

information. The rule favors an approach relying on the integrity and professional responsibility of those functionaries, and assumes that they can review sealed materials and at the same time protect the interests that justified sealing the material in the first place. Should disclosures become necessary, then the party seeking disclosure is directed to an appropriate judicial or quasi-judicial official or tribunal to obtain a disclosure order."

Amend Manual for Courts-Material, Part IV, Paragraph 14c(2)(a), by inserting the following new subparagraph (ii) and renumbering existing subparagraphs (a)(ii) through (iv) as (a)(iii) through (v):

"(ii) Determination of lawfulness. The lawfulness of an order is a question of law to be determined by the military judge."

Amend Manual for Courts-Martial, Part IV, Paragraph 109, by deleting the current text and replacing with the following:

"109. Article 134—Threat or Hoax Designed or Intended To Cause Panic or Public Fear

- a. Text. See paragraph 60.
b. Elements.

(1) Threat.

(a) That the accused communicated certain language;

(b) That the information communicated amounted to a threat;

(c) That the harm threatened was to be done by means of an explosive, weapon of mass destruction, biological, or chemical agent, substance, or weapon, or hazardous material;

(d) That the communication was wrongful; and

(e) That, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

(2) Hoax.

(a) That the accused communicated or conveyed certain information;

(b) That the information communicated or conveyed concerned an attempt being made or to be made by means of an explosive, weapon of mass destruction, biological, or chemical agent, substance or weapon, or hazardous material to unlawfully kill, injure, or intimidate a person or to unlawfully damage or destroy certain property;

(c) That the information communicated or conveyed by the accused was false and that the accused then knew it to be false;

(d) That the communication of the information by the accused was malicious; and

(e) That, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

c. Explanation:

(1) Threat. A "threat" means an expressed present determination or intent to kill, injure, or intimidate a person or to damage or destroy certain property presently or in the future. Proof that the accused actually intended to kill, injure, intimidate, damage, or destroy is not required.

(2) Explosive. "Explosive" means gunpowder, powders used for blasting, all forms of high explosives, blasting materials, fuses (other than electrical circuit breakers), detonators, and other detonating agents, smokeless powders, any explosive bomb, grenade, missile, or similar device, and any incendiary bomb or grenade, fire bomb, or similar device, and any other explosive compound, mixture, or similar material.

(3) Weapon of mass destruction. A weapon of mass destruction is a device designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors; or any weapon involving a disease organism; or any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.

(4) Biological agent. The term "biological agent" means any micro-organism (including bacteria, viruses, fungi, rickettsiac, or protozoa), pathogen, or infectious substance, and any naturally occurring, bioengineered, or synthesized component of any such micro-organism, pathogen, or infectious substance, whatever its origin or method production, that is capable of causing—

(i) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

(ii) deterioration of food, water equipment, supplies, or materials of any kind; or

(5) Chemical agent, substance, or weapon. A chemical agent, substance or weapon refers to a toxic chemical and its precursors and or a munition or device, specifically designed to cause death or other harm through toxic properties of those chemicals which would be released as a result of the employment of such munition or device, and any equipment specifically designed for use directly in connection with the employment of such munitions or devices.

(6) Hazardous material. A substance or material (including explosive, radioactive material, etiologic agent, flammable or combustible liquid or solid, poison, oxidizing or corrosive material, and compressed gas, or mixture thereof) or a group or class of material designated as hazardous by the Secretary of Transportation.

(7) Malicious. A communication is "malicious" if the accused believed that the information would probably interfere with the peaceful use of the building, vehicle, aircraft, or other property concerned, or would cause fear or concern to one or more persons.

d. Lesser included offenses.

(1) Threat

(a) Article 134—communicating a threat

(b) Article 80—attempts

(c) Article 128—assault

(2) Hoax. Article 80—attempts

e. Maximum punishment. Dishonorable discharge, forfeitures of all pay and allowances and confinement for 10 years.

f. Sample specifications.

(1) Threat.

In that _____ (personal jurisdiction data) did, (at/on board—location) on or about _____ 20____, wrongfully communicate certain information, to wit: _____, which language constituted a threat to harm a person or property by means of a(n)

[explosive, weapon of mass destruction, biological agent or substance, chemical agent or substance and/or (a) hazardous material[s]].

(2) Hoax.

In that _____ (personal jurisdiction data) did, (at/on board—location), on or about _____ 20____, maliciously (communicate) (convey) certain information concerning an attempt being made or to be made to unlawfully [(kill) (injure) (intimidate) _____] [(damage) (destroy) _____] by means of a(n) [explosion, weapon of mass destruction, biological agent or substance, chemical agent or substance, and/or (a) hazardous material(s)], to wit: _____, which information was false and which the accused then knew to be false."

Amend the Analysis accompanying Punitive Article 134, Paragraph 109, subparagraph c, by inserting the following at the end thereof:

"200 ____ Amendment: This paragraph has been expanded to annunciate the various means by which a threat or hoax is based. Whereas explosives were the instruments most commonly used in the past, new types of weapons have developed. These devices include weapons of mass destruction, chemical agents, biological agents, and hazardous materials."

Amend the Analysis accompanying Punitive Article 134, Paragraph 109, subparagraph e, by inserting the following at the end thereof:

"200 ____ Amendment: This amendment increases the maximum punishment currently permitted under paragraph 109 from 5 years to 10 years. Ten years is the maximum period of confinement permitted under 18 U.S.C. 844(e), the U.S. Code section upon which the original paragraph 109 is based.

Amend the Analysis accompanying Punitive Article 90 by inserting the following new subparagraph c(2)(a)(ii) and renumbering existing subparagraphs (a)(ii) through (iv) as (a)(iii) through (v):

"200 ____ Amendment: The Court of Appeals for the Armed Forces held that the lawfulness of an order is a question of law to be determined by the military judge, not the trier of fact. See *United States v. New*, 55 M.J. 95 (C.A.A.F.)."

Dated: May 14, 2002.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 02–12636 Filed 5–17–02; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Board of Visitors Meeting

AGENCY: Defense Acquisition University, DoD.

ACTION: Notice.

SUMMARY: The next meeting of the Defense Acquisition University (DAU) Board of visitors (BoV) will be held in the Packard Conference Center. The purpose of this meeting is to report back to the BoV on continuing items of interest.

DATES: Thursday, June 20, 2002 from 09001500.

ADDRESSES: Packard Conference Center, Building 184, Fort Belvoir, Virginia.

FOR FURTHER INFORMATION CONTACT: Ms. Diane Reid, 703-805-5133.

SUPPLEMENTARY INFORMATION: The meeting is open to the public; however, because of space limitations, allocation of seating will be made on a first-come, first served basis. Persons desiring to attend the meeting should call Ms. Diane Reid at 703-805-5133.

Dated: May 14, 2002.

Patricia L. Toppings,

*Alternate OSD Federal Liaison Officer,
Department of Defense.*

[FR Doc. 02-12506 Filed 5-7-02; 8:45 am]

BILLING CODE 5001-08-M

DEPARTMENT OF DEFENSE**Department of the Navy****Notice of Availability of Invention for Licensing; Government-Owned Invention**

AGENCY: Department of the Navy, DOD.
ACTION: Notice.

SUMMARY: The invention listed below is assigned to the United States Government as represented by the Secretary of the Navy and is available for licensing by the Department of the Navy. U.S. Patent Application Serial No. 10/059, 978 entitled "Pulsed Laser Deposition of Polymer Thin Films Using a Tunable Infrared Laser", Navy Case No. 82,974.

ADDRESSES: Requests for copies of the invention cited should be directed to the Naval Research Laboratory, Code 1004, 4555 Overlook Avenue, SW., Washington, DC 20375-5320, and must include the Navy Case number.

FOR FURTHER INFORMATION CONTACT: Catherine M. Cotell, Ph.D., Head, Technology Transfer Office, NRL Code 1004, 4555 Overlook Avenue, SW., Washington, DC 20375-5320, telephone (202) 767-7230. Due to temporary U.S. Postal Service delays, please fax (202) 404-7920, e-mail: cotell@nrl.navy.mil or use courier delivery to expedite response.

Authority: 35 U.S.C. 207, 37 CFR part 404.

Dated: May 13, 2002.

R. E. Vincent II,

*Lieutenant Commander, Judge Advocate
General's Corps, U.S. Navy, Federal Register
Liaison Officer.*

[FR Doc. 02-12511 Filed 5-17-02; 8:45 am]

BILLING CODE 3810-FF-P

DELAWARE RIVER BASIN COMMISSION**Notice of Commission Meeting and Public Hearing**

Notice is hereby given that the Delaware River Basin Commission will hold an informal conference followed by a public hearing on Friday, May 31, 2002. The hearing will be part of the Commission's regular business meeting. The conference session and business meeting both are open to the public. The conference session will be held at Grey Towers, 151 Grey Towers Drive, Milford, Pennsylvania. The business meeting also will be held at Grey Towers, unless there is a possibility of bad weather in the afternoon or evening. In that event, the business meeting will be held at the Best Western Inn at Hunt's Landing, 120 Route 6 and Route 209, also in Milford, Pennsylvania. In case of doubt about the hearing location, contact the DRBC on May 31 at 609-883-9500. Directions to both locations are posted on the Commission's web site, <http://www.DRBC.net>.

The conference among the Commissioners and staff will begin at 10 a.m. Topics of discussion will include: an update on a proposal for protecting existing water quality in the Lower Delaware River pending a possible special protection waters designation; an update on PCB TMDL development and sampling activities; a proposed resolution authorizing the Executive Director to engage a consultant to assist in development of a PCB fate and transport model for the Delaware Estuary; a proposal to engage the Chesapeake Biological Laboratory of the University of Maryland to conduct carbon analytical work in connection with development of a TMDL for PCBs in the Delaware Estuary; a report on the May meeting of the DRBC's Flow Management Technical Advisory Committee; and proposed resolutions authorizing the Executive Director to renew DRBC's contract with the Northeast-Midwest Institute and to engage a consultant to perform a position classification and compensation analysis.

The subjects of the public hearing to be held during the 1 p.m. business meeting include, in addition to the

dockets listed below, a resolution amending Article 8 of the *Administrative Manual—Rules of Practice and Procedure* relating to fees associated with Commission responses to Freedom of Information Act ("FOIA") requests. In the event a resolution or docket is considered involving modification of the Commission's Comprehensive Plan to adjust releases from the New York City Reservoirs to protect tailwaters fisheries, then a hearing on such proposal also will be held. Please contact the Commission Secretary after May 16 for information on the status of this item.

The dockets scheduled for public hearing are as follows:

1. *Boyertown Foundry Company D-85-80 RENEWAL 2.* A renewal of a ground water withdrawal project to supply up to 3.54 million gallons (mg)/30 days of water to the applicant's foundry facility (formerly Eastern Foundry Company) from existing Well No. 1A in the Leithsville Dolomite Formation. No increase in allocation is proposed. The project is located in Boyertown Borough, Berks County, Pennsylvania.

2. *Schwenksville Borough Authority D-98-30 CP.* A project to increase the rated capacity of the applicant's existing 0.206 million gallons per day (mgd) sewage treatment plant (STP) to 0.3 mgd. The STP will continue to provide secondary biological treatment via trickling filter and activate sludge systems to serve the Borough of Schwenksville and adjacent portions of Perkiomen and Lower Frederick Townships, all in Montgomery County, Pennsylvania. The STP is situated just west of Perkiomen Creek, to which it will continue to discharge, and just east of State Route 73 between Church and Maple Streets in the Borough of Schwenksville, Montgomery County, Pennsylvania.

3. *McGinley Mills, Inc. D-91-55 RENEWAL.* A renewal of a ground water withdrawal project to continue withdrawal of 13.4 mg/30 days to supply the applicant's industrial facility from existing Wells Nos. 1 and 2 in the Allentown formation. The project is located in the Town of Phillipsburg, Warren County, New Jersey.

4. *Maidencreek Township Authority D-91-58 CP RENEWAL.* A renewal of a ground water withdrawal project with an increase of withdrawal from 13.2 mg/30 days to 22.7 mg/30 days to supply the applicant's public water distribution system from existing Wells No. 1, 2, and 3 in the Epler and Allentown formations. The project is located in Maidencreek Township, Berks County, Pennsylvania.