

**DEPARTMENT OF AGRICULTURE****Rural Business-Cooperative Service****Maximum Portion of Guarantee Authority Available for Fiscal Year 2003 From Carryover and Recovered Funds**

**AGENCY:** Rural Business-Cooperative Service, USDA.

**ACTION:** Notice.

**SUMMARY:** As set forth in 7 CFR part 4279, subpart B, each fiscal year the Agency shall establish a limit on the maximum portion of guarantee authority available for that fiscal year that may be used to guarantee loans with a guarantee fee of 1 percent or guaranteed loans with a guarantee percentage exceeding 80 percent. This notice covers only fiscal year (FY) 2002 carryover and recovered funds. Once FY 2003 appropriated funds are apportioned, a second notice will be published for those funds.

Allowing the guarantee fee to be reduced to 1 percent or exceeding the 80 percent guarantee on certain guaranteed loans that meet the conditions set forth in 7 CFR 4279.107 and 4279.119 will increase the Agency's ability to focus guarantee assistance on projects which the Agency has found particularly meritorious, such as projects in rural communities that remain persistently poor, experience long-term population decline and job deterioration, are experiencing trauma as a result of natural disaster, or are experiencing fundamental structural changes in the economic base.

Not all of the available Business and Industry (B&I) Guaranteed Loan program funding authority for FY 2002 was used; consequently, this and recovered funding authority for approved B&I Guaranteed Loans which did come to fruition are now apportioned and available for use. Not more than 12 percent of the Agency's quarterly apportioned carryover and recovered guarantee authority will be reserved for loan requests with a guarantee fee of 1 percent and not more than 15 percent of the Agency quarterly apportioned carryover and recovered guarantee authority will be reserved for guaranteed loan requests with a guaranteed percentage exceeding 80 percent. Once the above quarterly limits have been reached, all additional loans guaranteed with carryover and recovered funds during the remainder of that quarter will require a 2 percent guarantee fee and not exceed an 80 percent guarantee limit. As an exception to this paragraph and for the purposes

of this notice, loans developed by the North American Development Bank Community Adjustment and Investment Program (CAIP) will not count against the 15 percent limit. Up to 50 percent of CAIP funds may be used for loan requests with a guaranteed percentage exceeding 80 percent.

Written requests by the Rural Development State Office for approval of a guaranteed loan with a 1 percent guarantee fee or a guaranteed loan exceeding 80 percent must be forwarded to the National Office, Attn: Director, Business and Industry Division, for review and consideration prior to obligation of the guaranteed loan. The Administrator will provide a written response to the State Office confirming approval or disapproval of the request.

**EFFECTIVE DATE:** January 21, 2003.

**FOR FURTHER INFORMATION CONTACT:** Fred Kieferle, Processing Branch Chief, Business and Industry Division, Rural Business-Cooperative Service, USDA, Stop 3224, 1400 Independence Avenue, SW., Washington, DC 20250-3224, telephone (202) 720-7818.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866.

Dated: January 13, 2003.

**John Rosso,**

*Administrator, Rural Business-Cooperative Service.*

[FR Doc. 03-1226 Filed 1-17-03; 8:45 am]

**BILLING CODE 3410-XY-P**

**DEPARTMENT OF COMMERCE****International Trade Administration****Environmental Technologies Trade Advisory Committee (ETTAC)**

**AGENCY:** International Trade Administration, U.S. Department of Commerce.

**ACTION:** Notice of open meeting.

*Date:* February 21, 2003.

*Time:* 9 a.m. to 12 p.m. and 2:30 p.m. to 3:30 p.m.

*Place:* U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, Room 4830 (Room 3407 has also been reserved as a backup).

**SUMMARY:** The Environmental Technologies Trade Advisory Committee (ETTAC) will hold a plenary meeting on February 21, 2003 at the U.S. Department of Commerce.

The ETTAC will discuss administrative and trade issues including the status of trade

negotiations in regards to environmental technologies trade liberalization and recent management changes within the U.S.-Asia Environmental Partnership Program (USAEP). Time will be permitted for public comment. The meeting is open to the public.

Written comments concerning ETTAC affairs are welcome anytime before or after the meeting. Minutes will be available within 30 days of this meeting.

The ETTAC is mandated by Public Law 103-392. It was created to advise the U.S. government on environmental trade policies and programs, and to help it to focus its resources on increasing the exports of the U.S. environmental industry. ETTAC operates as an advisory committee to the Secretary of Commerce and the interagency Environmental Trade Working Group (ETWG) of the Trade Promotion Coordinating Committee (TPCC). ETTAC was originally chartered in May of 1994. It was most recently rechartered until May 30, 2004.

For further information phone Corey Wright, Office of Environmental Technologies Industries (ETI), International Trade Administration, U.S. Department of Commerce at (202) 482-5225. This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to ETI.

Dated: January 13, 2003.

**Carlos F. Montoulieu,**

*Director, Office of Environmental Technologies Industries.*

[FR Doc. 03-1227 Filed 1-17-03; 8:45 am]

**BILLING CODE 3510-DR-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 010203C]

**Marine Mammals; File Nos. 473-1700, 545-1488, 662-1661 and 1039-1699**

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

**ACTION:** Receipt of applications for new permits and permit amendments.

**SUMMARY:** Notice is hereby given that the following individuals/organizations have applied in due form for a permit or permit amendment to take humpback whales (*Megaptera novaeangliae*), killer whales (*Orcinus orca*), sperm whales (*Physeter macrocephalus*), fin whales (*Balaenoptera physalis*), minke whales (*Balaenoptera acutorostrata*), gray

whales (*Eschrichtius robustus*), Baird's beaked whales (*Berardius bairdii*), Cuvier's beaked whales (*Ziphius cavirostris*), Stejneger's beaked whales (*Mesoplodon stejnegeri*), harbor porpoise (*Phocoena phocoena*), Dall's porpoise (*Phocoenoides dalli*), harbor seals (*Phoca vitulina*), Pacific white-sided dolphins (*Lagenorhynchus obliquidens*), Northern fur seals (*Callorhinus ursinus*), Steller sea lions (*Eumetopias jubatus*), false killer whales (*Pseudorca crassidens*), pygmy killer whales (*Feresa attenuate*), pilot whales (*Globicephala macrorhynchus*), melon-headed whales (*Peponocephala electra*), bottlenose dolphins (*Tursiops truncatus*), spinner dolphins (*Stenella longirostris*), rough-toothed dolphins (*Steno bredanensis*), and/or spotted dolphins (*Stenella attenuata*) for the purposes of scientific research: Janice Straley, Assistant Professor of Marine Biology, University of Southeast Alaska, 1332 Seward Avenue, Sitka, AK 99835-9498, (PI: Jan Straley); North Gulf Oceanic Society, 60920 Mary Allen Avenue, Homer, AK 99603, (PI: Craig Matkin); Ms. Dena Matkin, Box 22, Gustavus, AK 99826, (PI: Dena Matkin); and Ms. Ann Zoidis, Marine Mammal Biologist, Allied Whale, 11 Des Isle Ave., PO Box 885, Bar Harbor, ME 04609, (PI: Ann Zoidis).

**ADDRESSES:** The permit applications, amendment requests and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910, (301)713-2289, (all applications);

Protected Species Coordinator, Pacific Area Office, NMFS, 1601 Kapiolani Blvd., Rm, 1110, Honolulu, HI 96814-4700; phone (808)973-2935; fax (808)973-2941, (file no. 1039-1699 only); and

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, (907)586-7221 (file nos. 473-1700, 545-1488 and 662-1661 only).

**FOR FURTHER INFORMATION CONTACT:** Jill Lewandowski or Lynne Barre, (301) 713-2289.

**SUPPLEMENTARY INFORMATION:** The subject permits and amendments are requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking,

importing, and exporting of endangered and threatened species (50 CFR 222-226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

Janice Straley (file no. 473-1700) requests a five-year scientific research permit to collect long term population data on humpback whales, predation data on killer whales and longline fishing gear depredation by sperm whales. The permit applicant requests takes by close approach for: (1) photo-identification, behavioral observation, biopsy sampling, suction cup tagging for CRITTERCAM and incidental harassment of sperm whales; (2) photo-identification, behavioral observation, biopsy sampling, collection of dead parts following killer whale predation events and incidental harassment of humpback whales, gray whales, minke whales and fin whales; (3) photo-identification, behavioral observation, biopsy sampling and incidental harassment of killer whales; and (4) collection of dead parts following killer whale predation events of additional species of harbor porpoise, Dall's porpoise, Pacific white-sided dolphin, Northern fur seal, Steller sea lion and harbor seal. All research will take place in Alaska waters. This is a continuation of studies authorized under Permit No. 473-1433-04.

The North Gulf Oceanic Society (PI: Craig Matkin) is requesting an amendment to Permit No. 545-1488-01 which authorizes the take by close approach for photo-identification, behavioral observation and incidental harassment of killer whales for the purposes of population analyses and predation studies. This permit also authorizes the collection of dead parts available after killer whale predation events from the following species: Steller sea lion, humpback whale, minke whale, gray whale, harbor porpoise, Dall's porpoise, harbor seal, Pacific white-sided dolphin and Northern fur seal. Research activities take place in Alaska waters, and the permit expires on March 31, 2004.

The permit amendment request (file no. 545-1488) would add the deployment by close approach of short-term radio, satellite, acoustic recording, and underwater video tags and biopsy sampling on the following species: killer whale, gray whale, harbor porpoise, Dall's porpoise, Pacific white-sided dolphin, Baird's beaked whale, Cuvier's beaked whale and Stejneger's beaked whales. The purpose of the amendment, as noted in the application, is to examine diving behavior, feeding, and movements of whales and to obtain information on elusive and rarely studied species.

Dena Matkin (file no. 662-1661) requests a five-year scientific research permit to continue long-term population and predation studies of killer whales and opportunistic population studies of humpback whales in Alaska waters by close approach for photo-identification and behavioral observation. The applicant also requests authorization to continue collecting dead parts following killer whale predation events from the following species: Steller sea lion, humpback whale, minke whale, gray whale, harbor porpoise, Dall's porpoise, harbor seal, Pacific white-sided dolphin and Northern fur seal. This research has been previously authorized under Permit No. 662-1345 which expires on May 31, 2003.

Ann Zoidis (file no. 1039-1700) requests a five-year scientific research permit to study social sound production in humpback whales in the waters of Kauai, Maui and the Big Island, Hawaii. The applicant requests takes of humpback whales by close approach for photo-identification and behavioral observation (above and below water), underwater passive acoustic recordings and incidental harassment. During these humpback whale studies, the applicant also requests take authorizations for underwater passive acoustic recordings and incidental harassment of the following species: false killer whale, pygmy killer whale, pilot whale, melon-headed whale, bottlenose dolphin, spinner dolphin, rough-toothed dolphin, and spotted dolphin.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Written comments or requests for a public hearing on these applications should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)713-0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or by other electronic media.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this

application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: January 13, 2003.

**Stephen L. Leathery,**

*Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 03-1251 Filed 1-17-03; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF DEFENSE

### Department of the Navy

#### Meeting of the Board of Advisors to the Superintendent, Naval Postgraduate School

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Notice of open meeting.

**SUMMARY:** The purpose of the meeting is to elicit the advice of the board on the Naval Service's Postgraduate Education Program. The board examines the effectiveness with which the Naval Postgraduate School is accomplishing its mission. To this end, the board will inquire into the curricula, instruction, physical equipment, administration, state of morale of the student body, faculty, and staff; fiscal affairs; and any other matters relating to the operation of the Naval Postgraduate School as the board considers pertinent. In order to further the collaborative exchange and partnership between the Naval Postgraduate School and the Air Force Institute of Technology (AFIT), AFIT and the Air University's Board of Visitors will attend a joint session on January 30, 2003. This meeting will be open to the public.

**DATES:** The meetings will be held on Wednesday, January 29, 2003, from 8 a.m. to 4 p.m. and on Thursday, January 30, 2003, from 8 a.m. to 2 p.m. All written comments regarding this meeting should be received by January 24, 2003, and be directed to Superintendent, Naval Postgraduate School (Attn: Jaye Panza), 1 University Circle, Monterey, CA 92943 or by fax (831) 656-3145.

**ADDRESSES:** The meetings will be held at the Naval Postgraduate School, Herrmann Hall, 1 University Circle, Monterey, CA.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Jaye Panza, Naval Postgraduate School, 1 University Circle, Monterey, CA, 93943-5000, telephone number (831) 656-2514.

Dated: January 14, 2003.

**R.E. Vincent II,**

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

[FR Doc. 03-1300 Filed 1-17-03; 8:45 am]

BILLING CODE 3810-FF-U

## DEPARTMENT OF EDUCATION

### State Flexibility Program

**AGENDA:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Notice amending eligibility requirements and extending application deadline.

**SUMMARY:** Under the State Flexibility ("State-Flex") Program, the Secretary will competitively grant State-Flex authority to up to seven State educational agencies (SEAs), permitting them to (1) consolidate certain Federal education funds that are provided for State-level activities and State administration and use those funds for any educational purpose authorized under the Elementary and Secondary Education Act (ESEA) in order to meet the State's definition of adequate yearly progress (AYP) and advance the education priorities of the State and its local educational agencies (LEAs); and (2) specify how LEAs in the State will use funds allocated under section 5112(a) (State Grants for Innovative Programs) of the ESEA. In addition, an SEA with State-Flex authority must enter into performance agreements with at least four, but no more than ten, LEAs (at least half of which must be high-poverty LEAs), giving those LEAs the flexibility to consolidate certain Federal education funds and to use those funds for any educational purpose permitted under the ESEA in order to meet the State's definition of AYP and specific, measurable goals for improving student achievement and narrowing achievement gaps.

In this notice, we are (1) amending the State-Flex eligibility requirements consistent with the recently announced requirements for submission of accountability plans under Title I of the ESEA and (2) extending the deadline for eligible SEAs to apply to participate in the State-Flex program.

**Application Deadline:** February 28, 2003.

**Eligible Applicants:** To be eligible to participate in this State-Flex competition, an SEA must have submitted, by January 31, 2003, its accountability workbook under Title I of the ESEA.

**SUPPLEMENTARY INFORMATION:** On October 11, 2002, we published in the **Federal Register** a notice inviting applications for State flexibility authority (67 FR 63,394-63,395) and a notice of final application requirements, selection criteria, and competition schedule (67 FR 63,390-63,394). At that time, we established a State-Flex application deadline of January 17, 2003 and indicated that to be eligible to apply, an SEA had to either have its AYP definition approved by the Department or submit an assurance that it would provide the Department with a State AYP definition that meets the requirements of section 1111(b)(2) of the ESEA by the AYP deadline established by the Department.

Subsequent to announcing the initial State-Flex competition, the Department published final accountability regulations under Title I and sent to all States an accountability workbook to assist them in submitting their accountability plans for peer review and approval. Because the primary purpose of the State-Flex program is to assist States and affected LEAs in meeting the State's definition of AYP under Title I, in this notice, the Department is amending the State-Flex eligibility requirements to reflect the recently announced steps that States must take to comply with Title I accountability requirements.

Under Title I, States must submit their completed accountability workbook to the Department by January 31, 2003. The workbook will document how respective elements that are required for approval are met by existing State policy, or will be met through a proposed State policy. For each proposed policy that a State lists in its workbook, the State must include a dateline demonstrating the steps that it will take to adopt the policy prior to the May 1, 2003 deadline for final submission of State accountability plans.

Thus, to be eligible to participate in the State-Flex program, a State must have submitted the completed workbook by the deadline established by the Department under Title I.

The Secretary intends to select up to four SEAs for participation in State-Flex in this initial competition. In conducting the competition, the Department will review the quality of State-Flex plans, including the quality of the local performance agreements that are submitted as part of those plans, on the basis of the selection criteria announced in the October 11, 2002 **Federal Register** notice (67 FR 63,390-63,394). If an SEA selected for State-Flex authority has not yet received final