

(e) *Notice to submitters.* SBA will provide a submitter with written notice of a FOIA request or administrative appeal that seeks its business information whenever SBA intends to release that information. The notice will either describe the business information or include copies of the records in the form SBA proposes to release them. SBA will also advise the requester that the submitter is being given the opportunity to object to any proposed disclosure. When notification of a voluminous number of submitters is required, SBA may post or publish the notice in a place reasonably likely to accomplish it.

(f) *Opportunity to object to disclosure.* SBA will give the submitter five working days to submit a detailed written statement specifying all grounds upon which disclosure is opposed. The statement must show why the information is a trade secret or commercial or financial information that is privileged or confidential. If a submitter fails to respond to the notice within the five working days, SBA will presume that the submitter has no objection to disclosure of the information. Information provided by a submitter under this paragraph may itself be subject to disclosure under the FOIA.

(g) *Notice of intent to disclose.* SBA will consider a submitter's objections and specific grounds for nondisclosure. If SBA decides to disclose business information over the objection of a submitter, SBA will give the submitter written notice, telling the submitter when and what it intends to disclose.

§ 102.8 Appeals.

(a) If you are dissatisfied with SBA's response to your request, you may appeal an adverse determination denying your request, in any respect, to the Chief, FOI/PA Office, 409 Third St., SW., Washington, DC 20416.

(b) The Chief must receive your signed, written appeal within 45 calendar days of the date of the SBA determination from which you are appealing.

(c) You should include as much information as possible; i.e., identifying the records denied, the reason(s) a fee should be waived, or the reason(s) a request should be expedited. You must identify the denying official and his/her office location.

(d) The Chief will decide your appeal unless the Chief originally made the determination you are appealing. In that case, the Assistant Administrator for Hearings and Appeals will decide your appeal.

(e) SBA will decide your appeal in writing within 20 working days from the date of its receipt. SBA may take an additional 10 working days if unusual circumstances require.

(f) If SBA upholds the initial adverse determination, SBA will tell you why the decision has been upheld and tell you how to obtain judicial review of the decision.

§ 102.9 Public Index.

(a) The Public Index is a document that provides identifying information about official documents that SBA has issued.

(b) SBA has administratively determined, as permitted by FOIA, that periodic publication and distribution is unnecessary and impracticable.

(c) The Public Index is an appendix to SBA Standard Operating Procedure 40 03. You can obtain the latest edition of SOP 40 03 from SBA's Online Reading Room at <http://www.sba.gov/library> or by requesting it from any SBA office.

Dated: August 20, 2002.

Hector V. Barreto,

Administrator.

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG-165868-01]

RIN 1545-BA47

10 or More Employer Plans; Hearing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Change of date and location of public hearing.

SUMMARY: This document changes the date and location of a public hearing on proposed regulations relating to 10 or more employer plans under section 419 of the Internal Revenue Code.

DATES: The public hearing originally scheduled for Tuesday, November 5, 2002, at 10 a.m., in room 4718, is rescheduled for Thursday, November 14, 2002, at 10 a.m., in room 2140.

ADDRESSES: The public hearing originally scheduled to be in room 4718 of the Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. will be held in room 2140 of the Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION: Guy R. Traynor of the Regulations Unit, Associate Chief Counsel, (Income Tax & Accounting), (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 Thursday, July 11, 2002 (67 FR 45933), announced that a public hearing on proposed regulations relating to 10 or more employer plans under section 419 of the Internal Revenue Code would be held on Tuesday, November 5, 2002, beginning at 10 a.m. in room 4718 of the Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

The date and location of the public hearing has changed. The hearing is scheduled for Thursday, November 14, 2002, beginning at 10 a.m. in room 2140, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. We must receive requests to speak and outlines of oral comments by October 24, 2002. Because of the controlled access restrictions, attenders are not admitted beyond the lobby of the Internal Revenue Building until 9:30 a.m. The Service 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, (Income Tax & Accounting).

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AL22

Accelerated Payments Under the Montgomery GI Bill—Active Duty Program

AGENCY: Department of Veterans Affairs.
ACTION: Proposed rule.

SUMMARY: This document proposes to amend the regulations governing various aspects of the educational assistance programs the Department of Veterans Affairs (VA) administers in order to implement some of the provisions of the Veterans Education and Benefits Expansion Act of 2001. These provisions include accelerated payments to individuals under the Montgomery GI Bill—Active Duty program who are enrolled in approved training programs that lead to