information is Tim Bitsberger, Deputy Assistant Secretary, Federal Finance, at 202–622–2245.

Dated: April 7, 2003.

Brian C. Roseboro,

Assistant Secretary, Financial Markets.

[FR Doc. 03–8875 Filed 4–10–03; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–130477–00; REG–130481–00]

Proposed Collection; Comment Request for Required Distributions From Retirement Plans

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 regulations, REG–130477–00; REG–130481–00 (TD 8987), Required Distributions From Retirement Plans (§ 1.403(b)–3).

DATES: Written comments should be received on or before June 10, 2003, to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. 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 regulations should be directed to Carol Savage, (202) 622–

3945, or through the internet *(CAROL.A.SAVAGE@irs.gov.),* Internal Revenue Service, room 6407, 1111 Constitution Avenue, NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Required Distributions From Retirement Plans.

OMB Number: 1545–0996.

Regulation Number: REG–130477–00; REG–130481–00.

Abstract: This regulations relates to the required minimum distributions from qualified plans, individual retirement plans, deferred compensation plans under section 457, and section 403(b) annuity contracts, custodial accounts, and retirement income accounts.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Not-for-profit institutions, and state, local, or tribal governments.

Estimated Number of Respondents: 8,400.

Estimated Time Per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 8,400.

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: April 7, 2003.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 03–8961 Filed 4–10–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for IRS Taxpayer Service Benchmark Survey, Focus Group and Telephone Interview

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 IRS Taxpayer Advocate Service Benchmark Survey, Focus Group and Telephone Interview.

DATES: Written comments should be received on or before June 10, 2003, to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of information collection should be directed to Carol Savage, (202) 622–3945, or through the internet (*CAROL.A.SAVAGE@irs.gov.*), Internal Revenue Service, room 6407, 1111 Constitution Avenue, NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: IRS Taxpayer Advocate Benchmark Survey, Focus Group and Telephone Interview.

OMB Number: To be assigned later.

Abstract: In September 2002, the Taxpayer Advocate Service (TAS) completed an extensive one-year research program that identified its target audience far more definitively. The research program showed that the actual target was much broader and included a wide mix of different life circumstances—ranging from Affluent Families and Empty Nesters at the higher end of the income scale, to the Stable Middle Class in the center, to Surviving Spouses, Struggling Young Families, and Unmarried Poor at the lower end of the income scale. The research also showed that Small Business Owners are an important element of the target audience, while Non-English speaking Taxpayers are not as important as had been believed (with the latter segment being no more prevalent in the TAS target audience than in the Total Taxpayer audience). TAS is planning communications to the Underserveds, with a focus on four key segments of the Underserved audience—Surviving Spouses, Struggling Young Families, Unmarried Poor, and Small Business Owners. It is necessary to conduct a marketing research effort to guide development of new communications and track their impact, while continuing the tracking of the target audience that is a part of the overall research strategy of TAS.

Current Actions: This is a new collection of information.

Type of Review: New OMB Approval.

Affected Public: Individuals or households.

Estimated Number of Respondents: 1,180.

Estimated Time Per Respondent: 5 hrs., 26 min.

Estimated Total Annual Burden Hours: 6,422.

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: April 7, 2003.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 03–8962 Filed 4–10–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 7018 and 7018–A

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 7018, Employer's Order Blank for Forms, and Form 7018–A, Employer's Order Blank for 2003 Forms.

DATES: Written comments should be received on or before June 10, 2003, to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. 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 Carol Savage, (202) 622–3945, or through the internet (*CAROL.A.SAVAGE@irs.gov.*), Internal Revenue Service, room 6407, 1111 Constitution Avenue, NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Form 7018, Employer's Order Blank for Forms, and Form 7018–A, Employer's Order Blank for 2003 Forms.

OMB Number: 1545–1059.

Form Number: Forms 7018 and 7018–A.

Abstract: Forms 7018 and 7018–A allow taxpayers who must file information returns a systematic way to order information tax forms materials.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 1,668,000.

Estimated Time Per Respondent: 3 minutes.

Estimated Total Annual Burden Hours: 83,400.

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: April 7, 2003.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 03–8964 Filed 4–10–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2003–33

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 Revenue Procedure 2003–33, Section 9100 Relief for 338 Election.

DATES: Written comments should be received on or before June 10, 2003, to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. 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 revenue procedure should be directed to Carol Savage, (202) 622–3945, or through the internet (*CAROL.A.SAVAGE@irs.gov.*), Internal Revenue Service, room 6407, 1111 Constitution Avenue, NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Section 9100 Relief for 338 Elections.

OMB Number: 1545–1820.

Revenue Procedure Number: Revenue Procedure 2003–33.

Abstract: Revenue Procedure 2003–33 provides qualifying taxpayers with an extension of time pursuant to § 301.9100–3 of the Procedure and Administration Regulations to file an election described in § 338(a) or § 338(h)(10) of the Internal Revenue Code to treat the purchase of the stock of a corporation as an asset acquisition.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and individuals or households.

Estimated Number of Respondents: 60.

Estimated Average Time Per Respondent: 5 hours.

Estimated Total Annual Reporting Burden: 300 hours.

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: April 7, 2003.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 03–8965 Filed 4–10–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 5712 and 5712–A

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 5712, Election To Be Treated as a Possessions Corporation Under Section 936, and Form 5712–A, Election and Verification of the Cost Sharing or Profit Split Method Under Section 936(h)(5).

DATES: Written comments should be received on or before June 10, 2003, to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. 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 forms and instructions should be directed to Carol Savage, (202) 622–3945, or through the internet (*CAROL.A.SAVAGE@irs.gov.*), Internal Revenue Service, room 6407, 1111 Constitution Avenue, NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Election To Be Treated as a Possessions Corporation Under Section 936 (Form 5712), and Election and Verification of the Cost Sharing or Profit Split Method Under Section 936(h)(5) (Form 5712–A).

OMB Number: 1545–0215. Form Number: Forms 5712 and 5712–A.

Abstract: Domestic corporations may elect to be treated as possessions corporations on Form 5712. This election allows the corporation to take a tax credit. Possession corporations may elect on Form 5712–A to share their taxable income with their affiliates under Internal Revenue Code section 936(h)(5). These forms are used by the IRS to ascertain if corporations are entitled to the credit and if they may share their taxable income with their affiliates.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 2,600.

Estimated Time Per Respondent: 7 hrs., 47 min.

Estimated Total Annual Burden Hours: 20,234.

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: April 7, 2003.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 03–8966 Filed 4–10–03; 8:45 am]

BILLING CODE 4830–01–P

Federal Register

Friday,
April 11, 2003

Part II

Department of Labor

Management of U.S. Department of Labor Web Sites; Notice

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order 2–2003]

Management of U.S. Department of Labor Web Sites

1. *Purpose.* To establish policy and assign responsibilities for the management of Department of Labor (DOL) Internet and Intranet Web sites, and the content published on these Web sites.

2. *Authority and Relationship to Other Orders.*

a. *Authority.* This Order is issued pursuant to 29 U.S.C. 551 *et seq.*; 5 U.S.C. 301; sections 5122–5127 of the Clinger-Cohen Act (40 U.S.C. 11312–17); and the E-Government Act of 2002 (Pub. L. 107–347).

b. *Relationship to Other Orders.*

(1) This Order does not affect the authorities and responsibilities assigned by any other Secretary's Order, unless otherwise expressly so provided in this or another Order.

(2) This Order repeals Secretary's Order 2–2000, U.S. Department of Labor Internet Services.

(3) This Order amends Paragraph 4(a)(10) of Secretary's Order 2–2002, to the extent of any inconsistencies.

(4) This Order amends Secretary's Order 37–65, to assign responsibilities to Office of Public Affairs for certain Web site functions.

3. *Background.* The Department receives more than 550 million visits a year on its various Web sites and relies on its public Web sites to provide services to individuals, businesses, organizations, and other government entities. DOL also relies heavily on intranets to communicate internally with the Department's employees. The management of our Internet and Intranet Web sites will become more critical as the Department implements its e-government strategy and improves the electronic delivery of products and services to our internal and external customers. This Order is designed to ensure that the Department communicates its policies and programs more effectively and efficiently via our Internet and Intranet Web sites.

4. *Statement of Policy.* The Department's ability to communicate and conduct business will continue to require the effective use and management of the Department's Web sites. To maximize the potential of our Web sites, while meeting customer expectations, the Department will employ common Web management standards and approaches for all DOL Internet and Intranet Web sites. To achieve these objectives, the Department will:

a. Establish a Web Site Management Group that effectively leverages the programmatic content, legal, policy and information technology expertise throughout the Department;

b. Ensure that the Department's Web sites present a common, unified message to the public and Departmental employees, while reflecting the Department's purpose and mission;

c. Apply Web information technology standards across all DOL Web sites in accordance with the Federal and Departmental Enterprise Architectures;

d. Ensure appropriately secure and confidential exchange of information via the Department's Web sites;

e. Ensure appropriate review and approval of information prior to publication on Departmental Web sites;

f. Ensure that Web site content is timely, accurate, and complete and managed in compliance with legislative and administrative mandates, including the Federal Records Act, Privacy Act, and Rehabilitation Act;

g. Ensure that e-correspondence coming in via DOL Internet Web sites is tracked and answered in a timely fashion and preserved in accordance with the Federal Records Act to protect the legal rights of, and minimize the legal risks to, the Department;

h. Ensure that all records of business transacted on DOL Web sites are managed in accordance with the Federal Records Act, Privacy Act, and other applicable legislative and administrative mandates and guidance;

i. Ensure that Agency Heads are accountable for compliance with all Federal and Departmental mandates, policies, and legislative requirements; and

j. Ensure that the Department conducts privacy impact assessments as required by the E-Government Act.

5. *Definitions.*

a. ''*Information Technology*'' refers to any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the executive agency. It also refers to computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

b. ''*Intranet Web sites*'' refers to Departmental and Agency Web sites that provide general access for communicating to DOL employees.

c. ''*Internet Web sites*'' refers to Departmental and Agency Web sites that are available to the general public.

d. ''*Departmental Web Site Information Technology Standards*'' refers to the policies, processes, and procedures, defined by the Office of the Chief Information Officer (OCIO), to meet architectural, interoperability, and security goals that are within the guidelines of the Federal and Department Enterprise Architectures. Such guidance will establish Department-wide baselines and targets for managing and operating DOL Internet Web sites and Intranet Web sites, and related information technologies.

6. *Delegation of Authority and Assignment of Responsibilities.*

a. *The Assistant Secretary for Public Affairs* (ASPA) is delegated authority and assigned responsibility for management of DOL Web sites as outlined below:

(1) Appointing a DOL Web Sites Director to manage the Department's Internet Web sites and Intranet Web sites, including the DOL.GOV and Labornet Web sites;

(2) Maintaining and operating the DOL.GOV and Labornet Web sites in accordance with DOL policies and procedures, including Departmental Web Site Information Technology Standards and design requirements;

(3) Coordinating with the Office of the Assistant Secretary for Policy (OASP), Office of the Assistant Secretary for Administration and Management (OASAM), OCIO, and the Office of the Solicitor (SOL) in the development of policy, procedure and guidelines to ensure that DOL Internet Web site content and services are accurate, timely, and regularly updated; and aligned with the Department's mission and Secretarial goals;

(2) Coordinating with DOL agencies, OASP, OASAM, OCIO, and SOL, to ensure that all information published on DOL Internet Web sites, all e-correspondence coming into Web sites as well as responses, and all Federal Records Act, Privacy Act and other applicable legislative and administrative mandates and guidance to protect the legal rights of, and minimize the legal risks to, the Department;

(5) Ensuring a common look and feel, navigation, and branding for all appropriate DOL Internet Web sites and Intranet Web sites by developing DOL design requirements;

(6) Establishing and chairing a Web Site Management Group comprising designated Agency Internet Coordinators and designated policy-level representatives from OPA, OCIO,

OASP and SOL, and other agencies or offices as appropriate for the purpose of implementing DOL-wide Internet and Intranet Web site policies consistent with other applicable Departmental review processes; and

(7) Consistent with other applicable Departmental review processes, approving or disapproving, after consultations with the Web Site Management Group, the creation of all new Internet Web sites and Intranet Web sites, including new individual agency Internet Web Sites and Intranet Web sites.

b. *The Assistant Secretary for Policy (ASP)* is delegated authority and assigned responsibility for:

(1) Establishing, managing, and overseeing, in coordination with DOL agencies, OPA, OASAM, SOL and other relevant offices, the Departmental Internet Web site content clearance process and the Departmental Internet Web site content clearance requirements, which shall provide for:

(a) Appropriate and timely approval or disapproval of content for policy consistency, prior to publication on all Departmental Internet Web sites; and

(b) Appropriate coordination with SOL to ensure compliance with legislative and administrative mandates, including the Federal Records Act, Privacy Act, and Section 508 of the Rehabilitation Act.

(2) In coordination with DOL Agencies, OPA, OASAM, and SOL, establishing appropriate Department-wide policy for designing, developing, and overseeing implementation of an electronic correspondence tracking and reporting process to manage responses to electronic correspondence received via Internet Web sites. The process shall ensure that all information published on the Internet Web sites, all e-correspondence coming into the Internet Web sites as well as responses, and all records of business transacted in whole or in part via the Web sites are managed in accordance with the Federal Records Act, Privacy Act and other applicable legislative and administrative mandates and guidance to protect the legal rights of, and minimize the legal risks to, the Department.

(3) Participating as a Vice-Chair of the Web Site Management Group.

c. *The Chief Information Officer (CIO)* is delegated authority and assigned responsibility for:

(1) In consultation with SOL as appropriate, supporting, consistent with Secretary's Order 1–2000, all information technology aspects of DOL Internet Web sites and Intranet Web sites pursuant to the Clinger-Cohen Act, E-Government Act, Paperwork Reduction Act, Section 508 of the Rehabilitation Act, Federal Information Security Management Act (FISMA) and other applicable statutory and administrative mandates;

(2) In consultation with SOL as appropriate, set Departmental Web Site Information Technology Standards and technical policy for all Departmental Web sites, including standards to ensure compliance with the technical requirements of legislative and administrative mandates, such as Section 508 of the Rehabilitation Act;

(5) Ensuring information technology resources are in alignment with the Department's capital planning and investment management program, in accordance with CIO statutory responsibilities, under the Clinger-Cohen Act, and E-Government Act.

(6) Participating as a Vice-Chair of the Web Site Management Group; and

(7)Coordinating and consulting, as appropriate, with other DOL agencies in fulfilling the above responsibilities.

d. *The Assistant Secretary for Administration and Management* (ASAM) is delegated authority and assigned responsibility for:

(1) Ensuring, through the Department's budget review process, that agencies have appropriate plans and budgetary commitment to support the continuing development, implementation, operation, and expansion of DOL Web services.

(2) Providing operational and maintenance support to OPA for the hardware and operating system used to run Internet Information Services, Internet Web sites, and Labornet, including network connectivity and backups.

(3) In coordination with OASP, OPA, OCIO and SOL, ensuring that information published on Internet Web sites, e-correspondence coming in via Internet Web sites, and records of business transacted in whole or in part via Internet Web sites are managed in accordance with the Federal Records Act, Privacy Act and other applicable legislative and administrative mandates and guidance to protect the legal rights of, and minimize the legal risks to, the Department.

e. *The Solicitor of Labor (SOL)* is delegated authority and assigned responsibility for:

(1) Providing legal advice and counsel to the DOL agencies and offices on all matters arising in the administration of this Order;

(2) Reviewing all Internet content for legal issues, in accordance with Departmental and Agency Web site content clearance processes and requirements; and

(3) Participating as a Vice-Chair of the Web Site Management Group.

f. *DOL Agency Heads* are delegated authority and assigned responsibility for developing, implementing, operating, and expanding their respective agency Internet services in accordance with this Order and DOL policy and standards. These responsibilities include the following:

(1) Designating an agency Web site Coordinator at the policy level to serve as point of contact on any Internet Web site-related issue, and to serve as a member of the Web Site Management Group;

(2) Ensuring compliance with all Federal and Departmental mandates, policies, and legislative requirements, including the Federal Records Act, Privacy Act, and Section 508 of the Rehabilitation Act, Clinger-Cohen Act, and E-Government Act;

(3) Overseeing and ensuring appropriate clearance of all Agency Internet Web site content for publication prior to providing the content to OPA;

(4) Supporting and implementing Departmental Web Site Information Technology Standards and initiatives;

(5) Developing, implementing and maintaining Agency Internet Web site content clearance processes, in consultation with SOL and OASP, which comport with Departmental review and clearance requirements;

(6) Producing appropriate plans and budgets to support their Internet and Intranet Web sites in compliance with the Department's Capital Planning and Investment Control guidelines and the Enterprise Architecture;

(7) Providing the resources and training necessary to develop, implement, operate, and expand individual agency Web site services;

(8) Developing, implementing and maintaining Agency Internet and Intranet Web site design processes, which shall comport with the Departmental Internet and Intranet Web site design requirements and be properly integrated with general Department and agency design processes, as evidenced by review and approval by OPA and SOL;

(9) Developing, implementing and maintaining Agency Internet Web site information technology practices, which shall accord, at a minimum, with the Departmental Internet Web Site Information Technology Standards, and be properly integrated with the Federal and Departmental Enterprise Architectures;

(10) Ensuring that all information published on agency Web sites, all e-correspondence coming into the Web sites as well as responses, and all

records of business transacted in whole or in part via DOL's Internet Web sites are managed in accordance with Federal Records Act, Privacy Act and other applicable legislative and administrative mandates and guidance;

(11) Ensuring quality control and full compliance with all Departmental Internet and Intranet policies and processes;

(12) Obtaining approval from OPA for all new Internet and Intranet Web sites before making the sites available to the public or employees;

(13) Ensuring that all grandfathered Internet Web site content is cleared consistent with the requirements of this Order; and

(14) Ensuring agency compliance with the Departmental Internet Web site content clearance process and requirements consistent with the requirements of this Order.

7. *Effective Date.* This Order is effective immediately.

8. *Reservation of Authority:*

a. The submission of reports and recommendations to the President and Congress concerning the administration of statutory or administrative provisions is reserved to the Secretary of Labor.

b. This Secretary's Order does not affect the authorities or responsibilities of the Office of Inspector General under the Inspector General Act of 1978, as amended, or under Secretary's Order 2–90 (January 31, 1990).

c. The Secretary retains all authorities delegated herein.

9. *Redelegations and Transfers of Authority:*

a. All of the authorities delegated herein may be redelegated.

b. The Assistant Secretary for Public Affairs may transfer authorities set forth in paragraph 6a to other agency heads, as appropriate.

10. *Grandfather Clause:*

a. Existing Departmental and Agency Web site design requirements shall continue in effect until the new requirements authorized under this Order are established.

b. Existing Departmental and Agency Web site information technology shall continue in effect until the new standards authorized under this Order are established.

c. OPA shall ensure that all grandfathered Web sites comport with the Departmental Web Site design requirements authorized under this Order.

d. OCIO shall ensure that all grandfathered Web sites interoperate with the Departmental Web Site Information Technology Standards authorized under this Order.

e. The grandfather clause expires when new requirements and standards become effective.

Dated: April 4, 2003.

Elaine L. Chao,

Secretary of Labor.

[FR Doc. 03–8905 Filed 4–10–03; 8:45 am]

BILLING CODE 4510–23–P

Federal Register

Friday,
April 11, 2003

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 91

Prohibition Against Certain Flights Within the Territory and Airspace of Iraq; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. FAA–2003–14766; SFAR 77]

Prohibition Against Certain Flights Within the Territory and Airspace of Iraq

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; technical amendment.

SUMMARY: This amendment corrects language in Special Federal Aviation Regulation (SFAR) No. 77, prohibition against certain flights within the territory and airspace of Iraq, to correspond to standard procedures used for permitted operations under the Federal Aviation Administration's authority for all similar SFAR's. This final rule informs the public of this minor change.

DATES: This action is effective April 8, 2003, and shall remain in effect until further notice.

FOR FURTHER INFORMATION CONTACT: David Catey, Air Transportation Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. Telephone: (202) 267–3732 or 267–8166.

SUPPLEMENTARY INFORMATION:

Availability of This Action

You can get an electronic copy of this final rule through the Internet by:

(1) Searching the Department of Transportation's electronic Docket Management System (DMS) web page (*http://www.dms.dot.gov/search*);

(2) Visiting the Office of Rulemaking's web page at *http://www.faa.gov/avr/armhome.htm;* or

(3) Accessing the **Federal Register**'s web page at *http://www.access.gpo.gov/su_docs/aces/aces140.html*.

You may also obtain a paper copy of this document by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Ave, SW., Washington, DC 20591, or by calling (202) 267–9680. You must identify the docket number (28691) of this action.

Background

SFAR 77 was issued October 16, 1996, as a safety precaution for flights over the territory of Iraq. The FAA now anticipates that when hostilities are ended, humanitarian efforts may be needed to assist the people of Iraq. In order to facilitate these humanitarian efforts, the FAA standardizes the language traditionally used for permitted operations over restricted flight areas.

The FAA amends SFAR 77 to eliminate a technical inaccuracy in the current SFAR, namely that another agency could allow persons covered by paragraph 1 to operate into Iraq without prior FAA approval. Because the FAA is responsible for the safety of U.S. air carriers, U.S. commercial operators, U.S. registered aircraft, and airmen relying on U.S. issued airman certificates, the FAA must be the final decisionmaker as to whether it is appropriate to waive the applicability of this SFAR in certain situations.

List of Subjects in 14 CFR Part 91

Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Freight, Afghanistan.

The Amendment

■ For the reasons set forth above, the Federal Aviation Administration amends 14 CFR Part 91 as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

■ 1. The authority citation for Part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 1155, 40103, 40113, 40120, 44101, 44701, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531; Articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180).

■ 2. Revise Section 3 of Special Federal Aviation Regulation (SFAR) No. 77 to read as follows:

SPECIAL FEDERAL AVIATION REGULATION NO. 77—PROHIBITION AGAINST CERTAIN FLIGHTS WITHIN THE TERRITORY AND AIRSPACE OF IRAQ

* * * * *

3. *Permitted operations.* This SFAR does not prohibit persons described in paragraph 1 from conducting flight operations within the territory and airspace of Iraq when such operations are authorized either by another agency of the United States Government with the approval of the FAA or by an exemption issued by the Administrator.

* * * * *

Issued in Washington, DC, on April 7, 2003.

Marion C. Blakey,

Administrator.

[FR Doc. 03–8947 Filed 4–8–03; 4:07 pm]

BILLING CODE 4910–13–P

Federal Register

Friday,
April 11, 2003

Part IV

The President

Proclamation 7660—National Former Prisoner of War Recognition Day, 2003

Proclamation 7661—National D.A.R.E. Day, 2003

Federal Register
Vol. 68, No. 70
Friday, April 11, 2003

Presidential Documents

Title 3—

The President

Proclamation 7660 of April 8, 2003

National Former Prisoner of War Recognition Day, 2003

By the President of the United States of America

A Proclamation

America's former prisoners of war (POWs) are national heroes whose service to our country will never be forgotten. These brave men and women who fought for America and endured cruelties and deprivation as prisoners of war helped to protect our Nation, liberated millions of people from the threats of tyranny and terror, and advanced the cause of freedom worldwide.

This year, our Nation commemorates the 50th anniversary of the signing of the armistice to end armed conflict in the Korean War. We remember Operation Little Switch, conducted April through May 1953, that freed 149 American POWs, and Operation Big Switch, conducted August through September 1953, which returned 3,597 Americans to our country. Finally, Operation Glory, conducted July through November 1954, was responsible for the return of the remains of 2,944 Americans from North Korea. During this observance, we also recognize and honor the more than 8,100 Americans still unaccounted for from the Korean War.

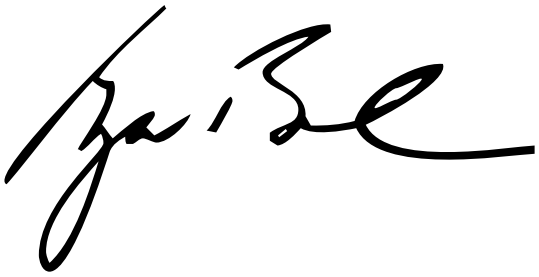
This year also marks the 30th anniversary of Operation Homecoming, in which 591 American POWs from Vietnam were returned. We also recognize and honor those Americans still unaccounted for from the Vietnam War.

All of these individuals are to be honored for their strength of character and for the difficulties they and their families endured. From World War II, the Korean War, and Vietnam, to the 1991 Gulf War, Operation Iraqi Freedom, and other conflicts, our service men and women have sacrificed much to secure freedom, defend the ideals of our Nation, and free the oppressed. By answering the call of duty and risking their lives to protect others, these proud patriots continue to inspire us today as we work with our allies to extend peace, liberty, and opportunity to people around the world.

As we honor our former POWs, we are reminded of our current POWs, captured in Operation Iraqi Freedom. We will work to secure their freedom, and we pray for their speedy and safe return. These brave men and women in uniform follow in the footsteps of these former POWs who placed country above self to advance peace in a troubled world.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 9, 2003, as National Former Prisoner of War Recognition Day. I call upon all the people of the United States to join me in remembering former American prisoners of war by honoring the memory of their sacrifices and in praying for the safe return of our POWs. I also call upon Federal, State, and local government officials and private organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of April, in the year of our Lord two thousand three, and of the Independence of the United States of America the two hundred and twenty-seventh.



[FR Doc. 03–9156
Filed 4–10–03; 11:02 am]
Billing code 3195–01–P

Presidential Documents

Proclamation 7661 of April 9, 2003

National D.A.R.E. Day, 2003

By the President of the United States of America

A Proclamation

Drugs destroy the hopes, dreams, and the health of our children, and we must continue to work to reduce drug use among America's young people. Today we honor Drug Abuse Resistance Education (D.A.R.E.), the most widely recognized substance abuse and violence prevention curriculum in America. As we celebrate the 20th anniversary of this important program, we recognize D.A.R.E.'s proud record of helping millions of young people lead productive, drug-free, and violence-free lives, and reaffirm our commitment to end illegal drug use among our youth.

D.A.R.E. was founded in 1983 by the Los Angeles Police Department (LAPD), which faced an overwhelming drug use problem among juveniles and saw the need for a program to educate children and young adults about the destructive realities of substance abuse. Teaming with the Los Angeles Unified School District, the LAPD sent specially trained police officers into classrooms to teach middle school students how to resist peer pressure and make positive decisions. Since that beginning 20 years ago, D.A.R.E. has grown to reach 36 million students in more than 300,000 classrooms in the United States and around the world. Today, D.A.R.E. programs are taught in 80 percent of our Nation's school districts.

D.A.R.E.'s in-school curriculum focuses on giving children practical skills to avoid becoming involved in drugs, gangs, and violence. D.A.R.E. officers serve as supportive role models and encourage young people to develop healthy self-esteem. D.A.R.E. also helps young people in the critical after-school hours through D.A.R.E. P.L.U.S. (Play and Learn Under Supervision), a follow-up program that serves as a safe and fun alternative to the local streets. D.A.R.E. P.L.U.S. is designed to encourage middle school students to start taking responsibility for their actions and to engage in activities other than drug use.

One of the core principles of my National Drug Control Strategy is to stop drug use before it starts, and D.A.R.E. and D.A.R.E. P.L.U.S. play an important role in my community-based approach. Through these programs, parents, educators, law enforcement officials, and other caring citizens are joining together in a collaborative fight against illegal drugs. However, we have more to do to reduce illegal drug use among America's youth. The most effective way to reduce the supply of drugs is to reduce the demand, and I am confident that we can help accomplish this goal through a focus on effective, family-centered education and prevention.

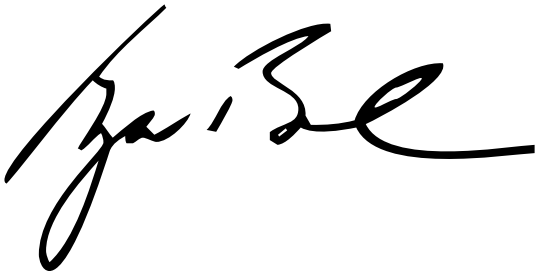
Toward this end, I have proposed the creation of a Parents Drug Corps to educate and train parents to lead the effort in preventing drug use among children and teens. In addition, I have asked the Congress to support millions of parents and concerned citizens in communities nationwide by doubling funding for the Drug-Free Communities Support Program. These new efforts will complement our ongoing work to surround our most vulnerable children with caring adults who can offer support, guidance, and encouragement.

As we honor the dedicated individuals whose extraordinary efforts make D.A.R.E. work, we resolve to continue to help young people avoid the

dangers of drug use and violence. By helping to ensure that all our children are educated and supported by positive and caring role models, we contribute to a promising future that offers hope and opportunity for all.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 10, 2003, as National D.A.R.E. Day. I call upon all the people of the United States, particularly our youth, parents, and educators, to observe this day by joining the fight against drugs in our communities. I also encourage our citizens to express appreciation for the law enforcement officers, volunteers, and others who work to help young people avoid the dangers of drug use.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of April, in the year of our Lord two thousand three, and of the Independence of the United States of America the two hundred and twenty-seventh.



[FR Doc. 03–9172
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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.

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Air programs; approval and promulgation; State plans for designated facilities and pollutants:
- New Hampshire; published 2-10-03

Air quality implementation plans; approval and promulgation; various States:
- West Virginia; published 2-10-03

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Mine Safety and Health Administration

Civil penalties; inflation adjustment; assessment criteria and procedures; published 2-10-03

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:
- Piaggio Aero Industries S.p.A.; published 2-19-03

RULES GOING INTO EFFECT APRIL 12, 2003

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Ports and waterways safety:
- Long Beach, CA; safety zone; published 3-19-03

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Cotton classing, testing, and standards:
- Classification services to growers; 2003 user fees; comments due by 4-15-03; published 3-31-03 [FR 03-07631]

Cotton research and promotion order:
- Cotton Board rules and regulations; amendments; comments due by 4-14-03; published 3-14-03 [FR 03-06164]

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Animal and Plant Health Inspection Service

Interstate transportation of animals and animal products (quarantine):
- Exotic Newcastle disease; quarantine area designations—
  - Arizona; comments due by 4-15-03; published 2-14-03 [FR 03-03685]

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- Magnuson-Stevens Act provisions—
  - National standard guidelines; revision; comments due by 4-16-03; published 3-3-03 [FR 03-04886]

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Commodity pool operators and commodity trading advisors:
- Commodity trading advisors; performance data and disclosure; comments due by 4-14-03; published 3-13-03 [FR 03-06081]

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- Cost-reimbursement contracts; payment bonds; comments due by 4-15-03; published 2-14-03 [FR 03-03575]
- Fish, shellfish, and seafood products; comments due by 4-15-03; published 2-14-03 [FR 03-03574]
- Security-guard functions; contractor performance; comments due by 4-15-03; published 2-14-03 [FR 03-03577]
- Vessel repair and alteration contracts; loss liability; comments due by 4-15-03; published 2-14-03 [FR 03-03576]

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- Clean Water Act—
  - Waters of United States; definition; comments due by 4-16-03; published 2-28-03 [FR 03-04768]

ENVIRONMENTAL PROTECTION AGENCY

Air programs; approval and promulgation; State plans for designated facilities and pollutants:
- New York; comments due by 4-14-03; published 3-13-03 [FR 03-05908]

Air quality implementation plans; approval and promulgation; various States:
- Kentucky; comments due by 4-18-03; published 3-19-03 [FR 03-06584]
- Missouri; comments due by 4-17-03; published 3-18-03 [FR 03-06311]

Hazardous waste program authorizations:
- Virginia; comments due by 4-14-03; published 3-13-03 [FR 03-06110]

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
- Methoprene, etc.; comments due by 4-14-03; published 2-12-03 [FR 03-03236]

Water pollution control:
- Clean Water Act—
  - Waters of United States; definition; comments due by 4-16-03; published 2-28-03 [FR 03-04768]

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  - Universal services; definition; comments due by 4-14-03; published 3-13-03 [FR 03-06092]

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- Advanced wireless service; comments due by 4-14-03; published 3-13-03 [FR 03-06038]

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- Digital television conversion; transition issues; comments due by 4-14-03; published 2-18-03 [FR 03-03812]

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- Virginia; comments due by 4-14-03; published 2-12-03 [FR 03-03458]

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- San Diego Bay, CA; security zones; comments due by 4-14-03; published 2-11-03 [FR 03-03263]
- Tampa Bay Captain of Port Zone, FL; security zones; comments due by 4-14-03; published 2-12-03 [FR 03-03460]

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- Federal assistance to individuals and households; comments due by 4-15-03; published 9-30-02 [FR 02-24733]

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- Group flood insurance policy; comments due by 4-15-03; published 9-30-02 [FR 02-24734]

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- Canada lynx; contiguous U.S. distinct population segment; comments due by 4-16-03; published 3-17-03 [FR 03-06291]

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- Federal geothermal resources; discussions for developing consensus on royalty valuation approaches; comments due by 4-16-03; published 3-17-03 [FR 03-06254]
- Oil value for royalties due on Indian leases; establishment; comments due by 4-14-03; published 2-12-03 [FR 03-03466]

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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. 395/P.L. 108–10

Do-Not-Call Implementation Act (Mar. 11, 2003; 117 Stat. 557)

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