AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Federal Register

2–14–03 Friday
Vol. 68 No. 31 Feb. 14, 2003
Pages 7411–7692

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

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

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

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

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

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

GPO Access users can choose to retrieve online **Federal Register** documents as TEXT (ASCII text, graphics omitted), PDF (Adobe Portable Document Format, including full text and all graphics), or SUMMARY (abbreviated text) files. Users should carefully check retrieved material to ensure that documents were properly downloaded.

On the World Wide Web, connect to the **Federal Register** at http://www.access.gpo.gov/nara. Those without World Wide Web access can also connect with a local WAIS client, by Telnet to swais.access.gpo.gov, or by dialing (202) 512–1661 with a computer and modem. When using Telnet or modem, type swais, then log in as guest with no password.

For more information about GPO Access, contact the GPO Access User Support Team by E-mail at gpoaccess@gpo.gov; by fax at (202) 512–1262; or call (202) 512–1530 or 1–888–293–6498 (toll free) between 7 a.m. and 5 p.m. Eastern time, Monday–Friday, except Federal holidays.

The annual subscription price for the **Federal Register** paper edition is $699, or $764 for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $264. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $10.00 for each issue, or $10.00 for each group of pages as actually bound; or $2.00 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

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

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

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**

General online information **202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	**202–741–6005**
Assistance with Federal agency subscriptions	**202–741–6005**

What's NEW!

Federal Register Table of Contents via e-mail

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

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

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

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

Then follow the instructions.

Printed on recycled paper.

Contents

Federal Register

Vol. 68, No. 31

Friday, February 14, 2003

Agriculture Department
See Animal and Plant Health Inspection Service
See Commodity Credit Corporation
See Foreign Agricultural Service
See Forest Service
See Grain Inspection, Packers and Stockyards Administration
RULES
Administrative practice and procedure:
Civil rights discrimination complaints; adjudication, 7411–7412

Alcohol, Tobacco, Firearms, and Explosives Bureau
NOTICES
Agency information collection activities:
Proposed collection; comment request, 7612–7613

Animal and Plant Health Inspection Service
RULES
Exportation and improtation of animals and animal products:
Horses from contagious equine metritis (CEM)-affected countries—
Texas; Stallions and mares; removal from approved States list, 7413–7415
Interstate transportation of animals and animal products (quarantine):
Exotic Newcastle disease; quarantine area designations—Arizona, 7412–7413
Swine health protection:
Kansas and Oregon; States permitting swine to be fed treated garbage; removal from list, 7415–7416

Antitrust Division
NOTICES
National cooperative research notifications:
International Virtual Instruments Foundation, Inc., 7613
Open SystemC Initiative, 7613
PXI Systems Alliance, Inc., 7613

Blind or Severely Disabled, Committee for Purchase From People Who Are
See Committee for Purchase From People Who Are Blind or Severely Disabled

Centers for Disease Control and Prevention
NOTICES
Committees; establishment, renewal, termination, etc.:
National Institute for Occupational Safety and Health, Board of Scientific Counselors, 7563

Centers for Medicare & Medicaid Services
See Inspector General Office, Health and Human Services Department

Children and Families Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 7563–7565
Submission for OMB review; comment request, 7565–7567

Coast Guard
RULES
Drawbridge operations:
Louisiana, 7427–7428
PROPOSED RULES
Great Lakes Pilotage regulations; rates update, 7489
Ports and waterways safety:
Chicago Captain of Port Zone, IL; safety zones, 7473–7476
Columbia River, Vancouver, WA; safety zone, 7471–7472
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 7643–7645

Commerce Department
See International Trade Administration
See National Oceanic and Atmospheric Administration
See Technology Administration

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Procurement list; additions and deletions, 7498–7499
Reports and guidance documents; availability, etc.:
Information disseminated by Federal agencies; quality, objectivity, utility, and integrity guidelines, 7499–7500

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
Macedonia, 7509–7510

Commodity Credit Corporation
NOTICES
Domestic sugar; 2002-crop overall allotment quantity increase, 7493–7494

Consumer Product Safety Commission
NOTICES
Meetings:
Chromated copper arsenate-treated wood; ban on use in playground equipment, 7510–7511

Corporation for National and Community Service
NOTICES
Grants and cooperative agreements; availability, etc.:
AmeriCorps*National Program; technical assistance conference calls, 7511–7512

Defense Department
See Defense Logistics Agency
RULES
Federal Acquisition Regulation (FAR):
Fish, shellfish, and seafood products, 7441–7443
Regions subject to economic sanctions; emergency acquisitions, 7441
Security-guard functions; contractor performance, 7443–7444
Technical amendments, 7438–7441

PROPOSED RULES
Federal Acquisition Regulation (FAR):
Cost-reimbursement contracts; payment bonds, 7490–7491
Vessel repair and alteration contracts; loss liability, 7491

Defense Logistics Agency
NOTICES
Grants and cooperative agreements; availability, etc.:
Procurement technical assistance centers—
Cost sharing cooperative agreement, 7512

Education Department
NOTICES
Grants and cooperative agreements; availability, etc.:
High-risk drinking or violent behavior prevention among college students; campus and/or community-based strategies development, enhancement, etc., 7559–7560
Meetings:
Educational Excellence for Hispanic Americans, President's Advisory Commission, 7514–7515
Federal Interagency Coordinating Council, 7515
Special education and rehabilitative services:
Blind vending facilities under Randolph-Sheppard Act—
Arbitration panel decisions, 7515–7517

Employment and Training Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 7613–7614

Employment Standards Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 7615
Minimum wages for Federal and federally-assisted construction; general wage determination decisions, 7615–7616

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Agency information collection activities:
Proposed collection; comment request, 7517–7518
Meetings:
Environmental Management Site-Specific Advisory Board—
Rocky Flats, CO, 7518
Fusion Energy Sciences Advisory Committee, 7518–7519

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
Louisiana, 7428
Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
Imazamox, 7428–7433
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
Rhode Island, 7476–7489
NOTICES
Committees; establishment, renewal, termination, etc.:
Clean Air Compliance Analysis Advisory Council, 7531–7534
Confidential business information and data transfer, 7534
Environmental statements; availability, etc.:
Agency statements—
Comment availability, 7535–7536
Grants and cooperative agreements; availability, etc.:
Tribal pesticide projects, 7539–7542
Pesticide, food, and feed additive petitions:
Boscalid, 7542–7548
Pyrimethanil, 7548–7554
Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
Aspergillus flavus AF36, 7554–7558
Superfund; response and remedial actions, proposed settlements, etc.:
Solitron Microwave Site, FL, 7559
Water pollution control:
McMurdo Sound, Antarctica; ocean disposal of man-made ice piers; general permit to National Science Foundation, 7536–7539
National pollutant discharge elimination system (NPDES)—
Storm water discharges from construction activities; general permit; correction, 7651

Federal Aviation Administration
RULES
Air traffic operating and flight rules, etc.:
Washington, DC metropolitan area special flight rules in vicinity, 7683–7691
Airworthiness directives:
Raytheon; correction, 7651
Class D and Class E airspace; correction, 7651
PROPOSED RULES
Airworthiness directives:
Eurocopter France, 7451–7453
Raytheon, 7449–7451
NOTICES
Airport noise compatability program:
Noise exposure maps—
Toledo Express Airport, OH, 7645–7646
Environmental statements; notice of intent:
O'Hare International Airport, IL, 7646–7647
Exemption petitions; summary and disposition, 7647–7648

Federal Communications Commission
NOTICES
Common carrier services:
International telecommunications services—
Whipsawing protection on U.S.-Philippines route; protection petition, 7512–7514

Federal Deposit Insurance Corporation
NOTICES
Meetings; Sunshine Act, 7560

Federal Emergency Management Agency
NOTICES
Agency information collection activities:
Proposed collection; comment request, 7560–7561
Submission for OMB review; comment request, 7561
Disaster and emergency areas:
Micronesia, 7561
Northern Mariana Islands, 7562

Federal Energy Regulatory Commission
RULES
Practice and procedure:
Electronic registration (eRegistration)
Effective date suspended, 7416

NOTICES
Electric rate and corporate regulation filings:
Calpine California Equipment Finance Co., LLC., et al.
Environmental statements; availability, etc.:
Parowan City, UT, 7524
Environmental statements; notice of intent:
Wyckoff Gas Storage Co., LLC, 7525–7526
Hydroelectric applications, 7526–7531
Applications, hearings, determinations, etc.:
Cove Point LNG LP, 7519
Guardian Pipeline Co., L.L.C., 7519–7520
Northern Border Pipeline Co., 7520
Northern Natural Gas Co., 7520–7521
PG&E Gas Transmission, Northwest Corp., 7521
Talbot EMC et al., 7522
Vermont Nuclear Power Corp. et al., 7522
Williston Basin Interstate Pipeline Co., 7522–7523

Federal Highway Administration
RULES
Statewide and metropolitan transportation planning
Correction, 7418–7419

Federal Maritime Commission
NOTICES
Agreements filed, etc., 7562

Federal Reserve System
NOTICES
Banks and bank holding companies:
Formations, acquisitions, and mergers, 7562
Meetings; Sunshine Act, 7562–7563

Federal Retirement Thrift Investment Board
NOTICES
Meetings; Sunshine Act, 7563

Financial Management Service
See Fiscal Service

Fiscal Service
RULES
Bonds and notes, U.S. Treasury:
Series EE and I savings bonds issued January 2003 or later; redemption eligibility period extended from 6 to 12 months
Correction, 7427

Fish and Wildlife Service
NOTICES
Agency information collection activities:
Proposed collection; comment request, 7578–7579
Cooperative and comprehensive management plans; availability, etc.:
Genus Eriocheir (Chinese mitten crab); comment request, 7579–7580
Endangered and threatened species:
Findings on petitions, etc.—
California Spotted Owl, 7580–7608
Meetings:
Aquatic Nuisance Species Task Force, 7608–7609

Food and Drug Administration
RULES
Color additives:
Mica-based pearlescent pigments, 7416

Foreign Agricultural Service
NOTICES
Meetings:
Sugar; licensed refiners' re-export credits; shipments to Mexico, 7494–7495

Forest Service
NOTICES
Environmental statements; notice of intent:
Helena National Forest, MT, 7495–7496
Meetings:
Giant Sequoia National Monument Scientific Advisory Board, 7496
Resource Advisory Committees—
Del Norte County, 7496–7497
Eastern Idaho, 7497
North Central Idaho, 7497
Tehama County, 7497

Grain Inspection, Packers and Stockyards Administration
NOTICES
Committees; establishment, renewal, termination, etc.:
Grain Inspection Advisory Committee, 7497–7498

Health and Human Services Department
See Centers for Disease Control and Prevention
See Children and Families Administration
See Food and Drug Administration
See Inspector General Office, Health and Human Services Department
See National Institutes of Health

Housing and Urban Development Department
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 7577
Grants and cooperative agreements; availability, etc.:
Facilites to assist homeless—
Excess and surplus Federal property, 7653–7682
Meetings:
Manufactured Housing Consensus Committee, 7577–7578

Inspector General Office, Health and Human Services Department
NOTICES
Program exclusions; list, 7567–7569

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See Minerals Management Service

Internal Revenue Service
PROPOSED RULES
Excise taxes:
Highway vehicle; definition
Hearing, 7454
Income taxes:
Redemptions taxable as dividends
Hearing cancellation, 7453
NOTICES
Agency information collection activities:
Proposed collection; comment request, 7648–7650
Meetings:
Taxpayer Advocacy Panels, 7650

International Trade Administration
NOTICES
Antidumping:
Tapered roller bearings and parts, finished and unfinished, from—
China, 7500–7503
Top-of-the-stove stainless steel cooking ware from—
Korea, 7503–7505

Justice Department
See Alcohol, Tobacco, Firearms, and Explosives Bureau
See Antitrust Division

Labor Department
See Employment and Training Administration
See Employment Standards Administration

Land Management Bureau
NOTICES
Meetings:
Carrizo Plain National Monument Advisory Committee, 7609

Legal Services Corporation
RULES
Freedom of Information Act; implementation, 7433–7438

Minerals Management Service
RULES
Outer Continental Shelf; oil, gas, and sulfur operations:
Offshore cranes; American Petroleum Institute's Specification 2C; incorporated by reference, 7421–7427
NOTICES
Outer Continental Shelf operations:
Central Gulf of Mexico—
Oil and gas lease sales, 7609–7612

National Archives and Records Administration
NOTICES
Agency records schedules; availability, 7618–7619

National Credit Union Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 7619–7621

National Institutes of Health
NOTICES
Meetings:
National Cancer Institute, 7569–7570
National Institute of Allergy and Infectious Diseases, 7571–7572
National Institute of Child Health and Human Development, 7571
National Institute of Diabetes and Digestive and Kidney Diseases, 7573
National Institute of Mental Health, 7572–7573
National Institute on Drug Abuse, 7572
National Library of Medicine, 7573
Scientific Review Center, 7574–7576
Patent licenses; non-exclusive, exclusive, or partially exclusive:
Vaccine against rotavirus disease and genetic re-assortment of rotaviruses for production of vaccines and vaccine precursors, 7576–7577

National Labor Relations Board
NOTICES
Meetings; Sunshine Act, 7621

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Alaska; fisheries of Exclusive Economic Zone—
Pollock, 7448
PROPOSED RULES
Fishery conservation and management:
Magnuson-Stevens Act provisions—
National standard guidelines; revision, 7492
NOTICES
Endangered and threatened species:
Incidental take permits—
Gulf Specimen Marine Laboratories, Inc.; sea turtles, 7505–7506
Meetings:
New England Fishery Management Council, 7506–7507
South Atlantic Fishery Management Council, 7507–7508
Permits:
Exempted fishing, 7508–7509
Marine mammals, 7509

National Science Foundation
NOTICES
Meetings:
Alan T. Waterman Award Committee, 7621
DOE/NSF Nuclear Science Advisory Committee, 7621–7622

Nuclear Regulatory Commission
NOTICES
Petitions; Director's decisions:
FirstEnergy Nuclear Operating Co., 7622

Pension Benefit Guaranty Corporation
RULES
Single-employer plans:
Interest rates and assumptions, 7419–7421
PROPOSED RULES
Government Paperwork Elimination Act; implementation:
Electronic transactions; removal of regulatory impedments to filings, issuances, computation of time, and electronic record retention, 7454–7471
NOTICES
Multiemployer plans:
Interest rates and assumptions, 7622

Public Debt Bureau
See Fiscal Service

Public Health Service
See Centers for Disease Control and Prevention
See Food and Drug Administration
See National Institutes of Health

Railroad Retirement Board
NOTICES
Agency information collection activities:
Proposed collection; comment request, 7623
Submission for OMB review; comment request, 7623

Securities and Exchange Commission
NOTICES
Agency information collection activities:
Proposed collection; comment request, 7623–7624

Investment Company Act of 1940:
Exemption applications—
TCW Premier Funds et al., 7625–7632
Self-regulatory organizations; proposed rule changes:
Chicago Board Options Exchange, Inc., 7633–7635
National Association of Securities Dealers, Inc., 7635–7638
Applications, hearings, determinations, etc.:
Kinross Gold Corp., 7624
Public utility holding company filings, 7624–7625
Star Struck, Ltd., 7625

State Department
RULES
International Traffic in Arms regulations:
Defense trade controls; realignment of responsibilities, 7417–7418
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 7638–7639
Art objects; importation for exhibition:
Himalayas: An Aesthetic Adventure, 7639
Grants and cooperative agreements; availability, etc.:
Uzbekistan and Tajikistan; Central Asia School Connectivity Program, 7639–7642
Reports and guidance documents; availability, etc.:
Alternative fuel vehicled reports; posting on website, 7642

Technology Administration
NOTICES
Committees; establishment, renewal, termination, etc.:
National Medal of Technology Nomination Evaluation Committee, 7509

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Federal Highway Administration
See Transportation Security Administration
NOTICES
Aviation proceedings:
Hearings, etc.—
America Rising, 7642
Meetings:
Transportation Labor-Managment Board, 7642–7643

Transportation Security Administration
RULES
Civil aviation security:
Prohibited items in passenger aircraft cabins, sterile areas, and in passenger's checked baggage, 7444–7448

Treasury Department
See Fiscal Service
See Internal Revenue Service
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 7648

Veterans Employment and Training Service
NOTICES
Annual report from Federal contractors, 7617–7618

Separate Parts In This Issue

Part II
Housing and Urban Development Department, 7653–7682

Part III
Transportation Department, Federal Aviation Administration, 7683–7691

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

7 CFR
15f....7411

9 CFR
82....7412
93....7414
166....7415

14 CFR
39....7652
71....7652
91....7684

Proposed Rules:
39 (2 documents) 7449, 7451

18 CFR
390....7416

21 CFR
73....7416

22 CFR
120....7417

23 CFR
450....7418

26 CFR

Proposed Rules:
1 (2 documents) 7453, 7454
41....7454
48....7454
145....7454

29 CFR
4022....7419
4044....7419

Proposed Rules:
4000....7454
4003....7454
4007....7454
4010....7454
4011....7454
4022....7454
4041....7454
4041a....7454
4043....7454
4050....7454
4062....7454
4203....7454
4204....7454
4207....7454
4208....7454
4211....7454
4219....7454
4220....7454
4221....7454
4231....7454
4245....7454
4281....7454
4901....7454
4902....7454
4903....7454
4907....7454

30 CFR
250....7421

31 CFR
321....7427
351....7427
352....7427
353....7427
359....7427
360....7427

33 CFR
117....7427

Proposed Rules:
165 (2 documents) 7471, 7473

40 CFR
52....7428
180....7428

Proposed Rules:
52....7476

45 CFR
1602....7433

46 CFR

Proposed Rules:
401....7489

48 CFR
201....7438
202....7438
204....7438
206....7438
209....7438
212....7438
214....7438
217....7438
219....7438
225 (2 documents) 7441
230....7438
231....7438
232....7438
236....7438
237....7443
239....7438
242....7438
249....7438
250....7438
252....7441
253....7438

Proposed Rules:
228....7490
252....7491

49 CFR
1540....7444

50 CFR
679....7448

Proposed Rules:
600....7492

Rules and Regulations

Federal Register
Vol. 68, No. 31
Friday, February 14, 2003

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

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 15f

RIN 0503–AA24

Administrative Civil Rights Adjudications Under Section 741

AGENCY: Office of the Secretary, Department of Agriculture (USDA).

ACTION: Interim final rule.

SUMMARY: The USDA amends the adjudication process for certain civil rights discrimination complaints filed administratively with USDA in order to establish deadlines for complainants to request a formal proceeding before an administrative law judge (ALJ) and to clarify that complaints may no longer be filed.

DATES: This rule is effective February 14, 2003. Written comments must be received by March 17, 2003.

ADDRESSES: Submit all comments concerning this interim final rule to: David Winningham, Director, Office of Civil Rights (CR), USDA, Whitten Building, Room 326–W, 1400 Independence Avenue, SW., Washington, DC 20250. Comments may be submitted via electronic mail to: *David Winningham@usda.gov.*

FOR FURTHER INFORMATION CONTACT: David Winningham, Director, Office of Civil Rights, (202) 720–5212.

SUPPLEMENTARY INFORMATION:

Classification

This interim final rule has been reviewed under Executive Order (E.O.) 121866, and it has been determined that it is not a ''significant regulatory action'' because it will not have an annual effect on the economy of $100 million or more or adversely and materially affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities. This interim final rule will not create any serious inconsistencies or otherwise interfere with actions taken or planned by another agency. It will not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof, and does not raise novel legal or policy issues arising out of legal mandates, the President's priorities or principles set forth in E.O. 12866.

Regulatory Flexibility Act

USDA certifies that this interim final rule will not have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. 96–534, as amended (5 U.S.C. 601 *et seq.*).

Background and Purpose

The purpose of this interim final rule is to establish finality with respect to the status of Section 741 Complaint Requests filed under part 15f by imposing deadlines that will bring closure to all actions filed under part 15f.

On December 4, 1998, USDA published an interim final rule at 7 CFR part 15f implementing Section 741 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, enacted in Division A, section 101(a) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, Pub. L. 105–277. Section 741 waived the statute of limitations (SOL) for filing discrimination complaints under certain nondiscrimination statutes for a period of two years after the enactment of that Act with respect to certain USDA programs.

The period for filing a Section 741 Complaint Request under the waiver of the SOL provided in Section 741 expired on October 21, 2000. USDA no longer has authority under the terms of the statutory waiver to accept Section 741 Complaint Requests under part 15f unless such a complaint has already been docketed under part 15f by USDA or unless a request was filed with USDA prior to October 21, 2000. This interim final rule amends § 15f.5 to make clear that Section 741 Complaint Requests filed under part 15f are no longer accepted by USDA.

A number of Section 741 Complaint Requests filed under the waiver are still pending before USDA, and complainants are still entitled to review of the final resolution of those Section 741 Complaint Requests by an ALJ if the Section 741 Complaint Requests are pursued to the formal proceeding stage under part 15f.

Prior to enactment of Section 741, USDA had a number of civil rights complaints pending that were eligible for consideration under Section 7841. In part 15f, USA committed itself to automatically docketing these pending complaints as Section 741 Complaint Requests and reviewing them to determine if settlement was a possibility. If settlement did not occur, then the Director would advise the complainant of the opportunity for review of the Section 741 Complaint Request under formal proceedings before an ALJ. Additionally, any new Section 741 Complaint Requests that were filed after promulgation of part 15f similarly were reviewed to determine if settlement was a possibility, and complainants were notified of the opportunity for an ALJ review if settlement did not occur.

The current regulations do not specify a deadline by which a complainant must seek an ALJ review of the Section 741 Complaint Request after USDA has informed the complainant that USDA will not settle the Section 741 Complaint Request. In order to bring legal finality to the complaint resolution process provided in part 15f, USDA amends § 15f.9 to specify that a complainant has 30 days from receipt of a notice that USDA will not settle the Section 741 Complaint Request to file a request for review by an ALJ. Complainants who, prior to the date of publication of this interim final rule, received a notice that USDA would not settle will have until 90 days after February 14, 2003 to request review of their Section 741 Complaint Request by an ALJ. Finally, part 15f is clarified to state that new request under part 15f will not be accepted by USDA.

List of Subjects in 7 CFR Part 15f

Administrative practice and procedure, Agriculture, Appeal procedures, Civil rights, Equal access to justice, Ex parte communications, Farmers, Federal aid programs, guaranteed loans, Insured loans, Loan

programs, Nondiscrimination, and Price support programs.

For the reasons stated in the preamble, USDA proposes to amend 7 CFR part 15f as follows:

PART 15f—ADJUDICATIONS UNDER SECTION 741

1. The authority citation for part 15f continues to read as follows:

Authority: 5 U.S.C. 301; section 101(a) of Pub. L. 105–277, 112 Stat. 2681; Reorganization Plan No. 2 of 1953 (5 U.S.C. App.).

2. Amend paragraph (c) of § 15f.5 to add a sentence to read as follows:

§ 15f.5 How do I request that USDA consider my complaint under these procedures?

* * * * *

(c) * * * If you did not receive a notice form USDA by October 21, 2000, that your Section 741 Complaint Request had been docketed automatically under paragraph (a) of this section, and you did not file a Section 741 Complaint Request prior to October 21, 2000, under paragraph (b) of this section, then any Section 741 Complaint Request received by USDA after October 21, 2000, will not be accepted.

3. Revise § 15f.9 to read as follows:

§ 15f.9 What will the Director do to settle my Section 741 Complaint Request when it is received?

The Director will review each Section 741 Complaint Request. If the Director finds that your complaint is an eligible complaint, the Director will: review all documents and evidence submitted by you; review all agency or CR files, if any exist, regarding the circumstances surrounding the alleged discrimination; review any damage claims; and seek any further clarification, if necessary, from either you or the agency. CR also may refer your eligible complaint for a formal investigation by the CR Program Investigation Division or by an outside contractor. Based on his or her review, the Director will either undertake negotiations with you to resolve the complaint; or inform you that CR will not settle the complaint and explain to you your options, including your right to request formal proceedings before an ALJ under subpart D of this part within 30 days of receipt of notice from the Director that CR will not settle the complaint. If the complaint is successfully resolved or settled, the Director will issue a final determination disposing of the matter. If you have received a notice that the Director will not settle the complaint prior to February 14, 2003, you have until 90 days after February 14, 2003 to request formal proceedings under subpart D of this part. Any request for formal proceedings received by USDA after the deadlines set forth in this section will not be accepted.

Done at Washington, DC, this 7th day of February, 2003.

Ann M. Veneman,

Secretary of Agriculture.

[FR Doc. 03–3565 Filed 2–13–03; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 82

[Docket No. 02–117–4]

Exotic Newcastle Disease; Additions to Quarantined Area

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the exotic Newcastle disease regulations by quarantining La Paz and Yuma Counties, AZ, and a portion of Mohave County, AZ, and prohibiting or restricting the movement of birds, poultry, products, and materials that could spread exotic Newcastle disease from the quarantined area. This action is necessary on an emergency basis to prevent the spread of exotic Newcastle disease from the quarantined area.

DATES: This interim rule was effective February 10, 2003. We will consider all comments that we receive on or before April 15, 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. 02–117–4, 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. 02–117–4. 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. 02–117–4'' 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. Aida Boghossian, Senior Staff Veterinarian, Emergency Programs Staff, VS, APHIS, 4700 River Road Unit 41, Riverdale, MD 20737–1231; (301) 734–8073.

SUPPLEMENTARY INFORMATION:

Background

Exotic Newcastle disease (END) is a contagious and fatal viral disease affecting the respiratory, nervous, and digestive systems of birds and poultry. END is so virulent that many birds and poultry die without showing any clinical signs. A death rate of almost 100 percent can occur in unvaccinated poultry flocks. END can infect and cause death even in vaccinated poultry.

The regulations in ''Subpart A—Exotic Newcastle Disease (END)'' (9 CFR 82.1 through 82.15, referred to below as the regulations) were established to prevent the spread of END in the United States in the event of an outbreak. In § 82.3, paragraph (a) provides that any area where birds or poultry infected with END are located will be designated as a quarantined area, and that a quarantined area is any geographical area, which may be a premises or all or part of a State, deemed by epidemiological evaluation to be sufficient to contain all birds or poultry known to be infected with or exposed to END. Less than an entire State will be designated as a quarantined area only if the State enforces restrictions on intrastate movements from the quarantined area that are at least as stringent as the regulations. The regulations prohibit or restrict the movement of birds, poultry, products, and materials that could spread END from quarantined areas. Areas quarantined because of END are listed in § 82.3, paragraph (c).

On October 1, 2002, END was confirmed in the State of California. The disease was confirmed in backyard poultry, which are raised on private premises for hobby, exhibition, and

personal consumption, and in commercial poultry.

In an interim rule effective on November 21, 2002, and published in the **Federal Register** on November 26, 2002 (67 FR 70674–70675, Docket No. 02–117–1), we amended the regulations in § 82.3(c) by quarantining Los Angeles County, CA, and portions of Riverside and San Bernardino Counties, CA, and restricting the interstate movement of birds, poultry, products, and materials that could spread END from the quarantined area.

In a second interim rule effective on January 7, 2003, and published in the **Federal Register** on January 13, 2003 (68 FR 1515–1517, Docket No. 02–117–2), we further amended § 82.3(c) by adding Imperial, Orange, San Diego, Santa Barbara, and Ventura Counties, CA, and the previously non-quarantined portions of Riverside and San Bernardino Counties, CA, to the list of quarantined areas. Because the Secretary of Agriculture signed a declaration of extraordinary emergency with respect to the END situation in California on January 6, 2003 (see 68 FR 1432, Docket No. 03–001–1, published January 10, 2003), that second interim rule also amended the regulations to provide that the prohibitions and restrictions that apply to the interstate movement of birds, poultry, products, and materials that could spread END will also apply to the intrastate movement of those articles in situations where the Secretary of Agriculture has issued a declaration of extraordinary emergency (new § 82.16).

On January 16, 2003, END was confirmed in backyard poultry on a premises in Las Vegas, NV. Therefore, in a third interim rule effective January 17, 2003, and published in the **Federal Register** on January 24, 2003 (68 FR 3375–3376, Docket No. 02–117–3), we amended § 82.3(c) by quarantining Clark County, NV, and a portion of Nye County, NV, and prohibiting or restricting the movement of birds, poultry, products, and materials that could spread END from the quarantined area. On January 17, 2003, the Secretary of Agriculture signed a declaration of an extraordinary emergency because of END in Nevada (*see* 68 FR 3507, Docket No. 03–001–2, published January 24, 2003).

On February 4, 2003, END was confirmed in backyard poultry on a premises in the Colorado River Indian Nation in Arizona. Therefore, in this interim rule, we are amending § 82.3(c) by designating all of La Paz and Yuma Counties, AZ, and that portion of Mohave County, AZ, that lies south of the Colorado River as a quarantined area and prohibiting or restricting the movement of birds, poultry, products, and materials that could spread END from the quarantined area. As provided for by the regulations in § 82.3(a), this quarantined area encompasses the area where poultry infected with END were located and a surrounding geographical area deemed by epidemiological evaluation to be sufficient to contain all birds or poultry known to be infected with or exposed to END.

Emergency Action

This rulemaking is necessary on an emergency basis to prevent the spread of END. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**.

We will consider comments that we receive during the comment period for this interim rule (*see* **DATES** above). After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review under Executive Order 12866.

This rule amends the regulations by quarantining La Paz and Yuma Counties, AZ, and a portion of Mohave County, AZ, and prohibiting or restricting the movement of birds, poultry, products, and materials that could spread END from the quarantined area. This action is necessary on an emergency basis to prevent the spread of END from the quarantined area.

This emergency situation makes timely compliance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) impracticable. We are currently assessing the potential economic effects of this action on small entities. Based on that assessment, we will either certify that the rule will not have a significant economic impact on a substantial number of small entities or publish a final regulatory flexibility analysis.

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 rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 82

Animal diseases, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 9 CFR part 82 is amended as follows:

PART 82—EXOTIC NEWCASTLE DISEASE (END) AND CHLAMYDIOSIS; POULTRY DISEASE CAUSED BY SALMONELLA ENTERITIDIS SEROTYPE ENTERITIDIS

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

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

2. In § 82.3, paragraph (c) is amended by adding, in alphabetical order, an entry for Arizona to read as follows:

§ 82.3 Quarantined areas.

* * * * *

(c) * * *

Arizona

La Paz County. The entire county.

Mohave County. That portion of the county that lies south of the Colorado River.

Yuma County. The entire county.

* * * * *

Done in Washington, DC, this 10th day of February, 2003.

Peter Fernandez,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 03–3685 Filed 2–13–03; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 93

[Docket No. 03–004–1]

Remove Texas From Lists of States Approved To Receive Stallions and Mares From CEM-Affected Regions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the animal importation regulations by removing Texas from the lists of States approved to receive certain stallions and mares imported into the United States from regions affected with contagious equine metritis. This action is necessary because the Texas Animal Health Commission has determined that the State of Texas is not able to continue this activity, and has requested that the State be removed from the list.

DATES: This rule is effective February 14, 2003.

FOR FURTHER INFORMATION CONTACT: Dr. Freeda Isaac, Senior Staff Veterinarian, Technical Trade Services, VS, APHIS, 4700 River Road, Unit 39, Riverdale, MD 20737–1231; (301) 734–8364.

SUPPLEMENTARY INFORMATION:

Background

The animal importation regulations in 9 CFR part 93 (referred to below as the regulations), among other things, prohibit or restrict the importation of certain animals, including horses, into the United States to protect U.S. livestock from communicable diseases.

In § 93.301, paragraph (c)(1) prohibits the importation of horses into the United States from certain regions where contagious equine metritis (CEM) exists. Paragraph (c)(2) lists categories of horses that are excepted from this prohibition, including, in § 93.301(c)(2)(vi), horses over 731 days of age imported for permanent entry if the horses meet the requirements of § 93.301(e).

One of the requirements in § 93.301(e) is that mares and stallions over 731 days old imported for permanent entry from regions where CEM exists must be consigned to States listed in § 93.301(h)(6), for stallions, or in § 93.301(h)(7), for mares. The Administrator of the Animal and Plant Health Inspection Service (APHIS) has approved these States to receive stallions or mares over 731 days of age from regions where CEM exists because each State has entered into a written agreement with the Administrator to enforce State laws and regulations to control CEM, and each State has agreed to quarantine, test, and treat stallions and mares over 731 days of age from any region where CEM exists in accordance with § 93.301(e).

In 1995, Texas entered into a written agreement with the Administrator and was subsequently placed on both lists. However, the Texas Animal Health Commission has recently determined that Texas is no longer able to continue the quarantine, testing, and treatment of stallions and mares over 731 days old from regions where CEM exists, and has requested that the State be removed from the lists of States approved to received stallions and mares from CEM-affected regions. Therefore, this final rule removes Texas from the lists of States in § 93.301(h)(6) and (h)(7).

Effective Date

A State's decision to enter into a written agreement with the Administrator to enforce State laws and regulations to control CEM and to quarantine, test, and treat stallions and mares over 731 days of age from any region where CEM exists in accordance with § 93.301(e) is completely voluntary. Since the State of Texas has notified APHIS that it is unable to continue these activities and has withdrawn from its agreement with the Administrator, it does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to the administrative procedure provisions in 5 U.S.C. 553, we find upon good cause that prior notice and other public procedure with respect to this rule are unnecessary. We also find good cause for making this rule effective less than 30 days after publication in the **Federal Register**.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review under Executive Order 12866.

APHIS does not mandate that any State participate in the quarantine, testing, and treatment of stallions and mares over 731 days of age from any region where CEM exists. As a result, decisions regarding a State's compliance or noncompliance with the standards set out in § 93.301(e) are made at the State level. Since the State of Texas has notified APHIS that it is unable to continue these activities and has withdrawn from its agreement with the Administrator, this rule simply amends the regulations to reflect the State's decision.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will 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 rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 93

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 93 is amended as follows:

PART 93—IMPORTATION OF CERTAIN ANIMALS, BIRDS, AND POULTRY, AND CERTAIN ANIMAL, BIRD, AND POULTRY PRODUCTS; REQUIREMENTS FOR MEANS OF CONVEYANCE AND SHIPPING CONTAINERS

1. The authority citation for part 93 continues to read as follows:

Authority: 7 U.S.C. 1622 and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

§ 93.301 [Amended]

2. Section 93.301 is amended as follows:

a. In paragraph (h)(6), by removing the words ''The State of Texas''.

b. In paragraph (h)(7), by removing the words ''The State of Texas''.

Done in Washington, DC, this 10th day of February 2003 .

Peter Fernandez,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 03–3686 Filed 2–13–03; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 166

[Docket No. 03–008–1]

Swine Health Protection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the swine health protection regulations by removing Kansas and Oregon from the list of States that permit the feeding of treated garbage to swine and adding them to the list of States that prohibit garbage feeding. This action is necessary to reflect changes in the status of Kansas and Oregon, and thereby facilitate the administration of the swine health protection regulations.

DATES: This rule is effective February 14, 2003.

FOR FURTHER INFORMATION CONTACT: Dr. Adam Grow, National Surveillance Coordinator, National Center for Animal Health Programs, VS, APHIS, 4700 River Road, Unit 43, Riverdale, MD 20737–1231; (301) 734–3752.

SUPPLEMENTARY INFORMATION:

Background

The swine health protection regulations in 9 CFR part 166 (referred to below as the regulations) were established under the Swine Health Protection Act (7 U.S.C. 3801 *et seq.*, referred to below as the Act). The Act and the regulations contain provisions concerning the treatment of garbage to be fed to swine and the feeding of that garbage to swine. These provisions operate as safeguards against the spread of certain swine diseases in the United States.

The regulations in § 166.15 categorize States according to the respective status of each with regard to the feeding of garbage to swine. Some States prohibit this activity, while other States permit the feeding of garbage to swine; these States are listed in § 116.15(a) and (b), respectively.

Under section 10 of the Act (7 U.S.C. 3809), a State will have primary enforcement responsibility for violations of laws and regulations related to the treatment and feeding of garbage if the Secretary determines that the State: (1) Has adopted adequate laws and regulations governing the treatment of garbage to be fed to swine and the feeding thereof which laws and regulations meet the minimum standards of the Act and regulations, (2) has adopted and is implementing adequate procedures for the effective enforcement of its garbage feeding laws and regulations, and (3) will keep records and make reports showing compliance with its garbage feeding laws and regulations and their enforcement as the Secretary may require by regulation. States that have primary enforcement responsibility are listed in § 166.15(c).

Prior to this rulemaking, Kansas and Oregon were listed in § 166.15(b) as States that permitted the feeding of treated garbage to swine and in § 166.15(c) as States with primary enforcement responsibility. However, Kansas and Oregon have both repealed their laws permitting the feeding of treated garbage to swine. We are, therefore, removing Kansas and Oregon from the list of States in § 166.15(b) that permit the feeding of treated garbage to swine and are adding them to the list of States in § 166.15(a) that prohibit the feeding of garbage to swine. We are also removing both States from the list in § 166.15(c) of States that have primary enforcement responsibility.

Effective Date

We are taking this action to update our regulations with respect to changes that have already occurred in the laws of Kansas and Oregon regarding the feeding of garbage to swine. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to the administrative procedure provisions in 5 U.S.C. 553, we find upon good cause that prior notice and other public procedure with respect to this rule are unnecessary. We also find good cause for making this rule effective less than 30 days after publication in the **Federal Register**.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review under Executive Order 12866.

The decision regarding whether or not a State will permit the feeding of garbage to swine is made at the State level. Since the State of Kansas and the State of Oregon have each notified APHIS that State law now prohibits the feeding of garbage to swine, this rule simply amends the regulations to reflect each State's decision.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will 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 rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 166

Animal diseases, Hogs, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 166 is amended as follows:

PART 166—SWINE HEALTH PROTECTION

1. The authority citation for part 166 continues to read as follows:

Authority: 7 U.S.C. 3801–3813; 7 CFR 2.22, 2.8, and 371.4.

§ 166.15 [Amended]

2. Section 166.15 is amended as follows:

a. In paragraph (a), by adding, in alphabetical order, the words ''Kansas,'' and ''Oregon,''.

b. In paragraph (b), by removing the words ''Kansas,'' and ''Oregon,''.

c. In paragraph (c), by removing the words ''Kansas,'' and ''Oregon,''.

Done in Washington, DC, this 10th day of February 2003.

Peter Fernandez,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 03–3687 Filed 2–13–03; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 390

[Docket No. RM02–10–000]

Electronic Registration

February 11, 2003.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final Rule: Notice of Suspension.

SUMMARY: The Federal Energy Regulatory Commission is suspending the requirement that users of its online applications register electronically. On December 20, 2002, the Commission issued an order extending the requirement's effective date from the original effective date of January 7, 2003. Through inadvertence, that order was not published in the **Federal Register** until January 15, 2003. The Commission is issuing this order, which is identical in substance to the December 20 order, for the sake of clarity.

DATES: 18 CFR 390.1, published on August 12, 2002 (67 FR 52410) is suspended as of January 7, 2003.

FOR FURTHER INFORMATION CONTACT:

Christopher Cook (information technology advisor), Office of the Chief Information Officer, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8102.

Wilbur Miller (legal advisor), Office of General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8953.

SUPPLEMENTARY INFORMATION:

Notice of Suspension of Effective Date of Electronic Registration

1. On August 5, 2002, the Commission issued Order No. 891, establishing a system of electronic registration to act as a gateway to its online services.[1] The eRegistration system will allow users to input identifying information only once as a precursor to using services such as electronic filing, electronic subscription, or electronic service. The registration system has been available on the Commission's Web site, *http://www.ferc.gov*, since September as a voluntary system. Order No. 891 provided that eRegistration would become mandatory on January 7, 2003.[2]

2. Currently, eRegistration is not fully integrated with the online services with which it will operate, and this was expected to be the case on the original effective date. The Commission thus, on December 20, 2002, issued an order extending the effective date until adequate integration is achieved. 68 FR 1964 (Jan. 15, 2003.). The Commission stated that, once the system is ready, the Secretary of the Commission will issue a notice of the time when the eRegistration requirement will become effective. In the interim, eRegistration may be a prerequisite for the use of some informational services, such as electronic subscription.

3. Through inadvertence, the Commission's order of December 20, 2002, was not published in the **Federal Register** until January 15, 2003. 68 FR 1964. For the sake of clarity, the Commission in this order will suspend the effectiveness of eRegistration on the same terms as announced in the December 20 order.

The Commission Orders

18 CFR 390.1 is suspended until the new effective date is announced by the Secretary, in a document published in the **Federal Register**.

By the direction of the Commission.

Magalie R. Salas,

Secretary.

[FR Doc. 03–3740 Filed 2–13–03; 8:45 am]

BILLING CODE 6717–01–P

[1] *See* 18 CFR part 390 (2001).

[2] FERC Stats. & Regs. ¶ 31,132, at p. 30,195 (2002), codifying requirement at 18 CFR 390.1.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. 00C–1321]

Listing of Color Additives Exempt From Certification; Mica-Based Pearlescent Pigments; Confirmation of Effective Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of November 26, 2002, for the final rule that appeared in the **Federal Register** of October 24, 2002 (67 FR 65311). The final rule amended the color additive regulations to provide for the safe use of mica-based pearlescent pigments as color additives in contact lenses.

DATES: Effective date confirmed: November 26, 2002.

FOR FURTHER INFORMATION CONTACT: Aydin Örstan, Center for Food Safety and Applied Nutrition (HFS–265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 202–418–3076.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 24, 2002 (67 FR 65311), FDA amended the color additive regulations to add § 73.3128 *Mica-based pearlescent pigments* (21 CFR 73.3128) to provide for the safe use of mica-based pearlescent pigments as color additives in contact lenses.

FDA gave interested persons until November 25, 2002, to file objections or requests for a hearing. The agency received no objections or requests for a hearing on the final rule. Therefore, FDA finds that the effective date of the final rule that published in the **Federal Register** of October 24, 2002, should be confirmed.

List of Subjects in 21 CFR Part 73

Color additives, Cosmetics, Drugs, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361, 362, 371, 379e) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), notice is given that no objections or requests for a hearing were filed in response to the October 24, 2002, final rule. Accordingly, the amendments issued thereby became effective November 26, 2002.

Dated: Dated: February 7, 2002.

Margaret M. Dotzel,

Assistant Commissioner for Policy.

[FR Doc. 03–3668 Filed 2–13–03; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF STATE

22 CFR Part 120

[Public Notice 4274]

RIN AB–62

Bureau of Political-Military Affairs; Amendment to the International Traffic in Arms Regulations

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This rule amends the International Traffic in Arms Regulations (ITAR) which implements section 38 of the Arms Export Control Act (AECA), that governs the import and export of defense articles and defense services. The rule reflects the changed authorities as a result of the realignment of the responsibilities for defense trade controls.

EFFECTIVE DATE: January 29, 2003.

FOR FURTHER INFORMATION CONTACT: Robert W. Maggi, Deputy Assistant Secretary and Managing Director of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State(202) 663–2700 or Michael T. Dixon, Office of Defense Export Controls Management (202) 663–2798; FAX (202) 261–8199.

SUPPLEMENTARY INFORMATION: Effective January 20, 2003, the Department of State will realign responsibilities for defense trade controls under section 38 of the AECA and the International Traffic in Arms Regulations, 22 CFR Parts 120–130 (''ITAR''). Section 120.1(a) of the ITAR is amended to replace ''Director of the Office of Defense Trade Controls'' with ''Deputy Assistant Secretary for Defense Trade Controls and Managing Director of Defense Trade Controls.'' Section 120.1, subparagraph (b) is amended by inserting ''(1)'' after ''(b)'' and by adding the new subparagraph ''(b)(2)'': and by adding a new subparagraph ''(b)(2)'' about the new Directorate of Defense Trade Controls and the positions of the Deputy Assistant Secretary for Defense Trade Controls (DAS–Defense Trade Controls); Managing Director of Defense Trade Controls (MD–Defense Trade Controls); Director, Office of Defense Trade Controls Management; Director, Office of Defense Trade Controls Licensing; Director, Office of Defense Trade Controls Compliance; and Director, Office of Defense Trade Controls Policy. Initially, one individual will hold both the DAS–Defense Trade Controls and MD–Defense Trade Controls positions. The position of Director of the Office of Defense Trade Controls is abolished.

It is anticipated that further amendments to the ITAR will be promulgated in the near future to reflect these specific changes as a result of this realignment.

This amendment involves a foreign affairs function of the United States and, therefore, is not subject to the procedures required by 5 U.S.C. 553 and 554. It is exempt from review under Executive Order 12866 but has been reviewed internally by the Department to ensure consistency with the purposes thereof. This rule does not require analysis under the Regulatory Flexibility Act or the Unfunded Mandates Reform Act. It has been found not to be a major rule within the meaning of the Small Business Regulatory Enforcement Act of 1996. It will not have substantial direct effects on the States, 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 rule does not have sufficient federalism implications to warrant application of the consultation provisions of Executive Order 12372 and 13132.

List of Subjects in 22 CFR Part 120

Arms and munitions, Classified information, Exports.

Accordingly, for the reasons set forth above, Title 22, Chapter I, Subchapter M, Part 120, is being amended as follows:

PART 120—PURPOSE AND DEFINITIONS

1. The authority citation for part 120 is revised to read as follows:

Authority: Secs. 2, 38, and 71, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2797); 22 U.S.C. 2794; E.O. 11958, 42 FR 4311, 3 CFR, 1977 Comp. p. 79; 22 U.S.C. 2658; Pub. L. 105–261, 112 Stat. 1920.

2. Section 120.1(a) and (b) are revised to read as follows:

§ 120.1 General authorities and eligibility.

(a) Section 38 of the Arms Export Control Act (22 U.S.C. 2778) authorizes the President to control the export and import of defense articles and defense services. The statutory authority of the President to promulgate regulations with respect to exports of defense articles and defense services was delegated to the Secretary of State by Executive Order 11958, as amended. This subchapter implements that authority. By virtue of delegations of authority by the Secretary of State, these regulations are primarily administered by the Deputy Assistant Secretary for Defense Trade Controls and Managing Director of Defense Trade Controls, Bureau of Political-Military Affairs.

(b) (1) *Authorized officials.* All authorities conferred upon the Deputy Assistant Secretary for Defense Trade Controls or the Managing Director of Defense Trade Controls by this subchapter may be exercised at any time by the Under Secretary of State for Arms Control and International Security or the Assistant Secretary of State for Political-Military Affairs unless the Legal Adviser or the Assistant Legal Adviser for Political-Military Affairs of the Department of State determines that any specific exercise of this authority under this paragraph may be inappropriate.

(2) In the Bureau of Political-Military Affairs, there is a Deputy Assistant Secretary for Defense Trade Controls (DAS–Defense Trade Controls) and a Managing Director of Defense Trade Controls (MD–Defense Trade Controls). One individual holds both the DAS–Defense Trade Controls and MD–Defense Trade Controls positions. The position of Director, Office of Defense Trade Controls is abolished. The DAS–Defense Trade Controls/MD–Defense Trade Controls has assumed all duties, responsibilities, and authorities held under the ITAR by that Director. The MD–Defense Trade Controls has responsibility for the Directorate of Defense Trade Controls, which oversees the subordinate offices described in paragraph (b)(2)(i) of this section.

(i) All references to the Office of Defense Trade Controls and the Director of the Office of Defense Trade Controls contained in the International Traffic in Arms Regulations (ITAR) shall be deemed to be references to:

(A) The Office of Defense Trade Controls Management and the Director, Office of Defense Trade Controls Management, respectively, insofar as such references relate to management of defense trade controls operations; to include the exercise of general authorities in this part 120 and the design, development, and refinement of processes, activities, and functional tools for the export licensing regime and to effect export compliance/enforcement activities;

(B) The Office of Defense Trade Controls Licensing and the Director, Office of Defense Trade Controls Licensing, respectively, insofar as such references relate to licensing or other authorization of defense trade, including references under parts 123, 124, 125, 126, 129 and 130 of this subchapter, and the commodity jurisdiction procedure under this part 120;

(C) The Office of Defense Trade Controls Compliance and the Director, Office of Defense Trade Controls Compliance, respectively, insofar as such references relate to violations of law or regulation and compliance therewith, including references contained in parts 127, 128 and 130, of this subchapter, and including references under part 122 of this subchapter, and that portion under part 129 of this subchapter pertaining to registration;

(D) The Office of Defense Trade Controls Policy and the Director, Office of Defense Trade Controls Policy, respectively, insofar as such references relate to the general policies of defense trade, including references under this part 120 and part 126 of this subchapter.

(ii) Future amendments to the ITAR will be promulgated to reflect future realignment of responsibilities for defense trade controls.

* * * * *

Dated: January 29, 2003.

John R. Bolton,

Under Secretary, Arms Control and International Security, Department of State.

[FR Doc. 03–2926 Filed 2–13–03; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 450

[FHWA Docket No. FHWA–99–5933]

FHWA RIN 2125–AE95; FTA RIN 2132–AA75

Statewide Transportation Planning; Metropolitan Transportation Planning

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Correction to final rule.

SUMMARY: This document corrects the final rule on Statewide Transportation Planning; Metropolitan Transportation Planning published in the **Federal Register** on January 23, 2003 (68 FR 3176). The FHWA is correcting the definition of non-metropolitan local official by removing the word ''or'' and replacing it with the word ''and'' as stated in the preamble.

EFFECTIVE DATE: March 17, 2003.

FOR FURTHER INFORMATION CONTACT: For the FHWA: Ms. Jill Hochman, Office of Interstate and Border Planning (HEPI), (202) 366–0233, or Mr. Reid Alsop, Office of the Chief Counsel (HCC–31), (202) 366–1371. For the FTA: Mr. Paul Verchinski, Statewide Planning Division (TPL–11), (202) 366–1626, or Mr. Scott Biehl, Office of the Chief Counsel (TCC–30), (202) 366–0952. Both agencies are located at 400 Seventh Street, SW., Washington, DC 20590–0001. Office hours for the FHWA are from 7:45 a.m. to 4:15 p.m., e.t., and for the FTA are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users can access all comments received by the U.S. DOT Dockets, Room PL–401, by using the universal resource locator (URL): *http://dms.dot.gov*. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may also reach the Office of the Federal Register's home page at: *http://www.archives.gov* and the Government Printing Office's Web page at: *http://www.access.gpo.gov/nara*.

Background

The FHWA in consultation with the Federal Transit Administration, published a final rule on Statewide and Metropolitan Planning on January 24, 2003, at 68 FR 3176. After reviewing the final published document, the agencies realized that there was a mistake in the definition of the non-metropolitan local official. The definition indicated that a non-metropolitan local official, ''means the elected or appointed officials of general purpose * * *''; however, the word ''or'' that follows the word ''elected'' and precedes the word ''appointed'' should be an ''and''. In the section-by-section analysis section of the preamble, the agencies explain that the definition should read ''elected and appointed officials of general purpose * * *''.

The language for the definition of non-metropolitan local official was jointly proposed by the National Association of Counties (NACO) representing the local governments, the National Association of Development Organizations (NADO) representing local officials and the American Association of State and Highway Transportation Officials (AASHTO) representing the State DOTs. The agencies reviewed this proposed definition and believed it had merit because it came from the organizations whose members are most impacted by the final rule. Therefore, this correction merely changes the ''or'' to an ''and'' to accurately reflect the definition we intended to appear in the final rule.

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA and the FTA have determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 and the U.S. Department of Transportation regulatory policies and procedures. This action merely corrects a definition used in the final rule to remove the word ''or'' and replace it with the word ''and'' as stated in the preamble to the final rule. This correction is not a substantive change to the rule, but rather, is a ministerial change necessary to accurately reflect the intent of the agencies.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601–612), the FHWA and the FTA have evaluated the effects of this final rule on small entities and has determined it will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This rule does not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub L. 104–4, March 22, 1995, 109 Stat. 48). This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million in any one year.

Executive Order 13132 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, and the agencies have determined that this action does not have sufficient federalism implications to warrant the preparation of a Federalism assessment. The FHWA and the FTA have also determined that this action does not preempt any State law or State regulation or affect the States' ability to discharge traditional State governmental functions.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction; 20.500 Federal Transit Capital Improvement Grants; 20.505, Federal Transit Metropolitan Planning Grants; 20.507, Federal Transit Formula Grants; 20515, State Planning and Research.

The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

This action does not contain a collection of information requirement under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520.

National Environmental Policy Act

The FHWA and the FTA have analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347) and have determined that this action will not have any effect on the quality of environment.

Executive Order 13175 (Tribal Consultation)

The FHWA and the FTA have analyzed this action under Executive Order 13175, dated November 6, 2000. This action will not have substantial direct effects on one or more Indian tribes; will not impose substantial direct compliance costs on Indian tribal governments; and will not preempt tribal law. Therefore, a tribal summary impact statement is not required.

Executive Order 13211 (Energy Effects)

We have analyzed this action under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that this rule is not a significant energy action under EO 11321 because this rule is not a significant regulatory action and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects under Executive Order 13211 is not required.

Executive Order 12988 (Civil Justice Reform)

This action 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.

Executive Order 13045 (Protection of Children)

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

Executive Order 12630 (Taking of Private Property)

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

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 450

Grant programs—transportation, Highways and roads, Mass transportation, Reporting and recordkeeping requirements.

Issued on: February 10, 2003.

Mary E. Peters,

Federal Highway Administrator.

In consideration of the foregoing, the Federal Highway Administration is amending title 23, Code of Federal Regulations, part 450, as set forth below:

PART 450—PLANNING ASSISTANCE AND STANDARDS

1. The authority citation for part 450 continues to read as follows:

Authority: 23 U.S.C. 134, 135, and 315; and 49 U.S.C. 5303–5306, 5323(l).

2. Amend § 450.104 to revise the definition of ''non-metropolitan local official'' to read as follows:

§ 450.104 Definitions.

* * * * *

Non-metropolitan local official means elected and appointed officials of general purpose local government, in non-metropolitan areas, with jurisdiction/responsibility for transportation.

* * * * *

[FR Doc. 03–3735 Filed 2–13–03; 8:45 am]

BILLING CODE 4910–22–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's (PBGC) regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans prescribe interest assumptions for valuing and paying benefits under terminating single-employer plans. This final rule amends the regulations to adopt interest assumptions for plans with valuation dates in March 2003. Interest assumptions are also published on the PBGC's Web site (*http://www.pbgc.gov*).

EFFECTIVE DATE: March 1, 2003.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: The PBGC's regulations prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Three sets of interest assumptions are prescribed: (1) A set for the valuation of benefits for allocation purposes under section 4044 (found in Appendix B to Part 4044), (2) a set for the PBGC to use to determine whether a benefit is payable as a lump sum and to determine lump-sum amounts to be paid by the PBGC (found in Appendix B to Part 4022), and (3) a set for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology (found in Appendix C to Part 4022).

Accordingly, this amendment (1) adds to Appendix B to Part 4044 the interest assumptions for valuing benefits for allocation purposes in plans with

valuation dates during March 2003, (2) adds to Appendix B to Part 4022 the interest assumptions for the PBGC to use for its own lump-sum payments in plans with valuation dates during March 2003, and (3) adds to Appendix C to Part 4022 the interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology for valuation dates during March 2003.

For valuation of benefits for allocation purposes, the interest assumptions that the PBGC will use (set forth in Appendix B to part 4044) will be 5.10 percent for the first 20 years following the valuation date and 5.25 percent thereafter. These interest assumptions are unchanged from those in effect for February 2003.

The interest assumptions that the PBGC will use for its own lump-sum payments (set forth in Appendix B to part 4022) will be 3.75 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. These interest assumptions are unchanged from those in effect for February 2003.

For private-sector payments, the interest assumptions (set forth in Appendix C to part 4022) will be the same as those used by the PBGC for determining and paying lump sums (set forth in Appendix B to part 4022).

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation and payment of benefits in plans with valuation dates during March 2003, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR parts 4022 and 4044 are amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

2. In appendix B to part 4022, Rate Set 113, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix B to Part 4022—Lump Sum Interest Rates for PBGC Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	
113	3–1–03	4–1–03	3.75	4.00	4.00	4.00	7	8

3. In appendix C to part 4022, Rate Set 113, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix C to Part 4022—Lump Sum Interest Rates for Private-Sector Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*		*	*
113	3–1–03	4–1–03	3.75	4.00	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

4. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

5. In appendix B to part 4044, a new entry, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix B to Part 4044—Interest Rates Used To Value Benefits

* * * * *

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
*	*	*	*		*	*
March 2003	.0510	1–20	.0525	>20	N/A	N/A

Issued in Washington, DC, on this 7th day of February 2003.

Joseph H. Grant,

Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation.

[FR Doc. 03–3691 Filed 2–13–03; 8:45 am]

BILLING CODE 7708–01–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

RIN 1010–AC82

Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Document Incorporated by Reference—American Petroleum Institute's Specification 2C for Offshore Cranes

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule.

SUMMARY: MMS is incorporating by reference into its regulations the Fifth Edition of the American Petroleum Institute's Specification for Offshore Cranes (API Spec 2C). MMS is taking this action to establish a minimum design standard for cranes installed on fixed platforms on the Outer Continental Shelf (OCS) after the effective date of this rule. The rule also requires lessees to equip all existing cranes installed on OCS fixed platforms with anti-two block safety devices. This final rule will ensure that OCS lessees use the best available and safest technologies for the design and construction of future cranes installed on the OCS.

EFFECTIVE DATE: March 17, 2003. The incorporation by reference of publications listed in the regulation is approved by the Director of the Federal Register as of March 17, 2003.

FOR FURTHER INFORMATION CONTACT: Wilbon Rhome, Industrial Specialist, Operations and Analysis Branch, at (703) 787–1587.

SUPPLEMENTARY INFORMATION: MMS is responsible for the regulation of cranes, booms, and other material-handling equipment installed on fixed platforms according to the 1998 MMS/United States Coast Guard (USCG) Memorandum of Understanding (MOU). MMS currently regulates cranes by requiring lessees and operators to comply with the American Petroleum Institute's Recommended Practice for the Operation and Maintenance of Offshore Cranes (API RP 2D), Fourth Edition. As outlined in the 1998 MOU, USCG is responsible for cranes, booms, and other material-handling equipment installed on mobile offshore drilling units and floating production systems. In short, MMS regulates cranes installed on fixed platforms and the USCG regulates cranes installed on floating facilities.

On July 19, 2001, we published a proposed rule in the **Federal Register** (66 FR 37611) to incorporate API's Specification for Offshore Cranes (API Spec 2C) and to require the installation of anti-two block devices on all cranes on fixed platforms. During the 90-day comment period (which ended on October 19, 2001), MMS received comments from one production operator, one contractor, one trade organization, one crane manufacturer, and three crane service companies. In the preamble to the proposed rule, we requested comments on nine specific questions. We grouped the comments to those questions and our responses in a table. Other comments and our responses follow.

Incorporation of API Spec 2C

This final rule adds API Specification 2C for Offshore Cranes, Fifth Edition, April 3, 1995, to those documents currently incorporated by reference into MMS regulations. MMS has reviewed this document and determined that incorporating it into our regulations ensures that industry uses the best available and safest technologies for the design and construction of cranes used on OCS fixed platforms.

The purpose of incorporating API Spec 2C into the regulations is to establish detailed requirements for the design and construction of pedestal-mounted cranes for new OCS fixed platforms. API Spec 2C includes minimum requirements for equipment, materials, manufacturing procedures, and testing (both design and operational) that are not covered in API RP 2D.

The proposed rule required that new cranes on OCS fixed platforms meet the requirements of API Spec 2C. Comments on the rule indicated that there was uncertainty about which cranes were considered new cranes. Commenters asked if a rental crane was considered a new crane when it moved to a new location and did that rental crane have to meet the requirements of API Spec 2C?

The intent of the proposed rule to incorporate API Spec 2C was twofold: (1) That newly manufactured cranes must be manufactured according to specifications of API Spec 2C; and (2) that cranes installed on new fixed platforms must be manufactured according to specifications of API Spec 2C. Since the use of the term ''new'' is not precise we revised the final rule by inserting the effective date of the final rule to clarify the intended requirements. We have revised paragraphs (c) and (d) in 30 CFR 250.108 to accurately reflect the intent of the proposed rule. These paragraphs read as follows:

''(c) If a fixed platform is installed after March 17, 2003, all cranes on the platform must meet the requirements of the American Petroleum Institute's Specification for Offshore Cranes (API Spec 2C), incorporated by reference as specified in 30 CFR 250.198.''

''(d) All cranes manufactured after March 17, 2003, and installed on a fixed platform, must meet the requirements of API Spec 2C, incorporated by reference as specified in 30 CFR 250.198.''

We do not use the term ''rental crane'' in the final rule because the comments indicated that there are differing definitions of what constitutes a rental crane. A rental crane must meet the same requirements as any other crane installed on a fixed platform. If a rental crane is manufactured after March 17, 2003, then it must meet the requirements of API Spec 2C. If a rental crane is installed on a fixed platform that was installed after March 17, 2003, then it must meet the requirements of API Spec 2C. The comments also raised the issue about the appropriate use of rental cranes. MMS will discuss this issue with interested parties after the publication of this final rule.

Several commenters pointed out that API Spec 2C applies only to pedestal-mounted cranes and that the requirements in the specification may not be appropriate for smaller cranes or other material-handling equipment. MMS understands that API Spec 2C provides specifications for pedestal-mounted cranes and that it is not intended for other types of material-handling equipment. MMS regulates other material-handling equipment by requiring lessees to operate and maintain that equipment in a manner that ensures safe operation and prevents pollution. The requirements for other material-handling equipment are contained in new 30 CFR 250.108(f), previously 30 CFR 250.108(b).

Requirement for Anti-Two Block Devices

This final rule also requires lessees to install anti-two block devices on all existing cranes within 2 years of the effective date of this rule. In the past, MMS has encouraged industry to equip all cranes operating on OCS fixed platforms with an anti-two block safety device, regardless of the age or specific use of the crane. MMS has now determined that anti-two block safety devices must be used on all cranes installed on OCS fixed platforms. We are convinced that retrofitting all existing cranes with the anti-two block safety devices will benefit the industry by increasing safety, and reducing crane incidents on the OCS.

Our concern was highlighted by the International Association of Drilling Contractors in October 2000 when it issued a safety alert titled ''Near Miss—Anti-Two Blocking Devices.'' This safety alert stated that anti-two block safety devices should be installed on all cranes because ''Having a safety device like this ensures that everything is in place to prevent a problem. The anti-two block safety device for the crane boom is a protection device as is the crown protection device on the rig's drawworks. Both are very important to working safely.''

In response to comments, the final regulations provide a 2-year transition period for the retrofitting of existing OCS fixed platform cranes with anti-two block safety devices. This additional year will allow industry adequate time to implement this change without causing undue hardships.

Recordkeeping Requirements

With the incorporation of API Spec 2C, we would include additional recordkeeping requirements in 30 CFR 250.108 to be consistent with the specification. Current regulations require you to keep inspection, testing, and maintenance records at the OCS facility for at least 2 years. The proposed rule would have expanded this requirement to retain these records for the ''life of the crane.'' Comments received on the proposed rule assert that requiring the lessees to retain these records for the life of the crane would create a significant paperwork and administrative burden. Several commenters recommended that MMS should continue to follow our existing requirements of retaining crane records for 2 years. Another commenter said that keeping inspection, testing, and maintenance records for 4 years would provide a great predictive maintenance tool in determining integrity on previous and future discrepancies. Based on these comments, we have revised the final rule to require lessees to keep inspection, testing, and maintenance records for 4 years. We believe that keeping records for an additional 2 years will allow lessees to make an improved assessment of the crane maintenance program and identify any safety trends.

The final rule also requires the lessee to retain all design and construction records, including installation records for any anti-two block safety devices, for the life of the crane at the OCS fixed platforms. The rule further modifies 30 CFR 250.108 to require lessees to keep training records on rigger personnel, as well as those for crane operators. There were no comments objecting to these requirements.

Response to Comments on Preamble Questions

In the preamble to the proposed rule, we requested comments on nine specific questions. We have grouped the comments to those questions and our responses in the following table.

MMS questions	Comments received	MMS response
(a) Will the the addition of API Spec 2C to MMS' documents incorporated by reference increase safety and safe operations on the OCS?	Most commenters agreed that incorporating API Spec 2C would increase safety on the OCS? One commenter stated that there is too much flexibility in the interpretation of API Spec 2C for it to have any effect on safety. Noted flexibility shortcomings were that Spec 2C only applied to pedestal cranes, that more specificity was needed in presenting the basis of rating for load rating charts, and the noise level allowed was too high.	MMS has incorporated API Spec 2C in the regulations to promote safe crane operations on the OCS. MMS has determined that API Spec 2C is the best available reference for the design, construction, and testing of pedestal mounted cranes for offshore use. Any valid shortcomings of this document should be addressed in the next edition. It is not a shortcoming of this document in that it only applies to pedestal-mounted cranes.

MMS questions	Comments received	MMS response
(b) Are there other standards for offshore cranes that may be appropriate for MMS to incorporate as part of MMS' regulations?	All commenters with the exception of one responded ''no'' to this question. One commenter stated that MMS should accept cranes certified in accordance with the requirements of the American Bureau of Shipping (ABS) Certification of Cranes (ABS 1991).	MMS reviewed the ABS standard and, while we recognize that there are some similarities between ABS and API Sec 2C, we do not think that ABS is as widely accepted or recognized as an industry standard for cranes on OCS fixed platforms.
(c) When should MMS require all cranes on OCS fixed platforms to be fully compliant with API Spec 2C?	Most commenters said that many cranes cannot become compliant with API Spec 2C for a number of reasons (*i.e.,* engineering data not available, some cranes used offshore are not offshore are not pedestal cranes so they cannot comply with API Spec 2C, etc). Even if you could retrofit some of the cranes the costs would exceed the benefits. A couple of commenters said MMS should grandfather older cranes under any new regulations.	MMS understands that there are many types of cranes working on fixed platforms on the OCS. The final rule clarifies that the only cranes that must meet the requirements of API Spec 2C are: • If a fixed platform is installed engineering data after March 17, 2003, all cranes on the platform must meet the requirements of the American Petroleum Institutes's Specification for Offshore Cranes (API Spec 2C), incorporated by references as specified in 30 CFR 250.108. • All cranes manufactured after March 17, 2003, and installed on a fixed platform, must meet the requirements of API Spec 2C, incorporated by reference as specified in 30 CFR 250.108. Except for these cases, the final rule does not prohibit the use of cranes that do not meet the requirements of API Spec 2C.
(d) Is a 1-year transition period enough time for industry to comply with the change proposed in 30 CFR 250.108(c)?	One commenter stated that 1 year should offer enough time to comply if MMS is willing to accept as ''existing'' any cranes that had been ordered prior to the date of the final rule. Several commenters stated that the 1-year transition period is inadequate and will not allow for a systematic approach for retrofitting pre-1983, older model, and existing mechanical cranes with the required anti-two block safety device.	MMS revised the final rule to provide 2 years instead of 1 year for installing the anti-two block safety device on all existing cranes because the proposed 1-year transition period did not allow adequate time for all lessees to install the anti-two block device on the necessary cranes. The final rule does not require the retrofitting of any cranes to the specifications of API Spec 2C.
(e) Should MMS establish a requirement similar to the U.S. Coast Guard (USCG), which requires cranes to be installed according to an approved crane plan and inspected and load tested by an Agency-approved third party when the crane is installed?	One commenter stated that it used a third-party crane servicing company to conduct the initial load test for all temporary crane installations and recommended this practice for all initial installations of temporary cranes. One commenter recommended the installation of cranes according to plan approved by a qualified engineer but third-party witnessing was not necessary. Another said API RP 2D adequately addresses requirements for new crane installations. Another period out the crane manufacturer or crane manufacturer's qualified agent should perform the installation, inspection, and load testing of new cranes. The commenter also saw no value in a third party witnessing the installation because it does not perform any type of inspection other than a walk-around, visual type of inspection.	This final rule does not require an approved crane plan or third-party inspection for the installation of cranes. As pointed out by several commenters, API RP 2D does address load testing for the installation of new cranes placed in service, cranes that are being permanently relocated, and rental cranes after each rig-up or relocation. However, MMS believes that the installation of rental cranes and the relocation of cranes are issues that warrant additional discussions with operators, crane manufacturers, crane service companies, and other interested parties. MMS will being discussions with interested parties after the publication of this final rule.
(f) Should MMS require all new cranes for installation on OCS fixed platforms to have an API monogram on the nameplate of the crane as evidence of certification of anti-two block safety device?	Several commenters pointed out that manufacturers that apply the API monogram to the nameplate are warranting that they have an API license and that the construction of the crane complies in *all* details to API Spec 2C (not limited just to certification of the anti-two block safety devices).	MMS understands that all manufacturers that participate in the monogram program must meet all requirements set forth in API Spec 2C, including evidence of certification of the anti-two block safety devices. The API monogram is strictly voluntary and MMS has no plans to make this program a requirement.

MMS questions	Comments received	MMS response
(g) Should a rental crane that is installed on OCS fixed platforms be considered a new crane and, therefore be required to be fully compliant with API Spec 2C?	All that commented said that rental cranes should not be considered a new crane. Additional comments were:. • But rental cranes should meet API Spec 2C. • It is not practical to retroactively seek certification of existing rental cranes. • All new rental cranes should be compliant with API Spec 2C, but some existing rental cranes may not be able to be brought to the specification. ''Rental cranes'' covers a large variety of lifting devices. A considerable number of rental cranes are misrepresented. All rental cranes that are designed to pick up over 10,000 pounds should be required to meet the requirements of API Spec 2C.	The term ''rental crane'' is not used in the final rule. The final rule clarifies which cranes must meet the requirements of API Spec 2C. The response to question (c) identifies the cranes that must meet the specification. Comments on rental cranes indicated that there are differing definitions of what constitutes a rental crane. The comments also raise the issue about the appropriate use of rental cranes. MMS will include these issues in the discussion with interested parties after the publication of the final rule.
(h) Should MMS limit the type of anti-two block devices that are acceptable? What are the known failure rates of the different types?	One commenter said that all hydraulic cranes should have a shut down system as the anti-two block device. Mechanical cranes could allow for audible alarms until the crane has a major overhaul. Another commenter states that MMS should limit the types of anti-two block safety devices to those capable of shutting down the crane. One comment was that MMS should not limit the types of anti-two block devices because API 2C adequately addresses the issue. One comment suggested that MMS examine the Society of Automotive Engineers (SAE) standards regarding problems that may be encountered with the different types of anti-two block safety devices. One commenter stated the repeated testing as required by API RP 2D leads to the failure of the device.	The final does not limit the type of anti-two block devices that must be installed on all cranes. The final rule provides lessees and operators the flexibility and opportunity to choose the anti-two block safety device that best suits the particular operation. Limiting lessees to a certain type of anti-two block device could create a financial hardship and may not increase safety. It is the lessee's responsibility to operate its cranes safely. The MMS' review of the SAE standard did not reveal any new information that could be used as part of this final rule.
(i) Should MMS consider an additional cost factor for retrofitting existing cranes with the anti-two block safety device (*e.g.,* an associated cost for the amount of time a crane is expected to be out-of-service while it is being retrofitted).	One commenter said that MMS should consider all costs associated with the installation of anti-two blocks. Another said MMS should consider out-of-service time while another commenter said that the time to install the necessary equipment could be planned to minimize or eliminate any out-of-service time. MMS should also consider the cost of replacing a crane if it can't be retrofitted for an anti-two block device	With proper planning (*e.g.*, parts and personnel are at the work location before the crane is taken out of service), lessees should be able to keep out-of-service time a minimum. The final rule now provides a 2-year instead of the 1-year transition period that was in the proposed rule. This revision ensures that lessees will have sufficient time to install an anti-two block device without disrupting crane activities. MMS has determined that any additional costs associated with retrofitting existing cranes should be minimized and were considered in this rulemaking.

As noted in the responses to question (e), MMS believes that the installation of rental cranes and the relocation of cranes are issues that warrant additional attention. There have been numerous incidents and serious accidents involving the installation and use of rental cranes, including a fatal accident that occurred on May 5, 2002. However, any additional regulatory actions dealing with rental cranes are beyond the scope of this rulemaking. MMS will initiate discussions with operators, crane manufacturers, crane service companies, and other interested parties on the issues concerning rental cranes.

Finally, one commenter provided several relatively inexpensive suggestions and modifications for making older cranes (pre-1983) safer. These suggestions and modifications are:

• Maintain and post ''Actual Lift Capacity Charts'' in the cab of crane.

• Install high angle safety systems for lattice boom cranes or cranes that use a boom hoist and wire rope to lift the boom.

• Upgrade wire rope to meet the latest API Spec 2C safety factors.

• Post caution signs on all pre-1983 cranes and all non-API cranes to warn the crane operators that these cranes may not have the same safety factors as cranes built after 1983.

MMS is passing these suggestions on to lessees, operators, and contractors in the hope that they may be used to improve crane safety on the OCS.

Procedural Matters

The specifications in the API Spec 2C document we are incorporating by reference are currently widely accepted industry standards. The USCG has already incorporated API Spec 2C into its regulations. All cranes manufactured after 1983 came equipped with the anti-two block safety devices, and many earlier model cranes have been retrofitted with the anti-two block safety devices. The final rule will cause lessees to retrofit approximately 200 cranes that currently do not have anti-two block devices. MMS estimates that this will cost lessees approximately $800,000.

The final rule also provides 2 years for industry to complete the retrofit. The 2-year period will allow industry to schedule the required retrofits in a systematic approach. Therefore, this regulation's impact on the entire OCS oil and gas industry is minor.

Regulatory Planning and Review (Executive Order 12866)

This document is not a significant rule and is not subject to review by the Office of Management and Budget (OMB) under Executive Order 12866.

(1) This rule will not have an annual economic effect of $100 million or adversely affect an economic sector, productivity, jobs, the environment, or other units of government. A cost-benefit and economic analysis is not required. The major purpose of this final rule is to establish a minimum design standard for future cranes installed on fixed platforms on the OCS and to prevent accidents that can be prevented by equipping cranes with anti-two block safety devices. This rule requires lessees to equip all existing cranes installed on OCS fixed platforms with anti-two block safety devices by March 16, 2005. Since API Spec 2C has already been accepted as an industry standard by most of the offshore community, including the USCG, the impact of this regulation on the entire industry is minor. Therefore, the associated costs to equip the remaining cranes, not previously retrofitted with anti-two block safety devices, will be minor. Based on our experience and information in MMS's Technical Information Management System, we estimate that about 5 percent (or a total of not more than 200) of the estimated 4,000 cranes located on OCS fixed platforms will need to be retrofitted with the anti-two block safety device. We estimate that this will cost approximately $4,000 per retrofit, for a total cost of not more than $800,000.

(2) This final rule will not create inconsistencies with other agencies' actions. This rule will not affect how lessees or operators interact with other agencies.

(3) This final rule will not affect entitlements, grants, user fees, loan programs, or their recipients. The rule deals only with the action to incorporate by reference API Spec 2C into our regulations.

(4) This final rule will not raise novel legal or policy issues. The final rule does involve a new policy issue to require lessees to equip all new and existing cranes installed on OCS fixed platforms with anti-two block safety devices, but this new policy decision is not ''novel.'' The final rule simply addresses recognized gaps in our safety regulations. These minimum requirements are generally accepted industry practices.

Regulatory Flexibility (RF) Act

The Department certifies that this rule will not have a significant economic effect on a substantial number of small entities as defined under the RF Act (5 U.S.C. 601 *et seq.*). An RF Analysis is not required. Accordingly, a Small Entity Compliance Guide is not required.

The provisions of this rule will not have a significant economic effect on lessees and operators, including those that are classified as small businesses. The Small Business Administration (SBA) defines a small business as having:

- Annual revenues of $5 million or less for exploration service and field service companies.
- Fewer than 500 employees for drilling companies and for companies that extract oil, gas, or natural gas liquids.

Offshore lessees/operators are classified under SBA's North American Industry Classification System (NAICS) code 211111 (Crude Petroleum and Natural Gas Extraction) and NAICS 213111 code (Drilling Oil and Gas Wells). We estimate approximately 130 companies will be affected by this rulemaking. According to SBA criteria, 39 companies are large firms, leaving approximately 91 companies (70 percent) that may qualify as small firms with fewer than 500 employees.

We estimate that about 5 percent of the 4,000 cranes (not more than 200) located on the OCS need to be retrofitted with anti-two block safety devices. Retrofitting an existing crane with an anti-two block system would cost approximately $4,000. Since 70 percent of the businesses operating on the OCS are small business firms, a corresponding 70 percent of the 200 cranes to be retrofitted would most likely involve small entities. The cost to small entities to retrofit these 140 cranes with anti-two block safety devices to comply with this standard is estimated to be $560,000 (140 × $4,000 = $560,000).

While MMS does not know how many cranes each small operator must retrofit, MMS expects that the typical small operator would need to retrofit one or two cranes during the 2-year period allowed by the final rule. The cost for the typical small operator would be between $4,000 and $8,000 over the 2-year period. This cost does not constitute a significant impact to the typical small operator. There may be a few small operators that will need to retrofit several more cranes than the typical small operator. The costs for these few small operators could double or triple the costs incurred by the typical small operator. However, MMS believes that even these increased costs do not constitute a significant impact to these small operators. In addition, an operator can decide not to retrofit the crane with an anti-two block device. The operator has the option of taking the crane out of service or obtaining a rental crane to take its place. Therefore, this rule does not constitute a significant impact upon a substantial number of small entities.

This final rule applies to all lessees and operating companies that operate cranes on OCS fixed platforms. Incorporation of this new document into MMS regulations will:

(1) Increase safety;

(2) Provide the oil and gas industry with uniform guidelines and detailed requirements for design and construction of pedestal-mounted cranes for OCS fixed platforms; and

(3) Provide for consistency with other regulatory agencies such as the USCG.

Your comments are important. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MMS, call toll-free (888) 734–3247. You may comment to the Small Business Administration without fear of retaliation. Disciplinary action for retaliation by an MMS employee may include suspension or termination from employment with the Department of the Interior.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), SBREFA. This rule:

(1) Does not have an annual effect on the economy of $100 million or more. The final rule will not cause any significant costs to lessees or operators. The only costs will be the purchase of the API Spec 2C document, minor revisions to company operating procedures, and the installation of an anti-two block device on cranes installed on OCS fixed platforms that do not already have this safety device. These costs should be approximately $800,000 for the entire industry.

(2) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or

local government agencies, or geographic regions.

(3) Will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises. This rule applies to the lessees operating cranes on OCS fixed platforms.

Paperwork Reduction Act (PRA) of 1995

According to the PRA, an agency may not conduct or sponsor a collection of information unless it displays a current OMB control number. Until OMB approves the collection of information and assigns a control number, you are not required to respond. In connection with the proposed rulemaking, we submitted the information collection requirements to OMB for review and approval under section 3507(d) of the PRA. OMB approved the collection and assigned OMB control number 1010–0146, with a current expiration date of September 30, 2004. The information collection requirements in these final regulations remain unchanged from those OMB approved for the proposed rule, with one exception. We reduced certain proposed record retention requirements from ''life of the crane'' to 4 years. Since this change will have no effect on the annual paperwork burden of the regulations, we have determined that MMS is not required to resubmit the information collection requirements in the final regulations to OMB for approval.

The title of the collection of information for this final rule is ''30 CFR 250, Subpart A—Crane Requirements.'' Potential respondents are approximately 130 Federal OCS lessees and operators. The paperwork requirements in the final regulations are mandatory. This collection does not include proprietary information or questions of a sensitive nature. MMS will use the information to determine that crane operations are safe and that crane operators and rigger personnel meet the physical qualifications and have completed appropriate training.

Current regulations at 30 CFR 250.108(d)(2) require that lessees retain records on testing, inspection, and maintenance of cranes installed on OCS fixed platforms for 2 years, and retain records on crane operator qualifications for at least 4 years. As previously discussed, this final regulation revises the 2-year retention period to 4 years, and expands the qualification recordkeeping to include rigger personnel as well as crane operators. The final regulations also require lessees to retain records on crane design, construction, and retrofitting for the life of the crane. MMS estimated the paperwork burden to be an additional 2 hours per respondent each year for the expanded recordkeeping requirements. OMB approved a for a total of 260 annual burden hours for this requirement.

Federalism (Executive Order 13132)

According to Executive Order 13132, this rule does not have Federalism implications. This rule does not substantially and directly affect the relationship between the Federal and State governments because it concerns the manufacturing requirements for specific equipment used in offshore oil and gas activities. The rule only affects manufacturers and users of such equipment. This rule does not impose costs on State or localities, as it only affects manufacturers and users of specific equipment used in offshore oil and gas activities.

Takings Implication Assessment (Executive Order 12630)

According to Executive Order 12630, this rule does not have significant Takings implications. A Takings Implication Assessment is not required.

Civil Justice Reform (Executive Order 12988)

According to Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

National Environmental Policy Act (NEPA) of 1969

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the NEPA is not required.

Unfunded Mandates Reform Act (UMRA) of 1995

This rule does not impose an unfunded mandate on State, local, and tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the UMRA (2 U.S.C. 1531 *et seq.*) is not required.

Government-to-Government Relationship With Tribes

According to the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951) and 512 DM 2, we have determined that there are no effects from this action on Federally-recognized Indian tribes.

List of Subjects

Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Incorporation by reference, Investigations, Mineral royalties, Oil and gas development and production, Oil and gas exploration, Oil and gas reserves, Penalties, Pipelines, Public lands—mineral resources, Public lands—rights-of-way, Reporting and recordkeeping requirements, Sulphur development and production, Sulphur exploration, Surety bonds.

Dated: January 29, 2003.

Rebecca W. Watson,

Assistant Secretary, Land and Mineral Management.

For the reasons stated in the preamble, the Minerals Management Service amends 30 CFR part 250 as follows:

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

1. The authority citation for part 250 continues to read as follows:

Authority: 43 U.S.C. 1331, *et seq.*

2. Section 250.108 is revised as follows:

§ 250.108 What requirements must I follow for cranes and other material-handling equipment?

(a) All cranes installed on fixed platforms must be operated in accordance with American Petroleum Institute's Recommended Practice for Operation and Maintenance of Offshore Cranes (API RP 2D), incorporated by reference as specified in 30 CFR 250.198.

(b) All cranes installed on fixed platforms must be equipped with a functional anti-two block device by March 16, 2005.

(c) If a fixed platform is installed after March 17, 2003, all cranes on the platform must meet the requirements of the American Petroleum Institute's Specification for Offshore Cranes (API Spec 2C), incorporated by reference as specified in 30 CFR 250.198.

(d) All cranes manufactured after March 17, 2003, and installed on a fixed platform, must meet the requirements of API Spec 2C, incorporated by reference as specified in 30 CFR 250.198.

(e) You must maintain records specific to a crane or the operation of a

crane installed on an OCS fixed platform, as follows:

(1) Retain all design and construction records, including installation records for any anti-two block safety devices, for the life of the crane. The records must be kept at the OCS fixed platform.

(2) Retain all inspection, testing, and maintenance records of cranes for at least 4 years. The records must be kept at the OCS fixed platform.

(3) Retain the qualification records of the crane operator and all rigger personnel for at least 4 years. The records must be kept at the OCS fixed platform.

(f) You must operate and maintain all other material-handling equipment in a manner that ensures safe operations and prevents pollution.

3. In § 250.198, in the table in paragraph (e) a new entry for ''API Spec 2C'' is added in alphanumerical order, and the entry for ''API RP 2D'' is revised as follows:

§ 250.198 Documents incorporated by reference.

* * * * *

(e) * * *

Title of documents	Incorporated by reference at
* * * * * * *	
API Spec 2C, Specification for Offshore Cranes, Fifth Edition, April 1, 1995, API Stock No. G02C05	§ 250.108(c) and (d).
API RP 2D, Recommended Practice for Operation and Maintenance of Offshore Cranes, Fourth Edition, August 1, 1999, API Stock No. G02D04.	§ 250.108(a).
* * * * * * *	

[FR Doc. 03–3424 Filed 2–13–03; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 321, 351, 352, 353, 359, and 360

United States Savings Bonds; Extension of Holding Period; Correction

AGENCY: Bureau of the Public Debt, Fiscal Service, Treasury.

ACTION: Final rule; correction.

SUMMARY: We published a final rule in the **Federal Register** of January 17, 2003, increasing the period of time that owners of United States Series EE and I Savings Bonds must hold their bonds before the bonds are eligible for redemption. The mandatory holding period increased from 6 months to 12 months for bonds purchased on or after February 1, 2003. Although the rule correctly references the February 1, 2003 date for bonds affected by the increased holding period, the rule stated that bonds issued December 1, 2002, or earlier, are unaffected by the change and continue to retain the 6 months holding period. The rule should have stated that bonds issued January 1, 2003, or earlier, will continue to retain the 6 months holding period. This document corrects that misstatement.

EFFECTIVE DATE: Effective on February 1, 2003.

ADDRESSES: You can download this correction at the following Internet address: *http://www.publicdebt.treas.gov*.

FOR FURTHER INFORMATION CONTACT: Susan Klimas, Attorney-Adviser, Office of the Chief Counsel, Bureau of the Public Debt, at (304) 480–8692 or *(susan.klimas@bpd.treas.gov)*.

Dean Adams, Assistant Chief Counsel, Office of the Chief Counsel, Bureau of the Public Debt, at (304) 480–8692 or *(dean.adams@bpd.treas.gov)*.

SUPPLEMENTARY INFORMATION: We published in the January 17, 2003 **Federal Register** a final rule that increased the period of time that owners of United States Series EE and I Savings Bonds must hold their bonds before the bonds are eligible for redemption. This mandatory holding period increased from 6 months to 12 months for bonds purchased on or after February 1, 2003. Although the rule correctly references the February 1, 2003 date for bonds affected by the increased holding period, the rule stated that bonds issued December 1, 2002, or earlier, are unaffected by the change. (The issue date of a Series EE or I bond is the first day of the month in which a qualified issuing agent or organization receives or accumulates the full purchase price of the bond.) The rule should have stated that bonds issued January 1, 2003, or earlier, continue to retain the 6 months holding period. The misstatement could cause confusion for bond owners who purchased bonds during December 2002. This document corrects that misstatement.

In the FR Document 03–1114 published on January 17, 2003, (Vol. 68, No. 12, page 2666–2667, make the following corrections: change ''December 1, 2002'' to ''January 1, 2003,'' where it appears in §§ 321.8(a)(1), 321.9(a)(1), Appendix to Part 321, section (8)(a), §§ 351.2(d), 352.7(a), 353.35(b), 359.6(a), and 360.35(b).

Dated: February 12, 2003.

Van Zeck,

Commissioner, Bureau of the Public Debt.

[FR Doc. 03–3820 Filed 2–13–03; 8:45 am]

BILLING CODE 4810–39–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–03–003]

RIN 2115–AE47

Drawbridge Operating Regulations; Gulf Intracoastal Waterway, Grand Lake, LA

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation governing the operation of the SR 384 (Grand Lake) pontoon bridge across the Gulf Intracoastal Waterway, mile 231.4 West of Harvey Locks, at Grand Lake, Cameron Parish, Louisiana. This deviation allows the bridge to remain closed to navigation for two four-hour periods, Monday through Thursday, from February 17 through March 27, 2003. The deviation is necessary to allow for the repairs to the fender system of the bridge.

DATES: This deviation is effective from 7 a.m. on Monday, February 17, 2003 until 5 p.m. on Thursday, March 27, 2003.

ADDRESSES: Materials referred to in this document are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, room 1313, 501 Magazine Street, New Orleans, Louisiana 70130–3396 between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is 504–589–2965. The Bridge Administration Branch, Eighth District, maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: David Frank, Bridge Administration Branch, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION: The Louisiana Department of Transportation and Development has requested a temporary deviation in order to repair the fender system of the bridge. The repairs are necessary for the continued safe operation of the bridge. This deviation allows the draw of the SR 384 bridge to remain closed to navigation from 7 a.m. until 11 a.m. and from 1 p.m. until 5 p.m. daily, Monday through Thursday, from February 17, 2003 through March 27, 2003.

The pontoon bridge has no vertical clearance in the closed-to-navigation position. The bridge normally opens to pass navigation an average of 1005 times a month. In accordance with 33 CFR 117.5, the bridge opens on signal for the passage of vessels. The bridge will be able to open for emergencies during the closure period; however, pile-driving equipment will have to be secured and moved prior to the opening of the bridge. Navigation on the waterway consists mainly of tugs with tows and some fishing vessels. No practical alternate route is readily available.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: February 5, 2003.

Marcus Redford,

Bridge Administrator.

[FR Doc. 03–3738 Filed 2–13–03; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[LA–63–2–7585; FRL–7451–8]

Approval of Revisions to the Louisiana Department of Environmental Quality Title 33 Environmental Quality Part III; Chapter 6 Emission Reduction Credits Banking in Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: The Environmental Protection Agency (EPA) published in the **Federal Register** of September 27, 2002 (67 FR 60871) a document approving revisions to the Louisiana Department of Environmental Quality Title 33 Environmental Quality Part III; Air Chapter 6 Emission Reduction Credits Banking in Nonattainment Areas. This document corrects an error in the September 30, 2002, rulemaking action.

EFFECTIVE DATE: This rule will be effective February 14, 2003.

FOR FURTHER INFORMATION CONTACT: Ms. Laura Stankosky of the EPA Region 6 Air Permits Section at (214) 665–7525.

SUPPLEMENTARY INFORMATION: The EPA published in the **Federal Register** of September 27, 2002 (67 FR 60871) a document approving revisions to the Louisiana Department of Environmental Quality Title 33 Environmental Quality Part III; Air Chapter 6 Emission Reduction Credits Banking in Nonattainment Areas. On page 60873 of the September 27, 2002 action, EPA incorrectly stated that Tulane Environmental Law Clinic (TELC) submitted comments. We should instead have stated that the TELC submitted comments on behalf of its client, the Louisiana Environmental Action Network (LEAN).

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

Dated: January 30, 2003.

Lawrence E. Starfield,

Acting Regional Administrator, Region 6.

[FR Doc. 03–3583 Filed 2–13–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–2003–0034; FRL–7291–3]

Imazamox; Exemption from the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of the imazamox on all food commodities when applied/used as a herbicide. The Interregional Research Project Number 4 (IR-4) submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996, requesting an exemption from the requirement of a tolerance. After review of the available data, EPA determined that the toxicological profile for imazamox supports an exemption from the requirement of a tolerance; no adverse effects were observed in the submitted toxicological studies regardless of the route of exposure. Since this regulation eliminates the need to establish maximum permissible levels for residues of imazamox, the Agency is also deleting 40 CFR 180.508, which includes previously established maximum permissible levels for residues of imazamox.

DATES: This regulation is effective February 14, 2003. Objections and requests for hearings, identified by docket ID number OPP–2003–0034, must be received on or before April 15, 2003.

ADDRESSES: Written objections and hearing requests submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit IX. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Hoyt Jamerson, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–9368; e-mail address: jamerson.hoyt@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production
- Animal production
- Food manufacturing
- Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American

Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. 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–2003–0034. 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/. A frequently updated electronic version of 40 CFR part 180 is available at http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html, a beta site currently under development. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at http://www.epa.gov/opptsfrs/home/guidelin.htm.

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. 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. Once in the system, select ''search,'' then key in the appropriate docket ID number.

II. Background and Statutory Findings

In the **Federal Register** of December 23, 2002 (67 FR 78229) (FRL–7284–5), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, as amended by the Food Quality Protection Act (FQPA) (Public Law 104–170), announcing the filing of a pesticide tolerance petition (PP 2E6472) by BASF Corporation, 26 Davis Drive, Research Triangle Park, NC 27709. This notice included a summary of the petition prepared by BASF Corporation. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of imazamox (2-[4,5-dihydro-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-5-methoxymethyl-3-pyridinecarboxylic acid) in or on all food commodities.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. * * *''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings.

III. Toxicological Profile

Consistent with section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by imazamox are discussed in this unit.

TABLE 1.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY

Guideline No.	Study Type	Results
870.3100	90-Day oral toxicity rodents	NOAEL = 1661 milligram/kilogram/day (mg/kg/day), highest dose tested (HDT) There were no treatment-related effects observed in this study.
870.3150	90-Day oral toxicity in nonrodents	NOAEL = 1.3 gram/kilogram/day (g/kg/day) (HDT) There were no treatment-related effects observed in this study.
870.3200	21/28-Day dermal toxicity	NOAEL = 1000 mg/kg/day (HDT) There were no observed toxic effects at any dose level.
870.3700a	Prenatal developmental in rodents (rat)	Maternal NOAEL = > 1000 mg/kg/day (limit dose)

TABLE 1.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY—Continued

Guideline No.	Study Type	Results
		No maternal toxicity or clinical signs of toxicity were observed. Mean body weight gain was reduced during the early dosing periods (days 6–12) at the 1000 mg/kg/day dose compared to the control group. Body weights were comparable between the treated and the control groups for the remainder of the dosage period (days 12–16) and the post dosage period (days 16 to 20). Slightly reduced mean body weight gain observed during early dosing period (days 6–12) was not considered biologically relevant. Developmental NOAEL = equal to or greater than 1000 mg/kg/day. No treatment-related fetal gross external, visceral or skeletal malformations or variations were seen at any dose level.
870.3700b	Prenatal developmental in nonrodents (rabbit)	Maternal NOAEL = 900 mg/kg/day (HDT) Marginally reduced body weights and slightly decreased food consumption in F1 males and females were observed in in test animals at the 900 mg/kg/day dose level, but were not considered biologically significant. Developmental NOAEL = equal to or greater than 900 mg/kg/day (HDT) There were no treatment-related developmental effects observed at any of the administered dose levels.
870.3800	Reproduction and fertility effects	Parental/Systemic NOAEL = 1469 mg/kg/day in males/ 1705 mg/kg/day in females (HDT) There were no treatment-related systemic or reproductive toxicity observed at any of the administered dose levels.
870.4100b	Chronic toxicity dogs	NOAEL = 1,165 mg/kg/day (HDT) There were no treatment-related effects observed at any of the administered dose levels.
870.4200	Carcino-genicity rats	NOAEL = 1,068 mg/kg/day in males/1,284 mg/kg/day in females (HDT) There were no treatment-related effects observed in this study. There was no evidence of carcinogenicity in rats treated with imazamox in the diet for 24 months. The highest dose tested (1,068/1,284 mg/kg/day) is considered an adequate upper limit for this study.
870.4300	Carcino-genicity mice	NOAEL = 1,053 mg/kg/day for males (HDT)/1,348 mg/kg/day for females (HDT) There were no treatment-related effects observed in this study. There was no evidence of carcinogenicity in mice treated with imazamox in the diet for 24 months. The highest dose tested (1,053/1,348 mg/kg/day) is considered an adequate upper limit for this study.
870.5100	Gene Mutation	Negative
870.5375	Cytogenetics	Negative
870.5385	Other Effects	Negative
870.7485	Metabolism and pharmacokinetics	[^{14}]CImazamox was readily absorbed by male and female rats following intravenous or oral dosing. Imazamox was rapidly excreted as the unchanged parent compound, primarily in the urine following intravenous administration and in the urine and feces following oral administration.

IV. Toxicological Endpoints

The dose at which no adverse effects are observed (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. Based on a review of the available data, EPA concluded that imazamox showed no toxicological endpoints of concern and, therefore, no dietary, occupational, residential, or aggregate risk assessments are needed.

V. Aggregate Exposures

In examining aggregate exposure, FFDCA section 408 directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures, including drinking water from ground water or surface water and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

A. Dietary Exposure

1. *Dietary exposure from food and feed uses.* Tolerances have been established (40 CFR 180.508) for residues of imazamox, per se, in or on canola and the legume vegetable group; imazamox and its metabolite AC263284 in or on wheat (bran, germ, grain, forage, hay, shorts, and straw); and imazamox and its metabolites AC26284 and AC312622 in or on alfalfa (seed, forage and hay). Time-limited tolerances for section 18 emergency exemptions are established for dry bean and canola. Section 180.508, which lists the maximum permissible levels for imazamox, will be removed since this regulation eliminates the need to establish maximum permissible levels for residues of the pesticide.

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. EPA concluded that no acute toxicological endpoint was identified from the toxicological studies submitted for imazamox, including oral developmental toxicity studies in rats and rabbits. Therefore, an acute dietary risk assessment was not conducted.

ii. *Chronic exposure.* EPA concluded that a chronic dietary risk assessment is not needed since no toxicity was observed at doses exceeding the Limit-Dose (1,000 mg/kg/day and higher) in chronic and subchronic studies in mice, rats, and dogs. A dose of 1,000 mg/kg/day is equivalent to a human diet in which the pesticide comprises approximately 7 percent of dietary consumption.

iii. *Cancer.* Imazamox is classified as a ''not likely human carcinogen'' based on the lack of evidence of carcinogenicity in mice and rats. Therefore a cancer risk assessment was not performed.

2. *Drinking water exposure.* The Agency lacks sufficient monitoring exposure data to complete a comprehensive dietary exposure analysis and risk assessment for imazamox in drinking water. Because the Agency does not have comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the physical characteristics of imazamox.

The Agency uses the First Index Reservoir Screening Tool (FIRST) or the Pesticide Root Zone/Exposure Analysis Modeling System (PRZM/EXAMS), to produce estimates of pesticide concentrations in an index reservoir. The SCI-GROW model is used to predict pesticide concentrations in shallow groundwater. For a screening-level assessment for surface water EPA will use FIRST (a tier 1 model) before using PRZM/EXAMS (a tier 2 model). The FIRST model is a subset of the PRZM/EXAMS model that uses a specific high-end runoff scenario for pesticides. While both FIRST and PRZM/EXAMS incorporate an index reservoir environment, the PRZM/EXAMS model includes a percent crop area factor as an adjustment to account for the maximum percent crop coverage within a watershed or drainage basin.

None of these models include consideration of the impact processing (mixing, dilution, or treatment) of raw water for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a coarse screen for sorting out pesticides for which it is highly unlikely that drinking water concentrations would ever exceed human health levels of concern.

Based on the FIRST and SCI-GROW models the estimated environmental concentrations (EECs) for imazamox for acute exposures are estimated to be 5.7 parts per billion (ppb) for surface water and 1.0 ppb for ground water. The EECs for chronic exposures are estimated to be 0.61 ppb for surface water and 1.0 ppb for ground water.

B. Other Non-Occupational Exposure

The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Imazamox is not registered or proposed for use on any sites that would result in residential exposure.

VI. Cumulative Effects

Section 408(b)(2)(D)(v) of the FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA does not have, at this time, available data to determine whether imazamox has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, imazamox does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that imazamox has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

VII. Determination of Safety for U.S. Population, Infants and Children

1. *U.S. Population.* The toxicological profile for imazamox supports a tolerance exemption since no adverse effects were observed in the submitted toxicological studies regardless of the route of exposure. EPA does not expect imazamox to pose a dietary risk under reasonable foreseeable circumstances and, thus, EPA concludes that there is a reasonable certainty of no harm from aggregate exposure to imazamox residues. Accordingly, EPA finds that exempting imazamox from the requirement of a tolerance will be safe.

2. *Infants and children.* Section 408 of the FFDCA provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a MOE analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

EPA concludes there is a complete toxicity data base for imazamox and there is no evidence of pre-natal or post-natal toxicity to rat or rabbit fetuses following in utero exposure in the developmental studies or to young rats in the reproduction study. Due to the lack of toxicity in the animal studies,

EPA did not use a margin of exposure (safety) approach to assess the safety of imazamox. For this same reason, an additional margin of safety is not needed for infants and children. The Agency concludes that an exemption from the requirement of a tolerance for imazamox will be safe for infants and children.

VIII. Other Considerations

A. Analytical Method(s)

An analytical method for enforcement purposes is not required, this action eliminates the need for maximum permissible levels for residues of imazamox in or on food commodities.

B. Existing Tolerances

Tolerances are established (40 CFR 180.508) for residues of imazamox, per se, in or on canola and the legume vegetable group; imazamox and its metabolite AC263284 in or on wheat (bran, germ, grain, forage, hay, shorts, and straw); and imazamox and its metabolites AC26284 and AC312622 in or on alfalfa (seed, forage and hay). Time-limited tolerances for section 18 emergency exemptions are established for dry bean and canola. Section 180.508 will be removed since this regulation eliminates the need for maximum permissible levels for residues of the pesticide.

C. International Tolerances

There are no established or proposed Codex Maximum Residue Limits (MRLs) for imazamox.

IX. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number OPP–2003–0034 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before April 15, 2003.

1. *Filing the request*. Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. You may also deliver your request to the Office of the Hearing Clerk in Rm.104, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (703) 603–0061.

2. *Tolerance fee payment*. If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it ''Tolerance Petition Fees.''

EPA is authorized to waive any fee requirement ''when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection.'' For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

3. *Copies for the Docket*. In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit IX.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.1. Mail your copies, identified by docket ID number OPP–2003–0034, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.1. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

X. Statutory and Executive Order Reviews

This final rule establishes an exemption from the tolerance

requirement under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, 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). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on 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, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers, and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, 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.'' ''Policies that have tribal implications'' is defined in the Executive order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.'' This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

XI. 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 this final rule in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 4, 2003.

Debra Edwards,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

§ 180.508 [Removed]

2. Section 180.508 is removed.

3. Section 180.1223 is added to subpart D to read as follows:

§ 180.1223 Imazamox; exemption from the requirement of a tolerance.

The herbicide imazamox, (±) 2, -[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-5-(methoxymethyl)-3-pyridinecarboxylic acid, is exempt from the requirement of a tolerance on all food commodities when applied as a herbicide in accordance with good agricultural practices.

[FR Doc. 03–3699 Filed 2–13–03; 8:45 am]

BILLING CODE 6560–50–S

LEGAL SERVICES CORPORATION

45 CFR Part 1602

Procedures for Disclosure of Information Under the Freedom of Information Act

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: This Final Rule makes several revisions to the LSC regulations implementing the Freedom of Information Act. The revisions add provisions detailing the submitter's rights process, provide LSC with express authority to defer action on pending and additional requests and appeals when a requester has an outstanding fee balance, and clarify the applicable fee waiver standards. LSC is also revising the applicable fee structure to better reflect LSC's costs in complying with FOIA. Finally, the Final Rule contains technical changes to reflect current LSC nomenclature.

DATES: This Final Rule is effective March 17, 2003.

FOR FURTHER INFORMATION CONTACT: Mattie C. Condray, Senior Assistant General Counsel, Office of Legal Affairs, Legal Services Corporation, 750 First Street, NE., Washington, DC 20002–4250; (202) 336–8817 (phone); (202) 336–8952 (fax); *mcondray@lsc.gov*.

SUPPLEMENTARY INFORMATION: LSC is subject to the Freedom of Information Act (FOIA) by the terms of the Legal Services Corporation Act. 42 U.S.C. 2996d(g).[1] LSC has implemented FOIA by adopting regulations which contain the rules and procedures the Corporation follows in making agency records available to the public under FOIA. As part of an overall review of LSC's regulations, LSC determined that a variety of amendments to LSC's FOIA regulation are in order and Part 1602 was assigned a high priority for rulemaking. In light of the above, at the August 24, 2002, meeting of the Board of Directors, the Board identified Part 1602 as an appropriate subject for rulemaking and LSC subsequently announced that it was initiating a Notice and Comment rulemaking to consider revisions to its FOIA regulations. Subsequently, LSC published a Notice of Proposed Rulemaking (NPRM) on November 18, 2002 (67 FR 69498).

LSC received seven comments on the NPRM, all of which generally supported the proposed revisions. Upon receipt of the comments, LSC drafted a Final Rule for the consideration of the Operations and Regulations Committee of the Board of Directors. This Final Rule was adopted by the Board of Directors at its meeting of February 1, 2003.

Submitter's Rights Process

Pursuant to current LSC practice, if a request is received for the grant application records of a current or prospective recipient, LSC provides that applicant with an opportunity to request that some or all of the records requested be withheld from disclosure prior to LSC sending its response to the requester. This practice, which is consistent with current FOIA law, is not described or discussed in the regulations. The submitter's rights process affords important rights to grant applicants and also impacts requesters who have to wait until the submitter's rights process has been completed to obtain releasable records subject to this process. LSC believes that it is important, therefore, for this process to be explicitly set forth in Part 1602. Accordingly, LSC proposed to add a new section 1602.14, Submitter's rights process, to formally incorporate the Corporation's current practice into the regulations.

At the outset, LSC notes that its submitter's rights process is based on the submitter's rights process outlined in Federal Executive Order No. 12,600 (June 23, 1987). E.O. 12,600 required Federal agencies to ''establish procedures to notify submitters of records containing confidential information [information arguably subject to FOIA Exemption 4] * * * when those records are requested under the Freedom of Information Act * * *.'' (Emphasis added) Although LSC is not a Federal agency, and, therefore, not subject to E.O. 12,600, LSC chose to develop a policy consistent with the Order. LSC believes that grant application records are the only records likely to contain ''confidential information,'' the release of which could cause competitive harm. Thus, the current submitter's rights process is only invoked in relation to requests for grant application information, but not other records submitted by recipients. LSC proposed to keep the process limited to requests for grant application materials, but specifically invited comment on whether there are other records submitted by recipients which would likely be subject to withholding under Exemption 4.

LSC received five comments specifically addressing this issue. Two of the five comments supported the proposed submitter's rights section as proposed. The other three comments all supported the proposed section while also urging LSC to broaden the process to cover any information submitted by grantees and which might be subject to any exemption from disclosure under FOIA. Although the commenters make good points about specific records being likely to be exempt from disclosure, LSC is not persuaded that the submitter's rights process should be extended to cover records other than grant applications and exemption 4 information, disclosure of which could cause competitive harm.

Some of the information specifically referenced by the commenters, such as client names, financial records, etc., are already specifically protected from disclosure under 509(i) of the appropriations act (thus implicating FOIA exemption 3—information specifically protected from disclosure by law). LSC already knows not to disclose this information and believes that including requests for records that would be subject to this disclosure to the submitter's rights process would only add unnecessary administrative obstacles to fulfilling its obligations under FOIA. Moreover, whether information contained in client files, statements of facts, 1644 disclosure forms, and personnel files (examples mentioned by at least one commenter) would be subject FOIA exemption 6 (personal privacy) information or exemption 7 (law enforcement/personal privacy) information is a question which is properly decided by the Corporation under FOIA exemptions on a case-by-case basis under the case law interpreting FOIA. To date, LSC has experienced no problems concerning releasing or withholding requested information contained in recipient provided records. Accordingly, LSC declines to broaden the proposed submitter's rights process beyond the circumstances envisioned by the Executive Order and has been implemented at LSC.

Accordingly, LSC adopts new section 1602.14 as proposed. Under the new section, when the Corporation receives a FOIA request seeking the release of a submitter's grant application(s), or portions thereof, the Corporation will provide prompt written notice of the request to the submitter in order to afford the submitter with an opportunity to object to the disclosure of the requested records (or any portion thereof). If a submitter who has received notice of a request for the submitter's records objects to the disclosure of the records (or any portion thereof), the submitter will have to submit a written detailed statement identifying the information for which disclosure is objected to and specifying the grounds for withholding the information under the confidential information exemption of FOIA or this Part. The submitter's statement will have to be provided to LSC within seven business days of the date of the notice from the Corporation and if the submitter fails to respond to the notice from LSC within that time, LSC will deem the submitter to have no objection to the disclosure of the information.

Upon receipt of written objection to disclosure by a submitter, LSC will be required to consider the submitter's objections and specific grounds for withholding in deciding whether to release the disputed information. Whenever LSC decides to disclose information over the objection of the submitter, LSC will be required to give the submitter written notice that the Corporation was rejecting the submitter's withholding request (including an explanation of why the

[1] Absent this authority, LSC would not otherwise be subject to FOIA since LSC is not an agency, department or instrumentality of the Federal government. 42 U.S.C. 2996d(e)(1).

request was being rejected) and informing the submitter that the submitter shall have 5 business days from the date of the notice of proposed release to appeal that decision to the LSC President, whose decision will be final.

Under paragraph (d), the submitter's rights process will not apply if (1) LSC determines, upon initial review, that the information requested is exempt from disclosure; (2) the information has been previously published or officially made available to the public; or (3) disclosure of the information is required by statute (other than FOIA) or LSC regulations.

In addition, LSC is including provisions requiring that: (1) Whenever a requester files a lawsuit seeking to compel disclosure of a submitter's information, LSC will have to promptly notify the submitter; (2) whenever LSC provides a submitter with notice and opportunity to object to disclosure under this section, LSC will also notify the requester; and (3) whenever a submitter files a lawsuit seeking to prevent the disclosure of the submitter's information, LSC will notify the requester.

LSC also adds a definition of the term ''submitter'' as that term is used in this section. The definition to be added at section 1602.2(k) would define ''submitter'' as any person or entity from whom the Corporation receives a grant application.

Authority To Defer Action Pending Receipt of Payment of Fees

Many, if not most, agency FOIA regulations contain a provision permitting the agency to suspend continuing work on any pending requests and appeals from requesters who are 30 or more days in arrears on FOIA fees which they have been charged. LSC regulations provide LSC with the authority to require anticipated fees for new requests be paid in advance for requesters with outstanding overdue bills, but do not expressly contain the authority to cease processing other existing requests, including appeals. Having this express authority would be helpful to the Corporation to avoid wasting resources on ''nuisance'' requesters who chronically have several requests and/or appeals pending before the Corporation at the same time, while being in arrears on properly assessed fees from prior requests to the Corporation. Accordingly, LSC proposed to add a new paragraph to section 1602.13, Fees, to provide for this authority. Specifically, the new language proposed would provide express authority to the Corporation to cease processing existing requests, including action on appeals, from a requester who is more than 30 days late in paying a properly assessed FOIA fee.

LSC received three comments which generally supported the proposed new provision, but which requested that LSC clarify that the provision would not apply in circumstances in which a fee waiver decision remains in dispute through a properly filed and pending appeal or lawsuit. This was LSC's intent. Use of the phrase ''properly assessed fee'' in the preamble to the NPRM and ''properly charged FOIA fee'' in the proposed regulatory text was intended to convey this meaning. LSC is, however, happy to clarify that the phrase ''properly charged FOIA fee'' in the text of the regulation is intended to mean fees that have been fairly assessed and which are not the subject of a timely filed and pending appeal or lawsuit.

LSC adopts the new language as proposed. This new language appears as a new paragraph (j) and the current paragraphs (j), (k) and (l) are redesignated as paragraphs (k), (l), and (m), respectively.

Fee Waiver Criteria

Requesters of records under FOIA are generally expected to pay reasonable fees related to the processing of FOIA requests. However, the statute also provides for waivers or reductions of fees when certain enumerated criteria are met. Section 1602.13(f) of the current regulation restates the basic fee waiver criteria as set forth in the statute. By way of contrast, the Department of Justice (DOJ) FOIA regulations on fee waiver criteria are more detailed, providing more guidance, based on long standing case law in this area, on the meaning of each of the factors to be considered in assessing fee waiver requests. LSC believes it would be helpful to both LSC and requesters for the LSC FOIA regulations to provide additional guidance in this area. By having a better understanding of the criteria, requesters can better prepare fee waiver requests and there will be less opportunity for disagreements and confusion as to when a fee waiver or reduction is appropriate. LSC, accordingly, proposed to add language to each of the subparagraphs setting forth the factors upon which fee waiver determinations are made that provides a greater explanation of that factor.

LSC received four comments specifically addressing the proposed revisions to the fee waiver criteria. All of these comments supported the proposed clarifications, although one commenter also provided suggestions for additional clarifications to the factors.

LSC proposed to add a sentence to subparagraph (i), which currently reads in its entirety ''The subject of the request: Whether the subject of the requested records concerns ''the operations or activities of the Corporation or Federal government,'' explaining that the subject of the requested records must concern identifiable operations or activities of the Corporation or the Federal government, with a connection that is direct and clear, not remote or attenuated. LSC received no objection to this proposed addition and LSC adopts the new sentence as proposed.(i)

The second factor currently reads, in its entirety, ''The informative value of the information to be disclosed: Whether the disclosure is ''likely to contribute'' to an understanding of Corporation or Federal government operations or activities.'' LSC proposed to add language noting that the requested records must be meaningfully informative about government operations or activities in order to be likely to contribute to an increased public understanding of those operations or activities and that the disclosure of information that is already in the public domain, in either a duplicative or a substantially identical form, would not be likely to contribute to such understanding where nothing new would be added to the public's understanding.

LSC received no comments objecting to the proposed additional language. One commenter suggested that LSC add additional language defining the terms ''public domain'' and ''substantially identical form'' as those terms are used in this section. Specifically, the commenter urges LSC define ''public domain'' as information that is ''readily available'' to the public and ''substantially identical form'' as excluding compilations or summaries of information that is in the public domain. Each of these proposals stem from case law interpreting the statute.

While LSC appreciates these suggestions, LSC does not believe it is necessary to define the terms ''public domain'' and ''substantially identical form'' in the regulation. LSC believes that these terms are reasonably straightforward. Moreover, in LSC's experience, requesters seeking fee waivers have not evinced much confusion about the meaning of these terms in making their fee waiver applications. LSC is interested in adding some additional language to the factors to aid requesters in understanding the fee waiver standards, but is also mindful

that nearly every term in FOIA has case law interpreting its meaning. It would be difficult and, in some cases, inappropriate to attempt to distill all of the existing case law into regulatory language. Thus, while LSC does not take issue with the meanings the applicable case law has developed for those terms, LSC believes that the terms are sufficiently clear on their face as not to need additional regulatory definition. Of course, in applying the fee waiver standards, LSC is, and will continue to be, mindful of the interpretations of terms as set forth in the applicable case law.

The third factor currently reads:

(iii) The contribution to an understanding of the subject by the public likely to result from disclosure: Whether disclosure of the requested records will contribute to ''public understanding.''

LSC proposed to provide additional guidance on the meaning of this factor by adding language explaining that: the disclosure must contribute to a reasonably broad audience of persons interested in the subject, as opposed to the personal interest of the requester; a requester's expertise in the subject area and ability and intention to effectively convey information to the public shall be considered; and that it shall be presumed that a representative of the news media will satisfy this consideration.

LSC received no comments objecting to the proposed additional language. One commenter suggested that LSC add additional language defining the term ''public'' as including one or more segments of the public. LSC agrees that the term ''public'' in this instance may refer to a segment of the public, and not just to the public ''at large,'' and intends that the regulation be understood to have this meaning. However, LSC believes that the addition of the phrase ''reasonably broad audience of persons interested in the subject'' conveys that meaning. Thus, LSC believes that the language, as proposed, is appropriate.

The fourth factor currently reads:

(iv) The significance of the contribution to public understanding: Whether the disclosure is likely to contribute ''significantly'' to public understanding of Corporation or Federal government operations or activities.

LSC proposed to include additional guidance in this factor that the public's understanding of the subject in question, as compared to the level of public understanding existing prior to the disclosure must be enhanced by the disclosure to a significant extent.

LSC received one comment in opposition to this language. The commenter found the additional proposed language to be confusing and not helpful to clarifying the meaning of the factor. Alternatively, the commenter suggested that, if LSC were to leave the language in the regulation, that LSC include greater explanation in the preamble of the meaning of the additional language.

The proposed new language is intended to clarify that this factor is assessing whether the disclosure sought would be ''significant'' by comparing the likely level of public understanding of the subject matter of the disclosure as it exists at that moment to what the level of understanding would be after disclosure. LSC is not sure in what way this is confusing, but has no objection to providing additional explanation in the preamble if it will aid in understanding of the rule. Generally, the fourth factor examines whether the information that is the subject of the disclosure either has been so widely disseminated and publicized or is so lacking in substantial informative value, such that the disclosure of the information is not likely to add any new perspective or facts (or the like), as to increase the public's understanding of the subject.

Section 1602.13(f)(2) sets forth the factors used by LSC to determine whether disclosure of the information is not primarily in the commercial interest of the requester. The first factor currently reads:

(i) The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure.

LSC proposed to add a sentence to this subparagraph explaining that LSC shall consider any commercial interest of the requester (with reference to the definition of ''commercial use'' in this Part) or of any person on whose behalf the requester may be acting, that would be furthered by the requested disclosure. LSC received no comments objecting to the proposed additional language.

The second factor reads:

(ii) The primary interest in disclosure: Whether the magnitude of the identified commercial interest is sufficiently large, in comparison with the public interest in disclosure, that disclosure is ''primarily'' in the commercial interest of the requester.

LSC proposed to add language specifying that a fee waiver or reduction is justified where the public interest standard is greater in magnitude than that of any identified commercial interest in disclosure and that LSC ordinarily shall presume that where a news media requester has satisfied the public interest standard, the public interest will be the interest primarily served by disclosure to that requester. That is, if the public interest standard has been satisfied, the fact that a news media requester has a commercial interest (*i.e.*, in selling newspapers, etc.) will not ordinarily serve to prevent that requester from getting a fee waiver or reduction. LSC further proposes to add language providing that disclosure to data brokers or others who merely compile and market government information for direct economic return shall not be presumed primarily to serve a public interest. LSC received no comments objecting to the proposed additional language.

In each of these cases, the language proposed to be added is consistent with the current regulations and LSC practice, FOIA case law and government-wide FOIA practice. As noted above, LSC believes the additions will aid in public understanding of the meaning and application of the fee waiver criteria. Accordingly, LSC adopts the new language on the fee waiver standards as proposed.

Three of the commenters also suggested that LSC should generally grant fee waivers in connection with most, if not all, requests received from the legal services community. One of these comments further suggested that LSC formally adopt language providing a blanket fee waiver to all requests from grantees.

LSC is authorized and required to provide fee waivers in accordance with the standards set forth in the FOIA. The statutory standards require fee waiver determinations to be made on a case-by-case basis in reference to the enumerated fee waiver criteria. As such, for LSC to either incorporate into the regulations or even adopt an informal policy to grant a blanket fee waiver policy in connection with requests from grantees or others in the legal services community would exceed LSC's authority under FOIA. LSC will continue, as it has always done, to consider requests individually and grant fee waivers and/or assess fees as required by the statute.

Miscellaneous Amendments

There are several instances throughout the regulation where the regulation makes reference to the ''Office of the General Counsel.'' The Office of the General Counsel was renamed the Office of Legal Affairs in 1999. LSC, therefore, proposed to substitute the name ''Office of Legal Affairs'' for ''Office of the General Counsel'' each time it appears in

sections 1602.6 and 1602.8 of the regulations. LSC received no objections to the proposed substitutions and LSC adopts them as proposed.

Section 1602.5, Public reading room, sets forth, among other things, the address of LSC's public reading room. The address listed, 750 First Street, NE., Washington, DC, 20002, is currently correct. However, LSC will be moving in June 2003 to new permanent headquarters. LSC proposed to add language to this section providing the address of the LSC public reading room in LSC's new home: 3333 K St., NW., Washington, DC 20007. LSC received no objections to the proposed addition and LSC adopts the change as proposed.

In accordance with FOIA, LSC charges fees for processing FOIA requests and providing copies of requested documents. LSC's schedule of applicable fees is set forth in section 1602.13(e). The current schedule of fees was adopted in 1998 and no longer accurately reflects LSC's costs in responding to FOIA requests. LSC, therefore, proposed to increase fees for search and review time and for copying.

LSC received no objections to the proposed fee increases. One commenter, however, did request that LSC apply the new fee schedule only to requests filed after the effective date of the amendment. LSC agrees that this is appropriate and LSC intends that the new fees will be assessed only on requests received on or after the effective date of this Final Rule.

LSC adopts the changes to the fee schedule as proposed. Specifically, LSC amends the search and review fee rates to reflect recent (2002) pay rates as follows:

Band 1: $16.15
Band 2: $26.66
Band 3: $39.15
Band 4: $51.41
Band 5: $54.99

LSC notes that the existing regulation provides for one blended rate for Bands 4 and 5. LSC is now separating these rates, providing separate search and review time rates for Bands 4 and 5. These changes will permit LSC to recover fees that are more in line with its actual costs relating to search and review activities.

Under the existing regulation, LSC charges $0.10 per page for standard paper photocopying. LSC's actual costs for photocopying are now closer to $0.15 per page. LSC is increasing copying costs to $0.13 per page so as to better reflect LSC's costs, while still providing a small discount to requesters. In addition, LSC substitutes the term ''Express mail'' for ''special delivery'' where it appears in section 1602.13(e)(7) to reflect current terminology.

List of Subjects in 45 CFR Part 1602

Freedom of Information, Reporting and recordkeeping requirements.

For reasons set forth above, LSC amends 45 CFR Part 1602 as follows:

PART 1602—PROCEDURES FOR DISCLOSURE OF INFORMATION UNDER THE FREEDOM OF INFORMATION ACT

1. The authority citation for Part 1602 continues to read as follows:

Authority: 42 U.S.C. 2996d(g); 5 U.S.C. 552.

2. Section 1602.2 is amended by adding a new paragraph (k) to read as follows:

§ 1602.2 Definitions.

* * * * *

(k) Submitter means any person or entity from whom the Corporation receives grant application records.

3. Paragraph (a) of § 1602.5 is revised to read as follows:

§ 1602.5 Public reading room.

(a) The Corporation will maintain a public reading room at its office at 750 First Street, NE., Washington, DC, 20002. After June 1, 2003, the Corporation's public reading room will be located at its office at 3333 K Street, NW., Washington, DC, 20007. This room will be supervised and will be open to the public during the regular business hours of the Corporation for inspecting and copying records described in paragraph (b) of this section.

* * * * *

4. Section 1602.6 is amended by revising the words ''Office of the General Counsel'' in the second sentence to read ''Office of Legal Affairs.''

5. Paragraph (b) of § 1602.8 is amended by revising the words ''Office of the General Counsel'' each of the three times that phrase appears in the paragraph to read ''Office of Legal Affairs.''

6. Section 1602.13 is amended by:

a. Revising paragraphs (e) and (f);

b. Redesignating paragraphs (j) through (l) as paragraphs (k) through (m), respectively; and

c. Adding a new paragraph (j).

§ 1602.13 Fees.

* * * * *

(e) The schedule for charges for services regarding the production or disclosure of the Corporation's records is as follows:

(1) Manual search for and review of records will be charged as follows:

(i) Band 1: $16.15

(ii) Band 2: $26.66

(iii) Band 3: $39.15

(iv) Band 4: $51.41

(v) Band 5: $54.59

(vi) Charges for search and review time less than a full hour will be billed by quarter-hour segments;

(2) Computer time: actual charges as incurred;

(3) Duplication by paper copy: 13 cents per page;

(4) Duplication by other methods: actual charges as incurred;

(5) Certification of true copies: $1.00 each;

(6) Packing and mailing records: no charge for regular mail;

(7) Express mail: actual charges as incurred.

(f) Fee waivers. A requester may seek a waiver or reduction of fees below the fees established under paragraph (e) of this section. A fee waiver or reduction request will be granted where LSC has determined that the requester has demonstrated that disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations of the Corporation or Federal government and is not primarily in the commercial interest of the requester.

(1) In order to determine whether disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Corporation or Federal government, the Corporation shall consider the following four factors:

(i) The subject of the request: Whether the subject of the requested records concerns ''the operations or activities of the Corporation or Federal government.'' The subject of the requested records must concern identifiable operations or activities of the Corporation or Federal government, with a connection that is direct and clear, not remote or attenuated.

(ii) The informative value of the information to be disclosed: Whether the disclosure is ''likely to contribute'' to an understanding of Corporation or Federal government operations or activities. The requested records must be meaningfully informative about government operations or activities in order to be likely to contribute to an increased public understanding of those operations or activities. The disclosure of information that is already in the public domain, in either a duplicative or a substantially identical form, would not be likely to contribute to such

understanding where nothing new would be added to the public's understanding.

(iii) The contribution to an understanding of the subject by the public likely to result from disclosure: Whether disclosure of the requested records will contribute to ''public understanding.'' The disclosure must contribute to a reasonably broad audience of persons interested in the subject, as opposed to the personal interest of the requester. A requester's expertise in the subject area and ability and intention to effectively convey information to the public shall be considered. It shall be presumed that a representative of the news media will satisfy this consideration.

(iv) The significance of the contribution to public understanding: Whether the disclosure is likely to contribute ''significantly'' to public understanding of Corporation or Federal government operations or activities. The public's understanding of the subject in question, as compared to the level of public understanding existing prior to the disclosure, must be enhanced by the disclosure to a significant extent.

(2) In order to determine whether disclosure of the information is not primarily in the commercial interest of the requester, the Corporation will consider the following two factors:

(i) The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure. LSC shall consider any commercial interest of the requester (with reference to the definition of ''commercial use'' in this Part) or of any person on whose behalf the requester may be acting, that would be furthered by the requested disclosure.

(ii) The primary interest in disclosure: Whether the magnitude of the identified commercial interest is sufficiently large, in comparison with the public interest in disclosure, that disclosure is ''primarily'' in the commercial interest of the requester. A fee waiver or reduction is justified where the public interest is greater in magnitude than that of any identified commercial interest in disclosure. LSC ordinarily shall presume that where a news media requester has satisfied the public interest standard, the public interest will be the interest primarily served by disclosure to that requester. Disclosure to data brokers or others who merely compile and market government information for direct economic return shall not be presumed primarily to serve a public interest.

(3) Where LSC has determined that a fee waiver or reduction request is justified for only some of the records to be released, LSC shall grant the fee waiver or reduction for those records.

(4) Requests for fee waivers and reductions shall be made in writing and must address the factors listed in this paragraph as they apply to the request.

* * * * *

(j) When a requester has previously failed to pay a properly charged FOIA fee within 30 days of the date of billing, the Corporation may require the requester to pay the full amount due, plus any applicable interest, and to make an advance payment of the full amount of any anticipated fee before the Corporation begins to process a new request or continues to process a pending request (including appeals) from that requester.

* * * * *

7. Section 1602.14 is added to read as follows:

§ 1602.14 Submitter's rights process.

(a) When the Corporation receives a FOIA request seeking the release of a submitter's grant application(s), or portions thereof, the Corporation shall provide prompt written notice of the request to the submitter in order to afford the submitter with an opportunity to object to the disclosure of the requested grant application(s) (or any portion thereof). The notice shall reasonably describe the grant application(s), or portions thereof, requested and inform the submitter of the process required by paragraph (b) of this section.

(b) If a submitter who has received notice of a request for the submitter's grant application(s) desires to object to the disclosure of the grant application(s) (or any portion thereof), the submitter must identify the information for which disclosure is objected and provide LSC with a written detailed statement to that effect. The statement must be submitted to the FOIA Officer in the Office of Legal Affairs and must specify the grounds for withholding the information under FOIA or this Part. In particular, the submitter must demonstrate why the information is commercial or financial information that is privileged or confidential. The submitter's statement must be provided to LSC within seven business days of the date of the notice from the Corporation. If the submitter fails to respond to the notice from LSC within that time, LSC will deem the submitter to have no objection to the disclosure of the information.

(c) Upon receipt of written objection to disclosure by a submitter, LSC shall consider the submitter's objections and specific grounds for withholding in deciding whether to release the disputed information. Whenever LSC decides to disclose information over the objection of the submitter, LSC shall give the submitter written notice which shall include:

(1) A description of the information to be released and a notice that LSC intends to release the information;

(2) A statement of the reason(s) why the submitter's request for withholding is being rejected; and

(3) Notice that the submitter shall have 5 business days from the date of the notice of proposed release to appeal that decision to the LSC President, whose decision shall be final.

(d) The requirements of this section shall not apply if:

(1) LSC determines upon initial review of the requested grant application(s), or portions thereof, the requested information should not be disclosed;

(2) The information has been previously published or officially made available to the public; or

(3) Disclosure of the information is required by statute (other than FOIA) or LSC regulations.

(e) Whenever a requester files a lawsuit seeking to compel disclosure of a submitter's information, LSC shall promptly notify the submitter.

(f) Whenever LSC provides a submitter with notice and opportunity to oppose disclosure under this section, LSC shall notify the requester that the submitter's rights process under this section has been triggered. Whenever a submitter files a lawsuit seeking to prevent the disclosure of the submitter's information, LSC shall notify the requester.

Victor M. Fortuno,

General Counsel and Vice President for Legal Affairs.

[FR Doc. 03–3645 Filed 2–13–03; 8:45 am]

BILLING CODE 7050–01–P

DEPARTMENT OF DEFENSE

48 CFR Parts 201, 202, et al., and Appendix G to Chapter 2

Defense Federal Acquisition Regulation Supplement; Technical Amendments

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is making technical amendments to the Defense Federal Acquisition Regulation Supplement to update organizational names and addresses and cross references.

EFFECTIVE DATE: February 14, 2003.

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, Defense Acquisition Regulations Council, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0311; facsimile (703) 602–0350.

List of Subjects in 48 CFR Parts 201, 202, 204, 206, 209, 212, 214, 217, 219, 230, 231, 232, 236, 239, 242, 249, 250, 252, and 253

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR parts 201, 202, 204, 206, 209, 212, 214, 217, 219, 230, 231, 232, 236, 239, 242, 249, 250, 252, 253, and Appendix G to chapter 2 are amended as follows:

1. The authority citation for 48 CFR parts 201, 202, 204, 206, 209, 212, 214, 217, 219, 230, 231, 232, 236, 239, 242, 249, 250, 252, 253, and Appendix G to subchapter I continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR chapter 1.

PART 201—FEDERAL ACQUISITION REGULATIONS SYSTEM

201.201–1 [Amended]

2. Section 201.201–1 is amended in paragraph (d)(i)V., in the second sentence, by adding, after ''Procurement'', the phrase ''and Acquisition Policy''.

201.304 [Amended]

3. Section 201.304 is amended as follows:

a. In paragraph (1)(ii), by removing ''(USD(AT&L)DPPA)''; and adding in its place ''and Acquisition Policy (OUSD(AT&L)DPAP)''; and

b. In paragraphs (4) and (5), by removing ''USD(AT&L)DP'' and adding in its place ''OUSD(AT&L)DPAP''.

201.402 [Amended]

4. Section 201.402 is amended as follows:

a. In paragraph (1) introductory text, by adding, after ''Procurement'', the phrase ''and Acquisition Policy'', and by removing ''(USD(AT&L)DP)'' and adding in its place ''(OUSD(AT&L)DPAP)''; and

b. In paragraph (2) introductory text, in the second sentence, by removing ''USD(AT&L)DP'' and adding in its place ''OUSD(AT&L)DPAP''.

201.404 [Amended]

5. Section 201.404 is amended in paragraph (b)(i) by removing ''USD(AT&L)DP'' and adding in its place ''OUSD(AT&L)DPAP''.

PART 202—DEFINITIONS OF WORDS AND TERMS

202.101 [Amended]

6. Section 202.101 is amended in the definition of ''Contracting activity'' as follows:

a. Under the heading ''ARMY'', by removing ''Defense Supply Service-Washington'' and adding in its place ''Defense Contracting Command-Washington'';

b. Under the heading ''NAVY'', in the first entry, by removing ''and Business''; and

c. By removing the heading ''BALLISTIC MISSILE DEFENSE ORGANIZATION'' and the entry ''Headquarters, Ballistic Missile Defense Organization'' and adding in their place the heading ''MISSILE DEFENSE AGENCY'' and the entry ''Headquarters, Missile Defense Agency''.

7. Section 202.101 is amended in the definition of ''Departments and agencies'', in the last sentence, by removing ''Ballistic Missile Defense Organization'' and adding in its place ''Missile Defense Agency''.

8. Section 202.101 is amended in the definition of ''Head of the agency'', in the second sentence, by adding, after ''Procurement'', the phrase ''and Acquisition Policy''.

PART 204—ADMINISTRATIVE MATTERS

204.7003 [Amended]

9. Section 204.7003 is amended in paragraph (a)(1)(i)(J) by removing ''Ballistic Missile Defense Organization'' and adding in its place ''Missile Defense Agency''.

PART 206—COMPETITION REQUIREMENTS

206.302–5 [Amended]

10. Section 206.302–5 is amended in paragraph (c)(i)(B), in the last sentence, by adding, after ''Procurement'', the phrase ''and Acquisition Policy''.

PART 209—CONTRACTOR QUALIFICATIONS

209.104–1 [Amended]

11. Section 209.104–1 is amended in paragraph (g)(ii)(C), in the third sentence, by adding, after ''Procurement'', the phrase ''and Acquisition Policy''.

209.104–70 [Amended]

12. Section 209.104–70 is amended in paragraph (a), in the second sentence, by removing ''Defense Procurement, ATTN: OUSD(AT&L)DP/FC'' and adding in its place ''Defense Procurement and Acquisition Policy, ATTN: OUSD(AT&L)DPAP(PAIC)''.

209.403 [Amended]

13. Section 209.403 is amended in the definition of ''Debarring and suspending official'', in paragraph (1), by removing the entry ''Ballistic Missile Defense Organization—The General Counsel'' and adding in its place ''Missile Defense Agency—The General Counsel''.

209.406–2 [Amended]

14. Section 209.406–2 is amended in paragraph (a)(ii) by adding, after ''Procurement'', the phrase ''and Acquisition Policy,''.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

212.301 [Amended]

15. Section 212.301 is amended by removing paragraph (f)(i)(B) and redesignating paragraphs (f)(i)(C) and (D) as paragraphs (f)(i)(B) and (C), respectively.

PART 214—SEALED BIDDING

16. Section 214.407–3 is amended by revising paragraph (e)(vii) to read as follows:

214.407–3 Other mistakes disclosed before award.

(e) * * *

(vii) Missile Defense Agency: General Counsel, MDA.

* * * * *

PART 217—SPECIAL CONTRACTING METHODS

217.170 [Amended]

17. Section 217.170 is amended in paragraph (d)(4), in the second sentence, as follows:

a. By adding, after ''Procurement'', the phrase ''and Acquisition Policy''; and

b. By removing ''(OUSD(AT&L)DP)'' and adding in its place ''(OUSD(AT&L)DPAP)''.

217.173 [Amended]

18. Section 217.173 is amended in paragraph (b)(5)(iv) by removing ''OUSD(AT&L)DP'' and adding in its place ''OUSD(AT&L)DPAP''.

PART 219—SMALL BUSINESS PROGRAMS

219.1007 [Amended]

19. Section 219.1007 is amended in paragraph (b)(1), in the first and second sentences, by adding, after

''Procurement'', the phrase ''and Acquisition Policy''.

PART 230—COST ACCOUNTING STANDARDS ADMINISTRATION

230.201–5 [Amended]

20. Section 230.201–5 is amended in paragraph (a)(1)(A)(*2*) twice, and in paragraphs (a)(1)(B), (e)(i), and (e)(ii), by adding, after ''Procurement'', the phrase ''and Acquisition Policy''.

PART 231—CONTRACT COST PRINCIPLES AND PROCEDURES

231.205–70 [Amended]

21. Section 231.205–70 is amended as follows:

a. In paragraph (d)(9) in the first sentence by adding, after ''Procurement'', the phrase ''and Acquisition Policy'', and by removing ''OUSD(AT&L)DP/CPF'' and adding in its place ''OUSD(AT&L)DPAP(P)''; and

b. In paragraph (d)(10), by adding, after ''Procurement'', the phrase ''and Acquisition Policy''.

PART 232—CONTRACT FINANCING

232.006–5 [Amended]

22. Section 232.006–5 is amended by adding, after ''Procurement'', the phrase ''and Acquisition Policy''.

232.070 [Amended]

23. Section 232.070 is amended as follows:

a. In paragraph (a) in the first sentence by adding, after ''Procurement'', the phrase ''and Acquisition Policy'', and by removing ''(OUSD(AT&L)DP)'' and adding in its place ''(OUSD(AT&L)DPAP)''; and

b. In paragraph (a) in the last sentence, and in paragraph (b) in the second sentence, by removing ''OUSD(AT&L)DP'' and adding in its place ''OUSD(AT&L)DPAP''.

232.071 [Amended]

24. Section 232.071 is amended in paragraphs (a)(1), (b)(1), and (b)(3) by removing ''OUSD(AT&L)DP'' and adding in its place ''OUSD(AT&L)DPAP''.

25. Section 232.501–2 is amended in paragraph (a) as follows:

a. By revising the first sentence; and

b. In the second sentence, by removing ''OUSD(AT&L)DP'' and adding in its place ''OUSD(AT&L)DPAP''. The revised text reads as follows:

232.501–2 Unusual progress payments.

(a) Unusual progress payment arrangements require the advance approval of the Director of Defense Procurement and Acquisition Policy, Office of the Under Secretary of Defense (Acquisition, Technology, and Logistics) (OUSD(AT&L)DPAP). * * *

232.617 [Amended]

26. Section 232.617 is amended in paragraph (a) by adding, after ''Procurement'', the phrase ''and Acquisition Policy''.

PART 236—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

236.570 [Amended]

27. Section 236.570 is amended in paragraph (b)(5) by removing ''236.303–70'' and adding in its place ''236.213–70''.

PART 239—ACQUISITION OF INFORMATION TECHNOLOGY

28. Section 239.7302 is amended as follows:

a. In paragraph (b)(2)(i) in the third sentence by removing ''Attn: D03D'' and adding in its place ''Attn: DSPD''; and

b. By revising paragraph (b)(2)(ii) to read as follows:

239.7302 Approvals and screening.

* * * * *

(b) * * *

(2) * * *

(ii) Uses the Defense Information Technology Management System (DITMS) to screen on-line. System access may be requested from the Defense Information Systems Agency, Chief Information Officer, Defense Automation Resources Management Program Division. Customers may apply for a DITMS Account Number by contacting the DITMS Help Desk at (703) 681–2400; DSN 761–2400; FAX (703) 681–2875; or via the Internet at *https://ditms.disa.mil.*

* * * * *

PART 242—CONTRACT ADMINISTRATION AND AUDIT SERVICES

242.602 [Amended]

29. Section 242.602 is amended in paragraph (c)(2) by adding, after ''Procurement'', the phrase ''and Acquisition Policy''.

242.771–3 [Amended]

30. Section 242.771–3 is amended in paragraph (c) by adding, after ''Procurement'', the phrase ''and Acquisition Policy''.

242.1203 [Amended]

31. Section 242.1203 is amended in paragraph (b)(2)(A), in the Navy entry, by removing ''and Business''.

PART 249—TERMINATION OF CONTRACTS

32. Section 249.7000 is amended by revising paragraph (a)(1) to read as follows:

249.7000 Terminated contracts with Canadian Commercial Corporation.

(a) * * *

(1) The Letter of Agreement (LOA) between the Department of Defence Production (Canada) and the U.S. DoD, ''Canadian Agreement'' (for a copy of the LOA or for questions on its currency, contact the Office of the Director of Defense Procurement and Acquisition Policy (Program Acquisition and International Contracting), (703) 697–9351, DSN 227–9351);

* * * * *

33. Section 249.7001 is amended by revising paragraph (b)(11) to read as follows:

249.7001 Congressional notification on significant contract terminations.

* * * * *

(b) * * *

(11) Missile Defense Agency—Director of Contracts (MDA–DCT)

* * * * *

PART 250—EXTRAORDINARY CONTRACTUAL ACTIONS

34. Section 250.303 is amended as follows:

a. In paragraph (3), by removing ''and Business''; and

b. By revising paragraph (12) to read as follows:

250.303 Contractor requests.

* * * * *

(12) Missile Defense Agency—Director, MDA.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

35. Section 252.211–7005 is amended by revising the clause date and the second sentence of paragraph (b) to read as follows:

252.211–7005 Substitutions for Military or Federal Specifications and Standards.

* * * * *

Substitutions for Military or Federal Specifications and Standards (Feb 2003)

* * * * *

(b) * * * A listing of SPI processes accepted at specific facilities is available via

the Internet in Excel format at *http://www.dcma.mil/onebook/7.0/7.2/7.2.6/reports/modified.xls.*

PART 253—FORMS

253.204–70 [Amended]

36. Section 253.204–70 is amended as follows:

a. In paragraph (b)(12)(iii)(B), by removing ''Ballistic Missile Defense Organization'' and adding in its place ''Missile Defense Agency''; and

b. In paragraph (c)(4)(iii)(B)(*5*), by adding, after ''Procurement'', the phrase ''and Acquisition Policy''.

253.204–71 [Amended]

37. Section 253.204–71 is amended in paragraph (e)(2)(i)(A)(*4*), by adding, after ''Procurement'', the phrase ''and Acquisition Policy''.

Appendix G—Activity Address Numbers

G–102 [Amended]

38. Appendix G to Chapter 2 is amended in Part 1, Section G–102, paragraph (b)(2), by removing ''OUSD(AT&L)DP(DAR)'' and adding in its place ''OUSD(AT&L)DPAP(DAR)''.

39. Appendix G to Chapter 2 is amended in Part 2 by revising entries ''DABQ01'', ''DABQ03'', and ''DABQ06'', and by adding a new entry ''DABR13'' to read as follows:

Appendix G to Chapter 2—Activity Address Numbers

* * * * *

PART 2—ARMY ACTIVITY ADDRESS NUMBERS

* * * * *

DABQ01, 1K U.S. Army Contracting Element, Pacific, Office of the Director/PARC, ATTN: SFCA–PR, Building T–115, Fort Shafter, HI 96858–5430

DABQ03, 8U ACA, Fort Richardson, Regional Contracting Office, Alaska, ATTN: SFCA–PRA, PO Box 5–525, Fort Richardson, AK 99505–0525

DABQ06, CJ ACA, Fort Shafter, Regional Contracting Office, Hawaii, ATTN: SFCA–PRH, Building 520, Pierce Street, Fort Shafter, HI 96858–5025

* * * * *

DABR13 Joint Interagency Task Force East, Contracting Office, ATTN: J4, PO Box 9051, NAF Key West, FL 33040–9051

* * * * *

40. Appendix G to Chapter 2 is amended in Part 8 by revising entry ''NMA201'' to read as follows:

PART 8—NATIONAL IMAGERY AND MAPPING AGENCY ACTIVITY ADDRESS NUMBERS

* * * * *

NMA201, Y2 National Imagery and Mapping Agency, Contracting Support for Acquisition Directorate, ATTN: ACA/P–65, 12310 Sunrise Valley Drive, Reston, VA 20191–3449 (ZM21)

* * * * *

[FR Doc. 03–3572 Filed 2–13–03; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Part 225

[DFARS Case 2002–D031]

Defense Federal Acquisition Regulation Supplement; Emergency Acquisitions in Regions Subject to Economic Sanctions

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to authorize DoD personnel to make emergency acquisitions in direct support of U.S. or allied forces deployed in military contingency, humanitarian, or peacekeeping operations in a country or region subject to economic sanctions.

EFFECTIVE DATE: February 14, 2003.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, Defense Acquisition Regulations Council, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0328; facsimile (703) 602–0350. Please cite DFARS Case 2002–D031.

SUPPLEMENTARY INFORMATION:

A. Background

Section 25.701 of the Federal Acquisition Regulation prohibits the acquisition of supplies or services from sources in countries or regions subject to economic sanctions. On October 1, 2002, the Department of the Treasury, Office of Foreign Assets Control, issued DoD a license authorizing emergency acquisitions in direct support of U.S. or allied forces deployed in military contingency, humanitarian, or peacekeeping operations in a country or region subject to economic sanctions. This DFARS rule implements that license.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This rule will not have a significant cost or administrative impact on contractors or offerors, or a significant effect beyond the internal operating procedures of DoD. Therefore, publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2002-D031.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 225

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR part 225 is amended as follows:

1. The authority citation for 48 CFR part 225 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR chapter 1.

PART 225—FOREIGN ACQUISITION

2. Section 225.701–70 is added to read as follows:

225.701–70 Exception.

DoD personnel are authorized to make emergency acquisitions in direct support of U.S. or allied forces deployed in military contingency, humanitarian, or peacekeeping operations in a country or region subject to economic sanctions administered by the Department of the Treasury, Office of Foreign Assets Control.

[FR Doc. 03–3573 Filed 2–13–03; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Parts 225 and 252

[DFARS Case 2002–D034]

Defense Federal Acquisition Regulation Supplement; Fish, Shellfish, and Seafood Products

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: DOD has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 8136 of the Defense Appropriations Act for Fiscal Year 2003. Section 8136 requires the acquisition of domestic fish,

shellfish, and seafood, to include fish, shellfish, and seafood manufactured or processed, or contained in foods manufactured or processed, in the United States.

DATES: Effective date: February 14, 2003.

Comment date: Comments on the interim rule should be submitted to the address shown below on or before April 15, 2003, to be considered in the formation of the final rule.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* As an alternative, respondents may e-mail comments to: *dfars@acq.osd.mil.* Please cite DFARS Case 2002–D034 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite DFARS Case 2002–D034.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, (703) 602–0328.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule relates to application of the Berry Amendment (10 U.S.C. 2533a), which requires the acquisition of certain items from domestic sources. The Berry Amendment restriction on food is implemented in the DFARS at 225.7002 and in the clause at 252.225–7012, Preference for Certain Domestic Commodities. DoD generally must buy foods grown or produced in the United States (DFARS 225.7002–1(a)(1)), but there is an exception for the acquisition of foods manufactured or processed in the United States, regardless of where the foods (and any component if applicable) were grown or produced (10 U.S.C. 2533a(f); DFARS 225.7002–2(j)).

Section 8136 of the Defense Appropriations Act for Fiscal Year 2003 (Pub. L. 107–248) makes the exception at 10 U.S.C. 2533a(f) inapplicable to fish, shellfish, and seafood products. Section 8136 is also specifically applicable to contracts and subcontracts for the procurement of commercial items.

Therefore, this interim rule revises DFARS 225.7002–2(j) and 252.225–7012(c)(3) to require the application of domestic source requirements to fish, shellfish, and seafood manufactured or processed in the United States, and fish, shellfish, and seafood contained in foods manufactured or processed in the United States.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This rule may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* DOD has prepared an Initial Regulatory Flexibility Analysis, which is summarized as follows:

This interim rule amends the DFARS to implement section 8136 of the Defense Appropriations Act for Fiscal Year 2003. Section 8136 makes 10 U.S.C. 2533a(f) inapplicable to fish, shellfish, and seafood products. 10 U.S.C. 2533a(f) is an exception to domestic source requirements for foods manufactured or processed in the United States. The objective of the rule is to prohibit DoD acquisition of foreign fish, shellfish, and seafood, even if processed or manufactured in the United States. The rule will apply to all suppliers, processors, and manufacturers of seafood products sold to DoD. The rule should have a beneficial impact on domestic suppliers of fish, shellfish, and seafood.

A copy of the IRFA may be obtained from the address specified herein. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2002–D034.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

D. Determination to Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish an interim rule prior to affording the public an opportunity to comment. This interim rule implements section 8136 of the Defense Appropriations Act for Fiscal Year 2003 (Pub. L. 107–248). Section 8136 requires the acquisition of domestic fish, shellfish, and seafood, to include fish, shellfish, and seafood manufactured or processed, or contained in foods manufactured or processed, in the United States. Section 8136 became effective upon enactment, on October 23, 2002. Comments received in response to this interim rule will be considered in the formation of the final rule.

List of Subjects in 48 CFR Parts 225 and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR parts 225 and 252 are amended as follows:

1. The authority citation for 48 CFR parts 225 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR chapter 1.

PART 225—FOREIGN ACQUISITION

2. Section 225.7002–2 is amended by revising paragraph (j) to read as follows:

225.7002–2 Exceptions.

* * * * *

(j) Acquisitions of foods manufactured or processed in the United States, regardless of where the foods (and any component if applicable) were grown or produced, except that, in accordance with Section 8136 of the DoD Appropriations Act for Fiscal Year 2003 (Pub. L. 107–248), the following foods are subject to the restrictions in 225.7002–1: Fish, shellfish, or seafood manufactured or processed in the United States; and fish, shellfish, or seafood contained in foods manufactured or processed in the United States.

* * * * *

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.212–7001 [Amended]

3. Section 252.212–7001 is amended as follows:

a. By revising the clause date to read ''(FEB 2003)''; and

b. In paragraph (b), in entry ''252.225–7012'', by removing ''(APR 2002)'' and adding in its place ''(FEB 2003)''.

4. Section 252.225–7012 is amended by revising the clause date and paragraph (c)(3) to read as follows:

252.225–7012 Preference for Certain Domestic Commodities.

* * * * *

Preference for Certain Domestic Commodities (Feb 2003)

* * * * *

(c) * * *

(3) To foods that have been manufactured or processed in the United States, its possessions, or Puerto Rico, regardless of where the foods (and any component if applicable) were grown or produced, except that this clause does apply to fish, shellfish, or seafood manufactured or processed in the United States and fish, shellfish, or seafood contained in foods manufactured or processed in the United States;

* * * * *

[FR Doc. 03–3574 Filed 2–13–03; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Part 237

[DFARS Case 2002–D042]

Defense Federal Acquisition Regulation Supplement; Contractor Performance of Security-Guard Functions

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: DoD has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 332 of the National Defense Authorization Act for Fiscal Year 2003. Section 332 provides temporary authority for contractor performance of security-guard functions at military installations or facilities in excess of those in place on September 10, 2001.

DATES: Effective date: February 14, 2003.

Comment date: Comments on the interim rule should be submitted to the address shown below on or before April 15, 2003, to be considered in the formation of the final rule.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* As an alternative, respondents may e-mail comments to: *dfars@acq.osd.mil.* Please cite DFARS Case 2002–D042 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Mr. Steven Cohen, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite DFARS Case 2002–D042.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Mr. Steven Cohen, (703) 602–0293.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule amends DFARS subpart 237.1 to implement section 332 of the National Defense Authorization Act for Fiscal Year 2003 (Pub. L. 107–314). Section 332 authorizes DoD to waive the prohibition at 10 U.S.C. 2465(a) related to security-guard functions at military installations or facilities. It permits contractor performance of security-guard functions to meet the increased requirements for such services since September 11, 2001. This authority extends only to the increased requirements; therefore, existing security-guard services not performed by contractors are unaffected. The authority expires on December 2, 2005. Recruiting and training standards for contractor personnel who are to perform security-guard functions pursuant to this authority will be comparable to the standards in place for DoD personnel currently performing those functions.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule applies only to the procurement of security-guard services over and above the level of such services being performed on September 10, 2001. The amount of such additional services is not expected to be significantly large, in comparison to the total amount of services procured by DoD. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2002–D042.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish an interim rule prior to affording the public an opportunity to comment. This interim rule implements section 332 of the National Defense Authorization Act for Fiscal Year 2003 (Pub. L. 107–314). Section 332 provides temporary authority for contractor performance of security-guard functions at military installations or facilities to meet the increased requirements for such services since September 11, 2001. Section 332 became effective upon enactment on December 2, 2002. The authority provided by section 332 expires on December 2, 2005. Comments received in response to this interim rule will be considered in the formation of the final rule.

List of Subjects in 48 CFR Part 237

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 237 is amended as follows:

1. The authority citation for 48 CFR Part 237 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 237—SERVICE CONTRACTING

2. Section 237.101 is added to read as follows:

237.101 Definitions.

Increased performance of security-guard functions, as used in this subpart, means—

(1) In the case of an installation or facility where no security-guard functions were performed as of September 10, 2001, the entire scope or extent of the performance of security-guard functions at the installation or facility after such date; and

(2) In the case of an installation or facility where security-guard functions were performed within a lesser scope of requirements or to a lesser extent as of September 10, 2001, than after such date, the increment of the performance of security-guard functions at the installation or facility that exceeds such lesser scope of requirements or extent of performance.

3. Section 237.102–70 is amended by adding paragraph (d) to read as follows:

237.102–70 Prohibition on contracting for firefighting or security-guard functions.

* * * * *

(d) Under section 332 of Pub. L. 107–314, this prohibition does not apply to any contract that is entered into for any increased performance of security-guard functions at a military installation or facility undertaken in response to the terrorist attacks on the United States on September 11, 2001, if—

(1) Without the contract, members of the Armed Forces are or would be used to perform the increased security-guard functions;

(2) The agency has determined that—

(i) Recruiting and training standards for the personnel who are to perform the security-guard functions are comparable to the recruiting and training standards for DoD personnel who perform the same security-guard functions;

(ii) Contractor personnel performing such functions will be effectively supervised, reviewed, and evaluated; and

(iii) Performance of such functions will not result in a reduction in the security of the installation or facility; and

(3) Contract performance will not extend beyond December 1, 2005.

[FR Doc. 03–3577 Filed 2–13–03; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF TRANSPORTATION

Transportation Security Administration

49 CFR Part 1540

Prohibited Items

AGENCY: Transportation Security Administration (TSA), DOT.

ACTION: Interpretive rule.

SUMMARY: This interpretive rule provides guidance to the public on the types of property Transportation Security Administration (TSA) considers to be weapons, explosives, and incendiaries prohibited in airport sterile areas and in the cabins of aircraft under the TSA regulations. This interpretation also provides guidance on the types of items permitted in sterile areas, the cabins of passenger aircraft, and in passengers' checked baggage.

EFFECTIVE DATE: February 14, 2003.

FOR FURTHER INFORMATION CONTACT: For technical questions contact Vicky Skelly, Aviation Security Specialist, Air Carrier Division, Office of Aviation Security Policy, TSA–9, Transportation Security Administration, 400 Seventh Street, SW., Washington, DC 20590; telephone (571) 227–2641, e-mail *Vicky.skelly@tsa.dot.gov*. Legal questions may be directed to Ellen Siegler, Attorney, TSA–2, Chief Counsel; telephone (571) 227–2723, e-mail *ellen.siegler@tsa.dot.gov*.

SUPPLEMENTARY INFORMATION:

Availability of Documents

You can obtain an electronic copy of this interpretive rule and other TSA rulemaking documents using the Internet by:

(1) Accessing the Government Printing Office's web page at *http://www.access.gpo.gov/su_docs/aces/aces140.html*; or

(3) Visiting the TSA's Laws and Regulations web page at *http://www.tsa.dot.gov/public/index.jsp*.

In addition, copies are available by writing or calling the individual in the **FOR FURTHER INFORMATION CONTACT** section.

Statutory and Regulatory Background

Following the terrorist attacks on the United States on September 11, 2001, Congress passed the Aviation and Transportation Security Act (ATSA) on November 19, 2001 (49 U.S.C. 40101 *et seq.*), establishing TSA. TSA is an agency within the Department of Transportation (DOT), operating under the direction of the Under Secretary of Transportation for Security. TSA is responsible for security in all modes of transportation regulated by DOT, including civil aviation. See 49 U.S.C. 114(d). Accordingly, ATSA transferred the responsibility for civil aviation security from the Federal Aviation Administration (FAA) to the TSA.

On February 22, 2002, TSA published a final rule transferring the bulk of FAA's aviation security regulations to TSA. See 67 FR 8340. Among these was FAA's regulation governing the carriage of weapons, explosives, and incendiaries by individuals into sterile areas and into the cabins of passenger aircraft for which screening is conducted. This regulation now is codified at § 1540.111 of Title 49 of the Code of Federal Regulations (CFR). See 67 FR 8340 at 8354. See also 67 FR 41635 at 41639 (June 19, 2002).

Section 1540.111 Carriage of Weapons, Explosives, and Incendiaries by Individuals. The rule provides, in part, that an individual (other than a law enforcement or other authorized individual) ''may not have a weapon, explosive, or incendiary, on or about the individual's person or accessible property—

(1) When performance has begun of the inspection of the individual's person or accessible property before entering a sterile area, or before boarding an aircraft for which screening is conducted under § 1544.201 or § 1546.201 of this chapter (TSA's regulations on acceptance and screening of individuals and accessible property);

(2) When the individual is entering or in a sterile area; or

(3) When the individual is attempting to board or onboard an aircraft for which screening is conducted under § 1544.201 or § 1546.201 of this chapter.''

Section 1540.111(b) establishes certain exceptions to this rule for law enforcement officers and other persons authorized to carry weapons. These exceptions, however, do not apply to the general public.

For purposes of § 1540.111(a), ''accessible property'' is property that is accessible to the individual at the screening checkpoint, in the sterile area, or in the cabin of the aircraft. It includes carry-on baggage and property an individual carries on his or her person. A ''sterile area'' is a portion of an airport that provides passengers access to boarding aircraft and to which the access is generally controlled through the screening or persons and property. See 49 CFR 1540.5.

Penalties for Prohibited Items. Individuals who carry weapons, explosives, or incendiaries into a sterile area or the cabin of a passenger aircraft are subject to civil and criminal penalties. See, for instance, 49 U.S.C. 46301 and 46314. These penalties also apply to individuals who place loaded firearms in checked baggage. See also 49 U.S.C. 46505.

Today's Interpretative Rule. This interpretation provides guidance to the public as to the types of property TSA considers to be ''weapons, explosives, and incendiaries'' that, if carried by an individual not authorized to carry such items, are prohibited in sterile areas and in the cabins of aircraft under 49 CFR 1540.111(a). TSA refers to these items collectively as prohibited items because they are prohibited from these areas. There are many items that are not created for use as weapons, explosives, or incendiaries, but may be used as such items. Today's regulatory interpretation includes examples of these so-called ''dual use items,'' which also are prohibited. Congress specifically directed TSA to identify dual use items for purposes of passenger screening. See 49 U.S.C. 44935(h)(3).

This interpretation also provides guidance on items that are permitted in a sterile area and in the cabin of a passenger aircraft even though they may appear to fall into the broad categories of items on the prohibited items list. These items generally are personal care, medical, and assistive items, examples of which are set forth below. In

addition, certain prohibited items may be transported in checked baggage with appropriate safeguards.

It should be noted that TSA previously placed lists of prohibited and permitted items on its web site at *http://www.tsa.gov/trav_consumers/trav_consumers_tip_week.shtm*. Today's interpretive rule makes some changes in these lists, and the lists on TSA's web site will be updated to reflect this interpretation.

Neither the prohibited items list nor the permitted items list in today's regulatory interpretation contains all possible items. There are items not included on the prohibited items list that may be prohibited in an airport's sterile area and the cabin of an aircraft. Screeners have discretion to prohibit an individual from carrying an item into a sterile area or onboard an aircraft if the screener determines that the item is a weapon, explosive, or incendiary, regardless of whether the item is on the prohibited items list. Moreover, if future information or events demonstrate the need to prohibit items that this interpretive rule has listed as permitted, TSA may prohibit individuals from bringing these items into the sterile area or onboard the aircraft, without first publishing a change to this rule. This is consistent with Congress's direction that screeners be proficient in recognizing new threats and weapons. See, 40 U.S.C. 44935(h)(1).

Prohibited Items

The prohibited items list includes items in the following categories: Weapons (guns, sharp objects, club-like objects), explosives, and other dangerous items such as incendiary materials and disabling chemicals. The list contains examples of items in these categories, but it is not an exclusive list.

Weapons. Weapons are objects that may be used to attack another. TSA considers an item to be a weapon under 49 CFR 1540.111 if it is created for use as a weapon or is so similar to an item created as a weapon that it appears to be, or is easily used as, a weapon.

Weapons include firearms, as well as realistic replicas of firearms that may reasonably be thought to be actual weapons. Such realistic replicas are prohibited because their similarity in appearance to real weapons may allow them to be used to intimidate passengers and flight crew. The screener has the discretion to determine when a replica is so realistic that it should be prohibited. Other toy weapons will be allowed in the sterile areas and cabin.

Partial weapons and parts of weapons also are prohibited because they may be carried separately by collaborators for assembly subsequent to entry or boarding. In addition, partial weapons may appear to be operative and could be used to intimidate passengers and flight crew.

Weapons also include sharp objects that could be effective in intimidating or harming passengers or crew. These include knives; devices or instruments with razor blades, such as box cutters, utility knives with razor blades, and razor blades that are not components of safety razors; and metal scissors with pointed tips. Also included in this category are sharp or pointed tools and utensils such as screwdrivers, drills, and axes. Screwdrivers that are components of eyeglass repair kits, however, will be allowed in sterile areas and in the cabin.

The prohibited items list also includes as weapons many club-like items, whether made for use as weapons or made for other purposes but capable of being used as weapons. Examples include items such as billy clubs and night sticks, as well as items of sporting equipment, such as baseball bats, hockey sticks, lacrosse sticks, and tools such as crowbars and hammers.

Explosives. Explosives are substances that explode or cause an explosion. While many explosives may have commercial uses, they clearly could be used to damage an aircraft or against passengers and flight crew members. Examples include dynamite, plastic explosives, blasting caps, fireworks, flares, gunpowder, hand grenades, and ammunition for firearms. Realistic replicas of explosive devices are prohibited for the same reasons that realistic weapons are prohibited: They can be effective in intimidating crew and passengers.

Incendiaries. Incendiaries are devices or materials capable of causing a fire as well as realistic replicas of these devices Examples include gasoline and other fuels, gas torches (including micro-torches and torch lighters), and strike-anywhere matches. Incendiaries also include aerosol cans containing flammable liquids. Although many personal care and toiletry items may come in the form of aerosol cans containing flammable contents, the prohibited items list specifically excludes these items when carried in limited quantities into a sterile area and the cabin of a passenger aircraft. Under these conditions, the materials pose little risk.

Disabling Chemicals and Other Dangerous Items. Another category of weapons is disabling chemicals and other dangerous items. These include items that are intended for this purpose, such as tear gas, pepper spray, and mace, as well as household chemicals that may be used for this purpose, such as liquid bleach, chlorine for pools and spas, compressed gas cylinders, and batteries that may spill acid.

Separate Rules Governing Hazardous Materials

The prohibited items list contains a number of substances that constitute hazardous materials under separate DOT regulations for hazardous materials. See 49 CFR parts 172, 173, and 175. Individuals carrying hazardous materials on their person or in checked or carry-on baggage are subject to the hazardous materials requirements, which prohibit many types of hazardous materials from being carried aboard aircraft or permit their transport only with proper markings, labels, and packaging. Part 175 contains a list of passenger exceptions that permit passengers to bring into the cabin of a passenger aircraft some personal use items, such as toiletries, medicinal products, and limited quantities of certain matches and lighters for individual use, even though they otherwise constitute hazardous materials. Individuals with questions about the types and quantities of hazardous materials prohibited aboard passenger flights should contact the Hazardous Materials Information Center at 1–800–467–4922 or go to *http://hazmat.dot.gov/infocent.htm*.

Transport of Some Prohibited Items in Checked Baggage

Some items prohibited from sterile areas and aboard the cabin of passenger aircraft may be transported in checked baggage, under the following conditions. Passengers may place prohibited items other than explosives, incendiaries, and loaded firearms in their checked baggage, subject to any limitations provided in DOT's hazardous materials regulations. See 49 CFR part 175. Prohibited items that may be transported in checked baggage include unloaded firearms or starter pistols, small arms ammunition for personal use, club-like items, single containers of self-defense spray, and other articles listed in the interpretive rule. Realistic replicas of explosive and incendiary devices may not be transported in checked baggage because their detection would have the potential for causing delays and requiring the unwarranted expenditure of time and resources on the part of law enforcement personnel.

Permitted Items

Some items are permitted in a sterile area and the cabin of a passenger aircraft even though they may appear to fall into

the broad categories of items on the prohibited items list. These items generally are personal care, medical, and assistive items, and other items that appear to pose little risk or for which there is a compelling reason to allow their presence. For instance, many personal care items such as perfume and hair spray may contain incendiaries. In small amounts, however, they do not pose a risk to security. Other items, such as syringes included in diabetes-related equipment, and nitroglycerine pills or spray for medical purposes, conceivably could be used as weapons, but are permitted as a medical necessity for passengers with a legitimate need. Screwdrivers and other tools in eyeglass repair kits are also permitted, as are tools used in connection with prosthetic devices. Consistent with Department of Transportation regulations for hazardous materials, passengers also are permitted to carry no more than four books of matches (other than strike-anywhere matches) and no more than two lighters for individual use, if the lighters are fueled with non-refillable liquefied gas (Bic-type) or absorbed liquid (Zippo-type).

Interpretation

I. *Prohibited Items.* For purposes of 49 U.S.C. 40101 *et seq.* and 49 CFR 1540.111, TSA interprets the terms ''weapons, explosives, and incendiaries'' to include the items listed below. Accordingly, passengers may not carry these items as accessible property or on their person through passenger screening checkpoints or into airport sterile areas and the cabins of a passenger aircraft.

A. *Guns and Firearms.*

(1) BB guns.
(2) Compressed air guns.
(3) Firearms.
(4) Flare pistols.
(5) Gun lighters.
(6) Parts of guns and firearms.
(7) Pellet guns.
(8) Realistic replicas of firearms.
(9) Spear guns.
(10) Starter pistols.
(11) Stun guns/cattle prods/shocking devices.

B. *Sharp Objects.*

(1) Axes and hatchets.
(2) Bows and arrows.
(3) Drills, including cordless portable power drills.
(4) Ice axes/Ice picks.
(5) Knives of any length, except rounded-blade butter and plastic cutlery.
(6) Meat cleavers.
(7) Razor-type blades, such as box cutters, utility knives, and razor blades not in a cartridge, but excluding safety razors.
(8) Sabers.
(9) Saws, including cordless portable power saws.
(10) Scissors, metal with pointed tips.
(11) Screwdrivers (except those in eyeglass repair kits).
(12) Swords.
(13) Throwing stars (martial arts).

C. *Club-Like Items.*

(1) Baseball bats.
(2) Billy clubs.
(3) Blackjacks.
(4) Brass knuckles.
(5) Cricket bats.
(6) Crowbars.
(7) Golf clubs.
(8) Hammers.
(9) Hockey sticks.
(10) Lacrosse sticks.
(11) Martial arts weapons, including nunchucks, and kubatons.
(12) Night sticks.
(13) Pool cues.
(14) Ski poles.
(15) Tools including, but not limited to, wrenches and pliers.

D. *All Explosives, Including.*

(1) Ammunition.
(2) Blasting caps.
(3) Dynamite.
(4) Fireworks.
(5) Flares in any form.
(6) Gunpowder.
(7) Hand grenades.
(8) Plastic explosives.
(9) Realistic replicas of explosives.

E. *Incendiaries.*

(1) Aerosol, any, except for personal care or toiletries in limited quantities.
(2) Fuels, including cooking fuels and any flammable liquid fuel.
(3) Gasoline.
(4) Gas torches, including micro-torches and torch lighters.
(5) Lighter fluid.
(6) Strike-anywhere matches.
(7) Turpentine and paint thinner.
(8) Realistic replicas of incendiaries.

F. *Disabling Chemicals and Other Dangerous Items.*

(1) Chlorine for pools and spas.
(2) Compressed gas cylinders (including fire extinguishers).
(3) Liquid bleach.
(4) Mace.
(5) Pepper spray.
(6) Spillable batteries, except those in wheelchairs.
(7) Spray Paint.
(8) Tear gas.

II. *Permitted Items.* For purposes of 49 U.S.C. 40101 *et seq.* and 49 CFR 1540.111, TSA does not consider the items on the following lists as weapons, explosives, and incendiaries because of medical necessity or because they appear to pose little risk if, as is required, they have passed through screening. Therefore, passengers may carry these items as accessible property or on their person through passenger screening checkpoints and into airport sterile areas and the cabins of passenger aircraft.

A. *Medical and Personal Items.*

(1) Braille note taker, slate and stylus, and augmentation devices.
(2) Cigar cutters.
(3) Corkscrews.
(4) Cuticle cutters.
(5) Diabetes-related supplies/equipment (once inspected to ensure prohibited items are not concealed), including: Insulin and insulin loaded dispensing products; vials or box of individual vials; jet injectors; pens; infusers; and preloaded syringes; and an unlimited number of unused syringes, when accompanied by insulin; lancets; blood glucose meters; blood glucose meter test strips; insulin pumps; and insulin pump supplies. Insulin in any form or dispenser must be properly marked with a professionally printed label identifying the medication or manufacturer's name or pharmaceutical label.
(6) Eyeglass repair tools, including screwdrivers.
(7) Eyelash curlers.
(8) Knives, round-bladed butter or plastic.
(9) Lighters (maximum of two, fueled with non-refillable liquefied gas (Bic-type) or absorbed liquid (Zippo-type).
(10) Matches (maximum of four books, strike on cover, book type).
(11) Nail clippers.
(12) Nail files.
(13) Nitroglycerine pills or spray for medical use, if properly marked with a professionally printed label identifying the medication or manufacturer's name or pharmaceutical label.
(14) Personal care or toiletries with aerosols, in limited quantities.
(15) Prosthetic device tools and appliances (including drill, allen wrenches, pullsleeves) used to put on or remove prosthetic devices, if carried by the individual with the prosthetic device or his or her companion.
(16) Safety razors (including disposable razors).
(17) Scissors, plastic or metal with blunt tips.
(18) Tweezers.
(19) Umbrellas (once inspected to ensure prohibited items are not concealed).
(20) Walking canes (once inspected to ensure prohibited items are not concealed).

B. *Toys, Hobby Items, and Other Items Posing Little Risk.*

(1) Knitting and crochet needles.
(2) Toy transformer robots.
(3) Toy weapons (if not realistic replicas).

III. *Items Prohibited in Sterile and Cabin Areas but that May Be Placed in Checked Baggage.* Passengers may place prohibited items other than explosives, incendiaries, disabling chemicals and other dangerous items (other than individual self-defense sprays as noted below), and loaded firearms in their checked baggage, subject to any limitations provided in DOT's hazardous materials regulation. 49 CFR part 175.

(1) *Pepper spray or mace.* A passenger may have one self-defense spray, not exceeding 4 fluid ounces by volume, that incorporates a positive means to prevent accidental discharge. See 49 CFR 175.10(a)(4)(ii).

(2) *Small arms ammunition.* A passenger may place small arms ammunition for personal use in checked baggage, but only if securely packed in fiber, wood or metal boxes, or other packaging specifically designed to carry small amounts of ammunition. 49 CFR 175.10(a)(5).

(3) *Unloaded firearms.* A passenger may place an unloaded firearm or starter pistol in a checked bag if the passenger declares to the airline operator, either orally or in writing, before checking the baggage, that the passenger has a firearm in his or her bag and that it is unloaded; the firearm is carried in a hard-sided container; and the container is locked, and only the passenger has the key or combination. 49 CFR 1540.111(c).

(4) *Club-like items.* A passenger also may transport club-like objects and sharp objects in checked baggage, as long as they do not contain explosives or incendiaries.

(5) *Self-defense spray.* A passenger may have one self-defense spray (pepper spray or mace) not exceeding four fluid ounces in a checked bag if the spray container has a positive means to prevent accidental discharge. See 49 CFR 175.10(a)(4)(ii).

(6) *Other items.* Compressed air guns, fire extinguishers, flare pistols, and gun lighters are regulated as hazardous materials and may only be transported in checked baggage under strict limitations in quantity and packaging. 49 CFR part 175.

IV. *Lists are not Exclusive.* Neither the prohibited items list nor the permitted items list contains all possible items. A screener has discretion to prohibit an individual from carrying an item into a sterile area or onboard an aircraft if the screener determines that the item is a weapon, explosive, or incendiary, regardless of whether the item is on the prohibited items list or the permitted items list. For example, if a cigar cutter or other article on the permitted list appears unusually dangerous, the screener may refuse to allow it in sterile areas. Similarly, screeners may allow individuals to bring items into the sterile area that are not on the permitted items list. In addition, items may be prohibited from the cabin of an aircraft, or allowed in only limited quantities, by Department of Transportation regulations governing hazardous materials. Individuals with questions about the carriage of hazardous materials on passenger aircraft may call the Hazardous Materials Information Center at 1–800–467–4922 for more information.

Regulatory Impact Analyses

Regulatory Evaluation

This is not a substantive rule. Rather, it explains to the public, airport personnel, screeners, and airlines how the TSA interprets certain terms used in an existing rule, 49 CFR 1540.111. Generally, an interpretive rule is not likely to impose an economic impact distinct from the impact of the underlying rule. This interpretive rule does not expand the universe of items that passengers will not be allowed to bring into sterile areas or on board aircraft beyond the types of items that currently are considered prohibited weapons, explosives, and incendiaries under the underlying rule.

The resulting economic impact of this rule is non-significant. Passengers and other persons with items that may not be brought into sterile areas have several options, some of which include transporting the prohibited item in checked baggage, mailing it to a destination, or returning it to their car. These persons can also choose to voluntarily abandon the property in TSA-provided receptacles, at which point title of the property transfers to the Government. The rule does not affect manufacturers' or distributors' ability to sell items that may not be brought into sterile areas or passengers' ability to purchase them (prohibited items sold in sterile areas must be shipped to the purchaser).

While little or no adverse economic impact is expected, some unquantifiable economic benefit may result from the fact that this interpretive rule will expedite the screening process at the nation's airports by assisting passengers in deciding how to handle specified items before passengers reach the checkpoint.

Based on this analysis, this interpretative rule is not considered a ''significant regulatory action'' for purposes of Executive Order 12866.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980, as amended, (RFA) was enacted by Congress to ensure that small entities (small businesses, small not-for-profit organizations, and small governmental jurisdictions) are not unnecessarily or disproportionately burdened by Federal regulations. The RFA requires agencies to review rules to determine if they have ''a significant economic impact on a substantial number of small entities.'' Based on the analysis discussed in the section above, this interpretative rule does not impose a significant economic impact on a substantial number of small entities. Therefore, a Regulatory Flexibility Analysis is not required.

Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety and security, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. TSA has assessed the potential effect of this interpretative rule and has determined that it will impose the same costs on domestic and international entities and thus has a neutral trade impact.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (the Act), enacted as Public Law 104–4 on March 22, 1995, is intended to discourage imposing unfunded Federal mandates on State, local, and tribal governments. Title II of the Act requires each Federal agency to prepare a written statement that assesses the effect of any Federal mandate found in a rulemaking action that may result in an expenditure of $100 million or more (adjusted annually for inflation) in any one year by State, local and tribal governments, in the aggregate, or by the private sector. Such a mandate is identified as a ''significant regulatory action.'' The interpretive rule does not impose an unfunded mandate on state, local, or tribal governments because it does not require any action on the part of those entities.

Executive Order 13132, Federalism

TSA has examined this rule under the principles and criteria of Executive Order 13132, Federalism. TSA has determined that this action will not have a substantial direct effect on the States, or the relationship between the national government and the States, or

the distribution of power and responsibilities among the various levels of government. Therefore, this interpretative rule does not have federalism implications.

Environmental Analysis

TSA has reviewed this action for purposes of the National Environmental Review Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4347) and has determined that this action will not have a significant effect on the human environment.

Energy Impact

The energy impact of this rule has been assessed in accordance with the Energy Policy and Conservation Act (EPCA), Public Law 94–163, as amended (42 U.S.C. 6362) and FAA Order 1053.1. It has been determined that this rule is not a major regulatory action under the provisions of the EPCA.

Issued in Washington, DC, February 10, 2003.

James M. Loy,

Under Secretary of Transportation for Security.

[FR Doc. 03–3736 Filed 2–13–03; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 021212306–2306–01; I.D. 020703C]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska

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

ACTION: Modification of a closure.

SUMMARY: NMFS is opening directed fishing for pollock in Statistical Area 630 of the Gulf of Alaska (GOA) for 24 hours. This action is necessary to fully use the 2003 interim total allowable catch of pollock specific for this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 13, 2003, until 1200 hrs, A.l.t., February 14, 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.

The amount of the 2003 pollock TAC in Statistical Area 630 of the GOA was established as 1,222 metric tons by the interim 2003 harvest specifications for groundfish in the GOA (67 FR 78733, December 26, 2002).

NMFS closed the directed fishery for pollock in Statistical Area 630 of the GOA under § 679.20(d)(1)(iii) on January 21, 2003 (68 FR 2921, January 22, 2003).

NMFS has determined that approximately 587 mt remain in the directed fishing allowance. Therefore, NMFS is terminating the previous closure and is opening directed fishing for pollock in Statistical Area 630 of the GOA. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will be reached after 24 hours. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630 of the GOA effective 1200 hrs, A.l.t., February 14, 2003.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action to allow full use of the amount of the 2003 interim pollock TAC specified for Statistical Area 630 of the GOA constitutes 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)(3)(B) and 50 CFR 679.20(b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly, the need to implement these measures in a timely fashion to allow full use of the amount of the 2003 interim pollock TAC specified for Statistical Area 630 of the GOA constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

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

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

Dated: February 10, 2003.

Richard W. Surdi,

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

[FR Doc. 03–3755 Filed 2–11–03; 3:00 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 68, No. 31
Friday, February 14, 2003

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–CE–45–AD]

RIN 2120–AA64

Airworthiness Directives; Raytheon Aircraft Company 90, 100, and 200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Raytheon Aircraft Company (Raytheon) 90, 100, and 200 series airplanes. This proposed AD would require you to inspect the forward side of the aft pressure bulkhead for scoring damage and repair, if necessary. This proposed AD is the result of reports of the aft pressure bulkhead being damaged by scoring during manufacture. The actions specified by this proposed AD are intended to detect and correct damage to the aft pressure bulkhead of the fuselage. Such damage could lead to fatigue failure of the bulkhead.

DATES: The Federal Aviation Administration (FAA) must receive any comments on this proposed rule on or before April 23, 2003.

ADDRESSES: Submit comments to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2002–CE–45–AD, 901 Locust, Room 506, Kansas City, Missouri 64106. You may view any comments at this location between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. You may also send comments electronically to the following address: *9–ACE–7–Docket@faa.gov*. Comments sent electronically must contain ''Docket No. 2002–CE–45–AD'' in the subject line. If you send comments electronically as attached electronic files, the files must be formatted in Microsoft Word 97 for Windows or ASCII text.

You may get service information that applies to this proposed AD from Raytheon Aircraft Company, 9709 E. Central, Wichita, Kansas 67201–0085; telephone: (800) 429–5372 or (316) 676–3140. You may also view this information at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Steven E. Potter, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Wichita, Kansas 67209; telephone: (316) 946–4124; facsimile: (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Comments Invited

How do I comment on this proposed AD? The FAA invites comments on this proposed rule. You may submit whatever written data, views, or arguments you choose. You need to include the rule's docket number and submit your comments to the address specified under the caption **ADDRESSES.** We will consider all comments received on or before the closing date. We may amend this proposed rule in light of comments received. Factual information that supports your ideas and suggestions is extremely helpful in evaluating the effectiveness of this proposed AD action and determining whether we need to take additional rulemaking action.

Are there any specific portions of this proposed AD I should pay attention to? The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this proposed rule that might suggest a need to modify the rule. You may view all comments we receive before and after the closing date of the rule in the Rules Docket. We will file a report in the Rules Docket that summarizes each contact we have with the public that concerns the substantive parts of this proposed AD.

How can I be sure FAA receives my comment? If you want FAA to acknowledge the receipt of your mailed comments, you must include a self-addressed, stamped postcard. On the postcard, write ''Comments to Docket No. 2002–CE–45–AD.'' We will date stamp and mail the postcard back to you.

Discussion

What events have caused this proposed AD? The FAA has received reports that during manufacturing, nine aft pressure bulkheads of Raytheon 90, 100, and 200 series airplanes may have been damaged by scribing or knife marks (scoring).

What are the consequences if the condition is not corrected? The damage to the aft pressure bulkhead may cause fatigue failure of the bulkhead.

Is there service information that applies to this subject? Raytheon has issued Service Bulletin No. SB 53–3513, Revision 1, Issued May 2002, Revised October 2002.

What are the provisions of this service information? The service bulletin includes procedures for:

—Inspecting the forward side of the aft pressure bulkhead for scoring damage; and
—Repairing, if required, the forward side of the aft pressure bulkhead.

The FAA's Determination and an Explanation of the Provisions of this Proposed AD

What has FAA decided? After examining the circumstances and reviewing all available information related to the incidents described above, we have determined that:

—The unsafe condition referenced in this document exists or could develop on other Raytheon 90, 100, and 200 series airplanes of the same type design;
—The actions specified in the previously-referenced service information should be accomplished on the affected airplanes; and
—AD action should be taken in order to correct this unsafe condition.

What would this proposed AD require? This proposed AD would require you to incorporate the actions in the previously-referenced service bulletin.

Cost Impact

How many airplanes would this proposed AD impact? We estimate that this proposed AD affects 3,223 airplanes in the U.S. registry.

What would be the cost impact of this proposed AD on owners/operators of the affected airplanes? We estimate the following costs to accomplish the proposed inspection of the forward side of the aft pressure bulkhead:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
8 workhours × $60 per hour = $480	Not applicable	$480	$1,547,040

We estimate the following costs to accomplish any necessary repairs that would be required based on the results of the proposed inspection. We have no way of determining the number of airplanes that may need such repair of the forward side of the aft pressure bulkhead:

Labor cost	Parts cost	Total cost per airplane
16 workhours × $60 per hour = $960	$25	$985

Compliance Time of This Proposed AD

What would be the compliance time of this proposed AD? The compliance time of this proposed AD is within the next 6 calendar months after the effective date of this AD.

Why is the proposed compliance time presented in calendar time instead of hours time-in-service (TIS)? This unsafe condition is not a result of the number of times the airplane is operated. The chance of this situation occurring is the same for an airplane with 10 hours TIS as it would be for an airplane with 500 hours TIS. For this reason, FAA has determined that a compliance based on calendar time should be utilized in this AD in order to ensure that the unsafe condition is addressed on all airplanes in a reasonable time period.

Regulatory Impact

Would this proposed AD impact various entities? 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 proposed rule would not have federalism implications under Executive Order 13132.

Would this proposed AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this proposed action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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 has been placed 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, under 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. FAA amends § 39.13 by adding a new airworthiness directive (AD) to read as follows:

Raytheon Aircraft Company: Docket No. 2002–CE–45–AD

(a) *What airplanes are affected by this AD?* This AD affects the following airplane models and serial numbers that are certificated in any category;

Model	Serial Nos.
(1) 65–90, 65–A90, B90, C90, and C90A	LJ–1 through LJ–1287, LJ–1289 through LJ–1294, and LJ–1296 through LJ–1299.
(2) E90	LW–1 through LW–347.
(3) F90	LA–2 through LA–236.
(4) H90 (T–44A)	LL–1 through LL–61.
(5) 100 and A100	B–2 through B–89, B–93, and B–100 through B–247.
(6) A100 (U–21F)	B–1, B–90 through B–92, and B–94 through B–99.
(7) A100–1 (U–21J)	BB–3 through BB–5.
(8) A200 (C–12A) and (C–12C)	BC–1 through BC–61, BC–62 through BC–75, and BD–1 through BD–30.
(9) A200C (UC–12B)	BJ–1 through BJ–66.
(10) A200CT (C–12D)	BP–1, BP–19, and BP–24 through BP–51.
(11) A200CT (C–12F)	BP–52 through BP–63.
(12) B200C (C–12F)	BP–64 through BP–71, BL–73 through BL–112, and BL–118 through BL–123.
(13) A200CT (FWC–12D)	BP–7 through BP–11.
(14) A200CT (RC–12D)	GR–1 through GR–12.
(15) A200CT (RC–12G)	FC–1 through FC–3.
(16) A200CT (RC–12H)	GR–14 through GR–19.
(17) A200CT (RC–12K)	FE–1 through FE–9.
(18) A200CT (RC–12P)	FE–25 through FE–31, FE–33, and FE–35.
(19) A200CT (RC–12Q)	FE–32, FE–34, and FE–36.
(20) B100	BE–1 through BE–137.
(21) B200C	BL–37 through BL–57, BL–61 through BL–72, and BL–124 through BL–138.
(22) 200C	BL–1 through BL–23, BL–26 through BL–36.
(23) B200C (C–12F)	BP–64 through BP–71, BL–73 through BL–112, and BL–118 through BL–123.

Model	Serial Nos.
(24) B200C (C–12R)	BW–1 through BW–29.
(25) B200C (UC–12F)	BU–1 through BU–10.
(26) B200C (UC–12M)	BV–1 through BV–10.
(27) B200CT and 200CT	BN–1 through BN–4.
(28) B200T and 200T	BT–1 through BT–34, and BB–1314.
(29) 200	BB–2, BB–6 through BB–185, BB–187 through BB–202, BB–204 through BB–269, BB–271 through BB–407, BB–409 through BB–468, BB–470 through BB–488, BB–490 through BB–509, BB–511 through BB–529, BB–531 through BB–550, BB–552 through BB–562, BB–564 through BB–572, BB–574 through BB–590, BB–592 through BB–608, BB–610 through BB–626, BB–628 through BB–646, BB–648 through BB–664, BB–666 through BB–694, BB–696 through BB–733, BB–735 through BB–792, BB–794 through BB–797, BB–799 through BB–822, BB–825 through BB–828, BB–830 through BB–853, BB–872, BB–873, BB–892, BB–893, and BB–912.
(30) B200	BB–734, BB–793, BB–829, BB–854 through BB–870, BB–874 through BB–891, BB–894, BB–896 through BB–911, BB–913 through BB–990, BB–992 through BB–1051, BB–1053 through BB–1092, BB–1094, BB–1099 through BB–1104, BB–1106 through BB–1116, BB–1118 through BB–1184, BB–1186 through BB–1263, BB–1265 through BB–1288, BB–1290 through BB–1300, BB–1302 through BB–1313, BB–1315 through BB–1384, BB–1389 through BB–1425, BB–1427 through BB–1438, and BB–1440 through BB–14443.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the airplanes identified in paragraph (a) of this AD must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to detect and correct damage to the aft pressure bulkhead of the fuselage. Such damage could lead to fatigue failure of the bulkhead.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance	Procedures
(1) Inspect the forward side of the aft pressure bulkhead for scoring damage.	Within the next 6 calendar months after the effective date of this AD, unless already accomplished.	In accordance with the Accomplishment Instructions of Raytheon Aircraft Mandatory Service Bulletin No.: SB 53–3513, Rev. 1, dated: October 2002.
(2) If scoring damage is found, repair as specified in the Raytheon Aircraft Mandatory Service Bulletin No.: SB 53–3513, Rev. 1, dated: October 2002. As applicable, obtain a repair scheme from the manufacturer through FAA at the address specified in paragraph (f) of this AD and incorporate this repair scheme.	Prior to further flight after the inspection required in paragraph (d)(1) of this AD, unless already accomplished.	In accordance with the Accomplishment Instructions of Raytheon Aircraft Mandatory Service Bulletin No.: SB 53–3513, Rev. 1, dated: October 2002. As applicable, repair in accordance with a repair scheme obtained from Raytheon Aircraft Company. Obtain this repair scheme through FAA at the address specified in paragraph (f) of this AD.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Wichita Aircraft Certification Office (ACO), approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note: This AD applies to each airplane identified in paragraph (a) of this AD, 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 (e) 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 you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Mr. Steven E. Potter, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Wichita, Kansas 67209; telephone: (316) 946–4124; facsimile: (316) 946–4407.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *How do I get copies of the documents referenced in this AD?* You may get copies of the documents referenced in this AD from Raytheon Aircraft Company, 9709 E. Central, Wichita, Kansas 67201–0085; telephone: (800) 429–5372 or (316) 676–3140. You may view these documents at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on February 7, 2003.

Dorenda D. Baker,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–3611 Filed 2–13–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–SW–49–AD]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model SA–365N, N1, AS–365N2, AS 365 N3, SA–366G1, AS355F, F1, F2, N, and EC130 B4 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes adopting a new airworthiness directive (AD) for Eurocopter France (Eurocopter) Model SA–365N, N1, AS–365N2, AS 365 N3, SA–366G1, AS355 F, F1, F2, N, and EC130 B4 helicopters with certain TRW–SAMM main servocontrols (servocontrols) installed. This proposal would require removing the servocontrol and replacing it with a servocontrol that does not fall within the ''Applicability'' of this AD at specified intervals. This proposal is prompted by the discovery of an incorrect tightening torque load found on servocontrols that were overhauled by Hawker Pacific Aerospace. The actions specified by this proposed AD are intended to prevent thread failure, separation of the upper end fitting that attaches the servocontrol cylinder to the upper ball end-fitting, and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before April 15, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2002–SW–49–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: *9-asw-adcomments@faa.gov*. Comments may be inspected at the Office of the Regional Counsel between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this proposal must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2002–SW–49–AD.'' The postcard will be date stamped and returned to the commenter.

Discussion

The Direction Generale De L'Aviation Civile (DGAC), the airworthiness authority for France, notified the FAA that an unsafe condition may exist on Eurocopter Model AS 365 N, EC 130, AS 355, and SA 366 helicopters. The DGAC advises of a report of incorrect tightening torque load found in service on servocontrols that were overhauled by Hawker Pacific Aerospace.

Eurocopter has issued the following alert telexes, all dated April 29, 2002, which specify removing the servocontrols and returning them to the Hawker Pacific Aerospace:

- Alert Telex No. 67.00.08 for Model AS–365N, N1, N2, and N3 helicopters;
- Alert Telex No. 67.03 for Model AS–366G1 helicopters;
- Alert Telex No. 67.00.23 for Model AS355F, F1, F2, and N helicopters;
- Alert Telex No. 67A001 for Model EC130 B4 helicopters.

The DGAC classified these alert telexes as mandatory and issued AD No's. 2002–312–056(A), 2002–313–027(A), 2002–315–069(A), and 2002–316–004(A), all dated June 12, 2002, to ensure the continued airworthiness of these helicopters in France.

These helicopter models are manufactured in France and are type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral agreement. Pursuant to the applicable bilateral 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.

Incorrect torquing of the critical end fitting on the main servocontrol creates an unsafe condition. This unsafe condition is likely to exist or develop on other helicopters of the same type designs registered in the United States. Therefore, the proposed AD would require removing the servocontrols, part number SC8031, SC8031A, SC8031–1, SC8031–2, SC8032–1, SC8032–2, SC8033–1, SC8033–2, SC8034–1, SC8034–2, SC8042, or SC8043, that were overhauled or repaired at Hawker Pacific Aerospace before March 1, 2002, and replacing them with servocontrols that do not fall within the ''Applicability'' of this AD at specified intervals.

The FAA estimates that 252 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 8 work hours per helicopter to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $6,853, but the manufacturer has stated in the service information that it will rework the servocontrols at no cost to the owner/operator. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $1,847,916, assuming no costs are covered by the manufacturer's warranty.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation

Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Eurocopter France: Docket No. 2002–SW–49–AD.

Applicability: Model SA–365N, N1, AS–365N2, N3, SA–366 G1, AS355F, F1, F2, N and EC130 B4 helicopters, with TRW–SAMM main servocontrols, part number SC8031, SC8031A, SC8031–1, SC8031–2, SC8032–1, SC8032–2, SC8033–1, SC8033–2, SC8034–1, SC8034–2, SC8042 or SC8043, overhauled or repaired at Hawker Pacific Aerospace before March 1, 2002, installed, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent thread failure, separation of the upper end-fitting that attaches the servocontrol cylinder to the upper ball end-fitting, and subsequent loss of control of the helicopter, accomplish the following:

(a) Replace each servocontrol with a servocontrol that does not fall within the ''Applicability'' of this AD in accordance with the following table:

For servocontrols that have been in service for:	Replace the servocontrols:
(1) Less than 1,000 hours time-in-service (TIS)	Within the next 550 hours TIS or 12 months, whichever occurs first.
(2) 1,000 or more hours TIS, and less than 1,300 hours TIS	Before the servocontrols reach 1,550 hours TIS or within 9 months, whichever occurs first.
(3) 1,300 or more hours TIS	Within the next 250 hours TIS or 6 months, whichever occurs first.

Note 2: Eurocopter Alert Telex No. 67.00.08 for Model AS 365 N, N1, N2, and N3 helicopters; Alert Telex No. 67.03 for Model AS 366 G1 helicopters; Alert Telex No. 67.00.23 for Model AS 355 F, F1, F2, and N helicopters; and Alert Telex No. 67A001 for Model EC 130 B4 helicopters, all dated April 29, 2002, pertain to the subject of this AD.

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

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

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

Note 4: The subject of this AD is addressed in Direction De L'Aviation Civile (France) AD No's. 2002–312–056(A), 2002–313–027(A), 2002–315–069(A), and 2002–316–004(A), all dated June 12, 2002.

Issued in Fort Worth, Texas, on January 30, 2003.

David A. Downey,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 03–3774 Filed 2–13–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–150313–01]

RIN 1545–BA80

Redemptions Taxable as Dividends

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations that provide guidance regarding the treatment of the basis of redeemed stock when a distribution in redemption of such stock is treated as a dividend, as well as guidance regarding certain acquisitions of stock by related corporations that are stock under sections 302, 304, 704, 861, 1371, 1374, and 1502 of the Internal Revenue Code.

DATES: The public hearing originally scheduled for Thursday, February 20, 2003, at 10 a.m., is cancelled.

FOR FURTHER INFORMATION CONTACT: Treena Garrett of the Regulations Unit, Associate Chief Counsel (Procedure and Administration) (202) 622–7180 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on Friday, October 18, 2002, (67 FR 64331), announced that a public hearing was scheduled for Thursday, February 20, 2003, at 10 a.m. in room 4718, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is proposed regulations under sections 302, 304, 704, 861, 1371, 1374, and 1502 of the Internal Revenue Code. The public comment period for these proposed regulations expired on Thursday, January 16, 2003. Outlines of oral comments were due on Thursday, January 30, 2003.

The notice of proposed rulemaking and notice of public hearing, instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of Thursday, February 6, 2003, no one has requested to speak. Therefore, the public hearing scheduled for Thursday, February 20, 2003, is cancelled.

Cynthia E. Grigsby,

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

[FR Doc. 03–3751 Filed 2–13–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 41, 48, and 145

[REG–103829–99 and REG–143321–02]

RIN 1545–AX10 and 1545–BB60

Excise Taxes; Definition of Highway Vehicle; Hearing and Information Reporting Relating to Taxable Stock Transactions; Hearing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Change of location of public hearings.

SUMMARY: This document changes the location of two public hearings on proposed regulations relating to the definition of a highway vehicle for purposes of various excise taxes and information reporting relating to taxable stock transactions.

DATES: The public hearings scheduled in room 4718 on Thursday, February 27, 2003 and Tuesday, March 25, 2003, respectively, are rescheduled to be held in the IRS Auditorium at 10 a.m.

FOR FURTHER INFORMATION CONTACT: Concerning submissions of comments, the hearing, and/or to be placed on the building access list to attend the hearing, Treena Garrett at (202) 622–7180 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of public hearing (REG–103829–99), that was published in the **Federal Register** on Monday, September 16, 2002 (67 FR 58346), announced that a public hearing on proposed regulations relating to the definition of a highway vehicle for purposes of various excise taxes under sections 4041 (fuel taxes), 4051 (retail tax on heavy vehicles), 4071 (tire tax) and sections 6421 and 6427 (fuel tax credits and refunds) of the Internal Revenue Service Code would be held on Thursday, February 27, 2003, beginning at 10 a.m. in room 4718 of the Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

A notice of proposed rulemaking by cross-reference to temporary regulations and notice of public hearing (REG–143321–02), that was published in the **Federal Register** on Monday, November 18, 2002 (67 FR 69496) and Wednesday, November 27, 2002, announced that a public hearing on proposed regulations relating to information reporting relating to taxable stock transactions under sections 6043(c) and 6045 of the Internal Revenue Service Code would be held on Tuesday, March 25, 2003, beginning at 10 a.m. in room 4718 of the Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

The location of both public hearings has changed. The public hearing for REG–103829–99 and REG–143321–02 are being held in the Auditorium, beginning at 10 a.m., Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC. Because of the controlled access restrictions, attendees are not admitted beyond the lobby on the Internal Revenue Service 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 and Administration).

[FR Doc. 03–3750 Filed 2–13–03; 8:45 am]

BILLING CODE 4830–01–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4000, 4003, 4007, 4010, 4011, 4022, 4041, 4041A, 4043, 4050, 4062, 4203, 4204, 4207, 4208, 4211, 4219, 4220, 4221, 4231, 4245, 4281, 4901, 4902, 4903 and 4907

RIN 1212–AA89

Rules on Filings, Issuances, Computation of Time, and Electronic Means of Record Retention

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Proposed rule.

SUMMARY: We propose, consistent with the Government Paperwork Elimination Act, to remove requirements from our regulations that might limit electronic filing with us or electronic issuances to others. The proposed rules will give us flexibility to keep pace with ever-changing technology. In addition, they simplify and consolidate our rules on what methods you may use to send us a filing or provide an issuance to someone other than us, on how to determine the date we treat you as having made your filing or provided your issuance, and on how to compute various periods of time (including those for filings with us and for issuances to third parties). Finally, they provide rules for maintaining records by electronic means.

DATES: Comments must be received by April 15, 2003.

ADDRESSES: Comments may be mailed to the Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026, or delivered to Suite 340 at the above address. Comments also may be sent by Internet e-mail to *reg.comments@pbgc.gov,* or by fax to 202–326–4112. We will make all comments available on our Web site, *http://www.pbgc.gov.* Copies of comments also may be obtained by writing the PBGC's Communications and Public Affairs Department (CPAD) at Suite 240 at the above address or by visiting or calling CPAD during normal business hours (202–326–4040).

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, or Thomas H. Gabriel, Attorney, Office of the General Counsel, PBGC, 1200 K Street, NW., Washington, DC 20005–4026; 202–326–4024. (For TTY/TDD users, call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: These proposed rules are part of our ongoing implementation of the Government Paperwork Elimination Act (GPEA) and are consistent with the Office of Management and Budget directive to remove regulatory impediments to electronic transactions. They address electronic means for filings with us, issuances to third parties, and recordkeeping. They build in the flexibility needed to allow us to continue to expand the availability of electronic options as technology advances. Under the proposal, much of the detailed information on permitted electronic means will be on our Web site, *http://www.pbgc.gov,* which will be updated from time to time.

The proposed rules make it easier for you to make a filing or provide an issuance on time by treating most types of submissions as filed or issued on the date sent (provided you meet certain requirements) rather than on the date received. In addition, under the proposal, the rules are easier to use—they are simpler, more uniform, and appear together in a single part of the regulations. The proposal makes similar simplifying changes to the rules for computing periods of time.

Under this proposal, our filing, issuance, computation-of-time, and electronic record-retention rules are consolidated in new subparts A through E of part 4000.

- New subpart A tells you what methods you may use for sending a filing to us. These new rules will apply to any filing with us under our regulations where the particular regulation calls for their application. For these purposes, we treat any payment to us under our regulations as a filing.

• New subpart B tells you what methods you may use to issue a notice or otherwise provide information to any person other than us. These new rules will apply to any issuance (except a payment) under our regulations where the particular regulation calls for their application.

• New subpart C tells you how we will determine the date you send us a filing and the date you provide an issuance to someone other than us (such as a participant). These new rules will apply to any filing or issuance under our regulations where the particular regulation calls for their application.

• New subpart D tells you how to compute time periods. These new rules will apply to any time period under our regulations (*e.g.*, for filings with us and issuances to third parties) where the particular regulation calls for their application.

• New subpart E tells you how to comply with any recordkeeping requirement under our regulations using electronic means.

Existing Part 4000's distribution and derivation tables, which show the changes that occurred as a result of the PBGC's July 1, 1996, reorganization and renumbering of its regulations (61 FR 32574), will be moved to the PBGC's Web site at *http://www.pbgc.gov,* and combined with similar tables showing the changes that occurred as a result of the PBGC's June 29, 1981, reorganization and renumbering of its regulations (46 FR 32574). A note at the beginning of the PBGC's regulations will refer users to the PBGC's Web site for the tables.

Method of Filing

We are trying to provide as much flexibility as possible in filing methods. The proposed rules allow you to file any submission with us by hand, mail, or commercial delivery service, and refer you to our Web site, *http://www.pbgc.gov,* for current information on electronic filing, including permitted methods, fax numbers, and e-mail addresses. The instruction booklets and forms used for certain filings with us also will describe electronic and other filing methods, as appropriate, and will be available on our Web site.

Where To File

Under the proposed rule, we are removing the filing addresses from our regulations and putting them on our Web site, *http://www.pbgc.gov,* and in the instructions to our forms; addresses will also be available through our Customer Service Center, 1–800–400–7242 (for participants), or 1–800–736–2444 (for practitioners). (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to the appropriate number.) Because we have different addresses for different types of filings, you should make sure to use the appropriate address for your type of filing. For example, some filings (such as premium payments) must be sent to a bank, while other filings (such as the Standard Termination Notice (Form 500)) must be sent to the appropriate department at our offices in Washington, DC.

Method of Issuance

The proposed rules on methods of issuance permit you to use any method of issuance, provided you use measures reasonably calculated to ensure actual receipt of the material by the intended recipient. Posting is not a permissible method of issuance under the rules of this part. (However, for certain issuances, posting is specifically permitted by the regulation governing the particular issuance.)

The proposed rules include a safe-harbor method for providing an issuance by electronic media. The proposed safe-harbor method generally tracks the Department of Labor's final rules (67 FR 17264 (April 9, 2002)) concerning disclosure of certain employee benefit plan information through electronic media, as set out at 29 CFR 2520.104b–1. Our safe-harbor method would be available to any person using electronic media to satisfy issuance obligations under our regulations.

These proposed rules on methods of issuance do not address compliance with the Electronic Signatures in Global and National Commerce Act, Pub. L. 106–229, 114 Stat. 464 (2000) (codified at 15 U.S.C. 7001–7006) (''E–SIGN'').

Date of Filing or Issuance

The proposed rules tell you how we will determine the date you filed your submission with us and the date you provided your issuance to someone other than us (such as a participant). In some cases, other PBGC rules relating to issuances to third parties refer to when an issuance is *received.* (For instance, when there is a request for abatement (regulation § 4207.3), interest is credited to the employer if the plan sponsor does not issue a revised payment schedule reflecting the credit or make the required refund within 60 days after receipt by the plan sponsor of a complete abatement application action.) These proposed rules would not affect those other receipt rules for issuances to third parties. Similarly, these proposed rules would not affect any receipt rule for filings with the PBGC, except to the extent these rules describe how to determine when a document is received (for instance, filings received by the PBGC after 5 p.m. are treated as received on the next business day).

Date of Filing in General

Under the proposed rule, we will treat most types of submissions as filed on the date you send the submission to us if you comply with certain requirements. The requirements vary depending on the method of filing you use. We may ask you for evidence of when you sent a submission to us.

There are a few types of submissions to us that we always treat as filed when received (not when sent), no matter what method you use: (1) Applications for benefits and related submissions (unless the instructions for the applicable forms provide for an earlier date), (2) advance notices of reportable event (under subpart C of section 4043), (3) notices of missed contributions exceeding $1 million (under subpart D of section 4043), and (4) requests for approval of a multiemployer plan amendment. The ''filed-when-received'' rule is necessary for these submissions because we may need to act quickly to provide benefit payments, to protect participants or premium payers, or to act within a statutory time frame.

In these cases, as well as cases where you do not meet the requirements for your filing date to be the date you send your submission, your filing date is the date we receive your submission. However, if we receive your submission after 5 p.m. (our time) on a business day, or anytime on a weekend or Federal holiday, we will treat it as received on the next business day.

Date of Issuance in General

Under the proposed rule, we will treat most types of issuances to third parties as provided on the date you send the issuance if you comply with certain requirements. The requirements vary depending on the method of issuance you use. The proposed rules for determining the date of an issuance generally track the proposed rules for determining the date of a filing; however, there are some differences for issuances using electronic means. An electronic issuance meeting the proposed safe harbor will have the benefit of the ''send-date'' rule. An electronic issuance that meets the general standard for issuances (*i.e.*, using measures reasonably calculated to ensure actual receipt), but not the safe harbor, will be deemed issued on the date received by the intended recipient.

Filing and Issuance by U.S. Postal Service

If you send your submission to us, or provide an issuance to someone else, by First-Class Mail (or another at least equivalent class), and you properly mail it by the last scheduled collection of the day, your filing or issuance date is the date you mail it. If you properly mail it later than the last scheduled collection or on a day when there is no scheduled collection, your filing or issuance date is the date of the next scheduled collection.

If your submission or issuance has a legible U.S. Postal Service postmark, we will presume your filing or issuance date is the date of the postmark. However, you may prove an earlier date. The same rules apply if your submission or issuance has a legible postmark made by a private postage meter (but no legible U.S. Postal Service postmark) and arrives at the proper address by the time reasonably expected.

Filing and Issuance Using the Postal Service of a Foreign Country

If you send your submission to us, or provide an issuance to someone else, using the postal service of a foreign country, your filing or issuance date is the date of receipt at the proper address.

Filing and Issuance by Commercial Delivery Service

If you send your submission to us, or provide an issuance to someone else, by a commercial delivery service that meets certain requirements (described below) and you properly deposit your submission or issuance by the last scheduled collection of the day, your filing or issuance date is the date you deposit your submission or issuance; if you properly deposit it later than the last scheduled collection or on a day when there is no scheduled collection, your filing or issuance date is the date of the next scheduled collection.

To benefit from this ''send-date'' rule, you must use: (1) A ''designated delivery service'' under Internal Revenue Code § 7502(f) (our Web site, *http://www.pbgc.gov,* will list the designated delivery services), or (2) a service for which it is reasonable to expect that your submission or issuance will arrive at the proper address by 5 p.m. on the second business day after the date of collection.

Filing and Issuance by Hand Delivery

If you hand deliver your submission or issuance, your filing or issuance date is the date of receipt at the proper address. A hand-delivered issuance need not be delivered while the intended recipient is physically present. For example, unless you have reason to believe that the intended recipient will not receive the notice within a reasonable amount of time, a notice is deemed to be received when you place it in the intended recipient's office mailbox.

Filing and Issuance by Electronic Delivery

You may submit most types of filings to PBGC electronically. If you do, the filing date for your submission is the date you transmit it to us at the proper address, provided (1) you comply with the technical requirements for that type of submission (our Web site, *http://www.pbgc.gov,* tells you when electronic filing is permitted and, if so, identifies the technical requirements for each type of submission), and (2) when sending an e-mail with an attachment, you include, in the body of the e-mail, the name and telephone number of the person for us to contact if we are unable to read the attachment.

Under certain circumstances, you may provide issuances electronically. An electronic issuance meeting the proposed safe harbor will have the benefit of a ''send-date'' rule. An electronic issuance that meets the general standard for issuances (*i.e.,* using measures reasonably calculated to ensure actual receipt), but not the safe harbor for electronic filings, will be deemed issued on the date received by the intended recipient. For any issuance in the form of an e-mail, you must include, in the body of the e-mail, the name and telephone number of the person to contact if the recipient is unable to read the attachment.

Filing and Issuance by Submission of Computer Disk

For most types of filings with PBGC, you may send us your submission on a computer disk (*e.g.,* a CD–ROM or floppy diskette). Similarly, you may be able to provide certain issuances on computer disk. For filings, you must comply with the technical requirements for that type of submission. For issuances, you must meet certain safe-harbor requirements. For both filings and issuances, you must include, in a paper cover letter or on the disk's label, the name and telephone number of the person to contact if we or the intended recipient is unable to read the disk. The rules for determining the filing or issuance date of your submission of a computer disk will apply as if you sent us a paper version of your submission.

Requirement To Resend

If you have reason to believe that we or the intended recipient has not received your electronic or paper filing or issuance (or has received it in a form that is not useable), you must promptly resend it. If you do so, we will treat it as filed or issued on the original filing or issuance date. If you are not prompt, your filing or issuance date will be the filing or issuance date of the resubmission or reissuance.

De Minimis Issuance Errors

We will not treat your issuance as untimely based on your failure to provide it to a participant or beneficiary in a timely manner if the failure resulted from administrative error and involved only a *de minimis* percentage of intended recipients, provided that you resend the issuance to the intended recipient promptly after discovering the error. (Under our existing regulations, this rule applies only to standard and distress termination issuances; the proposed rule applies it to all our issuances under our regulations.)

Computation of Time

The proposed computation-of-time rules tell you how to compute time periods under our regulations (*e.g.,* for filings with us and issuances to third parties) where the particular regulation calls for their application. (Some of our regulations will contain specific exceptions or modifications to these proposed rules.)

When computing a time period (whether counting forwards or backwards) under these rules, exclude the day of the act, event, or default that begins the period; include the last day of the period; and if the last day is a weekend or Federal holiday, extend or shorten the period (whichever benefits you in complying with the time requirement) to the next regular business day. The weekend and holiday rule also applies to deadlines for which counting is not required, such as ''the last day'' of a plan year.

For example, suppose that you miss a required minimum funding contribution of $2 million that has a November 13, 2003, due date. Under our regulations, you are required to file a notice of a missed contribution (Form 200) no later than 10 days after the due date for the missed contribution. To determine your deadline, count November 14 as day 1, November 15 as day 2, November 16 as day 3, and so on. Therefore, November 23 is day 10. Since November 23, 2003, is a Sunday, you will have until Monday, November 24, 2003, to file the notice.

As another example, suppose you are required to file an advance notice of reportable event for a transaction that is effective December 16, 2003. Under our

regulations, the notice is due at least 30 days before the effective date of the event. To determine your deadline, count December 15 as day 1, December 14 as day 2, December 13 as day 3, and so on. Therefore, November 16 is day 30. Since November 16, 2003, is a Sunday, you will have until Monday, November 17, 2003, to file the notice.

If a time period is measured in months, you would first identify the day of the calendar month on which you start counting (*i.e.,* the date of the act, event, or default that triggers the period). Then you would look to the corresponding day of the calendar month in which you stop counting. For example, a one-month period measured from January 15 ends (if counting forward) on February 15 or (if counting backward) on December 15. In this example, as in most cases where you are counting months, the day of the calendar month in which the period starts (the 15th) corresponds to the same numbered day of the calendar month in which the period ends. There are two special rules that apply where you start counting on a day that is at or near the end of a calendar month:

- If you start counting on the last day of a calendar month, the corresponding day of any later (or earlier) calendar month is the last day of that calendar month. For example, for a three-month period measured from November 30, the corresponding day (if counting forward) is the last day of February (the 28th or 29th) or (if counting backward) the last day of August (the 31st).
- If you start counting on the 29th or 30th of a calendar month, the corresponding day of February is the last day of February. For example, for a one-month period measured from January 29, the corresponding day is the last day of February (the 28th or 29th).

Electronic Means of Record Retention

The proposed rule provides guidance on record maintenance and retention using electronic means. The proposed rule generally tracks the Department of Labor's final rules (67 FR 17264 (April 9, 2002)) for retaining records by electronic means, set out at 29 CFR 2520.107–1.

You remain responsible for following our electronic recordkeeping rules, even if you rely on others for help. For example, if a service provider to a plan administrator creates, maintains, retains, prepares, or keeps physical custody of the plan's records, the plan administrator must ensure that the service provider complies with these rules.

The proposed recordkeeping requirements are consistent with the goals of E–SIGN and are designed to facilitate voluntary use of electronic records while ensuring continued accuracy, integrity and accessibility of records required to be kept under our regulations. The requirements are justified by the importance of the records involved, are substantially equivalent to the requirements imposed on records that are not electronic records, will not impose unreasonable costs on the acceptance and use of electronic records, and do not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification for performing the functions of creating, storing, generating, receiving, communicating, or authenticating electronic records.

Paperwork Reduction Act

Under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501–3520, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. The information collection requirements related to the regulations that would be affected by this proposed action were previously approved by OMB. We are requesting OMB's approval of the proposed changes in our filing, issuance, computation-of-time, and recordkeeping rules.

The proposed rules will promote the use of appropriate automated, electronic, or other technological collection techniques or other forms of information technology in connection with the approved information collections. Although the proposed rules are expected to make the information collections more convenient to the public by allowing use of electronic means, expanding the choice of filing, issuance, and recordkeeping methods, and giving the benefit of a ''when-sent'' filing or issuance date for most types of submissions, we do not expect the changes to materially affect burden and are therefore not revising the annual burden estimates currently approved by OMB for each of our regulations.

We invite comment from the public on any issues arising under the Paperwork Reduction Act relating to this proposed rule. We specifically seek public comments to:

- 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 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.

Compliance With Rulemaking Guidelines

The PBGC has determined, in consultation with the Office of Management and Budget, that this proposed rule is not a ''significant regulatory action'' under Executive Order 12866.

We certify under section 605(b) of the Regulatory Flexibility Act that the proposed rule will not have a significant economic impact on a substantial number of small entities. The proposed rule does not affect the underlying requirements (*e.g.*, to file a submission with us, provide an issuance to a third party, or retain records) to which the proposed rules would apply. Nor does the final rule require any plan or other entity to make use of electronic media for either disclosure or recordkeeping purposes or to change the method it currently uses. Entities may avoid both any marginal cost and any beneficial impacts by simply retaining their existing paper-based or electronic methods of compliance with disclosure requirements or existing paper-based methods of compliance with recordkeeping requirements. (For those entities that already use electronic media for recordkeeping purposes, any expense associated with conforming their procedures to the minimum standards in this proposal would be marginal.) We do not expect the economic impact (if any) associated with the proposed changes to be significant for entities of any size, and therefore certify that the proposed rule would not have a significant economic impact on a substantial number of small entities. Accordingly, sections 603 and 604 of the Regulatory Flexibility Act do not apply.

List of Subjects

29 CFR Part 4000

Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4003

Administrative practice and procedure, Pension insurance.

29 CFR Part 4007

Employee benefit plans, Penalties, Pension insurance, Reporting and recordkeeping requirements.

29 CFR Part 4010

Employee benefit plans; Penalties; Pension insurance; Reporting and recordkeeping requirements.

29 CFR Part 4011

Employee benefit plans, Pension insurance, Reporting and recordkeeping requirements.

29 CFR Part 4022

Employee benefit plans, Pension insurance, Reporting and recordkeeping requirements.

29 CFR Part 4041

Employee benefit plans, Pension insurance, Reporting and recordkeeping requirements.

29 CFR Part 4041A

Employee benefit plans, Pension insurance, Reporting and recordkeeping requirements.

29 CFR Part 4043

Employee benefit plans, Pension insurance, Reporting and recordkeeping requirements.

29 CFR Part 4050

Employee benefit plans, Pension insurance, Reporting and recordkeeping requirements.

29 CFR Part 4062

Employee benefit plans, Pension insurance, Reporting and recordkeeping requirements.

29 CFR Part 4203

Employee benefit plans, Pension insurance, Reporting and recordkeeping requirements.

29 CFR Part 4204

Employee benefit plans, Pension insurance, Reporting and recordkeeping requirements.

29 CFR Part 4207

Employee benefit plans, Pension insurance.

29 CFR Part 4208

Employee benefit plans, Pension insurance, Reporting and recordkeeping requirements.

29 CFR Part 4211

Employee benefit plans, Pension insurance, Reporting and recordkeeping requirements.

29 CFR Part 4219

Employee benefit plans, Pension insurance, Reporting and recordkeeping requirements.

29 CFR Part 4220

Employee benefit plans, Pension insurance, Reporting and recordkeeping requirements.

29 CFR Part 4221

Employee benefit plans, Pension insurance.

29 CFR Part 4231

Employee benefit plans, Pension insurance, Reporting and recordkeeping requirements.

29 CFR Part 4245

Employee benefit plans, Pension insurance, Reporting and recordkeeping requirements.

29 CFR Part 4281

Employee benefit plans, Pension insurance, Reporting and recordkeeping requirements.

29 CFR Part 4901

Freedom of information.

29 CFR Part 4902

Privacy.

29 CFR Part 4903

Claims, Government employees, Income taxes.

29 CFR Part 4907

Administrative practice and procedure, Civil rights, Equal employment opportunity, Federal buildings and facilities, Individuals with disabilities.

For the reasons set forth above, the PBGC proposes to amend 29 CFR parts 4000, 4003, 4007, 4010, 4011, 4022, 4041, 4041A, 4043, 4050, 4062, 4203, 4204, 4207, 4208, 4211, 4219, 4220, 4221, 4231, 4245, 4281, 4901, 4902, 4903 and 4907 of 29 CFR chapter XL as follows:

1. Add the following note above the heading for Subchapter A of Chapter XL:

Note: PBGC's regulations were substantially reorganized and renumbered effective June 29, 1981 (at 46 FR 32574) and July 1, 1996 (at 61 FR 34002). Distribution and derivation tables showing the changes that occurred as a result of these amendments are available on the PBGC's Web site at *http://www.pbgc.gov.*

2. Revise part 4000 to read as follows:

PART 4000—FILING, ISSUANCE, COMPUTATION OF TIME, AND RECORD RETENTION

Subpart A—Filing Rules

Sec.
4000.1 What are these filing rules about?
4000.2 What definitions do I need to know for these rules?
4000.3 What methods of filing may I use?
4000.4 Where do I file my submission?
4000.5 Does the PBGC have discretion to waive these filing requirements?

Subpart B—Issuance Rules

4000.11 What are these issuance rules about?
4000.12 What definitions do I need to know for these rules?
4000.13 What methods of issuance may I use?
4000.14 What is the safe-harbor method for providing an issuance by electronic media?
4000.15 Does the PBGC have discretion to waive these issuance requirements?

Subpart C—Determining Filing and Issuance Dates

4000.21 What are these rules for determining the date of a filing or issuance about?
4000.22 What definitions do I need to know for these rules?
4000.23 When is my submission or issuance treated as filed or issued?
4000.24 What if I mail my submission or issuance using the U.S. Postal Service?
4000.25 What if I use the postal service of a foreign country?
4000.26 What if I use a commercial delivery service?
4000.27 What if I hand deliver my submission or issuance?
4000.28 What if I send a computer disk?
4000.29 What if I use electronic delivery?
4000.30 What if I need to resend my filing or issuance for technical reasons?
4000.31 Is my issuance untimely if I miss a few participants or beneficiaries?
4000.32 Does the PBGC have discretion to waive any requirements under this part?

Subpart D—Computation of Time

4000.41 What are these computation-of-time rules about?
4000.42 What definitions do I need to know for these rules?
4000.43 How do I compute a time period?

Subpart E—Electronic Means of Record Retention

4000.51 What are these record retention rules about?
4000.52 What definitions do I need to know for these rules?
4000.53 May I use electronic media to satisfy PBGC's record retention requirements?

4000.54 May I dispose of original paper records if I keep electronic copies?

Authority: 29 U.S.C. 1082(f), 1302(b)(3).

Subpart A—Filing Rules

§ 4000.1 What are these filing rules about?

Where a particular regulation calls for their application, the rules in this subpart A of part 4000 tell you what filing methods you may use for any submission (including a payment) to us. They do not cover an issuance from you to anyone other than the PBGC, such as a notice to participants. Also, they do not cover filings with us that are not made under our regulations, such as procurement filings, litigation filings, and applications for employment with us. (Subpart B tells you what methods you may use to issue a notice or otherwise provide information to any person other than us. Subpart C tells you how we determine your filing or issuance date. Subpart D tells you how to compute various periods of time. Subpart E tells you how to maintain required records in electronic form.)

§ 4000.2 What definitions do I need to know for these rules?

You need to know two definitions from § 4001.2 of this chapter: PBGC and person. You also need to know the following definitions:

Filing means any notice, information, or payment that you submit to us under our regulations.

Issuance means any notice or other information you provide to any person other than us under our regulations.

We means the PBGC.

You means the person filing with us.

§ 4000.3 What methods of filing may I use?

(a) *Paper filings.* You may file any submission with us by hand, mail, or commercial delivery service.

(b) *Electronic filings.* Current information on electronic filings, including permitted methods, fax numbers, and e-mail addresses, is—

(1) On our Web site, *http://www.pbgc.gov;*

(2) In our various printed forms and instructions packages; and

(3) Available by contacting our Customer Service Center at 1200 K Street, NW, Washington, DC, 20005–4026; telephone 1–800–400–7242 (for participants), or 1–800–736–2444 (for practitioners). (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to the appropriate number.)

§ 4000.4 Where do I file my submission?

To find out where to send your submission, visit our Web site at *http://www.pbgc.gov*, see the instructions to our forms, or call our Customer Service Center (1–800–400–7242 for participants, or 1–800–736–2444 for practitioners; TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to the appropriate number.) Because we have different addresses for different types of filings, you should make sure to use the appropriate address for your type of filing. For example, some filings (such as premium payments) must be sent to a specified bank, while other filings (such as the Standard Termination Notice (Form 500)) must be sent to the appropriate department at our offices in Washington, DC.

§ 4000.5 Does the PBGC have discretion to waive these filing requirements?

We retain the discretion to waive any requirement under this part, at any time, if warranted by the facts and circumstances.

Subpart B—Issuance Rules

§ 4000.11 What are these issuance rules about?

Where a particular regulation calls for their application, the rules in this subpart B of part 4000 tell you what methods you may use to issue a notice or otherwise provide information to any person other than us (*e.g.,* a participant or beneficiary). They do not cover payments to third parties. In some cases, the PBGC regulations tell you to comply with requirements that are found somewhere other than in the PBGC's own regulations (*e.g.,* requirements under the Internal Revenue Code (Title 26 of the United States Code)). If so, you must comply with any applicable issuance rules under those other requirements. (Subpart A tells you what filing methods you may use for filings with us. Subpart C tells you how we determine your filing or issuance date. Subpart D tells you how to compute various periods of time. Subpart E tells you how to maintain required records in electronic form.)

§ 4000.12 What definitions do I need to know for these rules?

You need to know two definitions from § 4001.2 of this chapter: PBGC and person. You also need to know the following definitions:

Filing means any notice, information, or payment that you submit to us under our regulations.

Issuance means any notice or other information you provide to any person other than us under our regulations.

We means the PBGC.

You means the person providing the issuance to a third party.

§ 4000.13 What methods of issuance may I use?

(a) *In general.* You may use any method of issuance, provided you use measures reasonably calculated to ensure actual receipt of the material by the intended recipient. Posting is not a permissible method of issuance under the rules of this part.

(b) *Electronic safe-harbor method.* Section 4000.14 provides a safe-harbor method for meeting the requirements of paragraph (a) of this section when providing an issuance using electronic media.

§ 4000.14 What is the safe harbor method for providing an issuance by electronic media?

(a) *In general.* Except as otherwise provided by applicable law, rule or regulation, you satisfy the requirements of § 4000.13 if you follow the methods described at paragraph (b) of this section when providing an issuance by electronic media to any person described in paragraph (c) or (d) of this section.

(b) *Issuance requirements.* (1) You must take appropriate and necessary measures reasonably calculated to ensure that the system for furnishing documents—

(i) Results in actual receipt of transmitted information (*e.g.,* using return-receipt or notice of undelivered electronic mail features, conducting periodic reviews or surveys to confirm receipt of the transmitted information); and

(ii) Protects confidential information relating to the intended recipient (*e.g.,* incorporating into the system measures designed to preclude unauthorized receipt of or access to such information by anyone other than the intended recipient);

(2) You prepare and furnish electronically delivered documents in a manner that is consistent with the style, format and content requirements applicable to the particular document;

(3) You provide each intended recipient with a notice, in electronic or non-electronic form, at the time a document is furnished electronically, that apprises the intended recipient of—

(i) The significance of the document when it is not otherwise reasonably evident as transmitted (*e.g.,* ''The attached participant notice contains information on the funding level of your defined benefit pension plan and the benefits guaranteed by the Pension Benefit Guaranty Corporation.''); and

(ii) The intended recipient's right to request and obtain a paper version of such document; and

(4) You give the intended recipient, upon request, a paper version of the electronically furnished documents.

(c) *Employees with electronic access.* This section applies to a participant who—

(1) Has the ability to effectively access the document furnished in electronic form at any location where the participant is reasonably expected to perform duties as an employee; and

(2) With respect to whom access to the employer's electronic information system is an integral part of those duties.

(d) *Any person.* This section applies to any person who—

(1) Except as provided in paragraph (d)(2) of this section, has affirmatively consented, in electronic or non-electronic form, to receiving documents through electronic media and has not withdrawn such consent;

(2) In the case of documents to be furnished through the Internet or other electronic communication network, has affirmatively consented or confirmed consent electronically, in a manner that reasonably demonstrates the person's ability to access information in the electronic form that will be used to provide the information that is the subject of the consent, and has provided an address for the receipt of electronically furnished documents;

(3) Prior to consenting, is provided, in electronic or non-electronic form, a clear and conspicuous statement indicating:

(i) The types of documents to which the consent would apply;

(ii) That consent can be withdrawn at any time without charge;

(iii) The procedures for withdrawing consent and for updating the participant's, beneficiary's or other person's address for receipt of electronically furnished documents or other information;

(iv) The right to request and obtain a paper version of an electronically furnished document, including whether the paper version will be provided free of charge;

(v) Any hardware and software requirements for accessing and retaining the documents; and

(4) Following consent, if a change in hardware or software requirements needed to access or retain electronic documents creates a material risk that the person will be unable to access or retain electronically furnished documents,

(i) Is provided with a statement of the revised hardware or software requirements for access to and retention of electronically furnished documents;

(ii) Is given the right to withdraw consent without charge and without the imposition of any condition or consequence that was not disclosed at the time of the initial consent; and

(iii) Again consents, in accordance with the requirements of paragraph (d)(1) or paragraph (d)(2) of this section, as applicable, to the receipt of documents through electronic media.

§ 4000.15 Does the PBGC have discretion to waive these issuance requirements?

We retain the discretion to waive any requirement under this part, at any time, if warranted by the facts and circumstances.

Subpart C—Determining Filing and Issuance Dates

§ 4000.21 What are these rules for determining the filing or issuance date about?

Where the particular regulation calls for their application, the rules in this subpart C of part 4000 tell you how we will determine the date you send us a filing and the date you provide an issuance to someone other than us (such as a participant). These rules do *not* cover payments to third parties. In addition, they do not cover filings with us that are not made under our regulations, such as procurement filings, litigation filings, and applications for employment with us. In some cases, the PBGC regulations tell you to comply with requirements that are found somewhere other than in the PBGC's own regulations (*e.g.,* requirements under the Internal Revenue Code (Title 26 of the United States Code)). In meeting those requirements, you should follow any applicable rules under those requirements for determining the filing and issuance date. (Subpart A tells you what filing methods you may use for filings with us. Subpart B tells you what methods you may use to issue a notice or otherwise provide information to any person other than us. Subpart D tells you how to compute various periods of time. Subpart E tells you how to maintain required records in electronic form.)

§ 4000.22 What definitions do I need to know for these rules?

You need to know two definitions from § 4001.2 of this chapter: PBGC and person. You also need to know the following definitions:

Business day means a day other than a Saturday, Sunday, or Federal holiday.

We means the PBGC.

You means the person filing with us or the person providing the issuance to a third party.

§ 4000.23 When is my submission or issuance treated as filed or issued?

(a) *Filed or issued when sent.* Generally, we treat your submission as filed, or your issuance as provided, on the date you send it, if you meet certain requirements. The requirements depend upon the method you use to send your submission or issuance (see §§ 4000.24 through 4000.29). (Certain filings are always treated as filed when received, as explained in paragraph (b)(2) of this section.)

(b) *Filed or issued when received.* (1) *In general.* If you do not meet the requirements for your submission or issuance to be treated as filed or issued when sent (see §§ 4000.24 through 4000.32), we treat it as filed or issued on the date received in a permitted format at the proper address.

(2) *Certain filings always treated as filed when received.* We treat the following submissions as filed on the date we receive your submission, no matter what method you use:

(i) *Applications for benefits.* An application for benefits or related submission (unless the instructions for the applicable forms provide for an earlier date);

(ii) *Advance notices of reportable events.* Information required under subpart C of part 4043 of this chapter, dealing with advance notice of reportable events;

(iii) *Form 200 filings.* Information required under subpart D of part 4043 of this chapter, dealing with notice of certain missed minimum funding contributions; and

(iv) *Requests for approval of multiemployer plan amendments.* A request for approval of an amendment filed with the PBGC pursuant to part 4220 of this chapter.

(3) *Determining our receipt date for your filing.* If we receive your submission at the correct address by 5 p.m. (our time) on a business day, we treat it as received on that date. If we receive your submission at the correct address after 5 p.m. on a business day, or anytime on a weekend or Federal holiday, we treat it as received on the next business day. For example, if you send your fax or e-mail of a Form 200 filing to us in Washington, DC, on Friday, March 15, from California at 3 p.m. (Pacific standard time), and we receive it immediately at 6 p.m. (our time), we treat it as received on Monday, March 18.

§ 4000.24 What if I mail my submission or issuance using the U.S. Postal Service?

(a) *In general.* Your filing or issuance date is the date you mail your submission or issuance using the U.S.

Postal Service if you meet the requirements of paragraph (b) of this section, and you mail it by the last scheduled collection of the day. If you mail it later than that, or if there is no scheduled collection that day, your filing or issuance date is the date of the next scheduled collection. If you do not meet the requirements of paragraph (b), your filing or issuance date is the date of receipt at the proper address.

(b) *Requirements for ''send date.''* Your submission or issuance must meet the applicable postal requirements, be properly addressed, and you must use First-Class Mail (or a U.S. Postal Service mail class that is at least the equivalent of First-Class Mail, such as Priority Mail or Express Mail). However, if you are filing an advance notice of reportable event or a Form 200 (notice of certain missed contributions), see § 4000.23(b); these filings are always treated as filed when received.

(c) *Presumptions.* We make the following presumptions—

(1) *U.S. Postal Service postmark.* If you meet the requirements of paragraph (b) of this section and your submission or issuance has a legible U.S. Postal Service postmark, we presume that the postmark date is the filing or issuance date. However, you may prove an earlier date under paragraph (a) of this section.

(2) *Private meter postmark.* If you meet the requirements of paragraph (b) of this section and your submission or issuance has a legible postmark made by a private postage meter (but no legible U.S. Postal Service postmark) and arrives at the proper address by the time reasonably expected, we presume that the metered postmark date is your filing or issuance date. However, you may prove an earlier date under paragraph (a) of this section.

(d) *Examples.* (1) You mail your issuance using the U.S. Postal Service and meet the requirements of paragraph (b) of this section. You deposit your issuance in a mailbox at 4 p.m. on Friday, March 15 and the next scheduled collection at that mailbox is 5 p.m. that day. Your issuance date is March 15. If on the other hand you deposit it at 6 p.m. and the next collection at that mailbox is not until Monday, March 18, your issuance date is March 18.

(2) You mail your submission using the U.S. Postal Service and meet the requirements of paragraph (b) of this section. You deposit your submission in the mailbox at 4 p.m. on Friday, March 15, and the next scheduled collection at that mailbox is 5 p.m. that day. If your submission does not show a March 15 postmark, then you may prove to us that you mailed your submission by the last scheduled collection on March 15.

§ 4000.25 What if I use the postal service of a foreign country?

If you send your submission or issuance using the postal service of a foreign country, your filing or issuance date is the date of receipt at the proper address.

§ 4000.26 What if I use a commercial delivery service?

(a) *In general.* Your filing or issuance date is the date you deposit your submission or issuance with the commercial delivery service if you meet the requirements of paragraph (b) of this section, and you deposit it by the last scheduled collection of the day for the type of delivery you use (such as two-day delivery or overnight delivery). If you deposit it later than that, or if there is no scheduled collection that day, your filing or issuance date is the date of the next scheduled collection. If you do not meet the requirements of paragraph (b), your filing or issuance date is the date of receipt at the proper address. However, if you are filing an advance notice of reportable event or a Form 200 (notice of certain missed contributions), see § 4000.23(b); these filings are always treated as filed when received.

(b) *Requirements for ''send date.''* Your submission or issuance must meet the applicable requirements of the commercial delivery service, be properly addressed, and—

(1) *Delivery within two days.* It must be reasonable to expect your submission or issuance will arrive at the proper address by 5 p.m. on the second business day after the next scheduled collection; or

(2) *Designated delivery service.* You must use a ''designated delivery service'' under section 7502(f) of the Internal Revenue Code (Title 26 of the United States Code). Our Web site, *http://www.pbgc.gov,* lists those designated delivery services. You should make sure that both the provider and the particular type of delivery (such as two-day delivery) are designated.

(c) *Example.* You send your submission by commercial delivery service using two-day delivery. In addition, you meet the requirements of paragraph (b). Suppose the deadline for two-day delivery at the place you make your deposit is 8 p.m. on Friday, March 15. If you deposit your submission by the deadline, your filing date is March 15. If, instead, you deposit it after the 8 p.m. deadline and the next collection at that site for two-day delivery is on Monday, March 18, your filing date is March 18.

§ 4000.27 What if I hand deliver my submission or issuance?

Your filing or issuance date is the date of receipt of your hand-delivered submission or issuance at the proper address. A hand-delivered issuance need not be delivered while the intended recipient is physically present. For example, unless you have reason to believe that the intended recipient will not receive the notice within a reasonable amount of time, a notice is deemed to be received when you place it in the intended recipient's office mailbox. Our Web site, *http://www.pbgc.gov*, and the instructions to our forms, identify the proper addresses for filings with us.

§ 4000.28 What if I send a computer disk?

(a) *In general.* We determine your filing or issuance date for a computer disk as if you had sent a paper version of your submission or issuances if you meet the requirements of paragraph (b) of this section.

(1) *Filings.* For computer-disk filings, we may treat your submission as invalid if you fail to meet the requirements of paragraph (b)(1) or (b)(3) of this section.

(2) *Issuances.* For computer-disk issuances, we may treat your issuance as invalid if—

(i) You fail to meet the requirements (''using measures reasonably calculated to ensure actual receipt'') of § 4000.13(a), or

(ii) You fail to meet the contact information requirements of paragraph (b)(3) of this section.

(b) *Requirements.* To get the filing date under paragraph (a) of this section, you must meet the requirements of paragraphs (b)(1) and (b)(3) To get the issuance date under paragraph (a), you must meet the requirements of paragraphs (b)(2) and (b)(3).

(1) *Technical requirements for filings.* For filings, your electronic disk must comply with any technical requirements for that type of submission (our Web site, *http://www.pbgc.gov,* identifies the technical requirements for each type of filing).

(2) *Technical requirements for issuances.* For issuances, you must meet the safe-harbor requirements of § 4000.14.

(3) *Identify contact person.* For filings and issuances, you must include, in a paper cover letter or on the disk's label, the name and telephone number of the person to contact if we or the intended recipient is unable to read the disk.

§ 4000.29 What if I use electronic delivery?

(a) *In general.* Your filing or issuance date is the date you electronically transmit your submission or issuance to the proper address if you meet the requirements of paragraph (b) of this section. Note that we always treat an advance notice of reportable event and a Form 200 (notice of certain missed contributions) as filed when received.

(1) *Filings.* For electronic filings, if you fail to meet the requirements of paragraph (b)(1) or (b)(3) of this section, we may treat your submission as invalid.

(2) *Issuances.* For electronic issuances, we may treat your issuance as invalid if—

(i) You fail to meet the requirements (''using measures reasonably calculated to ensure actual receipt'') of § 4000.13(a), or

(ii) You fail to meet the contact information requirements of paragraph (b)(3) of this section.

(b) *Requirements.* To get the filing date under paragraph (a), you must meet the requirements of paragraphs (b)(1) and (b)(3). To get the issuance date under paragraph (a), you must meet the requirement of paragraphs (b)(2) and (b)(3).

(1) *Technical requirements for filings.* For filings, your electronic submission must comply with any technical requirements for that type of submission (our Web site, *http://www.pbgc.gov*, identifies the technical requirements for each type of filing).

(2) *Technical requirements for issuances.* For issuances, you must meet the safe-harbor requirements of § 4000.14.

(3) *Identify contact person.* For an e-mail submission or issuance with an attachment, you must include, in the body of your e-mail, the name and telephone number of the person to contact if we or the intended recipient needs you to resubmit your filing or issuance.

(c) *Failure to meet address requirement.* If you send your electronic submission or issuance to the wrong address (but you meet the requirements of paragraph (b) of this section), your filing or issuance date is the date of receipt at the proper address.

§ 4000.30 What if I need to resend my filing or issuance for technical reasons?

(a) *Request to resubmit.* (1) *Filing.* We may ask you to resubmit all or a portion of your filing for technical reasons (for example, because we are unable to open an attachment to your e-mail). In that case, your submission (or portion) is invalid. However, if you comply with the request or otherwise resolve the problem (*e.g.,* by providing advice that allows us to open the attachment to your e-mail) by the date we specify, your filing date for the submission (or portion) that we asked you to resubmit is the date you filed your original submission. If you comply with our request late, your submission (or portion) will be treated as filed on the date of your resubmission.

(2) *Issuance.* The intended recipient may, for good reason (of a technical nature), ask you to resend all or a portion of your issuance (for example, because of a technical problem in opening an attachment to your e-mail). In that case, your issuance (or portion) is invalid. However, if you comply with the request or otherwise resolve the problem (*e.g.,* by providing advice that the recipient uses to open the attachment to your e-mail), within a reasonable time, your issuance date for the issuance (or portion) that the intended recipient asked you to resend is the date you provided your original issuance. If you comply with the request late, your issuance (or portion) will be treated as provided on the date of your reissuance.

(b) *Reason to believe submission or issuance not received or defective.* If you have reason to believe that we have not received your submission (or have received it in a form that is not useable), or that the intended recipient has not received your issuance (or has received it in a form that is not useable), you must promptly resend your submission or issuance to get your original filing or issuance date. However, we may require evidence to support your original filing or issuance date. If you are not prompt, or you do not provide us with any evidence we may require to support your original filing or issuance date, your filing or issuance date is the filing or issuance date of your resubmission or reissuance.

§ 4000.31 Is my issuance untimely if I miss a few participants or beneficiaries?

The PBGC will not treat your issuance as untimely based on your failure to provide the issuance to a participant or beneficiary in a timely manner if—

(a) The failure resulted from administrative error;

(b) The failure involved only a *de minimis* percentage of intended recipients; and

(c) You resend the issuance to the intended recipient promptly after discovering the error.

§ 4000.32 Does the PBGC have discretion to waive any requirements under this part?

We retain the discretion to waive any requirement under this part, at any time, if warranted by the facts and circumstances.

Subpart D—Computation of Time

§ 4000.41 What are these computation-of-time rules about?

The rules in this subpart D of part 4000 tell you how to compute time periods under our regulations (*e.g.*, for filings with us and issuances to third parties) where the particular regulation calls for their application. (There are specific exceptions or modifications to these rules in § 4007.6 of this chapter (premium payments), §4050.6(d)(3) of this chapter (payment of designated benefits for missing participants), and §4062.10 of this chapter (employer liability payments). In some cases, the PBGC regulations tell you to comply with requirements that are found somewhere other than in the PBGC's own regulations (*e.g.*, requirements under the Internal Revenue Code (Title 26 of the United States Code)). In meeting those requirements, you should follow any applicable computation-of-time rules under those other requirements. (Subpart A tells you what filing methods you may use for filings with us. Subpart B tells you what methods you may use to issue a notice or otherwise provide information to any person other than us. Subpart C tells you how we determine your filing or issuance date. Subpart E tells you how to maintain required records in electronic form.)

§ 4000.42 What definitions do I need to know for these rules?

You need to know two definitions from § 4001.2 of this chapter: PBGC and person. You also need to know the following definitions:

Business day means a day other than a Saturday, Sunday, or Federal holiday.

We means the PBGC.

You means the person responsible, under our regulations, for the filing or issuance to which these rules apply.

§ 4000.43 How do I compute a time period?

(a) *In general.* If you are computing a time period to which this part applies, whether you are counting forwards or backwards, the day after (or before) the act, event, or default that begins the period is day one, the next day is day two, and so on. Count all days, including weekends and Federal holidays. However, if the last day you count is a weekend or Federal holiday, extend or shorten the period (whichever benefits you in complying with the time requirement) to the next regular business day. The examples in

paragraph (d) of this section illustrate these rules.

(b) *When date is designated.* In some cases, our regulations designate a specific day as the end of a time period, such as ''the last day'' of a plan year or ''the fifteenth day'' of a calendar month. In these cases, you simply use the designated day, together with the weekend and holiday rule of paragraph (a) of this section.

(c) *When counting months.* If a time period is measured in months, first identify the date (day, month, and year) of the act, event, or default that begins the period. The corresponding day of the following (or preceding) month is one month later (or earlier), and so on. For example, two months after July 15 is September 15. If the period ends on a weekend or Federal holiday, follow the weekend and holiday rule of paragraph (a) of this section. There are two special rules for determining what the corresponding day is when you start counting on a day that is at or near the end of a calendar month:

(1) *Special ''last-day'' rule.* If you start counting on the last day of a calendar month, the corresponding day of any calendar month is the last day of that calendar month. For example, a three-month period measured from November 30 ends (if counting forward) on the last day of February (the 28th or 29th) or (if counting backward) on the last day of August (the 31st).

(2) *Special February rule.* If you start counting on the 29th or 30th of a calendar month, the corresponding day of February is the last day of February. For example, a one-month period measured from January 29 ends on the last day of February (the 28th or 29th).

(d) *Examples.* (1) *Counting backwards.* Suppose you are required to file an advance notice of reportable event for a transaction that is effective December 31. Under our regulations, the notice is due at least 30 days before the effective date of the event. To determine your deadline, count December 30 as day 1, December 29 as day 2, December 28 as day 3, and so on. Therefore, December 1 is day 30. Assuming that day is not a weekend or holiday, your notice is timely if you file it on or before December 1.

(2) *Weekend or holiday rule.* Suppose you are filing a notice of intent to terminate. The notice must be issued at least 60 days and no more than 90 days before the proposed termination date. Suppose the 60th day before the proposed termination date is a Saturday. Your notice is timely if you issue it on the following Monday even though that is only 58 days before the proposed termination date. Similarly, if the 90th day before the proposed termination date is Wednesday, July 4 (a Federal holiday), your notice is timely if you issue it on Tuesday, July 3, even though that is 91 days before the proposed termination date.

(3) *Counting months.* Suppose you are required to issue a Participant Notice two months after December 31. The deadline for the Participant Notice is the last day of February (the 28th or 29th). If the last day of February is a weekend or Federal holiday, your deadline is extended until the next day that is not a weekend or Federal holiday.

Subpart E—Electronic Means of Record Retention

§ 4000.51 What are these record retention rules about?

The rules in this subpart E of part 4000 tell you what methods you may use to meet any record retention requirement under our regulations if you choose to use electronic means. The rules for who must retain the records, how long the records must be maintained, and how records must be made available to us are contained in the specific part where the record retention requirement is found. (Subpart A tells you what filing methods you may use for filings with us and how we determine your filing date. Subpart B tells you what methods you may use to issue a notice or otherwise provide information to any person other than us. Subpart C tells you how we determine your filing or issuance date. Subpart D tells you how to compute various periods of time.)

§ 4000.52 What definitions do I need to know for these rules?

You need to know two definitions from § 4001.2 of this chapter: PBGC and person. You also need to know the following definitions:

We means the PBGC.

You means the person subject to the record retention requirement.

§ 4000.53 May I use electronic media to satisfy PBGC's record retention requirements?

General requirements. You may use electronic media to satisfy the record maintenance and retention requirements of this chapter if:

(a) The electronic recordkeeping system has reasonable controls to ensure the integrity, accuracy, authenticity and reliability of the records kept in electronic form;

(b) The electronic records are maintained in reasonable order and in a safe and accessible place, and in such manner as they may be readily inspected or examined (for example, the recordkeeping system should be capable of indexing, retaining, preserving, retrieving and reproducing the electronic records);

(c) The electronic records are readily convertible into legible and readable paper copy as may be needed to satisfy reporting and disclosure requirements or any other obligation under section 302(f)(4), section 307(e), or Title IV of ERISA;

(d) The electronic recordkeeping system is not subject, in whole or in part, to any agreement or restriction that would, directly or indirectly, compromise or limit a person's ability to comply with any reporting and disclosure requirement or any other obligation under section 302(f)(4), section 307(e), or Title IV of ERISA;

(e) Adequate records management practices are established and implemented (for example, following procedures for labeling of electronically maintained or retained records, providing a secure storage environment, creating back-up electronic copies and selecting an off-site storage location, observing a quality assurance program evidenced by regular evaluations of the electronic recordkeeping system including periodic checks of electronically maintained or retained records; and retaining paper copies of records that cannot be clearly, accurately or completely transferred to an electronic recordkeeping system); and

(f) All electronic records exhibit a high degree of legibility and readability when displayed on a video display terminal or other method of electronic transmission and when reproduced in paper form. The term ''legibility'' means the observer must be able to identify all letters and numerals positively and quickly to the exclusion of all other letters or numerals. The term ''readability'' means that the observer must be able to recognize a group of letters or numerals as words or complete numbers.

§ 4000.54 May I dispose of original paper records if I keep electronic copies?

You may dispose of original paper records any time after they are transferred to an electronic recordkeeping system that complies with the requirements of this subpart, except such original records may not be discarded if the electronic record would not constitute a duplicate or substitute record under the terms of the plan and applicable federal or state law.

PART 4003—RULES FOR ADMINISTRATIVE REVIEW OF AGENCY DECISIONS

3. The authority citation for part 4003 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3).

4. Revise § 4003.9 to read as follows:

§ 4003.9 Method and date of filing.

(a) *Method of filing.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this part.

(b) *Date of filing.* The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that a submission under this part was filed with the PBGC.

5. Revise § 4003.10 to read as follows:

§ 4003.10 Computation of time.

The PBGC applies the rules in subpart D of part 4000 of this chapter to compute any time period under this part.

§ 4003.33 [Amended]

6. Amend § 4003.33 to add the sentence ''See § 4000.4 of this chapter for information on where to file.'' to the end of the paragraph.

§ 4003.53 [Amended]

7. Amend § 4003.53 to add the sentence ''See § 4000.4 of this chapter for information on where to file.'' to the end of the paragraph.

PART 4007—PAYMENT OF PREMIUMS

8. The authority citation for part 4007 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1303(a), 1306, 1307.

9. Revise § 4007.3 to read as follows:

§ 4007.3 Filing requirements; method of filing.

(a) *Filing requirements.* The estimation, declaration, reconciliation and payment of premiums shall be made using the forms prescribed by and in accordance with the instructions in the PBGC annual Premium Payment Package. The plan administrator of each covered plan must file the prescribed form or forms, and any premium payments due, no later than the applicable due date specified in § 4007.11.

(b) *Method of filing.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this part.

10. Revise § 4007.5 to read as follows:

§ 4007.5 Date of filing.

The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that you filed your submission under this part with the PBGC.

11. Revise § 4007.6 to read as follows:

§ 4007.6 Computation of time.

The PBGC applies the rules in subpart D of part 4000 of this chapter to compute any time period under this part. However, for purposes of determining the amount of a late payment interest charge under § 4007.7 or of a late payment penalty charge under § 4007.8, the rules in part 4000.43 of this chapter governing weekends and Federal holidays do not apply.

12. Revise paragraphs (a) and (c)(1) of § 4007.10 to read as follows:

§ 4007.10 Recordkeeping; audits; disclosure of information.

(a) *Retention of records to support premium payments.* (1) *In general.* All plan records, including calculations and other data prepared by an enrolled actuary or, for a plan described in section 412(i) of the Internal Revenue Code (Title 26 of the United States Code), by the insurer from which the insurance contracts are purchased, that are necessary to support or to validate premium payments under this part shall be retained by the plan administrator for a period of six years after the premium due date. Records that must be retained pursuant to this paragraph include, but are not limited to, records that establish the number of plan participants and that reconcile the calculation of the plan's unfunded vested benefits with the actuarial valuation upon which the calculation was based.

(2) *Electronic recordkeeping.* The plan administrator may use electronic media for maintenance and retention of records required by this part in accordance with the requirements of subpart E of part 4000 of this chapter.

* * * * *

(c) *Providing record information.* (1) *In general.* The plan administrator shall make the records retained pursuant to paragraph (a) of this section available to the PBGC upon request for inspection and photocopying (or, for electronic records, inspection, electronic copying, and printout) at the location where they are kept (or another, mutually agreeable, location) and shall submit information in such records to the PBGC within 45 days of the date of the PBGC's written request therefor, or by a different time specified therein.

* * * * *

PART 4010—ANNUAL FINANCIAL AND ACTUARIAL INFORMATION REPORTING

13. Revise the authority citation for part 4010 to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1310.

14. Revise paragraphs (c), (d) and (e) of § 4010.10 to read as follows:

§ 4010.10 Due date and filing with the PBGC.

* * * * *

(c) *How and where to file.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this part. See § 4000.4 for information on where to file.

(d) *Date of filing.* The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that a submission under this part was filed with the PBGC.

(e) *Computation of time.* The PBGC applies the rules in subpart D of part 4000 of this chapter to compute any time period under this part.

PART 4011—DISCLOSURE TO PARTICIPANTS

15. The authority citation for part 4011 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1311.

16. Revise § 4011.9 to read as follows:

§ 4011.9 Method and date of issuance of notice; computation of time.

(a) *Method of issuance.* The PBGC applies the rules in subpart B of part 4000 of this chapter to determine permissible methods of delivery of the Participant Notice. The Participant Notice may be issued together with another document, such as the summary annual report required under section 104(b)(3) of ERISA for the prior plan year, but must be in a separate document.

(b) *Issuance date.* The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date the Participant Notice was issued.

(c) *Computation of time.* The PBGC applies the rules in subpart D of part 4000 of this chapter to compute any time period for issuances under this part.

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

17. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

18. Amend § 4022.9 by adding paragraph (d) to read as follows:

§ 4022.9 Time of payment; benefit applications.

* * * * *

(d) *Filing with the PBGC.* (1) *Method and date of filing.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this part. Benefit applications and related submissions are treated as filed on the date received by the PBGC unless the instructions for the applicable form provide for an earlier date. Subpart C of part 4000 of this chapter provides rules for determining when the PBGC receives a submission.

(2) *Where to file.* See § 4000.4 of this chapter for information on where to file.

(3) *Computation of time.* The PBGC applies the rules in subpart D of part 4000 of this chapter to compute any time period for filing under this part.

PART 4041—TERMINATION OF SINGLE-EMPLOYER PLANS

19. The authority citation for part 4041 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1341, 1344, 1350.

20. Amend § 4041.3 as follows:

a. Revise paragraphs (a), (b), and (c)(1) to read as follows:

b. Remove paragraph (c)(2);

c. Add the word ''or'' to the end of paragraph (c)(3)(i);

d. Remove paragraph (c)(3)(ii) and redesignate paragraph (c)(3)(iii) as paragraph (c)(3)(ii);

e. Redesignate paragraphs (c)(3) through (c)(6) as paragraphs (c)(2) through (c)(5).

§ 4041.3 Computation of time; filing and issuance rules.

(a) *Computation of time.* The PBGC applies the rules in subpart D of part 4000 of this chapter to compute any time period under this part. A proposed termination date may be any day, including a weekend or Federal holiday.

(b) *Filing with the PBGC.* (1) *Method and date of filing.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this part. The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that a submission under this part was filed with the PBGC.

(2) *Where to file.* See § 4000.4 of this chapter for information on where to file.

(c) *Issuance to third parties.* The following rules apply to affected parties (other than the PBGC). For purposes of this paragraph (c), a person entitled to notice under the spin-off/termination transaction rules of § 4041.23(c) or § 4041.24(f) is treated as an affected party.

(1) *Method and date of issuance.* The PBGC applies the rules in subpart B of part 4000 of this chapter to determine permissible methods of issuance under this part. The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that an issuance under this part was provided.

* * * * *

21. Revise § 4041.5 to read as follows:

§ 4041.5 Record retention and availability.

(a) *Retention requirement.* (1) *Persons subject to requirement; records to be retained.* Each contributing sponsor and the plan administrator of a plan terminating in a standard termination, or in a distress termination that closes out in accordance with § 4041.50, must maintain all records necessary to demonstrate compliance with section 4041 of ERISA and this part. If a contributing sponsor or the plan administrator maintains information in accordance with this section, the other(s) need not maintain that information.

(2) *Retention period.* The records described in paragraph (a)(1) of this section must be preserved for six years after the date when the post-distribution certification under this part is filed with the PBGC.

(3) *Electronic recordkeeping.* The contributing sponsor or plan administrator may use electronic media for maintenance and retention of records required by this part in accordance with the requirements of subpart E of part 4000 of this chapter.

(b) *Availability of records.* The contributing sponsor or plan administrator must make all records needed to determine compliance with section 4041 of ERISA and this part available to the PBGC upon request for inspection and photocopying (or, for electronic records, inspection, electronic copying, and printout) at the location where they are kept (or another, mutually agreeable, location) and must submit such records to the PBGC within 30 days after the date of a written request by the PBGC or by a later date specified therein.

PART 4041A—TERMINATION OF MULTIEMPLOYER PLANS

22. The authority citation for part 4041A continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1341a, 1441.

23. Revise § 4041A.3 to read as follows:

§ 4041A.3 Method and date of filing; where to file; computation of time; issuances to third parties.

(a) *Method and date of filing.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this part. The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that a submission under this part was filed with the PBGC.

(b) *Where to file.* See § 4000.4 of this chapter for information on where to file.

(c) *Computation of time.* The PBGC applies the rules in subpart D of part 4000 of this chapter to compute any time period for filing or issuance under this part.

(d) *Method and date of issuance.* The PBGC applies the rules in subpart B of part 4000 of this chapter to determine permissible methods of issuance under this part. The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that an issuance under this part was provided.

PART 4043—REPORTABLE EVENTS AND CERTAIN OTHER NOTIFICATION REQUIREMENTS

24. The authority citation for part 4043 continues to read as follows:

Authority: 29 U.S.C. 1082(f), 1302(b)(3), 1443.

25. Revise § 4043.5 to read as follows:

§ 4043.5 How and where to file.

The PBGC applies the rules in the instructions to the applicable PBGC reporting form and subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this part. See § 4000.4 for information on where to file.

26. Amend § 4043.6 by removing paragraph (d) and revising paragraphs (a) and (b) and the paragraph heading of paragraph (c) to read as follows:

§ 4043.6 Date of filing.

(a) *Post-event notice filings.* The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that a submission under subpart B of this part was filed with the PBGC.

(b) *Advance notice and Form 200 filings.* Information filed under subpart C or D of this part is treated as filed on the date it is received by the PBGC. Subpart C of part 4000 of this chapter provides rules for determining when the PBGC receives a submission.

(c) *Partial electronic filing; deemed filing date.* * * *

* * * * *

27. Revise § 4043.7 to read as follows:

§ 4043.7 Computation of time.

The PBGC applies the rules in subpart D of part 4000 of this chapter to compute any time period under this part.

PART 4050—MISSING PARTICIPANTS

28. The authority citation for part 4050 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1350.

29. Amend § 4050.6 by revising paragraph (d) to read as follows:

§ 4050.6 Payment and required documentation.

* * * * *

(d) *Filing with the PBGC.* (1) *Method and date of filing.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this part. The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that a submission under this part was filed with the PBGC.

(2) *Where to file.* See § 4000.4 of this chapter for information on where to file.

(3) *Computation of time.* The PBGC applies the rules in subpart D of part 4000 of this chapter to compute any time period for filing under this part. However, for purposes of determining the amount of an interest charge under § 4050.6(b) or § 4050.12(c)(2)(iii), the rules in § 4000.43 of this chapter governing weekends and Federal holidays do not apply.

PART 4062—LIABILITY FOR TERMINATION OF SINGLE-EMPLOYER PLANS

30. The authority citation for part 4062 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1362–1364, 1367, 1368.

31. Revise § 4062.9 to read as follows:

§ 4062.9 Method and date of filing; where to file.

(a) *Method of filing.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this part. Payment of liability must be clearly designated as such and include the name of the plan.

(b) *Filing date.* The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that a submission under this part was filed with the PBGC.

(c) *Where to file.* See § 4000.4 of this chapter for information on where to file.

32. Revise § 4062.10 to read as follows:

§ 4062.10 Computation of time.

The PBGC applies the rules in subpart D of part 4000 of this chapter to compute any time period under this part. However, for purposes of determining the amount of an interest charge under § 4062.7, the rules in §4000.43 of this chapter governing weekends and Federal holidays do not apply.

PART 4203—EXTENSION OF SPECIAL WITHDRAWAL LIABILITY RULES

33. The authority citation for part 4203 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3).

34. Amend § 4203.4 by revising paragraphs (a) and (c) to read as follows:

§ 4203.4 Requests for PBGC approval of plan amendments.

(a) *Filing of request.* (1) *In general.* A plan shall apply to the PBGC for approval of a plan amendment which establishes special complete or partial withdrawal liability rules. The request for approval shall be filed after the amendment is adopted. PBGC approval shall also be required for any subsequent modification of the plan amendment, other than a repeal of the amendment which results in employers being subject to the general statutory rules on withdrawal.

(2) *Method and date of filing.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this part. The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that a submission under this part was filed with the PBGC.

* * * * *

(c) *Where to file.* See § 4000.4 of this chapter for information on where to file.

* * * * *

PART 4204—VARIANCES FOR SALE OF ASSETS

35. The authority citation for part 4204 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1384(c).

36. Amend § 4204.11 as follows:

a. In the first sentence of paragraph (b), remove the word ''filed'' and add in its place the word ''submitted''.

b. Add new paragraph (e) to read as follows:

§ 4204.11 Variance of the bond/escrow and sale-contract requirements.

* * * * *

(e) *Method and date of issuance.* The PBGC applies the rules in subpart B of part 4000 of this chapter to determine permissible methods of issuance under this subpart. The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that an issuance under this subpart was provided.

37. Amend § 4204.21 by revising paragraphs (a) and (c) to read as follows:

§ 4204.21 Requests to PBGC for variances and exemptions.

(a) *Filing of request.* (1) *In general.* If a transaction covered by this part does not satisfy the conditions set forth in subpart B of this part, or if the parties decline to provide to the plan privileged or confidential financial information within the meaning of section 552(b)(4) of the Freedom of Information Act (5 U.S.C. 552), the purchaser or seller may request from the PBGC an exemption or variance from the requirements of section 4204(a)(1)(B) and (C) of ERISA.

(2) *Method of filing.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this subpart.

* * * * *

(c) *Where to file.* See § 4000.4 of this chapter for information on where to file.

* * * * *

PART 4207—REDUCTION OR WAIVER OF COMPLETE WITHDRAWAL LIABILITY

38. The authority citation for part 4207 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1387.

39. Amend § 4207.10 by revising paragraph (c) to read as follows:

§ 4207.10 Plan rules for abatement.

* * * * *

(c) *Where to file.* See § 4000.4 of this chapter for information on where to file.

* * * * *

40. Add § 4207.11 to read as follows:

§ 4207.11 Method and date of filing and issuance; computation of time.

(a) *Method of filing.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this part.

(b) *Method of issuance.* The PBGC applies the rules in subpart B of part 4000 of this chapter to determine permissible methods of issuance under this part.

(c) *Date of issuance.* The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that an issuance under this part was provided.

PART 4208—REDUCTION OR WAIVER OF PARTIAL WITHDRAWAL LIABILITY

41. Revise the authority citation for part 4208 to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1388(c) and (e).

42. Amend § 4208.9 by revising paragraph (c) to read as follows:

§ 4208.9 Plan adoption of additional abatement conditions.

* * * * *

(c) *Where to file.* See § 4000.4 of this chapter for information on where to file.

* * * * *

43. Add § 4208.10 to read as follows:

§ 4208.10 Method and date of filing and issuance; computation of time.

(a) *Method of filing.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this part.

(b) *Method of issuance.* The PBGC applies the rules in subpart B of part 4000 of this chapter to determine permissible methods of issuance under this part.

(c) *Date of issuance.* The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that an issuance under this part was provided.

PART 4211—ALLOCATING UNFUNDED VESTED BENEFITS TO WITHDRAWING EMPLOYERS

44. Revise the authority citation for part 4211 to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1391(c)(1), (c)(2)(d), (c)(5)(B), (c)(5)(D), and (f).

45. Amend § 4211.22 by revising paragraphs (a) and (c) to read as follows:

§ 4211.22 Requests for PBGC approval.

(a) *Filing of request.* (1) *In general.* A plan shall submit a request for approval of an alternative allocation method or modification to an allocation method to the PBGC in accordance with the requirements of this section as soon as practicable after the adoption of the amendment.

(2) *Method of filing.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this subpart.

* * * * *

(c) *Where to submit.* See § 4000.4 of this chapter for information on where to file.

* * * * *

PART 4219—NOTICE, COLLECTION AND REDETERMINATION OF WITHDRAWAL LIABILITY

46. The authority citation for part 4219 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1388(c) and (e).

47. Amend § 4219.17 by revising paragraphs (a), (d) and (e) to read as follows:

§ 4219.17 Filings with PBGC.

(a) *Filing requirements.* (1) *In general.* The plan sponsor shall file with PBGC a notice that a mass withdrawal has occurred and separate certifications that determinations of redetermination liability and reallocation liability have been made and notices provided to employers in accordance with this subpart.

(2) *Method of filing.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this subpart.

(3) *Computation of time.* The PBGC applies the rules in subpart D of part 4000 of this chapter to compute any time period under this subpart for filing with the PBGC.

* * * * *

(d) *Where to file.* See § 4000.4 for information on where to file.

(e) *Date of filing.* The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that a submission under this part was filed with the PBGC.

* * * * *

§ 4219.19 [Redesignated as § 4219.20]

48. Redesignate § 4219.19 as § 4219.20.

49. Add a new § 4219.19 to read as follows:

§ 4219.19 Issuances to third parties; methods and dates.

The PBGC applies the rules in subpart B of part 4000 of this chapter to determine permissible methods of issuance under this subpart. The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that an issuance under this subpart was provided. The PBGC applies the rules in subpart D of part 4000 of this chapter to compute any time period for issuances to third parties under this subpart.

PART 4220—PROCEDURES FOR PBGC APPROVAL OF PLAN AMENDMENTS

50. The authority citation for part 4220 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1400.

51. Amend § 4220.3 by revising paragraphs (a) and (c) and adding paragraph (f) to read as follows:

§ 4220.3 Requests for PBGC approval.

(a) *Filing of request.* (1) *In general.* A request for approval of an amendment filed with the PBGC in accordance with this section shall constitute notice to the PBGC for purposes of the 90-day period specified in section 4220 of ERISA. A request is treated as filed on the date on which a request containing all information required by paragraph (d) of this section is received by the PBGC. Subpart C of part 4000 of this chapter provides rules for determining when the PBGC receives a submission.

(2) *Method and date of filing.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this part.

* * * * *

(c) *Where to file.* See § 4000.4 of this chapter for information on where to file.

* * * * *

(f) *Computation of time.* The PBGC applies the rules in subpart D of part 4000 of this chapter to compute any time period under this part.

PART 4221—ARBITRATION OF DISPUTES IN MULTIEMPLOYER PLANS

52. The authority citation for part 4221 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1401.

§ 4221.4 Appointment of the arbitrator. [Amended]

53. Amend paragraph (c) of § 4221.4 by revising the second sentence to read as follows:

* * * * *

(c) *Challenge and withdrawal.* * * * The request for withdrawal shall be served on all other parties and the arbitrator by hand or by certified or registered mail (or by any other method that includes verification or acknowledgment of receipt and meets the requirements of § 4000.14 of this chapter) and shall include a statement of the circumstances that, in the requesting party's view, affect the arbitrator's impartiality and a statement that the requesting party has brought these circumstances to the attention of the arbitrator and the other parties at the earliest practicable point in the proceedings. * * *

* * * * *

54. Amend § 4221.6 by revising paragraph (b) to read as follows:

§ 4221.6 Hearing.

* * * * *

(b) After the time and place for the hearing have been established, the arbitrator shall serve a written notice of the hearing on the parties by hand, by certified or registered mail, or by any other method that includes verification or acknowledgment of receipt and meets the requirements of § 4000.14 of this chapter.

* * * * *

55. Revise § 4221.12 to read as follows:

§ 4221.12 Calculation of periods of time.

The PBGC applies the rules in subpart D of part 4000 of this chapter to compute any time period under this part.

56. Revise § 4221.13 to read as follows:

§ 4221.13 Filing and issuance rules.

(a) *Method and date of filing.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this part. The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that a submission under this part was filed with the PBGC.

(b) *Where to file.* See § 4000.4 of this chapter for information on where to file.

(c) *Method and date of issuance.* The PBGC applies the rules in subpart B of part 4000 of this chapter to determine permissible methods of issuance under this part. The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that an issuance under this part was provided.

§ 4221.14 PBGC-approved arbitration procedures. [Amended]

57. Revise the third sentence of paragraph (c) of § 4221.14 to read: ''The application shall include:''.

PART 4231—MERGERS AND TRANSFERS BETWEEN MULTIEMPLOYER PLANS

58. The authority citation for part 4231 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1411.

59. Amend § 4231.8 by revising paragraphs (a), (c), and (d) to read as follows:

§ 4231.8 Notice of merger or transfer.

(a) *Filing of request.* (1) *When to file.* Except as provided in paragraph (f) of this section, a notice of a proposed merger or transfer must be filed not less than 120 days before the effective date of the transaction. For purposes of this part, the effective date of a merger or transfer is the earlier of—

(i) The date on which one plan assumes liability for benefits accrued under another plan involved in the transaction; or

(ii) The date on which one plan transfers assets to another plan involved in the transaction.

(2) *Method of filing.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this part.

(3) *Computation of time.* The PBGC applies the rules in subpart D of part 4000 of this chapter to compute any time period for filing under this part.

* * * * *

(c) *Where to file.* See § 4000.4 of this chapter for information on where to file.

(d) *Date of filing.* The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that a submission under this part was filed with the PBGC. For purposes of paragraph (a) of this section, the notice is not considered filed until all of the information required by paragraph (e) of this section has been submitted.

* * * * *

PART 4245—NOTICE OF INSOLVENCY

60. The authority citation for part 4245 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1426(e).

61. Amend § 4245.3 as follows:

a. In the first sentence of paragraph (a) remove the words ''interested parties, as defined in paragraph (d) of this section'' and add in their place the words ''interested parties, as defined in paragraph (e) of this section''.

b. Redesignate paragraph (d) as paragraph (e).

c. Revise paragraph (c) and add new paragraph (d) to read as follows:

§ 4245.3 Notice of insolvency.

* * * * *

(c) *Delivery to PBGC; filing date.* (1) *Method of delivery.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this part.

(2) *Filing date.* The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that a submission under this part was filed with the PBGC.

(d) *Delivery to interested parties; issuance date.* (1) *Method of delivery.* The PBGC applies the rules in subpart B of part 4000 of this chapter to determine permissible methods of delivery for the notice of insolvency. In addition to the methods permitted under subpart B of part 4000, the plan sponsor may notify interested parties, other than participants and beneficiaries who are in pay status when the notice is required to be delivered, by posting the notice at participants' work sites or publishing the notice in a union newsletter or in a newspaper of general circulation in the area or areas where participants reside. Notice to a participant shall be deemed notice to that participant's beneficiary or beneficiaries.

(2) *Issuance date.* The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that the notice of insolvency was issued.

* * * * *

§ 4245.4 [Amended]

62. Amend the introductory language of paragraph (b) by removing the words ''an interested party, as defined in § 4245.3(d)'' and adding in their place the words ''interested parties, as defined in § 4245.3(e)''.

§ 4245.5 [Amended]

63. Amend § 4245.5 as follows:

a. In the first sentence of paragraph (a) remove the words ''interested parties, as defined in § 4245.3(d)'' and add in their place the words ''interested parties, as defined in § 4245.3(e)''.

b. Revise paragraph (d) and add paragraph (e) to read as follows:

§ 4245.5 Notice of insolvency benefit level.

* * * * *

(d) *Method of delivery to PBGC; filing date.* (1) *Method of delivery.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this part.

(2) *Filing date.* The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that a submission under this part was filed with the PBGC.

(e) *Method of delivery to interested parties; issuance date.* (1) *Method of delivery.* The PBGC applies the rules in subpart B of part 4000 of this chapter to determine permissible methods of delivery for the notice of insolvency benefit levels. In addition to the methods permitted under subpart B of part 4000, the plan sponsor may notify interested parties, other than participants and beneficiaries who are in pay status or reasonably expected to enter pay status during the insolvency year for which the notice is given, by posting the notice at participants' work sites or publishing the notice in a union newsletter or in a newspaper of general circulation in the area or areas where participants reside. Notice to a participant shall be deemed notice to

that participant's beneficiary or beneficiaries.

(2) *Issuance date.* The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that the notice of insolvency benefit levels was issued.

§ 4245.6 [Amended]

64. In §4245.6, amend the introductory language of paragraph (b) by removing the words ''interested parties, as defined in § 4245.3(d)'' and adding in their place the words ''interested parties, as defined in § 4245.3(e)''.

65. Revise § 4245.7 to read as follows:

§ 4245.7 PBGC address.

See § 4000.4 of this chapter for information on where to file.

66. Add § 4245.8 to read as follows:

§ 4245.8 Computation of time.

The PBGC applies the rules in subpart D of part 4000 of this chapter to compute any time period for filing or issuance under this part.

PART 4281—DUTIES OF PLAN SPONSOR FOLLOWING MASS WITHDRAWAL

67. Revise the authority citation for part 4281 to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1341(a), 1399(c)(1)(D), and 1441.

68. Revise § 4281.3 to read as follows:

§ 4281.3 Filing and issuance rules.

(a) *Method of filing.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of delivery for filings with the PBGC under this part.

(b) *Method of issuance.* See § 4281.32(c) for notices of benefit reductions, § 4281.43(e) for notices of insolvency, and § 4281.45(c) for notices of insolvency benefit level.

(c) *Date of filing.* The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that a submission under this part was filed with the PBGC.

(d) *Date of issuance.* The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that an issuance under this part was provided.

(e) *Where to file.* See § 4000.4 of this chapter for information on where to file.

(f) *Computation of time.* The PBGC applies the rules in subpart D of part 4000 of this chapter to compute any time period for filing or issuance under this part.

69. Revise paragraph (c) of § 4281.32 to read as follows:

§ 4281.32 Notices of benefit reductions.

* * * * *

(c) *Method of issuance to interested parties.* The PBGC applies the rules in subpart B of part 4000 of this chapter to determine permissible methods of delivery for the notice of benefit reduction. In addition to the methods permitted under subpart B of part 4000, the plan sponsor may notify interested parties, other than participants and beneficiaries who are in pay status when the notice is required to be delivered or who are reasonably expected to enter pay status before the end of the plan year after the plan year in which the amendment is adopted, by posting the notice at participants' work sites or publishing the notice in a union newsletter or in a newspaper of general circulation in the area or areas where participants reside. Notice to a participant shall be deemed notice to that participant's beneficiary or beneficiaries.

* * * * *

70. Revise paragraphs (e) and (f) of § 4281.43 to read as follows:

§ 4281.43 Notices of insolvency and annual updates.

* * * * *

(e) *Notices of insolvency—method of issuance to interested parties.* The PBGC applies the rules in subpart B of part 4000 of this chapter to determine permissible methods of delivery for the notice of insolvency. In addition to the methods permitted under subpart B of part 4000, the plan sponsor may notify interested parties, other than participants and beneficiaries who are in pay status when the notice is required to be delivered, by posting the notice at participants' work sites or publishing the notice in a union newsletter or in a newspaper of general circulation in the area or areas where participants reside. Notice to a participant shall be deemed notice to that participant's beneficiary or beneficiaries.

(f) *Annual updates—method of issuance.* The PBGC applies the rules in subpart B of part 4000 of this chapter to determine permissible methods of delivery for the annual update to participants and beneficiaries. In addition to the methods permitted under subpart B of part 4000, the plan sponsor may notify interested parties by posting the notice at participants' work sites or publishing the notice in a union newsletter or in a newspaper of general circulation in the area or areas where participants reside. Notice to a participant shall be deemed notice to that participant's beneficiary or beneficiaries.

71. Revise paragraph (c) of § 4281.45 to read as follows:

§ 4281.45 Notices of insolvency benefit level.

* * * * *

(c) *Method of issuance.* The notices of insolvency benefit level shall be delivered to the PBGC and to plan participants and beneficiaries in pay status or reasonably expected to enter pay status during the insolvency year. The PBGC applies the rules in subpart B of part 4000 of this chapter to determine permissible methods of delivery for the notice of insolvency benefit levels.

PART 4901—EXAMINATION AND COPYING OF PENSION BENEFIT GUARANTY CORPORATION RECORDS

72. Revise the authority citation for part 4901 to read as follows:

Authority: 5 U.S.C. 552, 29 U.S.C. 1302(b)(3), E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p.235.

73. Add § 4901.6 to read as follows:

§ 4901.6 Filing rules; computation of time.

(a) *Filing rules.* (1) *Where to file.* See § 4000.4 of this chapter for information on where to file a submission under this part with the PBGC.

(2) *Method of filing.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this part.

(3) *Date of filing.* The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that a submission under this part was filed with the PBGC.

(b) *Computation of time.* The PBGC applies the rules in subpart D of part 4000 of this chapter to compute any time period under this part.

74. Revise § 4901.11 to read as follows:

§ 4901.11 Submittal of requests for access to records.

A request to inspect or copy any record subject to this subpart shall be submitted to the Disclosure Officer, Pension Benefit Guaranty Corporation. Such a request may be sent to the Disclosure Officer or made in person between the hours of 9 a.m. and 4 p.m. on any working day in the Communications and Public Affairs Department, PBGC, 1200 K Street, NW., Suite 240, Washington, DC 20005–4026. To expedite processing, the request should be prominently identified as a ''FOIA request.''

75. Revise paragraph (a) of § 4901.15 to read as follows:

§ 4901.15 Appeals from denial of requests.

(a) *Submittal of appeals.* If a disclosure request is denied in whole or in part by the disclosure officer, the requester may file a written appeal within 30 days from the date of the denial or, if later (in the case of a partial denial), 30 days from the date the requester receives the disclosed material. The appeal shall state the grounds for appeal and any supporting statements or arguments, and shall be addressed to the General Counsel, Pension Benefit Guaranty Corporation. See part 4000.4 of this chapter for information on where to file. To expedite processing, the words ''FOIA appeal'' should appear prominently on the request.

* * * * *

76. Revise paragraph (c) of § 4901.33 to read as follows:

§ 4901.33 Payment of fees.

* * * * *

(c) *Late payment interest charges.* The PBGC may assess late payment interest charges on any amounts unpaid by the 31st day after the date a bill is sent to a requester. Interest will be assessed at the rate prescribed in 31 U.S.C. 3717 and will accrue from the date the bill is sent.

PART 4902—DISCLOSURE AND AMENDMENT OF RECORDS PERTAINING TO INDIVIDUALS UNDER THE PRIVACY ACT

77. The authority citation for part 4902 continues to read as follows:

Authority: 5 U.S.C. 552a.

78. Revise paragraphs (a) and (b) of § 4902.3 to read as follows:

§ 4902.3 Procedures for determining existence of and requesting access to records.

(a) Any individual may submit a request to the Disclosure Officer, Pension Benefit Guaranty Corporation, for the purpose of learning whether a system of records maintained by the PBGC contains any record pertaining to the requestor or obtaining access to such a record. Such a request may be sent to the Disclosure Officer or made in person between the hours of 9 a.m. and 4 p.m. on any working day in the Communications and Public Affairs Department, PBGC, 1200 K Street, NW., Suite 240, Washington, DC 20005–4026.

(b) Each request submitted pursuant to paragraph (a) of this section shall include the name of the system of records to which the request pertains and the requester's full name, home address and date of birth, and shall prominently state the words, ''Privacy Act Request.'' If this information is insufficient to enable the PBGC to identify the record in question, or to determine the identity of the requester (to ensure the privacy of the subject of the record), the disclosure officer shall request such further identifying data as the disclosure officer deems necessary to locate the record or to determine the identity of the requester.

* * * * *

79. Revise paragraph (c) of § 4902.5 to read as follows:

§ 4902.5 Procedures for requesting amendment of a record.

* * * * *

(c) An individual who desires assistance in the preparation of a request for amendment of a record shall submit such request for assistance in writing to the Deputy General Counsel, Pension Benefit Guaranty Corporation. The Deputy General Counsel shall respond to such request as promptly as possible.

80. Revise paragraph (c) of § 4902.6 to read as follows:

§ 4902.6 Action on request for amendment of a record.

* * * * *

(c) An individual who desires assistance in preparing an appeal of a denial under this section shall submit a request to the Deputy General Counsel, Pension Benefit Guaranty Corporation. The Deputy General Counsel shall respond to the request as promptly as possible, but in no event more than 30 days after receipt.

81. Revise paragraph (a) of § 4902.7 to read as follows:

§ 4902.7 Appeal of a denial of a request for amendment of a record.

(a) An appeal from a denial of a request for amendment of a record under § 4902.6 shall be submitted, within 45 days of receipt of the denial, to the General Counsel, Pension Benefit Guaranty Corporation, unless the record subject to such request is one maintained by the Office of the General Counsel, in which event the appeal shall be submitted to the Deputy Executive Director, Pension Benefit Guaranty Corporation. The appeal shall state in detail the basis on which it is made and shall clearly state ''Privacy Act Request'' on the first page. In addition, the submission shall clearly state ''Privacy Act Request'' on the envelope (for mail, hand delivery, or commercial delivery), in the subject line (for e-mail), or on the cover sheet (for fax).

* * * * *

82. Add § 4902.10 to read as follows:

§ 4902.10 Filing rules; computation of time.

(a) *Filing rules.* (1) *Where to file.* See § 4000.4 of this chapter for information on where to file a submission under this part with the PBGC.

(2) *Method of filing.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this part.

(3) *Date of filing.* The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that a submission under this part was filed with the PBGC.

(b) *Computation of time.* The PBGC applies the rules in subpart D of part 4000 of this chapter to compute any time period for filing under this part.

PART 4903—DEBT COLLECTION

83. The authority citation for part 4903 continues to read as follows:

Authority: 29 U.S.C. 1302(b); 31 U.S.C. 3701, 3711(f), 3720A; 4 CFR part 102; 26 CFR 301.6402–6.

84. Amend § 4903.2 by adding paragraphs (c) and (d) to read as follows:

§ 4903.2 General.

* * * * *

(c) The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this part. The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that a submission under this part was filed with the PBGC. See § 4000.4 for information on where to file.

(d) The PBGC applies the rules in subpart D of part 4000 of this chapter to compute any time period for filing under this part.

85. Revise paragraph (b)(2) of § 4903.24 to read as follows:

§ 4903.24 Request for offset from other agencies.

* * * * *

(b)(1) * * *

(2) All such requests should be directed to the Director, Financial Operations Department. See § 4000.4 of this chapter for information on where to file.

* * * * *

PART 4907—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE PENSION BENEFIT GUARANTY CORPORATION

86. The authority citation for part 4907 continues to read as follows:

Authority: 29 U.S.C. 794, 1302(b)(3).

87. Revise paragraph (c) of § 4907.170 to read as follows:

§ 4907.170 Compliance procedures.

* * * * *

(c) The Equal Opportunity Manager shall be responsible for coordinating implementation of this section.

(1) *Where to file.* See § 4000.4 of this chapter for information on where to file complaints under this part.

(2) *Method of filing.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this part.

(3) *Date of filing.* The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that a submission under this part was filed with the PBGC.

(4) *Computation of time.* The PBGC applies the rules in subpart D of part 4000 of this chapter to compute any time period under this part.

* * * * *

Issued in Washington, DC, this 4th day of February, 2003.

Steven A. Kandarian,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 03–3081 Filed 2–13–03; 8:45 am]

BILLING CODE 7708–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD13–03–001]

RIN 2115–AA97

Safety Zone; Fort Vancouver Fireworks Display, Columbia River, Vancouver, WA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is establishing a permanent safety zone on the waters of the Columbia River in the vicinity of Vancouver, Washington. The Captain of the Port, Portland, Oregon, is taking this action to safeguard watercraft and their occupants from safety hazards associated with an annual July 4th fireworks display. Entry into this safety zone is prohibited unless authorized by the Captain of the Port.

DATES: Comments and related material must reach the Coast Guard on or before April 15, 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 CGD13–03–001 and are available for inspection or copying at the U.S. Coast Guard Marine Safety Office/Group Portland, 6767 N. Basin Ave., Portland, Oregon 97217 between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade Tad Drozdowski, c/o Captain of the Port, Portland 6767 N. Basin Avenue, Portland, Oregon 97217, at (503) 240–2584.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD13–03–001), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to U.S. Coast Guard Marine Safety Office/Group Portland at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The Coast Guard is establishing a permanent safety zone on the waters of the Columbia River in the vicinity of Vancouver, Washington to allow an annual July 4th fireworks display to occur in a safe environment. This event may result in a number of vessels congregating near the fireworks launching barge. The safety zone is needed to protect watercraft and their occupants from safety hazards associated with the fireworks display.

Discussion of Proposed Rule

This rule, for safety concerns, would control vessel movements in a regulated area surrounding the fireworks launching barge. Entry into this zone would be prohibited unless authorized by the Captain of the Port, Portland or his designated representative. Coast Guard personnel would enforce this safety zone. The Captain of the Port may be assisted by other Federal and local agencies.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 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 this rule under that Order. This rule is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures act of DOT is unnecessary. This expectation is based on the fact that the regulated area established by the proposed regulation will encompass less than one mile of the Columbia River for a period of only one and a half hours.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit a portion of the Columbia River from 9:30 p.m. to 11 p.m. on July 4th. This safety zone will not have significant economic impact on a substantial number of small entities for the following reasons. This rule will be in effect for only one and a half hours in the evening when vessel traffic is low. Traffic will be allowed to pass through the zone with the permission of the Captain of the Port or his designated representatives on scene, if safe to do so. Because the impacts of this proposal are expected to be so minimal, the Coast Guard certifies under 5 U.S.C. 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.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity that this rule would have a significant economic impact on it, please submit a comment (*see* **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process. If the rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Collection of Information

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

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt state law or impose a substantial direct cost of compliance on them. We have analyzed this rule under Executive Order 13132 and have determined that this final rule does not have implications for federalism under that order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. In particular, the Act addresses actions that may result in the expenditure by a State, local or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern 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.

To help the Coast Guard establish regular and meaningful consultation and collaboration with Indian and Alaskan Native tribes, we published a notice in the **Federal Register** (66 FR 36361, July 11, 2001) requesting comments on how to best carry out the order. We invite your comments on how this proposed rule might impact tribal governments, even if that impact may not constitute a ''tribal implication'' under the order.

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

The Coast Guard considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph (34)(g) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A Categorical Exclusion is provided for regulations establishing safety zones. A ''Categorical Exclusion Determination'' is available in the docket 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; 49 CFR 1.46.

2. Section 165.1314 is added to read as follows:

§ 165.1314 Safety Zone; Fort Vancouver Fireworks Display, Columbia River Vancouver, Washington.

(a) *Location.* The following area is a safety zone: all waters of the Columbia River at Vancouver, Washington bounded by a line commencing at the northern base of the Interstate 5 highway bridge at latitude 45°37′16.5″ N, longitude 122°40′22.5″ W; thence south along the Interstate 5 highway bridge to Hayden Island, Oregon at latitude 45°36′51.5″ N, longitude 122°40′39″ W; thence east along Hayden Island to latitude 45°36′36″ N, longitude 122°39′48″ W (not to include Hayden Bay); thence north across the river thru the preferred channel buoy, RG Fl(2+1)R 6s, to the Washington shoreline at latitude 45°37′1.5″ N, longitude 122°39′29″ W; thence west along the Washington shoreline to the point of origin.

(b) *Regulations.* In accordance with the general regulations in § 165.23 of this part, no person or vessel may enter or remain in this zone unless authorized by the Captain of the Port or his designated representatives.

(c) *Enforcement period.* This section will be enforced every July 4, from 9:30 p.m. (P.d.t.) to 11 p.m. (P.d.t.).

Dated: February 4, 2003.

Paul D. Jewell,

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

[FR Doc. 03–3605 Filed 2–13–03; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD09–03–203]

RIN 2115–AA97

Safety Zones; Captain of the Port Chicago Zone

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish fifteen permanent safety zones for annual fireworks displays throughout the Captain of the Port Chicago Zone. These safety zones are necessary to control vessel traffic within the immediate vicinity of fireworks launch sites and to ensure the safety of life and property during each event. These safety zones are intended to restrict vessels from the area encompassed by the safety zone for the duration of each fireworks display.

DATES: Comments and related material must reach the Coast Guard on or before March 17, 2003.

ADDRESSES: You may mail or hand-deliver comments and related material to Commanding Officer, U.S. Coast Guard Marine Safety Office (MSO) Chicago, 215 W. 83rd Street Suite D, Burr Ridge, IL. 60527. MSO Chicago maintains the public docket for this rulemaking. Comments and material received from the public, as well as the documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at MSO Chicago between 8 a.m. and 3 p.m. Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: MST3 Kathryn Varela, MSO Chicago, at (630) 986–2175.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages you to participate in this rulemaking by submitting comments and related material. Persons submitting comments should include their name and address, identify this rulemaking (CGD09–03–203) and indicate the specific event and section of this proposal to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for photocopying and electronic filing. Persons wanting acknowledgement for receipt of comments should enclose a stamped, self-addressed envelope or postcard.

The Coast Guard will consider all comments and material received during the comment period. We may change this proposal in view of them.

Public Meeting

The Coast Guard does not plan to hold a public hearing. Persons may request a public meeting by writing to Marine Safety Office Chicago at the address listed under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

Each year, various organizations in Illinois and Michigan sponsor fireworks displays at the same locations during the same general time periods. Based on recent accidents that have occurred in other Captain of the Port zones, and the explosive hazards associated with these events, the Captain of the Port Chicago has determined that fireworks launches in close proximity to watercraft pose a risk to public safety and property. The likely combination of large numbers of inexperienced recreational boaters, congested waterways, darkness punctuated by bright flashes of light, alcohol use, and debris falling into the water could easily result in serious injuries or fatalities. Establishing a safety zone to control vessel movement will ensure the safety of persons and property at these events and help minimize the associated risk.

In the past, and for those reasons stated above, the Captain of the Port has annually promulgated separate temporary rulemaking for each fireworks event. This proposed rule would merely consolidates past temporary rulemakings into one rulemaking, would include other events for the purpose of uniformity, and would allow for a more thoughtful, timely rulemaking process. This rulemaking would create a permanent rule listing the safety zones for each fireworks launch platform used for each fireworks display. All geographic coordinates are based upon North American Datum 1983 (NAD 83).

Discussion of Proposed Rule

The Coast Guard is proposing to establish a safety zone around all annual fireworks events in the Captain of the Port Chicago area. The proposed size was determined by using the National Fire Protection Association standards.

The Coast Guard believes these proposed rules will not pose any additional problems for commercial vessels transiting the area. In the unlikely event that shipping is affected by these proposed rules, commercial vessels may request permission from the Captain of the Port Chicago, or his designated representative, to transit through the safety zone. No commercial shipping lanes would be impacted as a result of this rulemaking.

The Coast Guard would announce the exact dates and times for these events by publishing a Notice of Implementation in the **Federal Register** at least ten days prior to the beginning of the event, and by publishing this information in the Ninth Coast Guard District Local Notice to Mariners, marine information broadcasts, and, for those who request it from MSO Chicago, by facsimile (fax).

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 on Regulatory Planning and Review and therefore 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 this rule under that order. It is non-significant under Department of Transportation regulatory policies and procedures (DOT) (44 FR 11040, February 26, 1979). If comments are received to indicate otherwise, the Captain of the Port may reconsider this determination. The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This finding is based on the minimal time that vessels will be restricted from the zone.

Small Entities

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the Captain of the Port Chicago has determined that this rule will not have a significant impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in a portion of an activated

safety zone. The safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons. This proposed rule would be in effect for only a few hours on the day of the event on an annual basis. Vessel traffic could safely pass outside the proposed safety zone during the events, traffic would be allowed to pass through the safety zone only with the permission of the Captain of the Port Chicago's on-scene representative which will be the U.S. Coast Guard Patrol Commander. At least ten days before the effective period, the Coast Guard will publish a Notice of Implementation in the **Federal Register**. In addition, the exact times and dates will be published in the Ninth Coast Guard District Local Notice to Mariners, broadcasts made via the Broadcast Notice to Mariners and facsimile sent to operators of vessels who might be in the affected area who request such. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), the Coast Guard wants to assist small entities in understanding this rule so that they can better evaluate its effects and participate in the rulemaking process. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Marine Safety Office Chicago (see **ADDRESSES**.)

Collection of Information

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

Federalism

We have analyzed this proposed rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed 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 proposed 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

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

Environment

The Coast Guard has considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph 32(g) of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation. A written categorical exclusion determination is available in the docket for inspection or copying where indicated under **ADDRESSES.**

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.

List of Subjects in 33 CFR Part 165

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

For the reason discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. Add § 165.918 to read as follows:

§ 165.918 Safety Zones; Annual Fireworks Displays in the Captain of the Port Chicago Zone

(a) *Safety zones.* The following areas are designated safety zones:

(1) Evanston Fourth of July Fireworks—Evanston, IL

(i) *Location.* All waters and adjacent shoreline of Lake Michigan bounded by the arc of a circle with a 1000-foot radius from the fireworks launch site with its center in approximate position 42°02′58″ N, 087°40′22″ W (NAD 83).

(ii) *Expected date and time.* First Week in July; sunset to termination of display.

(2) Independence Day Fireworks—Manistee, MI.

(i) *Location.* All waters and adjacent shoreline of Lake Michigan within the arc of a circle with a 1000-foot radius from the fireworks launch site with its center in approximate position 44°14′51″ N, 086°20′46″ W (NAD 83) (Off First Street Beach).

(ii) *Expected date and time.* First Week in July; sunset to termination of display.

(3) Independence Day Fireworks—Lake Kalamazoo, Saugatuck, MI.

(i) *Location.* All waters and adjacent shoreline of Lake Michigan within the arc of a circle with a 1000-foot radius from the fireworks launch site with its center in approximate position 42°38′52.5″ N, 086°12′18.5″ W (NAD 83).

(ii) *Expected date and time.* First Week in July; sunset to termination of display.

(4) Independence Day Fireworks—White Lake, Whitehall, MI.

(i) *Location.* All waters and adjacent shoreline of White Lake, Whitehall, MI. within the arc of a circle with a 1000-foot radius from the fireworks launch site with its center in approximate position of 43°24′33.5″ N, 086°21′28.5″ W (NAD 83).

(ii) *Expected date and time.* First Week in July; sunset to termination of display.

(5) Pentwater July 3rd Fireworks—Lake Michigan, Pentwater, MI.

(i) *Location.* All waters and adjacent shoreline of Lake Michigan and the Shipping Channel, Pentwater, MI. within the arc of a circle with a 1000-foot radius from the fireworks launch site on the North Breakwall with its center in approximate position of 43°46′56.5″ N, 086°26′38″ W (NAD 83).

(ii) *Expected date and time.* First Week in July; sunset to termination of display.

(6) Venetian Night Fireworks—Lake Kalamazoo, Saugatuck, MI.

(i) *Location.* All waters and adjacent shoreline of Lake Kalamazoo, Saugatuck, MI. within the arc of a circle with a 1000-foot radius from the fireworks launch site with its center in approximate position 42°38′52.5″ N, 086°12′18.5″ W (NAD 83).

(ii) *Expected date and time.* The fourth weekend in July; or the first weekend in August; sunset to termination of display.

(7) Venetian Night Fireworks—Lake Michigan, Hammond, IN.

(i) *Location.* All waters and adjacent shoreline of Lake Michigan, Hammond, IN. within the arc of a circle with a 840-foot radius from the fireworks launch site with its center in approximate position of 41°41′54″ N, 087°30′46″ W (NAD 83).

(ii) *Expected date and time.* The first weekend in August; sunset to termination of display.

(8) Venetian Night Fireworks—Monroe Street Harbor—Chicago, IL.

(i) *Location.* All waters and adjacent shoreline of Lake Michigan, Chicago, IL. within the arc of a circle with a 1000-foot radius from the fireworks launch site at Monroe Street Harbor with its center in approximate position of 41°52′41″ N, 087°36′37″ W (NAD 83).

(ii) *Expected date and time.* The fourth weekend in July; or the first weekend in August; sunset to termination of display.

(9) Wings Over the Lake Air Show—Michigan City, IN.

(i) *Location.* All waters and adjacent shoreline of Lake Michigan, off Washington Park, Michigan City, IN. encompassed by a line drawn between the following coordinates starting at 41°43′39″ N, 086°54′32″ W; northwest to 41°44′06″ N, 086°54′44″ W; northeast to 41°44′21″ N, 086°53′52″ W; southeast to 41°43′55″ N, 086°53′40″ W; then southwest back to the point of origin (NAD 83). The box starts approximately 250-feet from the East Pierhead and 250-feet from Washington Park Beach.

(ii) *Expected date and time.* The first week in July.

(10) YMCA Lake Michigan Swim—Ferrysburg, MI.

(i) *Location.* All waters and adjacent shoreline of Lake Michigan, off the Ferrysburg North Pier within 100-feet of a straight line from 43°03.45′ N, 086°13.4′ W; to 43°05′ N, 086°15.24′ W (NAD 83).

(ii) *Expected date and time.* The third week in July; from 8 a.m. (local) until the end of the event.

(11) Team Aquatics Ski Show—Grand River, Grand Haven, MI.

(i) *Location.* All waters and adjacent shoreline of the Grand River, Grand Haven, MI. from 43°04′08″ N, 086°14′13″ W; thence east to 43°04′06″ N, 086°14′07″ W; thence southwest to 43°03′53″ N, 086°14′14″ W; and east to 43°03′51.5″ N, 086°14′07.5″ W (NAD 83).

(ii) *Expected date and time.* The fourth week in July; from 6 p.m. (local) until 8:30 p.m. (local).

(12) Chicago Flatwater Classic—Chicago River, Chicago, IL.

(i) *Location.* All waters and adjacent shoreline of the Chicago River from a line drawn across the river at mile marker 323 to a line drawn across the river at mile marker 331.

(ii) *Expected date and time.* The second weekend in August; from 9 a.m. (local) until 3:30 p.m. (local).

(13) Navy Pier Summer Fireworks—Lake Michigan, Chicago, IL.

(i) *Locations.*

(A) *Primary launch site.* All waters and adjacent shoreline of Lake Michigan bounded by the arc of a circle with a 1400-foot radius from the fireworks launch platform with its center in approximate position 41°53′18″ N, 087°36′08″ W (NAD 83).

(B) *Alternate launch site.* In the case of inclement weather, the alternate launch site is all waters and adjacent shoreline of Lake Michigan bounded by the arc of a circle with a 1400-foot radius with its center in approximate position 41°53′24″ N, 087°35′44″ W (NAD 83).

(ii) *Expected dates and times.* Every Wednesday and Saturday evening from 9 p.m. (local) until termination of display from June 1 thru September 1.

(14) Navy Pier 4th of July Fireworks—Lake Michigan, Chicago, IL.

(i) *Locations.*

(A) *Primary launch site.* All waters and adjacent shoreline of Lake Michigan bounded by the arc of a circle with a 1400-foot radius from the fireworks launch platform with its center in approximate position 41°53′18″ N, 087°36′08″ W (NAD 83).

(B) *Alternate launch site.* In the case of inclement weather, the alternate launch site is all waters and adjacent shoreline of Lake Michigan bounded by the arc of a circle with a 1400-foot radius with its center in approximate position 41°53′24″ N, 087°35′44″ W (NAD 83).

(ii) *Expected date and time.* The first week of July; sunset to termination of display.

(15) St. Joseph's River Marathon Swim—St. Joseph, MI.

(i) *Location.* All the waters of Lake Michigan (off of St. Joseph, MI.), and the St. Joseph River, within 100-feet of the race course.

(ii) *Expected date and time.* The 3rd week in July; from 11 a.m. (local) until the end of the event.

(b) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator shall proceed as directed. U.S. Coast Guard Auxiliary, representatives of the event organizer, and local or state officials may be present to inform vessel operators of this regulation and other applicable laws.

(3) In cases where shipping is affected, commercial vessels may request permission from the Captain of the Port Chicago to transit the safety zone. Approval in such cases will be case-by-case. Requests must be made in advance and approved by the Captain of the Port before transits will be authorized. The Captain of the Port may be contacted via Channel 16, VHF–FM.

(c) Captain of the Port Chicago will announce the exact time and location of the annual events listed in this section by publication of a Notice of Implementation in the **Federal Register** at least ten days prior to the beginning of the event, Broadcast Local Notice to Mariners, or any other means deemed appropriate.

Dated: January 30, 2003.

L.M. Henderson,

Commander, U.S. Coast Guard, Acting Captain of the Port, Chicago.

[FR Doc. 03–3739 Filed 2–13–03; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–7452–2]

Approval and Promulgation of Implementation Plans; Rhode Island; One Hour Ozone Attainment Demonstration for the Rhode Island Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to fully approve the one-hour ozone attainment demonstration State Implementation Plan (SIP) for the Rhode Island serious ozone nonattainment area, submitted by the Rhode Island Department of Environmental Protection on January 27, 2003. This action is based on the requirements of the Clean Air Act as amended in 1990, related to one-hour ozone attainment demonstrations.

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

ADDRESSES: Written comments (two copies if possible) should be sent to: David B. Conroy at the EPA Region I (New England) Office, One Congress Street, Suite 1100–CAQ, Boston, Massachusetts 02114–2023.

Copies of the state submittal and EPA's technical support document (TSD) are available for public inspection during normal business hours (9 A.M. to 4 P.M.) at the following addresses: U.S. Environmental Protection Agency, Region 1 (New England), One Congress St., 11th Floor, Boston, Massachusetts, telephone (617) 918–1664, and at the Office of Air Resources, Department of Environmental Management, 235 Promenade Street, Providence, Rhode Island 02908–5767. Please telephone in advance before visiting.

FOR FURTHER INFORMATION CONTACT: Richard P. Burkhart, (617) 918–1664.

SUPPLEMENTARY INFORMATION: This notice provides an analysis of the one-hour ozone attainment demonstration SIP submitted by the Rhode Island Department of Environmental Management (Rhode Island DEM) in proposed form on January 27, 2003 for the Rhode Island serious ozone nonattainment area. This revision is being proposed under a procedure called parallel processing. Under parallel processing, EPA proposes action on a state submission before it has been formally submitted to EPA, and will take final action on its proposal if the final submission is substantially unchanged from the submission on which proposal is based, or if significant changes in the final submission are anticipated and adequately described in EPA's proposal as a basis for EPA's proposed action.

The Rhode Island DEM will hold a public hearing on its proposed SIP revision on February 27, 2003. The SIP revision that Rhode Island has proposed includes all the basic elements of what EPA is proposing to approve. If the proposed attainment demonstration plan is substantially changed, EPA will evaluate those changes and may publish another notice of proposed rulemaking. If no substantial changes are made, EPA will approve the state's plan consistent with this proposal and any submitted comments. Before EPA can finally approve this SIP revision, Rhode Island must finally adopt the SIP revision and submit it formally to EPA for incorporation into the SIP.

Table of Contents

I. Clean Air Act Requirements for Serious Ozone Nonattainment Areas
II. Background and Current Air Quality Status of the Rhode Island Ozone Nonattainment Area
III. History and Time Frame for the State's Attainment Demonstration SIP
IV. What are the Components of a Modeled Attainment Demonstration?
V. What is the Framework for Proposing Action on the Attainment Demonstration SIPs?
VI. What are the Relevant Policy and Guidance Documents?
VII. How Does the Rhode Island Submittal Satisfy the Framework?
VIII. Proposed Action
IX. Administrative Requirements

I. Clean Air Act Requirements for Serious Ozone Nonattainment Areas

The Clean Air Act (CAA) requires EPA to establish national ambient air quality standards (NAAQS or standards) for certain widespread pollutants that cause or contribute to air pollution that is reasonably anticipated to endanger public health or welfare. CAA sections 108 and 109. In 1979, EPA promulgated the one-hour 0.12 parts per million (ppm) ground-level ozone standard. 44 FR 8202 (February 8, 1979). Ground-level ozone is not emitted directly by sources. Rather, emissions of nitrogen oxides (NO_X) and volatile organic compounds (VOCs) react in the presence of sunlight to form ground-level ozone. NO_X and VOC are referred to as precursors of ozone.

An area exceeds the one-hour ozone standard each time an ambient air quality monitor records a one-hour average ozone concentration of 0.125 ppm or higher.[1] An area is violating the standard if, over a consecutive three-year period, more than three exceedances are expected to occur at any one monitor. The area's 4th highest ozone reading at a single monitor is its design value. The CAA, as amended in 1990, required EPA to designate as nonattainment any area that was violating the one-hour ozone standard, generally based on air quality monitoring data from the three-year period from 1987–1989. CAA section 107(d)(4); 56 FR 56694 (November 6, 1991). The CAA further classified these areas, based on the area's design value, as marginal, moderate, serious, severe, or extreme. CAA section 181(a). Marginal areas were suffering the least significant air pollution problems while the areas classified as severe and extreme had the most significant air pollution problems.

The control requirements and dates by which attainment needs to be achieved vary with the area's classification. Marginal areas are subject to the fewest mandated control requirements and have the earliest attainment date. Severe and extreme areas are subject to more stringent planning requirements but are provided more time to attain the standard. Serious areas were required to attain the one-hour ozone standard by November 15, 1999 and severe areas are required to attain by November 15, 2005 or November 15, 2007. The Rhode Island ozone nonattainment area is classified as serious and its attainment date is November 15, 1999.

Under section 182(c)(2) of the CAA, serious areas were required to submit by November 15, 1994 demonstrations of how they would attain the one-hour ozone standard and how they would achieve reductions in VOC emissions of 9 percent for each three-year period until the attainment year. In some cases, NO_X emission reductions can be substituted for the required VOC emission reductions.

In general, an attainment demonstration SIP includes a modeling analysis component showing how the area will achieve the standard by its attainment date and the control

[1] The one-hour ozone standard is 0.12 ppm. EPA's long-standing practice is that monitored values of 0.125 ppm or higher are rounded up, and thus considered an exceedance of the NAAQS and values less than 0.125 ppm are rounded down and are not an exceedance.

measures necessary to achieve those reductions. Another component of the attainment demonstration SIP is a motor vehicle emissions budgets for transportation conformity purposes. Transportation conformity is a process for ensuring that the effects of emissions associated with new or improved federally-funded roadways and transit are considered before they are Federally funded or approved. As described in section 176(c)(2)(A) of the CAA, attainment demonstrations necessarily include the estimates of motor vehicle emissions that are consistent with attainment, which then act as a budget or ceiling for the purposes of determining whether federally-supported transportation plans, transportation implementation programs, and projects conform to the attainment demonstration SIP.

II. Background and Current Air Quality Status of the Rhode Island Ozone Nonattainment Area

The Rhode Island ozone nonattainment area is a state wide area. Historically and throughout most of the 1990's, ozone monitors throughout the Rhode Island nonattainment area violated the one-hour ozone standard. Directly downwind of the Rhode Island nonattainment area, there were also a number of other nonattainment areas violating the one-hour ozone standard during the 1990's in Massachusetts, New Hampshire, and in portions of southern Maine.

On June 9, 1999, EPA determined that the Rhode Island serious ozone nonattainment area had attained the 1-hour ozone standard (64 FR 30911).[2] This determination was based on data collected from 1996–1998. On June 9, 1999, EPA also determined that the Eastern Massachusetts area, the Portsmouth-Dover-Rochester, New Hampshire ozone nonattainment area, and the Portland, Maine ozone nonattainment area had also attained the 1-hour ozone standard based on data collected from 1996–1998. *See* 64 FR 30911. At the time of these determinations of attainment, there were no areas in any portion of Rhode Island, Eastern Massachusetts, New Hampshire or Maine that violated the one-hour ozone standard.

The Rhode Island nonattainment area continued to have air quality meeting the one-hour ozone standard in 1999 (based on data from 1997–1999) and in 2000 (based on data from 1998–2000). Based on data collected in 1999–2001, however, the Rhode Island area now has air quality violating the one-hour ozone standard. The violating monitors, based on 1999–2001 ozone data, are in West Greenwich, East Providence, and Narragansett, Rhode Island. Ozone data readings from the monitors for the area from the summer of 2002 now show only the West Greenwich and East Providence monitors registering a violation of the one-hour ozone NAAQS for the three-year period 2000–2002.

III. History and Time Frame for the State's Attainment Demonstration SIP

A. Ozone Transport Assessment Group and the NO_X SIP Call

Notwithstanding significant efforts by the states, in 1995 EPA recognized that many states in the eastern half of the United States could not meet the November 1994 time frame for submitting an attainment demonstration SIP because emissions of NO_X and VOCs in upwind states (and the ozone formed by these emissions) affected these nonattainment areas and the full impact of this effect had not yet been determined. This phenomenon is called ozone transport.

On March 2, 1995, Mary D. Nichols, EPA's then Assistant Administrator for Air and Radiation, issued a memorandum to EPA's Regional Administrators acknowledging the efforts made by states but noting the remaining difficulties in making attainment demonstration SIP submittals.[3] Recognizing the problems created by ozone transport, the March 2, 1995 memorandum called for a collaborative process among the states in the eastern half of the country to evaluate and address transport of ozone and its precursors. This memorandum led to the formation of the Ozone Transport Assessment Group (OTAG)[4] and provided for the states to submit the attainment demonstration SIPs based on the expected time frames for OTAG to complete its evaluation of ozone transport.

In June 1997, OTAG concluded and provided EPA with recommendations regarding ozone transport. The OTAG generally concluded that transport of ozone and the precursor NO_X is significant and should be reduced regionally to enable states in the eastern half of the country to attain the ozone NAAQS.

In recognition of the length of the OTAG process, in a December 29, 1997 memorandum, Richard Wilson, EPA's then Acting Assistant Administrator for Air and Radiation, provided until April 1998 for states to submit the following elements of their attainment demonstration SIPs for serious and severe nonattainment areas: (1) Evidence that the applicable control measures in subpart 2 of part D of title I of the CAA were adopted and implemented or were on an expeditious course to being adopted and implemented; (2) a list of measures needed to meet the remaining rate-of-progress (ROP) emissions reduction requirement and to reach attainment; (3) for severe areas only, a commitment to adopt and submit target calculations for post-1999 ROP and the control measures necessary for attainment and ROP plans through the attainment year by the end of 2000; (4) a commitment to implement the SIP control programs in a timely manner and to meet ROP emissions reductions and attainment; and (5) evidence of a public hearing on the state submittal.[5] This submission is sometimes referred to as the Phase 2 submission. Motor vehicle emissions budgets can be established based on a commitment to adopt the measures needed for attainment and identification of the measures needed. Thus, state submissions due in April 1998 under the Wilson policy should have included motor vehicle emissions budgets.

Building upon the OTAG recommendations and technical analyses, in November 1997, EPA proposed action addressing the ozone transport problem. In its proposal, EPA found that current SIPs in 22 states and the District of Columbia (23 jurisdictions) were insufficient to provide for attainment and maintenance of the one-hour ozone standard because they did not regulate NO_X emissions that significantly contribute to ozone transport. 62 FR 60318 (November 7, 1997). The EPA finalized that rule in September 1998, calling on the 23 jurisdictions to revise their SIPs to require NO_X emissions reductions within the state to a level consistent with a NO_X emissions budget identified in the final rule. 63 FR 57356 (October 27, 1998). This final rule is commonly referred to as the NO_X SIP Call.

[2] In that notice, EPA also determined the one-hour ozone standard no longer applied to the Rhode Island area. Subsequently, due to continued litigation regarding the 8-hour ozone standard, EPA reinstated the applicability of the one-hour ozone standard in all areas. *See* 65 FR 45182 (July 20, 2000). EPA, however, did not modify its determination that the Rhode Island area had attained the one-hour ozone standard.

[3] Memorandum, ''Ozone Attainment Demonstrations,'' issued March 2, 1995. A copy of the memorandum may be found on EPA's Web site at *http://www.epa.gov/ttn/oarpg/t1pgm.html.*

[4] Letter from Mary A. Gade, Director, State of Illinois Environmental Protection Agency to Environmental Council of States (ECOS) Members, dated April 13, 1995.

[5] Memorandum, ''Guidance for Implementing the 1-Hour Ozone and Pre-Existing PM 10 NAAQS,'' issued December 29, 1997. A copy of this memorandum may be found on EPA's Web site at *http://www.epa.gov/ttn/oarpg/t1pgm.html.*

B. Rhode Island Ozone Attainment Demonstration Submittal

Unlike other states with serious ozone nonattainment areas, Rhode Island did not in 1998 submit a final ozone attainment demonstration as a SIP revision pursuant to EPA's December 29, 1997 memorandum. Based on data collected from 1996–1998, EPA determined on June 9, 1999 (64 FR 30911) that the Rhode Island serious ozone nonattainment area had attained the 1-hour ozone standard. Consistent with EPA policy, since the Rhode Island area had attained the standard by November 15, 1999, its statutory attainment date, Rhode Island did not need to submit an attainment demonstration to EPA for EPA to take action on.[6]

The Rhode Island nonattainment area continued to have air quality meeting the one-hour ozone standard through the summer of 2000, and it was not until after the summer of 2001 that the Rhode Island area had air quality violating the one-hour ozone standard. At that point in time, this nonattainment area was once again required to have an approved attainment demonstration and ROP plan with respect to section 182(c)(2) of the CAA. Today, in this proposed rule, EPA is proposing action on the proposed attainment demonstration SIP submitted by the Rhode Island DEM on January 27, 2003. EPA has previously approved the state's 15% plan (63 FR 67594, 12/8/98) and 9% ROP plan (66 FR 30811, 6/8/01).

The Rhode Island Attainment Demonstration contains the following elements: (1) The required photochemical grid attainment demonstration modeling, supplemented with a weight-of-evidence (WOE) analysis showing how attainment will be achieved; (2) an analysis showing that Rhode Island is implementing all reasonably available control measures (RACM) and that no other RACM could be adopted in Rhode Island that would advance the attainment year; (3) motor vehicle emissions budgets for the attainment year, which are used for conformity determinations, and (4) contingency measures as required pursuant to section 172(c)(9) of the CAA. Rhode Island Department of Environmental Protection will hold a public hearing on this Attainment Demonstration SIP on February 27, 2003.

The statutory attainment date for the Rhode Island Area was November 15, 1999. The area attained the standard as of its attainment date, but then subsequently experienced a violation. The CAA does not expressly address the appropriate attainment date for an area that attains the standard by its attainment date but then subsequently violates the standard nor does it address the planning requirements that apply to such an area. (CAA sections 179 (c) and (d) and 181(b)(2) establish requirements only for those areas that EPA determines do not attain the standard by their attainment date.) With respect to the attainment date, both subparts 1 and 2 specify outside dates for attainment and provide that attainment must be ''as expeditiously as practicable.'' CAA sections 172(a)(2) and 181(a)(1). With respect to control obligations, EPA generally attempts first to work with the State to submit a revised SIP and, where necessary, would issue a SIP Call pursuant to section 110(k)(5). *See e.g.,* 65 FR 64352 (Oct. 27, 2000). Here, Rhode Island is already well on its way to submitting a final attainment demonstration and has indicated that the demonstration provides for attainment as expeditiously as practicable, *i.e.* by November 15, 2007. We review Rhode Island's submission in the following sections.

IV. What Are the Components of a Modeled Attainment Demonstration?

The EPA provides that states may rely on a modeled attainment demonstration supplemented with additional evidence to account for inherent uncertainty in the modeling.[7] In order to have a complete modeling demonstration submission, states should have submitted the required modeling analysis and identified any additional evidence that EPA should consider in evaluating whether the area will attain the standard.

A. Modeling Requirements

For purposes of demonstrating attainment, section 182(c) of the CAA requires serious areas to use photochemical grid modeling or an analytical method EPA determines to be as effective.[8] The photochemical grid model is set up using meteorological conditions conducive to the formation of ozone. Emissions for a base year are used to evaluate the model's ability to reproduce actual monitored air quality values and to predict air quality changes in the attainment year due to the emission changes which include growth up to and controls implemented by the attainment year. A modeling domain is chosen that encompasses the nonattainment area. Attainment is demonstrated when all predicted concentrations inside the modeling domain are at or below the NAAQS or at an acceptable upper limit above the NAAQS consistent with conditions specified by EPA's guidance. When the predicted concentrations are above the NAAQS, an optional weight-of-evidence determination which incorporates, but is not limited to, other analyses, such as air quality and emissions trends, may be used to address uncertainty inherent in the application of photochemical grid models.

The EPA guidance identifies the features of a modeling analysis that are essential to obtain credible results. First, the state must develop and implement a modeling protocol. The modeling protocol describes the methods and procedures to be used in conducting the modeling analysis and provides for policy oversight and technical review by individuals responsible for developing or assessing the attainment demonstration (state and local agencies, EPA Regional offices, the regulated community, and public interest groups). Second, for purposes of developing the information to put into the model, the state must select air pollution days, *i.e.*, days in the past with poor air quality, that are representative of the ozone pollution problem for the nonattainment area. Third, the state needs to identify the appropriate dimensions of the area to be modeled, *i.e.*, the domain size. The domain should be larger than the designated nonattainment area to reduce uncertainty in the boundary conditions and should include large upwind sources just outside the nonattainment area. In general, the domain is considered the local area where control measures are most beneficial to bring the area into attainment. Fourth, the state needs to determine the grid

[6] Policy guidance contained in a May 10, 1995 memorandum from John Seitz, Director of EPA's Office of Air Quality Planning and Standards, entitled ''Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard'' recommends that ROP and attainment demonstration requirements, along with certain other related requirements, of Part D of Title 1 of the Clean Air Act are no longer applicable to an area once it has air quality data indicating that the one hour ozone standard has been attained.

[7] The EPA issued guidance on the air quality modeling that is used to demonstrate attainment with the one-hour ozone NAAQS. See U.S. EPA, (1991), Guideline for Regulatory Application of the Urban Airshed Model, EPA–450/4–91–013, (July 1991). A copy may be found on EPA's *web site at http://www.epa.gov/ttn/scram/* (file name: ''UAMREG''). See also U.S. EPA, (1996), Guidance on Use of Modeled Results to Demonstrate Attainment of the Ozone NAAQS, EPA–454/B–95–007, (June 1996). A copy may be found on EPA's Web site at *http://www.epa.gov/ttn/scram/* (file name: ''O3TEST'').

[8] Ibid.

resolution. The horizontal and vertical resolutions in the model affect the dispersion and transport of emission plumes. Artificially large grid cells (too few vertical layers and horizontal grids) may dilute concentrations and may not properly consider impacts of complex terrain, complex meteorology, and land/water interfaces. Fifth, the state needs to generate meteorological data that describe atmospheric conditions and emissions inputs. Finally, the state needs to verify that the model is properly simulating the chemistry and atmospheric conditions through diagnostic analyses and model performance tests. Once these steps are satisfactorily completed, the model is ready to be used to generate air quality estimates to support an attainment demonstration.

The modeled attainment test compares model-predicted one-hour daily maximum concentrations in all grid cells for the attainment year to the level of the NAAQS. A predicted concentration above 0.124 ppm ozone indicates that the area is expected to exceed the standard in the attainment year and a prediction at or below 0.124 ppm indicates that the area is expected to attain the standard. This type of test is often referred to as an exceedance test. The EPA's guidance recommends that states use either of two modeled attainment or exceedance tests for the one-hour ozone NAAQS: a deterministic test or a statistical test.

The deterministic test requires the state to compare predicted one-hour daily maximum ozone concentrations for each modeled day [9] to the attainment level of 0.124 ppm. If none of the predictions exceed 0.124 ppm, the test is passed.

The statistical test takes into account the fact that the form of the one-hour ozone standard allows exceedances. If, over a three-year period, the area has an average of one or fewer exceedances per year, the area is not violating the standard. Thus, if the state models a very extreme day, the statistical test provides that a prediction above 0.124 ppm up to a certain upper limit may be consistent with attainment of the standard. (The form of the one-hour ozone standard allows for up to three readings above the standard over a three-year period before an area is considered to be in violation.)

The acceptable upper limit above 0.124 ppm is determined by examining the size of exceedances at monitoring sites which meet the one-hour NAAQS. For example, a monitoring site for which the four highest one-hour average concentrations over a three-year period are 0.136 ppm, 0.130 ppm, 0.128 ppm and 0.122 ppm is attaining the standard. To identify an acceptable upper limit, the statistical likelihood of observing ozone air quality exceedances of the standard of various concentrations is equated to the severity of the modeled day. The upper limit generally represents the maximum ozone concentration observed at a location on a single day and it would be the only reading above the standard that would be expected to occur no more than an average of once a year over a three-year period. Therefore, if the maximum ozone concentration predicted by the model is below the acceptable upper limit, in this case 0.136 ppm, then EPA might conclude that the modeled attainment test is passed. Generally, exceedances well above 0.124 ppm are very unusual at monitoring sites meeting the NAAQS. Thus, these upper limits are rarely substantially higher than the attainment level of 0.124 ppm.

B. Additional Analyses Where Modeling Fails To Show Attainment

As with other predictive tools, there are inherent uncertainties associated with modeling and its results. For example, there are uncertainties in some of the modeling inputs, such as the meteorological and emissions data bases for individual days and in the methodology used to assess the severity of an exceedance at individual sites. The EPA's guidance recognizes these limitations, and provides a means for considering other evidence to help assess whether attainment of the NAAQS is likely. The process by which this is done is called a weight-of-evidence determination.

Under a WOE determination, the state can rely on and EPA will consider factors such as: other modeled attainment tests, *e.g.,* a rollback analysis; other modeled outputs, e.g., changes in the predicted frequency and pervasiveness of exceedances and predicted changes in the design value; actual observed air quality trends; estimated emissions trends; analyses of air quality monitored data; the responsiveness of the model predictions to further controls; and, whether there are additional control measures that are or will be approved into the SIP but were not included in the modeling analysis. This list is not an exclusive list of factors that may be considered and these factors could vary from case to case. For example, the EPA's guidance contains no limit on how close a modeled attainment test must be to passing to conclude that other evidence besides an attainment test is sufficiently compelling to suggest attainment. However, the further a modeled attainment test is from being passed, the more compelling the WOE needs to be.

The EPA's modeling guidance also recognizes a need to perform a mid-course review as a means for addressing uncertainty in the modeling results. Because of the uncertainty in long term projections, EPA believes a viable attainment demonstration that relies on WOE needs to contain provisions for periodic review of monitoring, emissions, and modeling data to assess the extent to which refinements to emission control measures are needed. The mid-course review is discussed below.

V. What Is the Framework for Proposing Action on the Attainment Demonstration SIPs?

In addition to the modeling analysis and WOE support demonstrating attainment, the EPA has identified the following key elements which generally must be present in order for EPA to approve the one-hour attainment demonstration SIPs. These elements are: measures required by the CAA and measures relied on in the modeled attainment demonstration SIP; NO_X reductions affecting boundary conditions; motor vehicle emissions budgets; any additional measures needed for attainment[10]; and a Mid-Course Review (MCR).

A. CAA Measures and Measures Relied on in the Modeled Attainment Demonstration SIP

The states should have adopted the control measures already required under the CAA for the area classification. In addition, a state may have included control measures in its attainment strategy that are in addition to measures required in the CAA. For purposes of fully approving the state's SIP, the state needs to adopt and submit all VOC and NO_X controls within the local modeling domain that were relied on for purposes of the modeled attainment demonstration.

The information in Table 1 is a summary of the CAA requirements that should be met for a serious area for the one-hour ozone NAAQS. These requirements are specified in section 182 of the CAA. EPA must have taken final action approving all measures

[9] The initial, ''ramp-up'' days for each episode are excluded from this determination.

[10] As discussed in detail below, the Rhode Island attainment demonstration shows attainment without the need for additional measures beyond what has been adopted into the SIP or will be required by federal regulations. Therefore additional measures are not required for Rhode Island.

relied on for attainment, including the required ROP control measures and target calculations, before EPA can issue a final full approval of the attainment demonstration as meeting CAA section 182(c)(2). This was done for all the measures for Rhode Island.

TABLE 1.—CAA REQUIREMENTS FOR SERIOUS AREAS

—NSR for VOC and NO_X[11], including an offset ratio of 1.2:1 and a major VOC and NO_X source cutoff of 50 tons per year
—Reasonable Available Control Technology (RACT) for VOC and NO_X[11].
—Enhanced Inspection and Maintenance (I/M) program.
—15% volatile organic compound plans.
—Emissions inventory.
—Emission statements.
—Periodic inventories.
—Attainment demonstration.
—9 percent ROP plan through 1999.
—Clean fuels program or substitute.
—Enhanced monitoring Photochemical Assessment Monitoring Stations.
—Stage II vapor recovery.
—Contingency measures.
—Reasonably Available Control Measures Analysis.

[11] Unless the area has in effect a NO_X waiver under section 182(f). The Rhode Island area is not such an area.

1. Control Measures Adopted by Rhode Island

Adopted and submitted rules for all previously required CAA mandated measures for the specific area classification that are being relied on in the attainment demonstration are required. This also includes measures that may not be required for the area classification but that the state relied on in the SIP submission for attainment. As explained in Table 2, Rhode Island has submitted and EPA has approved SIPs for all of the measures the state is relying on for attainment.

TABLE 2.—CONTROL MEASURES IN THE ONE-HOUR OZONE ATTAINMENT PLAN FOR THE RHODE ISLAND SERIOUS OZONE NONATTAINMENT AREA

Name of control measure	Type of measure	Approval status
On-board Refueling Vapor Recovery	Federal rule	Promulgated at 40 CFR part 86.
Federal Motor Vehicle Control program (Tier 0)	Federal rule	Promulgated at 40 CFR part 86 (pre-1990).
Heavy Duty Diesel Engines (On-road)	Federal rule	Promulgated at 40 CFR part 86.
Federal Non-road Heavy Duty diesel engines	Federal rule	Promulgated at 40 CFR part 89.
Federal Non-road Gasoline Engines	Federal rule	Promulgated at 40 CFR part 90.
Federal Marine Engines	Federal rule	Promulgated at 40 CFR part 91.
Rail Road Locomotive Controls	Federal rule	Promulgated at 40 CFR part 92.
Automotive Refinishing	State initiative	SIP approved (61 FR 3827; 2/2/96).
Enhanced Inspection & Maintenance	CAA SIP Requirement	SIP approved (66 FR 9663; 2/9/01).
NO_X RACT	CAA SIP Requirement	SIP approved (62 FR 46202; 9/2/97).
VOC RACT pursuant to sections 182(a)(2)(A) and 182(b)(2)(B) of CAA.	CAA SIP Requirement	SIP approved (59 FR 52429; 10/18/94).
VOC RACT pursuant to section 182(b)(2)(A) and (C) of CAA.	CAA SIP Requirement	Marine vessel loading SIP approved (61 FR 14975; 4/4/96). limited approval for non-CTG RACT rule (61 FR 14975; 4/4/96 64 FR 67500; 12/2/99). EPA approval pending for certain non-CTG RACT determinations. The state does not rely on reductions from the facilities with approval pending for attainment.
Stage II Vapor Recovery	CAA SIP Requirement	SIP Approved (58 FR 65933; 12/17/93).
Reformulated Gasoline	State opt-in	SIP approved (65 FR 12476; 3/9/00).
National Low Emission Vehicle (NLEV)	State opt-in	Federal program promulgated at 40 CFR 86 subpart R. State opt-in SIP approved (65 FR 12476; 3/9/00).
Clean Fuel Fleets	CAA SIP Requirement	SIP approved (65 FR 12476; 3/9/00). Rhode Island used RFG reductions to meet the Clean Fuel Fleet requirement.
Base Year Emissions Inventory	CAA SIP Requirement	SIP approved (61 FR 55902; 10/30/96, amended 63 FR 67600, 12/8/98).
15% VOC Reduction Plan and Contingency Plan.	CAA SIP Requirement	SIP approved (63 FR 67594; 12/8/98).
9% rate of progress plan	CAA SIP Requirement	SIP approved (66 FR 30811; 6/8/01).
Emissions Statements	CAA SIP Requirement	SIP approved (60 FR 2526; 1/10/95).
Enhanced Monitoring (PAMS)	CAA SIP Requirement	SIP approved (61 FR 55897; 10/30/96).
OTC NO_X MOU Phase II	State initiative	SIP approved (64 FR 29567; 6/2/99).
NO_X SIP Call	CAA requirement established pursuant to SIP call.	SIP approved (65 FR 81748; 12/27/00).

B. NO_X Reductions Consistent With the Modeling Demonstration

On October 27, 1998, EPA completed rulemaking on the NO_X SIP call which required states to address transport of NO_X and ozone to other states. To address transport, the NO_X SIP call established emissions budgets for NO_X that 23 jurisdictions were required to show they would meet by 2007 through enforceable SIP measures adopted and submitted by September 30, 1999. The NO_X SIP call is intended to reduce emissions in upwind states that significantly contribute to nonattainment problems. The EPA did not identify specific sources that the states must regulate nor did EPA limit the states' choices regarding where to achieve the emission reductions. The courts have largely upheld EPA's NO_X SIP Call, *Michigan* v. *United States Env. Prot. Agency,* 213 F.3d 663 (D.C. Cir. 2000), cert. denied, U.S., 121 S.Ct. 1225, 149 L.Ed. 135 (2001); *Appalachian Power* v. *EPA,* 251 F.3d 1026 (D.C. Cir. 2001). Although a few issues were vacated or remanded to EPA for further consideration, states subject to the NO_X SIP call have largely adopted the controls necessary to meet the budgets set for them under the NO_X SIP call rule. The controls to achieve these reductions should be in place by May 2004.

Rhode Island used the best available NO_X SIP Call information in its modeling analysis. The modeling analysis is discussed in more detail below. Furthermore, Rhode Island adopted control measures to meet the requirements of the NO_X SIP call. EPA approved the regulation Rhode Island adopted pursuant to the NO_X SIP call on December 27, 2000 (65 FR 81748).

C. Motor Vehicle Emissions Budgets (MVEBs)

The EPA believes that attainment demonstration SIPs must necessarily estimate the level of motor vehicle emissions, which when considered with emissions from all other sources (stationary, area and other mobile source), is consistent with attainment. The estimate of motor vehicle emissions is used to determine the conformity of transportation plans and programs to the SIP, as described by CAA section 176(c)(2)(A). For transportation conformity purposes, the estimate of motor vehicle emissions is known as the motor vehicle emissions budget. The EPA believes that appropriately identified motor vehicle emissions budgets are a necessary part of an attainment demonstration SIP. A SIP cannot effectively demonstrate attainment unless it identifies the level of motor vehicle emissions that can be produced while still demonstrating attainment. See section VII.I. below for the discussion of the motor vehicle emissions budgets included in the Rhode Island attainment demonstration.

D. Mid-Course Review

A mid-course review (MCR), which generally is performed midway between approval of the attainment demonstration and the attainment date, is a reassessment of modeling analyses and more recent monitored data to determine if a prescribed control strategy is resulting in emission reductions and air quality improvements needed to attain the ambient air quality standard for ozone as expeditiously as practicable. See section VII.G. below for additional discussion on Rhode Island's mid-course review.

E. Reasonably Available Control Measures (RACM) Analysis

Section 172(c)(1) of the CAA requires SIPs to contain all RACM and provide for attainment as expeditiously as practicable. EPA has previously provided guidance interpreting the requirements of 172(c)(1). *See* 57 FR 13498, 13560. In that guidance, EPA indicated its interpretation that potentially available measures that would not advance the attainment date for an area would not be considered RACM. EPA also indicated in that guidance that states should consider all potentially available measures to determine whether they were reasonably available for implementation in the area, and whether they would advance the attainment date. Further, states should indicate in their SIP submittals whether measures considered were reasonably available or not, and if measures are reasonably available they must be adopted as RACM. Finally, EPA indicated that states could reject measures as not being RACM because they would not advance the attainment date, would cause substantial widespread and long-term adverse impacts, would be economically or technologically infeasible, or would otherwise be inappropriate for local reasons, including costs. The EPA also issued a memorandum re-confirming the principles in the earlier guidance, entitled, ''Guidance on the Reasonably Available Control Measures (RACM) Requirement and Attainment Demonstration Submissions for Ozone Nonattainment Areas.'' John S. Seitz, Director, Office of Air Quality Planning and Standards. November 30, 1999. Web site: *http://www.epa.gov/ttn/oarpg/t1pgm.html.*

When EPA presented its statutory argument in support of its RACM policy to the U.S. Court of Appeals for the D.C. Circuit in defense of its approval of the Washington D.C. ozone SIP, the D.C. Circuit found reasonable EPA's interpretation that measures must advance attainment to be RACM. *Sierra Club* v. *EPA,* 294 F.3d 155, 162 (D.C. Cir. 2002). Specifically, the Court found that:

> EPA reasonably concluded that because the Act 'use[s] the same terminology in conjunction with the RACM requirement' as it does in requiring timely attainment, *compare* 42 U.S.C. 7502(c)(1) (requiring implementation of RACM 'as expeditiously as practicable but no later than' the applicable attainment deadline), *with id.* § 7511(a)(1) (requiring attainment under same constraints), the RACM requirement is to be understood as a means of meeting the deadline for attainment.

Id. Morever, the D.C. Circuit rejected, as a ''misreading of both text and context,'' Sierra Club's arguments that EPA's interpretation of RACM conflicts with the Act's text and purpose and lacks any rational basis. The D.C. Circuit also found reasonable EPA's interpretation that it could consider costs in a RACM analysis and that measures may be rejected if they would require an intensive and costly effort for regulation of many small sources. *Sierra Club* v. *EPA,* 294 F.3d at 162,163. See section VII.H. below for additional discussion on Rhode Island's RACM analysis.

VI. What Are the Relevant Policy and Guidance Documents?

This proposal has cited several policy and guidance memoranda. The documents and their location on EPA's web site are listed below; these documents will also be placed in the docket for this proposal action.

Relevant Documents

1. ''Guidance for Improving Weight of Evidence Through Identification of Additional Emission Reductions, Not Modeled.'' U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Emissions, Monitoring, and Analysis Division, Air Quality Modeling Group, Research Triangle Park, NC 27711. November 1999. Web site: *http://www.epa.gov/ttn/scram* (file name: ''ADDWOE1H'').

2. ''Serious and Severe Ozone Nonattainment Areas: Information on Emissions, Control Measures Adopted or Planned and Other Available Control Measures.'' November 24, 1999. OAQPS. U.S. EPA, RTP, NC.

3. Memorandum, ''Guidance on Motor Vehicle Emissions Budgets in One-Hour

Attainment Demonstrations,'' from Merrylin Zaw-Mon, Office of Mobile Sources, to the Air Division Directors, Regions I–VI. November 3, 1999. Web site: *http://www.epa.gov/oms/transp/trafconf.html.*

4. Memorandum from Lydia Wegman and Merrylin Zaw-Mon to the Air Division Directors, Regions I–VI, ''1-Hour Ozone Attainment Demonstrations and Tier 2/Sulfur Rulemaking.'' November 8, 1999. Web site: *http://www.epa.gov/oms/transp/trafconf.html.*

5. Memorandum from John Seitz, Director, Office of Air Quality Planning and Standards, ''Mid-Course Review Guidance for the 1-Hour Ozone Nonattainment Areas that Rely on Weight-of-Evidence for Attainment Demonstration.'' Web site: *http://www.epa.gov/scram001/tt25.htm* (file name: ''MCRGUIDE'').

6. Memorandum, ''Guidance to Clarify EPA's Policy on What Constitutes ''As Expeditiously as Practicable'' for Purposes of Attaining the One-Hour Ozone Standard for Serious and Severe Ozone Nonattainment Areas.'' John S. Seitz, Director, Office of Air Quality Planning and Standards. November 1999. Web site: *http://www.epa.gov/ttn/oarpg/t1pgm.html.*

7. U.S. EPA, (1991), Guideline for Regulatory Application of the Urban Airshed Model, EPA–450/4–91–013, (July 1991). Web site: *http://www.epa.gov/ttn/scram/* (file name: ''UAMREG'').

8. U.S. EPA, (1996), Guidance on Use of Modeled Results to Demonstrate Attainment of the Ozone NAAQS, EPA–454/B–95–007, (June 1996). Web site: *http://www.epa.gov/ttn/scram/* (file name: ''O3TEST'').

9. Memorandum, ''Ozone Attainment Demonstrations,'' from Mary D. Nichols, issued March 2, 1995. Web site: *http://www.epa.gov/ttn/oarpg/t1pgm.html.*

10. December 29, 1997 Memorandum from Richard Wilson, Acting Assistant Administrator for Air and Radiation ''Guidance for Implementing the 1-Hour Ozone and Pre-Existing PM_{10} NAAQS.'' Web site: *http://www.epa.gov/ttn/oarpg/t1pgm.html.*

VII. How Does the Rhode Island Submittal Satisfy the Framework?

This section provides a review of Rhode Island'' submittal and an analysis of how this submittal satisfies the framework discussed in Section V. of this notice.

A. What Did the State Submit?

The attainment demonstration SIP submitted by the Rhode Island Department of Environmental Management for the Rhode Island area includes a modeling analysis using the CALGRID model. The SIP was submitted in proposed form on January 27, 2003. The SIP is subject to public notice and comment and a hearing will be held on February 27, 2003. Information on how the photochemical grid modeling, the RACM analysis, the mid-course review and the Motor Vehicle Emissions Budgets are consistent with the CAA and EPA guidance is summarized below.

As explained earlier, the Rhode Island area attained the one-hour ozone standard as of 1999, its statutory deadline under the CAA. Moreover, the Rhode Island nonattainment area continued to have air quality meeting the one-hour ozone standard until the 1999 through 2001 time period. In its attainment demonstration, Rhode Island provides evidence that the area will once again attain by 2007.

Rhode Island chose a 2007 attainment date because it has determined that the current violations are due to upwind emissions, some of which cannot be reduced until as late as the beginning of the 2007 ozone season. The additional reductions that will occur in upwind areas, as well as in Rhode Island, include the following programs: (1) EPA's NO_X SIP call, which will be implemented by May 31, 2004, with states expected to fully comply with their budgets by 2007; (2) EPA's Tier 2 standards, which will impose new tailpipe standards for motor vehicles and reduce the sulfur content of fuel, and will be phased in beginning in 2004; (3) EPA's NO_X requirements for highway heavy-duty engines (*i.e.,* trucks and buses), which beginning in 2004 require new diesel trucks and buses to be 50 percent cleaner than today's models; (4) new nonroad diesel NO_X standards, which started in 1996 with increasingly more stringent standards being phased in through 2006; and (5) a number of upwind states will adopt new VOC controls for architectural coatings and consumer products that will go into effect in 2004.

Rhode Island also notes that New York, New Jersey and Connecticut have CAA attainment dates of 2007, which is when these upwind states will have fully implemented all measures necessary for them to attain the standard. Also, as discussed in section VII.H there is nothing more Rhode Island can do to advance their attainment date. Attainment in Rhode Island will be achieved when transport of ozone into Rhode Island is reduced below the one-hour standard, and the Rhode Island attainment plan discussed below shows this will not occur until November 15, 2007. Based on this information, EPA agrees that an attainment date of November 15, 2007 is as expeditiously as practicable and EPA proposes approval of this attainment date for the Rhode Island area.

B. How Was the Photochemical Grid Modeling Conducted?

The key element of the attainment demonstration is the photochemical grid modeling required by the CAA. The Rhode Island SIP used the CALGRID model which was approved for use by EPA since it was found to be at least as effective as the guideline model which is UAM–IV. The modeling domain for CALGRID extends from southwest Connecticut, northward 340 km to northern Vermont, and eastward to east of Nantucket, Massachusetts. For the Rhode Island nonattainment area, the domain is consistent with EPA guidance since it contains adequate areas both upwind and downwind of the nonattainment area. The domain also includes the monitors with the highest measured peak ozone concentrations in Rhode Island. Since the CALGRID modeling was done for a much larger domain that includes not only all of Rhode Island but also includes all of Massachusetts, most of Connecticut, southern New Hampshire, southern Vermont, and most of southern Maine, the CALGRID model has several ''source'' areas and several receptor areas. The only receptor area of import to this notice and the Rhode Island SIP submittal is the Rhode Island serious ozone nonattainment area. For the purposes of this notice, only model results in Rhode Island will be used, unless otherwise noted. As shown below, EPA believes the modeling portion of the attainment demonstration is consistent with EPA guidance.

The model was run for 10 days during four distinct episodes (August 14–17, 1987, June 21–22, 1988, July 7–8, 1988 and July 10–11, 1988). These episodes represent a variety of ozone conducive weather conditions, and reflect days with high measured ozone in a variety of areas within the entire domain. This is because, as stated above, the domain covers several nonattainment areas, and in order to model the meteorology that causes high ozone, several different episodes were needed. The episodes chosen for New England do include the worst ozone episode for Rhode Island over the last 15 years. The CALGRID model results for the first day of each episode are not used for attainment demonstration purposes, because they are considered ''ramp-up days.'' Ramp-up days help reduce impacts of initial conditions; after ramp-up days, model results are more reflective of actual

emissions being emitted into the atmosphere. Since the first day of each episode was not considered, this leaves six days for strategy assessment. August 16, 1987 was also not used for strategy assessment. This leaves five strategy days: August 15, 1987; August 17, 1987; June 22, 1988; July 8, 1988 and July 11, 1988.

The CALGRID model was run using the CALMET meteorological processor. This processor took actual meteorological data collected by the National Weather Service and the State Air Pollution Agencies and using extrapolation and other analysis techniques provided winds, temperatures and other meteorological parameters at approximately 400 specific grid points for each hour of the episode up to 14 levels (*i.e.,* from the surface to top of the model which is about 5000 feet). CALMET is described in detail in the Rhode Island attainment demonstration, and was approved by EPA for use in the CALGRID modeling system.

The CALGRID model was run with emissions data prepared by EPA Region I and/or a contractor working with EPA Region I. The data were taken from the EPA Aerometric Informational Retrieval System (AIRS) data base in late 1993 and reflect the emission data supplied from the six New England States. The emission data for the small portion of New York state that forms the western edge of the domain was supplied by New York. EPA Region I quality assured all the New England AIRS data, the New York supplied data and all necessary modifications to the data. The data was further processed through the Emissions Preprocessor System (EPS Version 2.0). To more accurately model ozone in New England, day specific emissions were simulated for on-road mobile sources (cars, trucks, busses, etc.), and for large fossil-fueled fired power plants in New England. The base case CALGRID model is consistent with EPA guidance on model performance

Future emissions were projected to 1999 and 2007 accounting for both emission increases due to industrial growth, population growth and growth in the number of miles traveled by cars, as well as emission reductions due to cleaner gasoline, cleaner cars and controls on industrial pollution. Growth factors were derived using the EPA-approved Bureau of Economic Analysis (BEA) factors and all the emissions were processed using the EPS 2.0 system.

Model runs were also performed for the year 2007. The runs employed 2007 emission estimates inside the New England Domain, along with boundary condition files reflecting EPA's NO_X SIP Call emission estimates in upwind areas. Year 2007 emissions estimates for the states inside the modeling domain reflected EPA's NO_X SIP call as well as other federal and state control strategies being implemented by the beginning of the 2007 ozone season. This was accomplished using a two-step process. The first step was to project emissions using growth factors to account for increases or decreases in economic activity by industrial sector. In general, the states projected their emissions using the same growth factors that were used in the OTAG modeling effort. The second step involved applying control factors to source categories that would be regulated by the year 2007. States used a combination of information for control levels: those used for the OTAG modeling effort, and state-specific information relating to the effectiveness of control programs planned or in place. These 2007 emission estimates did not, however, include the Tier 2/Gasoline Sulfur program that was subsequently adopted by EPA on February 10, 2000 (65 FR 6698). The ozone reductions in 2007 from the Tier 2/Gasoline Sulfur program are discussed in Section VII.C.4.

C. What Are the Conclusions From the Modeling?

The EPA guidance for approval of the modeling aspect of a one-hour ozone attainment demonstration is to use the one-hour ozone grid modeling to apply one of two modeled attainment tests (deterministic or statistical) with optional weight-of-evidence analyses to supplement the modeled attainment test results when the modeled attainment test is failed. For the July 8, 1988 ozone episode, the deterministic test is passed for the future year 2007 for Rhode Island (*i.e.* all grid cells for every hour of that day using 2007 emissions are below 0.124 ppm). For the other modeled strategy days (*i.e.,* August 15, 1987; August 17, 1987; June 22, 1988; and July 11, 1988), neither the 1999 nor the 2007 CALGRID modeling performed for the Rhode Island area predicts ozone concentrations below the one-hour ozone standard (0.124 ppm) at every grid cell for every hour of every strategy day modeled. The maximum predicted 2007 concentration in the Rhode Island nonattainment area for the relevant episodes is 0.140 ppm, which occurred for the July 11 episode. The 2007 modeling was performed for two episode days: July 8 and July 11. Only these two days could be run for 2007, because 2007 boundary conditions were not available for the other strategy days. This maximum concentration is in western Rhode Island on the border with Connecticut, and is the result of transport into Rhode Island. Since the CALGRID model does not predict ozone concentrations below the one-hour ozone standard (0.124 ppm) at every grid cell for every hour of every episode day modeled, the strict deterministic test is not passed. Although the CALGRID model, as run for this analysis, does not pass the strict deterministic test at every grid cell, when additional weight-of-evidence analyses are considered, attainment is demonstrated.

Rhode Island submitted an analysis using the model predicted change in ozone to estimate a future air quality design value. In this analysis, Rhode Island uses the photochemical ozone modeling in a relative sense. In other word, Rhode Island uses the modeled ozone concentrations, from the EPA-approved CALGRID model, in conjunction with monitored ozone air quality data. Rhode Island conducted an analysis which shows how the photochemical modeling results, when applied to ozone design values at the West Greenwich, East Providence and Narragansett monitors, predict attainment at these three monitors by 2007 after taking into account anticipated emission reductions from the NO_X SIP call and the Tier 2/Low Sulfur program. The results show that with the planned emission reductions in the two precursor emissions (VOC and NO_X), ground-level ozone concentrations will be below the ambient standard by the 2007 attainment date. The steps Rhode Island DEM used in this analysis are discussed in the next four subsections.

1. Base Year Ozone Design Values

In the attainment demonstration, Rhode Island DEM reviewed ozone monitoring data to determine a base-year design value for each monitor in Rhode Island. Ozone data collected in 1995, 1996, and 1997 were used for calculating 1997 design values. Using 1997 design values versus 1999 design values results in a conservative analysis.

2. Ozone Reduction Between 1999 and 2007

The second step of this approach consists of comparing photochemical modeling run results in order to determine the predicted ozone reduction at each ozone monitor in Rhode Island between 1999 and 2007. Modeling runs were not performed for 1997 but were performed for 1999. The Rhode Island DEM's use of modeling results for 1999 is conservative since as emissions reductions that occurred between 1997 and 1999 are not

accounted for and relied on. Modeling results for 1999 were then compared with modeling results for 2007 (only two strategy days, July 8 and July 11, are used for 2007, because these are the only two days for which 2007 boundary conditions are available) to estimate changes between 1999 and 2007.

The average predicted change in ozone levels between 1999 and 2007 was determined for each 9-cell block of surface cells containing and surrounding each Rhode Island monitor (*i.e.*, the cell containing the monitor and the 8 surrounding cells). The average predicted change in ozone level was then divided by the 1999 average modeled concentration, in order to calculate the percent ozone reduction between 1999 and 2007. The percent ozone reduction for each monitoring location in Rhode Island are presented in the state's submittal.

3. Predicted Ozone Design Values for 2007

The third step was to determine a 2007 ozone design value for each Rhode Island ozone monitoring station location. This was accomplished by reducing the 1997 ozone design value by the percent ozone reduction predicted for each monitoring location derived in step 2, above. If the resulting design value dropped below the one-hour ozone standard, it is reasonable to assume that the monitor can attain the one-hour ozone standard by 2007. Rhode Island showed in their submittal that the predicted 2007 design values for all monitors in Rhode Island are all below the one-hour ozone NAAQS, except for one day at the East Providence monitor. As discussed in detail below, additional reduction in emissions will bring this monitor's predicted design value below the standard by 2007 as well.

For the West Greenwich monitor (the monitor currently with the highest design value), there was a reduction in ozone levels of 24 percent for the July 8 episode and a reduction in ozone levels of 13 percent at the West Greenwich monitor for the July 11 episode. For both episodes, the future adjusted design value for the West Greenwich monitor is predicted to be below the one-hour ozone standard (0.105 ppm for July 8 and 0.124 ppm for July 11.)

It should also be noted that Rhode Island DEM performed this same analysis for all of the ozone monitors in Massachusetts, New Hampshire and Maine that are also in the CALGRID modeling domain (*i.e.*, the areas downwind of Rhode Island that may be affected by pollution transport from Rhode Island on ozone conducive days). The results from this analysis, which are contained in the submittal, show that all of these monitors are predicted to have ozone values below the one-hour standard by 2007. This is consistent with the EPA-approved attainment demonstrations for both New Hampshire (67 FR 72574; 12/6/02) and Massachusetts for both the Eastern (67 FR 72576; 12/6/02) and Western Massachusetts (66 FR 665; 1/3/01) serious ozone nonattainment area.

4. Predicted Ozone Design Values for 2007 With the Tier 2/Gasoline Sulfur Program

As previously noted, the CALGRID runs for 2007 included the benefits of the NO_X SIP call as well as other CAA measures, but did not account for the Tier 2/Gasoline Sulfur program. The Tier 2/Gasoline Sulfur program consists of emission reductions due to more protective tailpipe emissions standards for all passenger vehicles, including sport utility vehicles (SUVs), minivans, vans and pick-up trucks, as well as lower standards for sulfur in gasoline. These new standards require passenger vehicles to be 77 to 95 percent cleaner than those on the road today and to reduce the sulfur content of gasoline by up to 90 percent. This program, which does not achieve emission reductions until 2004 and beyond, was not included in the CALGRID modeling analysis discussed above.

Rhode Island DEM, however, has looked at the EPA modeling performed in 1999 [12] to assess the effectiveness of the Tier 2/Gasoline Sulfur. For three episodes in the summer of 1995, EPA performed two sets of modeling runs: one run with 2007 CAA emission files including emission reductions associated with Tier 2/Gasoline Sulfur program and a second run that did not include Tier 2/Gasoline Sulfur program emission reductions. In both cases, the CAA emission files included EPA's NO_X SIP Call emission reductions. After the modeling runs were completed, EPA used the modeling results in a relative manner to estimate the percent ozone reduction associated with the Tier 2/Gasoline Sulfur program.

Rhode Island DEM included the predicted ozone design values for the 2007 CAA run and the 2007 Tier 2 run for each county in the Rhode Island nonattainment area. As shown in their submittal, the benefit at all ozone monitors in Rhode Island is at least an additional 0.001 ppm, over what CALGRID predicted. The improvement at the East Providence monitor is 1%. The Tier 2 modeling performed by EPA showed all 2007 design values for Rhode Island less than the one-hour standard. This combined with the results of the CALGRID analysis add to the weight-of-evidence.

Rhode Island DEM believes it is reasonable to conclude that the design value at the East Providence monitor for 2007 will be reduced by approximately 1 percent once the Tier 2/Gasoline Sulfur program is implemented, which will result in attainment of the one-hour standard at that monitor and throughout Rhode Island.

5. Conclusions From the Future Air Quality Design Value Analysis

Through this additional analysis, Rhode Island DEM has demonstrated that substantial ozone reductions can be expected to occur after the implementation of a number of control strategies that are in place both within and upwind of the New England Domain. Those strategies include EPA's NO_X SIP Call as well as EPA's Tier 2/Gasoline Sulfur program. Therefore, EPA believes it is reasonable to conclude that the Rhode Island nonattainment area will attain the one-hour ozone standard by 2007. While the absolute modeling results do not demonstrate attainment, the modeling results are useful in demonstrating a relative reduction in ozone levels sufficient to demonstrate attainment in 2007.

6. Additional Evidence To Support Attainment in Rhode Island

In addition to the ozone design value analysis performed by the Rhode Island DEM, EPA performed an additional design value analysis using a slightly different method. EPA used the CALGRID modeling in a relative sense to estimate a future design value. EPA compared base case CALGRID runs to future case CALGRID runs to estimate the improvement in ozone air quality levels between the base and future cases. Four strategy days (August 15 and 17 1987; July 8, 1988 and July 11, 1988)[13] are used in this analysis, which compared the improvement in modeled air quality between the base and future modeling cases. The following procedure is applied. First, base case CALGRID runs are examined to discern the maximum one-hour ozone concentration modeled in Rhode Island. The four strategy days are all examined.

[12] *See* "Technical Support Document for the Tier 2/Gasoline Sulfur Ozone Modeling Analyses," EPA420–R–99–031, December 1999.

[13] The June 22, 1988 strategy day is not used because of problems re-analyzing the base case model run for this episode.

Next, the same area is used to determine future modeled ozone values. The modeled maximum results of the four strategy days are averaged and a reduction factor calculated from the base case to the future case. This reduction factor represents the amount of ozone reduced in this area, as the result of the emission reductions modeled. This reduction factor is used to adjust the average ozone design value for this part of the model domain (*i.e.*, Rhode Island), as monitored between 1985 and 1990. This monitored design value represents both the base case model years of 1987 and 1988 and also the design values used in 1991 to classify one-hour nonattainment areas. The future design value is further reduced when the benefits of EPA's Tier 2/Gasoline Sulfur program are factored in.

This additional analysis also shows that air quality design values in Rhode Island can reasonably be expected to be reduced below 0.124 ppm based on continued additional reductions within the domain and reductions upwind, reflected in the future year boundary conditions, and the benefits of EPA's Tier 2/Gasoline Sulfur program.

7. Summary of the Ozone Modeling

In summary, the ozone modeling submitted for the Rhode Island area is consistent with the CAA and EPA guidance and demonstrates attainment. Other information, which provides additional support for concluding the Rhode Island area will attain in 2007 are the ambient ozone data trends and a trajectory analysis of exceedance days in the area.

D. What Are the Conclusions From the Ozone Trends?

There are three ozone air quality monitors in the Rhode Island nonattainment area that have data from 2000–2002. They are in the Rhode Island cities and towns of West Greenwich, East Providence, and Narragansett. The original serious classification of the nonattainment area was based on data from the 1987 through 1989 time period. Since then and up to and including 2002 ozone data, all 3 sites show a decrease in ozone due to emission reductions, both within Rhode Island and also upwind.

At the three Rhode Island monitors the ozone trend is downward. At the West Greenwich site, the one-hour ozone design value has dropped from 0.162 ppm in 1988 to 0.130 ppm in 2002, a drop of 20 percent. This site is not in attainment, based on 2000–2002 ozone data. At the East Providence site, the one-hour design value has dropped from 0.138 ppm in 1988 (site moved from Providence to East Providence in 1997) to 0.127 ppm in 2002, for a drop of 8 percent. This site, too, is not in attainment, based on 2000–2002 ozone data. The Narragansett site only has data for the last five years so no trend was calculated. The current design value for the Narragansett site is 0.124 ppm, which is below the standard. To show how close West Greenwich and East Providence are to meeting the NAAQS one can look at the fifth highest value over the same 3-year period 2000–2002. The fifth highest value for West Greenwich is 0.127 ppm and for East Providence it is 0.125 ppm. The sixth highest value is below the one-hour standard at these sites.

The ozone trend is also downward at the Truro, MA ozone monitor, the only monitor in eastern Massachusetts with a design value over the one-hour standard. At the Truro site, the one-hour design value has dropped from 0.146 ppm in 1989 to 0.130 ppm in 2002, for a drop of 11 percent. This site is not in attainment, based on 2000–2002 ozone data. To show how close Truro is to meeting the NAAQS one can look at the fifth highest value over the same 3-year period 2000–2002, the fifth highest value at the Truro site is below the level of the one-hour ozone standard.

Based on the overall downward trend in one-hour ozone concentrations in Rhode Island, and because precursor emissions are projected to keep falling, both within the nonattainment area and upwind from it, there is no reason to believe that the downward trend in ozone concentrations will not continue over the near term. The future emission reductions will be a result of the following: continued benefits from tighter standards on vehicles (National Low Emission Vehicles or CA LEV in upwind areas) due to fleet turnover; the reductions from large point sources due to the OTC NO_X Budget Program and EPA's NO_X SIP call; other federal control measures such controls on non-road engines; and the Tier 2 vehicle and low sulfur gasoline program.

E. What Do the Ozone Exceedance Day Trajectory Analyses Show?

Trajectory analysis is a tool for assessing atmospheric transport and identifying likely source regions of locally measured air contaminants. The Rhode Island DEM used the HYSPLIT–4 (Hybrid Single-Particle Lagrangian Integrated Trajectory) model, developed by NOAA's Air Resources Lab (ARL), to compute backward trajectories.

To assess airflow patterns on days when any Rhode Island monitor recorded exceedances of the one-hour ozone NAAQS during the period 1999–2002, 24-hour backward trajectories were computed by the Rhode Island DEM. The surface-based trajectories (start height of 10 meters) for these days, indicators of shorter range transport, follow a general track that crosses near the New York metropolitan area before turning northeastward toward Rhode Island. These trajectories cross no high emission areas in Rhode Island. Upper-level trajectories (500 and 1000 meters elevation), indicators of long-range transport, generally begin farther west over New York State, Pennsylvania or Ohio and follow a more west-to-east track, passing north of the New York metropolitan area. Since the trajectories for the exceedance days strongly resemble one another, the Rhode Island DEM concluded that there is a consistent meteorological pattern and source region for ozone and precursors when monitors in Rhode Island exceed the one-hour ozone NAAQS. Furthermore, the Rhode Island DEM concluded that one-hour exceedance level ozone concentrations will occur at the West Greenwich, East Providence and Narragansett monitors only if the air reaching these monitors had previously crossed nearby high emission areas such as the greater New York metropolitan area. It should be noted, that on all days when there are exceedances at West Greenwich, East Providence and Narragansett, there are also exceedances in Connecticut. EPA concludes that without the influence of the emissions from the greater New York metropolitan area, no one-hour exceedances would have occurred at these monitors. Attainment demonstrations already approved by EPA for Connecticut and the New York city area show attainment will be achieved in 2007, and likewise this attainment demonstration for Rhode Island concludes that attainment will be achieved in 2007.

To corroborate the Rhode Island DEM's results, EPA performed its own trajectory analyses for those days when there were exceedances of the one-hour ozone standard on either Cape Cod, in southeastern Massachusetts, and/or in Rhode Island, over the three year period 1999 through 2001. This area encompasses the ozone monitoring sites in Truro, MA; Fairhaven, MA; Narragansett, RI; East Providence, RI; and West Greenwich, RI. The exceedance days at these sites during 1999–2001 are as follows: June 7, 1999, July 6, 1999, July 16, 1999, June 10, 2000, June 30, 2001, July 25, 2001, August 7, 2001, and August 9, 2001.

EPA's trajectory analyses of the days with ozone exceedances at these sites (Truro, MA, Fairhaven, MA,

Narragansett, RI, East Providence, RI and West Greenwich, RI) support the Rhode Island DEM trajectories and the CALGRID modeling which shows that the most probable source region of the exceedances at these sites is areas to the south and west of Rhode Island, including Connecticut and the New York City area. Connecticut is less than 20 miles from West Greenwich or less than 2 hours of typical meteorological transport time. Details of this analysis are found in the TSD for this action. Both the analyses done by the Rhode Island DEM and EPA support the conclusion that without the influence of emissions from upwind, no exceedances would have occurred at the Rhode Island ozone monitors. This further supports the conclusion that the Rhode Island ozone nonattainment area will attain in 2007.

F. Are the Causes of the Recent Violation Being Addressed?

The Rhode Island ozone nonattainment area was in attainment for three consecutive, three-years periods from 1998–2000 (*i.e.*, 1996–1998, 1997–1999, and 1998–2000). CALGRID sensitivity runs looked at the effectiveness of NO_X reductions versus VOC reductions by reducing each pollutant individually within the domain by varying percentages (*i.e.*, 25%, 50%, 75% and 100%). These sensitivity runs concluded that reducing nitrogen oxide emission reductions is a more effective ozone control strategy for the New England Domain. Furthermore, in order to assess the role of transport into the New England domain, sensitivity modeling runs were preformed using very clean boundary conditions. These runs use boundary conditions from the OTAG run IN60, which assumed the reductions similar to NO_X SIP call emissions, plus an additional 60 percent reduction in NO_X from the ozone nonattainment areas classified as serious or above. These runs show that upwind NO_X reductions would be effective at reducing ozone throughout southern New England, including in Rhode Island where the current one-hour ozone violations occur. From these sensitivity runs as well as its trajectory analyses, EPA concludes that elevated ozone levels at the Rhode Island monitors are principally due to ozone and NO_X generated in Connecticut and upwind areas. Rhode Island DEM further concluded based on CAMx Source Apportionment Modeling described in EPA's October 27, 1998 Final Rulemaking on the NO_X SIP Call (63 FR 57355), that reducing NO_X emissions in adjacent upwind areas—Connecticut, New York City and New Jersey—will significantly reduce ozone levels at the Rhode Island monitors. Emissions of NO_X and VOC will also be lowered in Rhode Island as well, as a result of the emission control programs listed in Table 2. These local controls, combined with upwind controls will result in the Rhode Island ozone nonattainment area attaining in 2007.

As part of its submittal, Rhode Island DEM included the NO_X emission reductions anticipated to occur in Connecticut, New York City and New Jersey between 1999 and 2007 and between 2002 and 2007. The reduction between 2002 and 2007 was intended to illustrate the reductions that can be expected to reduce current air quality levels being monitored in Rhode Island. The NO_X reduction expected to occur in Connecticut, New York City and New Jersey between 1999 and 2002 is expected to be 126.5 tons per summer day. Those emission reductions have already occurred, and presumably affect the current ozone levels measured in 2002. Between 2002 and 2007, the NO_X reduction expected to occur in Connecticut, New York City and New Jersey is expected to be a bit higher, at 137 tons per summer day. These reductions, which largely have not occurred yet, will benefit future ozone levels in Rhode Island and will help the Rhode Island ozone nonattainment area meet attainment by 2007.

As part of its submittal, Rhode Island DEM also calculated the NO_X and VOC emission reductions projected to occur between 1999 and 2007 in the Rhode Island area. VOC emissions in Rhode Island are projected from 1999 to 2007 to go from 141.1 tons per summer day (tpsd) to 119.0 tpsd, which is a reduction of 22.1 tpsd or 15.6 percent. NO_X emissions in Rhode Island are projected from 1999 to 2007 to go from 93.1 tpsd to 73.6 tpsd, which is a reduction of 19.5 tpsd or 20.9 percent. When combined with the significant reductions in NO_X emissions expected in upwind states by 2007, the Rhode Island emissions inventory data provides additional reason to anticipate that the area will attain the one-hour ozone standard by 2007.

G. Is the Rhode Island Mid-Course Review Consistent With EPA Guidance?

As discussed above, the Rhode Island serious ozone nonattainment area attained the ozone standard based on ozone data collected in 1997–1999 and 1998–2000, but is now violating the standard. Rhode Island DEM has submitted an attainment demonstration supplemented with a weight-of-evidence analysis; therefore, Rhode Island DEM needs to commit to a mid-course review. The Rhode Island DEM has committed to perform a mid-course review for this area by December 31, 2004.

H. Is the Rhode Island RACM Analysis Consistent With the CAA and EPA Guidance?

The EPA has reviewed the SIP and the RACM analysis submittal for the Rhode Island area to determine if it includes all required RACM measures and sufficient documentation concerning available RACM measures. The RACM analysis will be subject to a public hearing on February 27, 2003.

The trajectory analyses, which are discussed in greater detail in section VII.E, indicate that elevated ozone levels at the three Rhode Island monitors are largely the result of local transport from upwind high emission areas in Connecticut, New York City and New Jersey.[14] In addition to what the Rhode Island DEM submitted, EPA performed a trajectory analysis of each of the days during 1999 through 2001 when exceedances of the one-hour ozone NAAQS were monitored in the Rhode Island ozone nonattainment area. That analysis shows similar results, *i.e.*, that the source region for these exceedances is areas to the south and west of Rhode Island.

The CAM-x source apportionment modeling showed that emissions in Connecticut and Rhode Island combined contribute only 5% to the anthropogenic one-hour ozone levels in Rhode Island. This CAM-x modeling also shows that Rhode Island cannot attain the one-hour NAAQS without substantial NO_X emission reductions in upwind states, and that, since upwind controls will not be fully implemented prior to 2007, the adoption of additional in-state emission reduction measures would not advance the State's attainment date.

The trajectory analyses and both the CALGRID and CAM-x modeling discussed above indicate that Rhode Island must rely on significant emission reductions from upwind states in order to attain the one-hour ozone standard, and that additional emission reduction measures adopted in Rhode Island alone would have a sufficiently small impact on ozone levels that they could not advance the attainment date in the Rhode Island area. Nonetheless, the Rhode Island DEM RACM analysis does review control measures that could

[14] These areas have approved attainment demonstrations and also have EPA-enforceable emission reduction strategies to bring about attainment of the one-hour standard by 2007.

reduce emissions of VOC and NO_X in Rhode Island and analyzed whether adoption of such measures might lead to attainment earlier than 2007.

Rhode Island DEM examined emissions from all significant emission source categories to assess whether there are any additional RACM that could be adopted. The methodology used consists of a two-step procedure. First, Rhode Island DEM reviewed its 2007 emissions inventory to identify significant source categories. After that, Rhode Island DEM screened potential control measures for the significant emitting source categories to determine if they could provide sufficient benefits to accelerate attainment in the Rhode Island area, and, if so, analyzed if the measures were feasible.

The methodology used by the Rhode Island DEM is based on the RACM analysis performed by EPA for the Greater Connecticut serious ozone nonattainment area. *See* 66 FR 634; January 3, 2001. The RACM analysis for Greater Connecticut looked at projected 2007 emissions from various source categories after taking into account CAA-mandatory controls, additionally adopted regional and national controls, and State-adopted SIP controls. The RACM analysis then assumed that stationary sources that have already been controlled nationally, regionally or locally in the SIP would not be effective candidates for additional controls that could be considered RACM, since these categories have only recently been required to reduce emissions or are about to shortly.

For VOC emissions, Rhode Island DEM reviewed its 2007 emissions inventory for stationary point, area, and non-road sources and culled from it the sixteen largest source categories. Emissions from each were at least one ton per summer day (tpsd), and in their aggregate emissions from these sixteen source categories represent approximately 90 percent of the total VOC inventory from these three sectors. Rhode Island DEM then analyzed whether control requirements exist for each source category, and found that in most instances state or federal control are currently in place.

For example, the largest emitting source category from these three sectors is the area source surface cleaning category. Rhode Island DEM estimates 2007 emissions for this activity will be 12.44 tpsd. However, Rhode Island DEM notes that most of the sources in the small surface cleaning sector, including all vapor degreasers and cold cleaners, are regulated by Rhode Island Air Pollution Control (APC) Regulation No. 36, ''Control of Emissions from Organic Solvent Cleaning,'' which became effective in 1996. This regulation incorporates control requirements from EPA's Control Technique Guideline (CTG) for this source category, as well as the requirements of EPA's 1994 National Emission Standard for Hazardous Air Pollutants (NESHAP) for Halogenated Solvent Cleaners. These requirements represent Reasonably Available Control Technology (RACT). Rhode Island DEM believes that any additional control measures for this activity would result in relatively small decreases in emissions and would not accelerate the State's attainment of the one-hour ozone NAAQS in emissions.

Control measures for the remaining VOC source categories were reviewed in a similar manner, and then Rhode Island DEM performed a similar analysis for the largest NO_X emitting source categories. Rhode Island's conclusion from this analysis is that, based on the types of measures reviewed and the costs of these programs, in association with the potential emission reduction benefits in the Rhode Island area, there are no stationary point, area, or non-road RACM that could be adopted in the state that would advance attainment prior to 2007.

Rhode Island also analyzed whether there were any additional mobile source measures that could be implemented that represent RACM. The Rhode Island DEM is already implementing a wide range of statewide mobile source emissions reduction programs including Stage 2 vapor recovery, enhanced inspection and maintenance, the national low emissions vehicle program, and reformulated gasoline. In addition to the above programs, Rhode Island implements transportation projects under the Congestion Mitigation and Air Quality (CMAQ) program, designed to reduce ozone precursor emissions in the transportation sector. The CMAQ program in Rhode Island's 2003–2004 Transportation Improvement Program (details are provided in the submittal and the TSD for this proposal) includes measures aimed at increasing bicycle, ferry and public transit travel, eliminating traffic congestion through improving transportation management, signalization and roadways, reducing emissions from diesel on-road vehicles with a heavy duty vehicle inspection program, and the installation of emissions controls on public transit diesel buses. However, implementation of these projects, and other similar programs that will be funded with CMAQ monies in the coming years, will only achieve a minimal emission reduction of 0.07 tons per summer day of VOC and 0.06 tons per summer day of NO_X. This small reduction in precursors will not result in an acceleration of the attainment date. Since a large number of mobile source emissions control programs are already being implemented and since additional measures of the type that have been funded by CMAQ monies would not accelerate the attainment date, Rhode Island has not identified any additional mobile source RACM measures. The Rhode Island DEM's conclusion on mobile sources is that Rhode Island is currently implementing all reasonably available control measures for mobile sources, since the benefits from these projects is minimal compared to Rhode Island's own emissions and even smaller when compared to the transport of ozone and ozone precursors.

EPA concludes that based on the available information, there are no additional technologically and economically feasible emission control measures in Rhode Island that will advance the attainment date for the Rhode Island ozone nonattainment area. Thus no potential measure can be considered RACM for purposes of section 172(c)(1) for the Rhode Island area for its one-hour ozone attainment demonstration. The Rhode Island DEM analysis is consistent with EPA requirements, which as noted above were upheld by the DC Circuit Court. The EPA therefore proposes that the Rhode Island SIP is consistent with the requirements for RACM.

Although EPA does not believe that section 172(c)(1) requires implementation of additional measures for this area, this conclusion is not necessarily valid for other areas.

I. What About Motor Vehicle Emissions Budgets?

On June 8, 2001 (66 FR 30811) EPA approved the Rhode Island post-1996 plan which included a 1999 VOC motor vehicle emissions budgets of 41.57 tons per summer day VOC, as well as a NO_X budget of 46.40 tons per summer day of NO_X. These 1999 motor vehicle emissions budgets were formally determined adequate by EPA New England for use in transportation conformity on September 29, 1998. Subsequent to the rate-of-progress SIPs, on January 27, 2003, Rhode Island DEM submitted its ozone attainment demonstration to EPA, for parallel processing, which includes new motor vehicle emissions budgets for both VOC and NO_X for 2007, and these budgets are shown in Table 3. EPA is proposing these budgets for approval.

TABLE 3.—2007 EMISSIONS BUDGETS FOR ON-ROAD MOBILE SOURCES IN TONS PER SUMMER DAY (TPSD)

Area	2007 VOC budget	2007 NO_X budget
Rhode Island	30.37	33.62

On March 2, 1999, the United States Court of Appeals for the District of Columbia Circuit issued a decision on certain provisions of EPA's 1997 conformity rule in response to a case brought by the Environmental Defense Fund. As a result of the decision, a conformity determination cannot be made using the submitted motor vehicle emissions budgets until EPA makes a positive determination that the submitted budget is adequate. In response to the court's decision, EPA issued guidance on our new adequacy process on May 14, 1999 [15]

EPA believes that these motor vehicle emissions budgets are adequate for use in future transportation conformity analyses as these budgets meet all of the requirements set forth by EPA's adequacy criteria, were developed using EPA's MOBILE6 model, and are consistent with the attainment demonstration. However, prior to making an adequacy finding, EPA must administer a 30 day comment period for these budgets. Therefore, in today's action EPA is opening up the adequacy comment period on these budgets to run concurrently with the comment period for all of today's action. In addition, this **Federal Register** Notice will appear on EPA's Transportation and Air Quality planning website at *http://www.epa.gov/otaq/transp/conform/adequacy.htm.* All comments on these budgets should be submitted to EPA using the procedure outlined earlier in this notice.

J. Contingency Measures

Rhode Island addressed the contingency measure requirement of section 172(c)(9) of the Clean Air Act by demonstrating that the emission reductions from the federal on-road motor vehicle Tier 2 tailpipe standards and sulfur in gasoline rules, and the federal non-road engine control program that accrue between 2007 and mid-2009, which is the date by which emission reductions from contingency measures would need to occur, will achieve more emission reductions than Rhode Island needs to meet its three percent attainment contingency obligation. We propose approval of Rhode Island's contingency measure submittal.

VIII. Proposed Action

EPA is proposing to fully approve as meeting CAA section 182(c)(2) the ground-level one-hour ozone attainment demonstration State Implementation Plan for the Rhode Island nonattainment area submitted by Rhode Island on January 27, 2003. EPA is proposing an attainment date of November 15, 2007 for the area, and is proposing that the RACM analysis for the Rhode Island area is consistent with the requirements of section 172(c)(1). EPA proposes approval of Rhode Island's contingency measures submittal, which is consistent with the requirements of section 172(c)(9) of the CAA. This notice also proposes to approve 2007 motor vehicle emissions budgets for Rhode Island into the SIP.

This SIP is being proposed under a procedure called parallel processing, whereby EPA proposes rulemaking action concurrent with the state's procedures for amending its regulations. If the proposed plan is substantially changed, EPA will evaluate those changes and may publish another notice of proposed rulemaking. If no substantial changes are made, EPA will publish a Final Rulemaking Notice on the revisions. Before EPA can finally approve this plan Rhode Island must finally adopt the SIP revision and submit it formally to EPA for incorporation into the SIP.

EPA is soliciting public comments on the issues discussed in this proposal. These issues will be considered before EPA takes final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this action.

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.

IX. Administrative 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 (Public Law 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the state to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 *note*) do not apply. This rule does

[15] Memo from Gay MacGregor, Director, Regional and State Programs Division, USEPA Office of Mobile Sources, to Regional Air Division Directors, titled ''Conformity Guidance on Implementation of March 2, 1999 Conformity Court decision,'' dated May 14, 1999.

not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Volatile organic compounds.

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

Dated: February 6, 2003.

Robert W. Varney,

Regional Administrator, EPA New England.

[FR Doc. 03–3698 Filed 2–13–03; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 401

[USCG–2002–11288]

RIN 2115–AG30

Rates for Pilotage on the Great Lakes

AGENCY: Coast Guard, DOT.

ACTION: Notice of extension of comment period and notice of intent.

SUMMARY: The Coast Guard is extending the comment period on the Notice of Proposed Rulemaking (NPRM) on rates for pilotage on the Great Lakes published in the **Federal Register** January 23, 2003, for 45 days. This will extend the comment period to April 24, 2003. The Coast Guard also intends to delay the publishing of an Interim Rule (IR) previously planned for February 12, 2003 (68 FR 3204), to about April 30, 2003.

DATES: Comments and related material must reach the Docket Management Facility on or before April 24, 2003.

ADDRESSES: You may submit your comments directly to the Docket Management Facility. To make sure that your comments and related material do not enter the docket [USCG–2002–11288] more than once, please submit them by only one of the following means:

(1) By mail to the Facility, U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

(2) By delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(3) By fax to the Facility at 202–493–2251.

(4) Electronically through the Web Site for the Docket Management System at *http://dms.dot.gov.*

The Facility maintains the public docket for this notice. Comments, and related material as indicated in this notice, will become part of this docket and will be available for inspection or copying at room PL–401, on the Plaza level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also access this docket on the Internet at *http://dms.dot.gov.*

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78), or you may visit *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: For questions on this notice, call or e-mail Tom Lawler, Chief Economist, Office of Great Lakes Pilotage (G–MW–1), U.S. Coast Guard, at telephone 202–267–1241, or *tlawler@comdt.uscg.mil.* For questions on viewing, or submitting material to the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

Requests for Comments

The Coast Guard encourages you to submit comments and related material concerning the NPRM on ''Rates for Pilotage on the Great Lakes'' published January 23, 2003, [68 FR 3203] in the **Federal Register**. If you do so, please include your name and address, identify the docket number [USCG–2002–11288], and give the reasons for each comment. You may submit your comments and material by mail, delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

Background Information

On January 23, 2003, the Coast Guard published an NPRM in the **Federal Register** to update the rates for pilotage on the Great Lakes. At a public meeting conducted on January 31, 2003, in Cleveland, OH, it received requests from the public to extend the comment period and to delay the issuance of an IR until after the comment period has ended.

A comment submitted to the docket has similarly requested that the comment period be extended by 45 days and an IR be delayed until the comment period has closed.

We have decided to grant this request for an extension of the comment period from March 10, 2003, to April 24, 2003, and to delay the publication of an IR until after the close of the comment period. The delay will allow the Coast Guard to collect and review all comments before it issues an IR.

The Coast Guard has also extended the comment period to obtain comments on two specific aspects of the NPRM and to obtain industry-related information that will aid the Coast Guard in assessing the economic impact of the IR.

To assist the Coast Guard in analyzing the impact of the IR on industry, the public should comment on the following issues:

1. Determining the total cost of operating a vessel on the Great Lakes and determining what percentages of those costs are attributable to: (a) Pilotage fees, (b) dockage, (c) longshoremen services, (d) tug services, (e) port and agent fees, (f) running expenses, and (g) other operating expenses.

2. Projections of traffic and cargoes anticipated for the 2003 navigational season.

Dated: February 10, 2003.

Joseph J. Angelo,

Acting Assistant Commandant for Marine Safety, Security and Environmental Protection.

[FR Doc. 03–3737 Filed 2–11–03; 3:00 pm]

BILLING CODE 4910–15–P

DEPARTMENT OF DEFENSE

48 CFR Part 228

[DFARS Case 2002–D030]

Defense Federal Acquisition Regulation Supplement; Payment Bonds on Cost-Reimbursement Contracts

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to permit the use of alternative payment protections for fixed-price construction subcontracts between $25,000 and $100,000 issued under cost-reimbursement contracts. This change is consistent with the corresponding Federal Acquisition Regulation (FAR) policy applicable to fixed-price construction contracts.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before April 15, 2003, to be considered in the formation of the final rule.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* As an alternative, respondents may e-mail comments to: *dfars@acq.osd.mil.* Please cite DFARS Case 2002–D030 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Mr. Euclides Barrera, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite DFARS Case 2002–D030.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Mr. Euclides Barrera, (703) 602–0296.

SUPPLEMENTARY INFORMATION:

A. Background

This proposed rule updates DFARS policy on performance and payment bonds for construction contracts. In accordance with the Miller Act (40 U.S.C. 270a–270f), FAR 28.102–1(a) requires performance and payment bonds for construction contracts exceeding $100,000. In accordance with section 4104(b)(2) of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103–355), FAR 28.102–1(b) permits alternative payment protections for construction contracts between $25,000 and $100,000. DFARS 228.102–1(a) presently waives the requirement for performance and payment bonds for cost-reimbursement contracts, but requires the prime contractor to obtain bonds for its fixed-price subcontracts exceeding $25,000. This proposed DFARS rule authorizes the use of alternative payment protections for subcontracts between $25,000 and $100,000, for consistency with the corresponding FAR policy applicable to prime contracts.

In addition, this proposed rule updates text implementing 10 U.S.C. 2701(h) and (i), pertaining to bonds under Defense Environmental Restoration Program contracts. 10 U.S.C. 2701(h) and (i) were to expire on December 31, 1999; however, section 314 of the National Defense Authorization Act for Fiscal Year 2002 (Pub. L. 107–107) removed this expiration date. Therefore, the corresponding DFARS text has been amended to remove the expiration date. Additionally, the text has been relocated to a new section 228.102–70, as its present location and numbering has led to confusion regarding its relationship with the subsequent text.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule still requires payment protections for fixed-price construction subcontracts exceeding $25,000, while providing flexibility for subcontractors to chose the type of protection to be provided for subcontracts between $25,000 and $100,000. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2002–D030.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 228

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, DoD proposes to amend 48 CFR Part 228 as follows:

1. The authority citation for 48 CFR Part 228 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 228—BONDS AND INSURANCE

2. Section 228.102–1 is revised to read as follows:

228.102–1 General.

The requirement for performance and payment bonds is waived for cost-reimbursement contracts. However, for cost type contracts with fixed-price construction subcontracts over $25,000, require the prime contractor to obtain from each of its construction subcontractors performance and payment protections in favor of the prime contractor as follows:

(1) For fixed-price construction subcontracts over $25,000, but not exceeding $100,000, payment protection sufficient to pay labor and material costs, using any of the alternatives listed at FAR 28.102–1(b)(1).

(2) For fixed-price construction subcontracts over $100,000—

(i) A payment bond sufficient to pay labor and material costs; and

(ii) A performance bond in an equal amount if available at no additional cost.

3. Section 228.102–70 is added to read as follows:

228.102–70 Defense Environmental Restoration Program construction contracts.

For Defense Environmental Restoration Program construction contracts entered into pursuant to 10 U.S.C. 2701—

(a) Any rights of action under the performance bond shall only accrue to, and be for the exclusive use of, the obligee named in the bond;

(b) In the event of default, the surety's liability on the performance bond is limited to the cost of completion of the contract work, less the balance of unexpended funds. Under no circumstances shall the liability exceed the penal sum of the bond;

(c) The surety shall not be liable for indemnification or compensation of the obligee for loss or liability arising from personal injury or property damage,

even if the injury or damage was caused by a breach of the bonded contract; and

(d) Once it has taken action to meet its obligations under the bond, the surety is entitled to any indemnification and identical standard of liability to which the contractor was entitled under the contract or applicable laws and regulations.

[FR Doc. 03–3575 Filed 2–13–03; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Part 252

[DFARS Case 2002–D016]

Defense Federal Acquisition Regulation Supplement; Liability for Loss Under Vessel Repair and Alteration Contracts

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to increase a contractor's liability for loss or damage under vessel repair and alteration contracts, from $5,000 to $50,000 per incident. The increased dollar ceiling is based on adjustments for inflation and the need to provide a financial incentive for contractors to minimize loss or damage.

DATES: DoD will consider all comments received by April 15, 2003.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* As an alternative, respondents may e-mail comments to: *dfars@acq.osd.mil.* Please cite DFARS Case 2002–D016 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Ms. Sandra Haberlin, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite DFARS Case 2002–D016.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Haberlin, (703) 602–0289.

SUPPLEMENTARY INFORMATION:

A. Background

DoD uses the clause at DFARS 252.217–7012, Liability and Insurance, in master agreements for repair and alteration of vessels. The clause holds a contractor liable for loss or damage resulting from defective contractor workmanship and materials. For any other contractor-incurred loss or damage, the contractor bears the first $5,000 of loss or damage from each occurrence or incident.

This rule proposes to increase the contractor's liability ceiling from $5,000 to $50,000, because—

1. The $5,000 ceiling dates back to 1982. This dollar ceiling is outdated after considering inflation; and

2. An analysis of contractor-incurred damages for a period of 3 years indicates that 70 percent of the incidents were below $50,000. DoD anticipates that this increase will incentive contractors to reduce the number of such incidents. Improved contractor performance will not only reduce the vessel ''down time'' for maintenance and repair, but will also make more efficient use of scarce maintenance dollars that would otherwise be used to pay for the damage between the $5,000 and the $50,000 ceilings.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This rule may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* DoD has prepared an Initial Regulatory Flexibility Analysis (IRFA), which is summarized as follows:

This rule proposes to increase a contractor's liability from $5,000 to $50,000 for loss or damage to a Government vessel, materials, or equipment. The rule will apply to small entities that have a master agreement with DoD for repair and alteration of vessels. There is no available estimate of the total number of small entities that will be subject to the rule. However, the Naval Sea Systems Command (NAVSEA), which is responsible for the maintenance and repair of the majority of vessels, has collected data indicating that, during the period from May 1997 to October 2002, there were 61 occurrences of contractor-caused damages. Of those, 13 occurrences (21 percent) were attributed to small entities. The proposed rule does not impose any reporting, recordkeeping, or other compliance requirements and does not duplicate, overlap, or conflict with any other Federal rules. This rule will impact small entities, since they will need to increase their insurance coverage from $5,000 to $50,000. DoD considered using a ceiling of less than $50,000, but believes the $50,000 ceiling to be appropriate because—

1. This ceiling would capture a majority of claims, since a NAVSEA study shows that 70 percent of claims incurred during a recent 3-year period were for amounts less than $50,000; and

2. This increase should incentivize contractors to reduce the number of such occurrences, thereby reducing vessel ''down-time'' for maintenance and repair and making more efficient use of scarce maintenance dollars.

A copy of the IRFA may be obtained from the address specified herein. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2002–D016.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, DoD proposes to amend 48 CFR Part 252 as follows:

1. The authority citation for 48 CFR Part 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.217–7012 [Amended]

2. Section 252.217–7012 is amended as follows:

a. By revising the clause date to read ''(XXX 2003)''; and

b. In paragraph (b)(6), by removing ''$5,000'' and adding in its place ''$50,000''.

[FR Doc. 03–3576 Filed 2–13–03; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[Docket No. 030128024–3024–01; I.D. 121002A]

RIN 0648–AQ63

Fisheries of the United States; National Standard 1

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

ACTION: Advance notice of proposed rulemaking; consideration of revision to national standard 1 guidelines.

SUMMARY: NMFS announces that the agency is considering revisions to the national standard guidelines for national standard 1 that specify criteria for determining overfishing and establishing rebuilding schedules. There have been concerns expressed by the scientific community, fisheries managers, the fishing industry, and environmental groups regarding the appropriateness of some aspects of these guidelines, particularly in light of new issues arising from rebuilding programs that have been underway for several years. This action solicits public input on the effectiveness and appropriateness of the national standard 1 guidelines in complying with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Comments must be submitted in writing by March 17, 2003.

ADDRESSES: Comments may be mailed to Mr. John H. Dunnigan, Director, Office of Sustainable Fisheries, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910; or faxed to 301–713–1193. Comments will not be accepted if submitted via e-mail or Internet.

FOR FURTHER INFORMATION CONTACT: Mark R. Millikin, at 301–713–2341 or via e-mail at Mark.Millikin@noaa.gov.

SUPPLEMENTARY INFORMATION: National standard 1 reads, ''Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.'' In 1996, the Sustainable Fisheries Act (SFA) amended the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*) to, among other things, provide definitions for ''overfishing'' and modify the definition of ''optimum yield.'' The Magnuson-Stevens Act, in section 303(a)(10), now requires each fishery management plan (FMP) to ''specify objective and measurable criteria for identifying when the fishery to which the FMP applies is overfished.'' In addition, section 304(e) specifies requirements for rebuilding overfished fisheries. The revised national standard guidelines, including national standard 1, were proposed at 62 FR 41907, August 4, 1997, and published as final guidelines at 63 FR 24212, May 1, 1998.

As they currently exist, the national standard 1 guidelines provide definitions and require determination, to the extent possible, of maximum sustainable yield (MSY), or an acceptable surrogate; specification of status determination criteria including a maximum fishing mortality threshold and a minimum stock size threshold; ending overfishing and rebuilding overfished stocks; and specification of optimum yield (OY) in fisheries.

In response to the SFA, these national standard guidelines were implemented in 1998, over 5 years ago. Since that time, we have developed new perspectives, new issues, and new problems regarding their application. Concerns that have been identified for possible revision include, but are not limited to, the following:

1. The definition and use of the minimum stock size threshold (MSST) for determining when a stock is overfished. There has been considerable discussion about the utility of the concept of MSST, the definition of MSST contained in the guidelines, difficulties in estimating the MSST (especially in data-poor situations), and identifying appropriate proxies for MSST.

2. Calculation of rebuilding targets appropriate to the prevailing environmental regime. Currently, the guidelines do not address how rebuilding targets should accommodate changing environmental conditions. Rebuilding rates based upon current stock productivity may be inconsistent with rebuilding targets based upon historical stock productivity when there are persistent, long-term changes in environmental conditions.

3. Calculation of maximum permissible rebuilding times for overfished fisheries. The SFA established a maximum allowable 10–year rebuilding time for a fishery, except where the biology of the fish will not allow it or the fishery is managed under an international agreement. If the minimum time for a fishery to rebuild is 10 years or greater, the maximum allowable rebuilding time under the guidelines becomes the time to rebuild in the absence of any fishing mortality, plus one mean generation time. This has created a discontinuity where the difference in allowable rebuilding times between a stock with a minimum rebuilding time of 9 years and another stock with a minimum rebuilding time of 11 years, may be several decades in the case of long-lived species. This results in the need for much more restrictive management measures in the first case compared to the second, even though there is not much difference between them in terms of rebuilding potential.

4. The definitions of overfishing as they relate to a fishery as a whole or a stock of fish within that fishery. There are currently over 900 fish stocks identified for the purpose of determining their status with regard to overfishing, many of which are caught in small amounts and whose status is unknown. Combining assessments and status determination criteria for assemblages of minor stocks may make more sense biologically and economically than attempting to assess and manage them one by one. Further guidance is needed on the most ecologically sound and economically expedient ways to manage these fisheries.

5. Procedures to follow when rebuilding plans require revision after initiation, especially with regard to modification of the rebuilding time frame. The guidelines do not currently address what to do when observed rebuilding rates are greater or lower than expected or when new assessments change estimates of rebuilding targets or other parameters.

NMFS solicits input from the public regarding: (1) whether or not the national standard 1 guidelines should be revised and (2) if revisions are desired, what parts of the national standard 1 guidelines should be revised, how they should be revised, and why. NMFS will use the information in determining whether to proceed with a revision to the existing guidelines, and if so, the issues to be addressed.

This advance notice of proposed rulemaking has been determined to be significant for the purposes of Executive Order 12866.

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

Dated: February 10, 2003.

John Oliver,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

[FR Doc. 03–3758 Filed 2–13–03; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 68, No. 31

Friday, February 14, 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

Commodity Credit Corporation

Domestic Sugar Program—Increase of 2002-Crop Overall Allotment Quantity

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice.

SUMMARY: Commodity Credit Corporation (CCC) has increased the 2002-crop overall allotment quantity (OAQ) of domestic sugar by 500,000 short tons, raw value (STRV). The beet sugar sector allotment increased to 4.457 million STRV, and the cane sugar sector increased to 3.743 million STRV, for a total OAQ of 8.200 million STRV. CCC has also revised the State cane allotments and processor allocations of the beet and cane sugar marketing allotments to be consistent with the increased OAQ and updated cane State and cane processor 2002-crop production forecasts. CCC is also suspending the proportionate share requirement on Louisiana sugarcane producers for the 2002 crop.

ADDRESSES: Barbara Fecso, Dairy and Sweeteners Analysis Group, Economic Policy and Analysis Staff, Farm Service Agency, USDA, 1400 Independence Avenue, SW., STOP 0516, Washington, DC 20250–0516; telephone (202) 720–4146; FAX (202) 690–1480; e-mail: *barbara.fecso@usda.gov.*

FOR FURTHER INFORMATION CONTACT: Barbara Fecso at (202) 720–4146.

SUPPLEMENTARY INFORMATION: Section 1403 of the Farm Security and Rural Investment Act of 2002 (Pub. L. 107–171) amended section 359c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359c) to authorize the Secretary to adjust marketing allotments and allocations quarterly to reflect changes in estimated sugar consumption, stocks, production, or imports. When USDA announced a 7.700 million ton OAQ in August 2002, it noted the existence of considerable sugar market uncertainties and that the OAQ could be adjusted if warranted. After closely monitoring the market, and because market prices for both refined and raw sugar have been well above loan forfeiture levels, CCC increased the OAQ, thereby increasing the supply of sugar available to the domestic market.

At this time, CCC does not expect the beet sector to fully use its allotment and will reassign the estimated unused allotment (deficit), 182,000 tons, to the CCC inventory to be sold. The estimated unused allotment is calculated as the beet sector's FY 2003 allotment, 4.457 million tons, less beet processors' estimated available supply, 4.275 million tons (0.360 million tons beginning stocks plus 4.215 million tons production, less an assumed 0.300 million tons in estimated minimum ending stocks). While the beet sector ending inventory averaged 560,000 tons over the past decade, reaching a low of 360,000 tons at the end of FY 2002, the level to which the beet sector reduces its FY 2003 ending stocks is uncertain. Due to production and marketing unknowns, CCC estimates that an ending stocks level of 300,000 tons may be attainable.

CCC will conduct a thorough survey of beet and cane sugar production and stocks-to-use prior to May 1, 2003, and make allocation reassignments, as necessary. At that time, CCC may reduce the amount reassigned to CCC for inventory sales if survey results indicate CCC misjudged the beet sector's ability to supply the market. This can occur even if CCC has sold the reassigned sugar because CCC's ability to sell sugar is not limited to availability of reassigned sugar marketing allotments.

Pursuant to section 359f of the Agricultural Adjustment Act of 1938, as amended, (7 U.S.C. 1359ff), CCC announced the suspension of the proportionate share requirement on Louisiana sugarcane producers for the 2002 crop after it determined that the amount of sugar estimated to be produced from the 2002-crop sugarcane in Louisiana (1.340 million tons, raw value) will not be sufficient to enable Louisiana sugar cane processors to meet the state's cane sugar allotment (1.331 million tons, raw value) and provide for a normal carryover.

USDA will continue to closely monitor market performance and critical program variables throughout the year to ensure meeting program objectives and maintaining market balance. Further OAQ adjustments and alteration of the sugar Tariff Rate Quota (TRQ) import quantity will be considered as market conditions warrant.

These actions apply to all domestic sugar marketed for human consumption in the United States from October 1, 2002, through September 30, 2003. The 2002-crop sugar marketing allotments and allocations (in short tons, raw value) are listed in the following table:

2002-CROP SUGAR MARKETING ALLOTMENTS AND ALLOCATIONS

[Revised January 2003]

	Previous allotment/allocation	Change [1]	Revised allotment/allocation
Overall Beet/Cane Allotments			
Beet Sugar	4,184,950	271,750	4,456,700
Cane Sugar (includes Puerto Rico)	3,515,050	228,250	3,743,300
Total (Overall Allotment Quantity)	7,700,000	500,000	8,200,000
State Cane Sugar Allotments			
Florida	1,715,471	214,045	1,929,516

2002-CROP SUGAR MARKETING ALLOTMENTS AND ALLOCATIONS—Continued

[Revised January 2003]

	Previous allotment/allocation	Change [1]	Revised allotment/allocation
Louisiana	1,329,764	1,148	1,330,912
Texas	144,815	13,057	157,872
Hawaii	318,829	0	318,829
Puerto Rico	6,171	0	6,171
Total Cane Sugar	3,515,050	228,250	3,743,300
Beet Processors' Marketing Allocations			
Amalgamated Sugar Co	918,627	56,618	975,245
American Crystal Sugar Co	1,496,229	97,491	1,593,720
Holly Sugar Corp	280,786	18,233	299,019
Michigan Sugar Co	281,689	17,361	299,050
Minn-Dak Farmers Co-op	275,076	16,953	292,029
Monitor Sugar Co	161,414	9,948	171,362
Pacific Northwest Sugar Co	15,000	7,314	22,314
So. Minn. Beet Sugar Co-op	283,250	17,458	300,708
Western Sugar Co	417,051	26,748	443,799
Wyoming Sugar Co	55,828	3,626	59,454
Total Beet Sugar	4,184,950	271,750	4,456,700
Cane Processors' Marketing Allocations			
Florida	1,715,471	214,045	1,929,516
Atlantic Sugar Assoc	146,856	−1,987	144,869
Growers Co-op. of Florida	311,681	39,165	350,846
Okeelanta Corp	322,318	66,984	389,302
Osceola Farms Co	194,060	33,255	227,315
Talisman Sugar Corp	54,066	5,594	59,660
U.S. Sugar Corp	686,490	71,034	757,524
Louisiana	1,329,764	1,148	1,330,912
Alma Plantation	74,299	3,519	77,818
Caire & Graugnard	5,344	253	5,597
Cajun Sugar Co-op	92,119	5,526	97,645
Cora-Texas Mfg. Co	117,083	−553	116,530
Evan Hall Factory	2,670	127	2,797
Harry Laws & Co	56,709	1,472	58,181
Iberia Sugar Co-op	65,460	−2,662	62,798
Jeanerette Sugar Co	60,904	2,401	63,305
Lafourche Sugars Corp	69,216	3,278	72,494
Louisiana Sugarcane Co-op	83,052	−271	82,781
Lula Westfield, LLC	148,265	−5,120	143,145
M.A. Patout & Sons	174,963	−1,026	173,937
Raceland Sugars	81,195	−3,113	78,082
St. Mary Sugar Co-op	88,675	4,200	92,875
So. Louisiana Sugars Co-op	119,930	−4,832	115,098
Sterling Sugars	89,881	−2,051	87,830
Texas	144,815	13,057	157,872
Hawaii	318,829	0	318,829
Gay & Robinson, Inc	62,163	0	62,163
Hawaiian Commercial	256,666	0	256,666
Puerto Rico	6,171	0	6,171
Agraso	3,984	0	3,984
Roig	2,187	0	2,187

[1] Includes changes due to the 500,000-ton increase in the overall allotment quantity and, for cane states and sugarcane processors, changes due to updated 2002-crop production forecasts.

Signed in Washington, DC on January 31, 2003.

James R. Little,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 03–3633 Filed 2–13–03; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Refined Sugar Re-Export Program

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: The Foreign Agricultural Service (FAS) will conduct a public meeting to review program operations for granting re-export credits to licensed refiners for shipments of sugar to Mexico. The meeting is open to the public.

DATES: FAS will conduct a meeting on Wednesday, February 19, 2003, from 3 p.m. to 5 p.m. in room 5066 of the USDA South Building, 1400 Independence Avenue, SW., Washington, DC. All times are eastern daylight time.

Persons with disabilities who require an alternative means for communication of information (Braille, large print, audiotape, etc.) should contact USDA's Target Center at (202) 720–2600 (voice and TDD).

FOR FURTHER INFORMATION CONTACT: The Import Policies and Programs Division, FAS, (202) 720–2916.

Signed in Washington, DC, on February 10, 2003.

Ellen Terpstra,

Administrator, Foreign Agricultural Service.

[FR Doc. 03–3784 Filed 2–13–03; 8:45 am]

BILLING CODE 3410–10–M

DEPARTMENT OF AGRICULTURE

Forest Service

Helena National Forest, Lewis & Clark County, MT; North Belts Travel Plan

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement (EIS).

SUMMARY: The Helena National Forest is proposing a revision of the existing year-round travel management plan in the northern portion of the Big Belt Mountains and portions of the Dry Range on the Helena and Townsend Ranger Districts. This travel plan will include analysis on roads and trails regarding year-round and seasonal, open and closed motorized and non-motorized routes. In addition, potential travel corridors connecting roads and trails are being considered. This EIS will be prepared displaying the anticipated effects of the above activities to the resources and human uses of the analysis area. Closure methods will be identified and improvement projects to rehabilitate routes will be analyzed. The North Belts Travel Planning area includes about 190,000 acres from the Forest boundary north of the Gates of the Mountains Wilderness south to about the southern boundary of the Confederate Gulch drainage and portions of the Dry Range.

DATES: Comments concerning the scope of the analysis must be received by March 14, 2003. The draft EIS is expected April 2003 and the final EIS is expected April 2004.

ADDRESSES: Send written comments or for further information, mail correspondence to or call Beth Ihle—Team Leader, Townsend Ranger District, 415 S. Front, Townsend, MT 59644 (Phone 406–266–3425) or Chuck Neal—Travel Planner, 2880 Skyway Drive, Helena, MT 59601 (Phone 406–449–5201).

SUPPLEMENTARY INFORMATION:

History of Previous Efforts

Travel Plan efforts for the North Belts originally was initiated in 1997, which included vegetation management and noxious weed treatments. A draft EIS called the North Belts Travel Plan/Magpie-confederate Vegetation Restoration Project was issued in March 1999. Alternatives were developed addressing travel plan issues from public input. In the summer of 2000, a major fire burned over 29,000 acres within the North Belts analysis area creating a substantial change. Due to this changed condition, travel plan efforts were to be separated from the vegetation and noxious weed components of the 1999 draft EIS. Restoration of the burned over area followed by a Forest-wide Roads Analysis Plan took priority over travel management plans. This renewed effort has taken into consideration the changed conditions and change in management direction in regard to travel planning and has also considered and incorporated public input from the previous attempts. Opportunity for additional comments is presented in this process.

Purpose and Need for Action

The Helena National Forest has identified the need for the North Belts Travel Management Plan to address a variety of year-round motorized and non-motorized recreation uses as well as access for administrative and permitted uses and for private lands. These needs will be balanced while meeting needs for fish and wildlife habitats and soil and watershed health, and prevention of noxious weed spread as directed by the Helena Forest Plan.

Proposed Action

Features of the proposed action include the following elements:

1. Open or closed periods for routes are simplified to the following:
   a. Yearlong open or closed,
   b. October 15—December 1: closed for big-game security, and
   c. December 2—May 15 open or closed for winter range.

   Other closures will be managed as unique situations occur and will utilize special orders or other methods to respond to them, *e.g.* spring thaw.
2. Open and closed routes and areas are proposed for snowmobiles area. However, in big-game winter range, snowmobiles will be allowed on designated routes only.
3. As part of the process, users may help identify ''corridors'' where future construction could connect existing routes and provide specific kinds of recreational opportunities.
4. Proposal includes new road construction (about 1.5 miles) and new non-motorized trail construction (about .25 miles). In addition, trail and road reconstruction, and development of trailheads and information kiosks would be included in the proposal.
5. Four route types are included:
   a. Roads open to vehicles meeting requirements of State laws,
   b. Motorized trails open to vehicles 50 inches wide or less,
   c. Non-motorized trails, and
   d. Snowmobile use.
6. Site-specific road rehabilitation projects such as culvert replacement, correcting drainage problems and localized road relocations are included.
7. Vehicle access within 300 ft. of an open, designated road is allowed primarily to access dispersed camping sites, but also for other uses as long as it does not result in resource damage such as rutting of soils, hill climbing, noxious weed infestations, fording of streams, crossing of meadows, etc.
8. In lynx habitat, the proposal does not result in a net increase in designated over the snow routes and snowmobile play areas.

Responsible Official

Tom Clifford—Forest Supervisor, 2880 Skyway Drive, Helena, MT 59601.

Nature of Decision To Be Made

Whether or not to implement the proposed action or an alternative to the proposed action including the following decisions:

- Which areas, roads, and trails are appropriate for what types of public motorized and non-motorized travel,
- Which areas, roads, and trails should have seasonal restrictions to protect wildlife or other resources,
- What types of closures and/or rehabilitation methods should be used on year-round closed routes,
- What segments of new trail construction and new trailhead facilities are needed,
- Which road maintenacne and repairs are needed to address watershed issues,
- What type of access is needed to private ownership within the Forest boundary,

• Which new connector travel corridors would be included for future site-specfic analysis, and
• Whether or not Forest Plan amendment(s) would be required?

Scoping Process

• Pre-scoping contacts—February 6, 2003.
• Scoping package (mailing)—February 10, 2003.
• NOI—February 14, 2003.
• Post on website—February 14, 2003.
• DEIS Public Meetings—May/June 2003.
• DEIS Comment Period—April through September of 2003.
• FEIS and ROD—April 2004.

Comment Requested

This notice of intent initiates the scoping process which guides the development of the environmental impact statement. Comments are due by March 14, 2003.

A draft environmental impact statement will be prepared for comment. The comment period on the draft EIS is expected to be from mid-April through September of 2003. This date will be established when the Environmental Protection Agency publishes the notice of availability in the **Federal Register.**

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points. Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

(Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, section 21.)

Dated: February 6, 2003.

Al Christophersen,

Deputy Forest Supervisor.

[FR Doc. 03–3550 Filed 2–13–03; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Giant Sequoia National Monument Scientific Advisory Board

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Giant Sequoia National Monument Scientific Advisory Board (Scientific Advisory Board) will meet at the Visalia Convention Center in Visalia, California, March 12 and 13, 2003. The purpose of the meeting is to hear comments from the public, and to provide Forest personnel with comments on the Giant Sequoia National Monument Management Plan Draft Environmental Impact Statement (DEIS).

DATES: The meeting will be held Wednesday and Thursday, March 12 and 13, from 8 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Visalia Convention Center, 303 E. Acequia Avenue, Visalia, California, in the Sequoia room.

FOR FURTHER INFORMATION CONTACT: To receive further information, contact Arthur L. Gaffrey, 559–784–1500.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. If you are planning to attend, please contact Arthur L. Gaffrey to ensure adequate seating. Guidelines for the public participation portion of the Scientific Advisory Board's meeting are as follows: The public will be allowed to address the Scientific Advisory Board during the first 30 minutes of the meeting on March 12; when registering, participants must provide 9 written copies of their presentation, one copy for each member of the Board and one copy to be included in the meeting minutes; oral presentations may be no more than 5 minutes in length, depending on the number of people wishing to address the Scientific Advisory Board; priority for presentations will be given to persons who did not make a presentation at a previous meeting; and all presentations must be related to the science surrounding the development of the Management Plan for the Giant Sequoia National Monument.

Written comments for the Scientific Advisory Board may be submitted to Forest Supervisor Arthur L. Gaffrey, Sequoia National Forest, 900 West Grand Avenue, Porterville, California 93257.

A final agenda can be obtained by contacting Arthur L. Gaffrey or by visiting the Giant Sequoia National Monument Web site at *http://www.r5.fs.fed.us/giant_sequoia.*

Dated: February 10, 2003.

Arthur L. Gaffrey,

Sequoia National Forest.

[FR Doc. 03–3666 Filed 2–13–03; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Del Norte County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of Meeting.

SUMMARY: The Del Norte County Resource Advisory Committee (RAC) will meet on March 4, 2003 in Crescent City, California. The purpose of the meeting is to discuss the selection of Title II projects under Public Law 106–393, H.R. 2389, the Secure Rural Schools and Community Self-Determination Act of 2000, also called the ''Payments to States'' Act.

DATES: The meeting will be held on March 4, 2003 from 6 to 8:30 p.m.

ADDRESSES: The meeting will be held at the Del Norte County Unified School District Board Room, 301 West Washington Boulevard, Crescent City, California.

FOR FURTHER INFORMATION CONTACT: Laura Chapman, Committee

Coordinator, USDA, Six Rivers National Forest, 1330 Bayshore Way, Eureka, CA 95501. Phone: (707) 441– 3549. E-mail: *1chapman@fs.fed.us.*

SUPPLEMENTARY INFORMATION: The Committee will discuss and vote on project proposals submitted by the public and Six Rivers National Forest. The meeting is open to the public. Public input opportunity will be provided and individuals will have the opportunity to address the committee at that time.

Dated: February 6, 2003.

Julie E. Ranieri,

Acting Forest Supervisor.

[FR Doc. 03–3612 Filed 2–13–03; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Resource Advisory Committee Meeting

AGENCY: North Central Idaho Resource Advisory Committee, Grangeville, Idaho, USDA, Forest Service.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393) the Nez Perce and Clearwater National Forests' North Central Idaho Resource Advisory Committee will meet Thursday, March 6, 2003 in Riggins, Idaho for a business meeting. The meeting is open to the public.

SUPPLEMENTARY INFORMATION: The business meeting on March 6 begins at 11:00 a.m. (m.s.t.), at the City Hall, Heritage Center, Riggins, Idaho. Agenda topics will include discussion of potential projects. A public forum will begin at 3 p.m. (m.s.t.).

FOR FURTHER INFORMATION CONTACT: Ihor Mereszczak, Staff Officer and Designated Federal Officer, at (208) 983–1950.

Dated: February 6, 2003.

Ihor Mereszczak,

Acting Forest Supervisor.

[FR Doc. 03–3637 Filed 2–13–03; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Eastern Idaho Resource Advisory Committee; Caribou-Targhee National Forest, Idaho Falls, Idaho

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Public Law 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393) the Caribou-Targhee National Forests' Eastern Idaho Resource Advisory Committee will meet Wednesday, March 19, 2003, in Idaho Falls for a business meeting. The meeting is open to the public.

DATES: The business meeting will be held on March 19, 2003, from 10 a.m. to 3 p.m.

ADDRESSES: The meeting location is the Caribou-Targhee National Forest Headquarters Office, 1405 Hollipark Drive, Idaho Falls, Idaho 83402.

FOR FURTHER INFORMATION CONTACT: Jerry Reese, Caribou-Targhee National Forest Supervisor and Designated Federal Officer, at (208) 524–7500.

SUPPLEMENTARY INFORMATION: The business meeting on March 19, 2003, begins at 10 a.m. at the Caribou-Targhee National Forest Headquarters Office, 1405 Hollipark Drive, Idaho Falls, Idaho. Agenda topics will include reviewing projects that have been submitted.

Dated: February 7, 2003.

Jerry B. Reese,

Caribou-Targhee Forest Supervisor.

[FR Doc. 03–3663 Filed 2–13–03; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Tehama County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Tehama County Resource Advisory Committee (RAC) will meet in Red Bluff, California. Agenda items to be covered include: (1) Introductions, (2) Approval of Minutes, (3) Public Comment, (4) Chairman Report, (5) Status of Project Proposals, (6) Update on Approved Projects, (7) General Discussion, (8) House Committee Report.

DATES: The meeting will be held on March 13, 2003 from 9 a.m. and end at approximately 12 p.m.

ADDRESSES: The meeting will be held at the Lincoln Street School, Conference Room A, 1135 Lincoln Street, Red Bluff, CA. Individuals wishing to speak or propose agenda items must send their names and proposals to Jim Giachino, DFO, 825 N. Humboldt Ave., Willows, CA 95988.

FOR FURTHER INFORMATION CONTACT: Bobbin Gaddini, Committee Coordinator, USDA, Mendocino National Forest, Grindstone Ranger District, P.O. Box 164, Elk Creek, CA 95939. (530) 968–5329; E-MAIL *ggaddini@fs.fed.us.*

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Committee discussion is limited to Forest Service staff and Committee members. However, persons who wish to bring matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. Public input sessions will be provided and individuals who made written requests by March 10, 2003 will have the opportunity to address the committee at those sessions.

Dated: February 10, 2003.

James F. Giachino,

Designated Federal Official.

[FR Doc. 03–3667 Filed 2–13–03; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Grain Inspection Advisory Committee Reestablishment

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice to reestablish committee.

SUMMARY: Notice is hereby given that the Secretary of Agriculture, has reestablished the Grain Inspection, Packers and Stockyards Administration's Grain Inspection Advisory Committee. The Secretary of Agriculture has determined that the Committee is necessary and in the public interest.

FOR FURTHER INFORMATION CONTACT: Terri L. Henry, Designated Federal Official, Office of the Administrator, Grain Inspection, Packers and Stockyards Administration, USDA, 1094–S, 1400 Independence Ave., SW., Washington, DC 20250; Telephone (202) 720–0219; Fax (202) 205–9237; E-mail Terri.L.Henry@usda.gov.

SUPPLEMENTARY INFORMATION: The purpose of the Grain Inspection Advisory Committee is to advise the Administrator of the Grain Inspection, Packers and Stockyards Administration with the respect to the implementation of the United States Grain Standards Act, as amended and the Reorganization Act of 1994. The Committee is essential to help facilitate the marketing of grain.

Dated: February 10, 2003.

Donna Reifschneider,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 03–3684 Filed 2–13–03; 8:45 am]

BILLING CODE 3410–EN–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; additions and deletions

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

ACTION: Additions to and deletions from procurement list.

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

EFFECTIVE DATE: March 16, 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:

Additions

On December 6, and December 20, 2002, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (67 FR 72640, and 77962) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the 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 services to the Government.

2. 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.

Accordingly, the following services are added to the Procurement List:

Services

Service Type/Location: Administrative Services, National Park Service, Harpers Ferry Center, Harpers Ferry, West Virginia.

NPA: Hagerstown Goodwill Industries, Inc., Hagerstown, Maryland.

Contract Activity: National Park Service, Harpers Ferry, West Virginia.

Service Type/Location: Facilities Maintenance, Greater Louisville Technology Park, Port Hueneme Detachment & Navy, Caretaker Site Office, Louisville, Kentucky.

NPA: Employment Source, Inc., Fayetteville, North Carolina.

Contract Activity: Naval Surface Warfare Center, Crane, Indiana.

Service Type/Location: Janitorial/Custodial, 183rd Fighter Wing Air National Guard, Capitol Airport, Springfield, Illinois.

NPA: Challenge Unlimited, Inc., Alton, Illinois.

Contract Activity: 183rd Fighter Wing/Air National Guard, Springfield, Illinois.

Service Type/Location: Janitorial/Custodial, U.S. Army Reserve Center, Columbus, Ohio.

NPA: Licking-Knox Goodwill Industries, Inc., Newark, Ohio.

Contract Activity: Headquarters, 88th Regional Support Command, Fort Snelling, Minnesota.

Service Type/Location: Janitorial/Custodial, U.S. Geological Survey Upper Midwest Environmental Science Center, La Crosse, Wisconsin.

NPA: Riverfront Activity Center, Inc., La Crosse, Wisconsin.

Contract Activity: U.S. Geological Survey, Reston, Virginia.

Deletions

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 may not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the products 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 deleted from the Procurement List.

After consideration of the relevant matter presented, the committee has determined that the products listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Accordingly, the following products are deleted from the Procurement List:

Products

Product/NSN: Pallet, P.S., Material Handling 3990–00–NSH–0008.

NPA: Handi-Shop Industries, Inc., Tomah, Wisconsin.

Contract Activity: U.S. Postal Service, Western Area Supply Center, Topeka, Kansas.

Product/NSN: Pallet, Wood 3990–00–NSH–0072.

NPA: Handi-Shop Industries, Inc., Tomah, Wisconsin.

Contract Activity: Federal Prison Industries, Dept. of Justice.

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 03–3731 Filed 2–13–03; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed additions and deletions

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

ACTION: Proposed Additions to and Deletions from 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, and to delete products and services previously furnished by such agencies.

Comments Must Be Received On or Before: March 16, 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.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this 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 the Procurement List for production by the nonprofit agencies listed:

Services

Service Type/Location: Custodial Service, Naval & Marine Corps Reserve Center, St. Louis, Missouri.
NPA: MGI Services Corporation, St. Louis, Missouri.
Contract Activity: Naval Facilities Engineering Command, Crane, Indiana.
Service Type/Location: Mailroom Operation, Social Security Administration. Sam Nunn Federal Building, Atlanta, Georgia.
NPA: Nobis Enterprises, Inc., Marietta, Georgia.
Contract Activity: Social Security Administration, Region IV, Atlanta, Georgia.
Service Type/Location: Food Service Attendant, U.S. Navy Sub Base, Galley 446, Groton, Connecticut.
NPA: CW Resources, Inc., New Britain, Connecticut.
Contract Activity: Fleet Industrial Supply Center, Norfolk Detachment Philadelphia, Philadelphia, Pennsylvania.

Deletions

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.

2. If approved, the action may 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 deletion from the Procurement List.

The following products and services are proposed for deletion from the Procurement List:

Products

Product/NSN: Seal, Metallic
5340–00–491–7632
5340–00–902–0426.
NPA: Michiana Resources, Inc, Michigan City, Indiana.
Contract Activity: Defense Supply Center Philadelphia, Philadelphia, Pennsylvania.

Services

Service Type/Location: Commissary Shelf Stocking, Point Mugu Naval Air Station, Point Mugu, California.
NPA: Association for Retarded Citizens—Ventura County, Inc., Ventura, California.
Contract Activity: Defense Commissary Agency, Fort Lee, Virginia.
Service Type/Location: Commissary Shelf Stocking & Custodial, Fort Shafter, Hawaii.
NPA: Goodwill Industries of Hawaii, Inc., Honolulu, Hawaii.
Contract Activity: Defense Commissary Agency, Fort Lee, Virginia.
Service Type/Location: Commissary Shelf Stocking & Custodial, Presidio of San Francisco Commissary, San Francisco, California.
NPA: Calidad Industries, Inc., Oakland, California.
Contract Activity: Defense Commissary Agency, Fort Lee, Virginia.
Service Type/Location: Drill Sharpening, Naval Supply Center, San Diego, California.
NPA: The ARC of San Diego, San Diego, California.
Contract Activity: Department of the Navy, San Diego, California.
Service Type/Location: Janitorial/Custodial, Mare Island Naval Shipyard, Vallejo, California.
NPA: V-Bar Enterprises, Inc., Suisun City, California.
Contract Activity: Department of the Navy, Vallejo, California.
Service Type/Location: Janitorial/Custodial, Veterans Affairs Community Based Outpatient Clinic, St. George, Utah.
NPA: Washington County Association for Retarded Citizens, St. George, Utah.
Contract Activity: Department of Veterans Affairs, St George, Utah.

Sheryl D. Kennerly,
Director, Information Management.

[FR Doc. 03–3732 Filed 2–13–03; 8:45 am]
BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Notice of Availability of Draft of Information Quality Guidelines

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

ACTION: Notice.

SUMMARY: The Committee has made available a draft of its Information Quality Guidelines pursuant to the requirements of the Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility and Integrity of Information Disseminated by Federal Agencies issued by the Office of Management and Budget (OMB). The Committee invites comments on these draft Information Quality Guidelines. The draft guidelines are published on the Committee's Web site *http://www.jwod.gov.*

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

ADDRESSES: Comments may be mailed to the Committee for Purchase from People Who Are Blind or Severely Disabled, 1421 Jefferson Davis Highway, Suite 10800, Arlington, VA 22202. Comments can also be e-mailed to *info@jwod.gov.*

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly, Director, Information Management, Committee for Purchase from People Who Are Blind or Severely Disabled, 1421 Jefferson Davis Highway, Suite 10800, Arlington, VA 22202, (703) 603–7740.

SUPPLEMENTARY INFORMATION: Section 515 of the Treasury and General Government Appropriations Act for FY 2001 (Pub. L. 106–554) requires each Federal agency to publish guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of the information its disseminates. Agency guidelines must be based on government-wide guidelines issued by the Office of Management and Budget (OMB). In compliance with this statutory requirement and OMB

instructions, the Committee has posted its Information Quality Guidelines on its Web site *(http://www.jwod.gov).*

The Guidelines describe the Committee's procedures for ensuring the quality of information that it disseminates and the procedures by which an affected person may obtain correction of information disseminated by the Committee that does not comply with the Guidelines. Persons who cannot access the Guidelines through the Internet may request a paper or electronic copy by contacting the Committee.

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 03–3733 Filed 2–13–03; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570–601]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Preliminary Results of 2001–2002 Administrative Review and Partial Rescission of Review

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

ACTION: Notice of Preliminary Results of 2001–2002 Administrative Review and Partial Rescission of the Review.

SUMMARY: We preliminarily determine that sales of tapered roller bearings and parts thereof, finished and unfinished, from the People's Republic of China, were made below normal value during the period June 1, 2001, through May 31, 2002. We are also rescinding the review, in part, in accordance with 19 CFR 351.213(d)(3).

If these preliminary results are adopted in our final results of review, we will instruct the Customs Service to assess antidumping duties based on the differences between the constructed export price and normal value on all appropriate entries. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 14, 2003.

FOR FURTHER INFORMATION CONTACT: Andrew Smith or Daniel Alexy, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–1276 and (202) 482–1540, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 27, 1987, the Department of Commerce (''the Department'') published in the **Federal Register** (52 FR 19748) the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished (''TRBs''), from the People's Republic of China (''PRC''). The Department notified interested parties of the opportunity to request an administrative review of this order on June 5, 2002 (67 FR 38640). On June 25, 2002, Peer Bearing Company - Changshan (''CPZ'') requested an administrative review. On June 27, 2002, Wanxiang Group Corporation (''Wanxiang''), China National Machinery Import & Export Corporation (''CMC''), Tianshui Hailin Import and Export Corporation (''Hailin''), Luoyang Bearing Corporation (Group) (''Luoyang''), and Liaoning MEC Group Co. Ltd. (''Liaoning'') also requested administrative reviews. On June 28, 2002, the Koyo Corporation of U.S.A., an interested party in this proceeding pursuant to 19 CFR 351.213(b)(1), requested that the Department conduct an administrative review of Yantai Timken Co., Ltd. (''Yantai Timken''). In accordance with 19 CFR 351.221(b)(1), we published a notice of initiation of this antidumping duty administrative review on July 24, 2002 (67 FR 48435).

On August 6, 2002, we sent a questionnaire to the Secretary General of the Basic Machinery Division of the Chamber of Commerce for Import & Export of Machinery and Electronics Products and requested that the questionnaire be forwarded to all PRC companies identified in our initiation notice and to any subsidiary companies of the named companies that produce and/or export the subject merchandise. In this letter, we also requested information relevant to the issue of whether the companies named in the initiation notice are independent from government control. *See* the ''Separate Rates Determination'' section, below. On August 6, 2002, courtesy copies of the questionnaire were also sent to companies with legal representation.

On September 10, 2002, the following companies requested that the Department rescind the administrative review with respect to these companies: Hailin, Wanxiang, Luoyang, Liaoning, and CMC. Pursuant to 19 CFR 351.213(d)(1), because these companies withdrew their requests for review within 90 days of the date of publication of the notice of initiation of this review and no other party requested a review of these companies, we are rescinding the review with respect to Hailin, Wanxiang, Luoyang, Liaoning, and CMC.

We received responses to the questionnaire in August, September, and October 2002 from CPZ and Yantai Timken. We sent out supplemental questionnaires to CPZ and Yantai Timken in November, December 2002, and January 2003, and received responses to these supplemental questionnaires in December 2002 and January 2003.

Scope of the Order

Merchandise covered by this order includes TRBs and parts thereof, finished and unfinished, from the PRC; flange, take up cartridge, and hanger units incorporating tapered roller bearings; and tapered roller housings (except pillow blocks) incorporating tapered rollers, with or without spindles, whether or not for automotive use. This merchandise is currently classifiable under *Harmonized Tariff Schedule* of the United States (''HTSUS'') item numbers 8482.20.00, 8482.91.00.50, 8482.99.30, 8483.20.40, 8483.20.80, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.80, 8708.99.80.15, and 8708.99.80.80. Although the HTSUS item numbers are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

Separate Rates Determination

The Department has treated the PRC as a nonmarket economy (''NME'') country in all previous antidumping cases. In accordance with section 771(18)(C)(i) of the Tariff Act of 1930, as amended (''the Act''), any determination that a foreign country is an NME shall remain in effect until revoked by the Department. None of the parties to this proceeding has contested such treatment in this review. Moreover, parties to this proceeding have not argued that the PRC TRBs industry is a market-oriented industry.

Therefore, we are treating the PRC as an NME country within the meaning of section 773(c) of the Act. We allow companies in NME countries to receive separate antidumping duty rates for purposes of assessment and cash deposits when those companies can demonstrate an absence of government control, both in law and in fact, with respect to export activities.

To establish whether a company operating in an NME country is sufficiently independent to be entitled to a separate rate, the Department analyzes each exporting entity under the test established in the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's*

Republic of China, 56 FR 20588 (May 6, 1991) (''*Sparklers*''), as amplified by the *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2, 1994) (''*Silicon Carbide*''). Evidence supporting, though not requiring, a finding of *de jure* absence of government control over export activities includes: 1) an absence of restrictive stipulations associated with the individual exporter's business and export licenses; 2) any legislative enactments decentralizing control of companies; and 3) any other formal measures by the government decentralizing control of companies. *See Sparklers*, 56 FR 20589. *De facto* absence of government control over exports is based on four factors: 1) whether each exporter sets its own export prices independently of the government and without the approval of a government authority; 2) whether each exporter retains the proceeds from its sales and makes independent decisions regarding the disposition of profits or financing of losses; 3) whether each exporter has the authority to negotiate and sign contracts and other agreements; and 4) whether each exporter has autonomy from the government regarding the selection of management. *See Silicon Carbide*, 59 FR 22587; *Sparklers*, 56 FR 20589.

In *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Final Results of New Shipper Reviews*, 67 FR 10665 (March 8, 2002), we determined that CPZ and Yantai Timken should receive separate rates. We preliminarily determine that the evidence on the record of this review also demonstrates an absence of government control, both in law and in fact, with respect to these companies' exports according to the criteria identified in *Sparklers* and *Silicon Carbide*. The evidence includes, among other things, the companies' business licenses and copies of relevant PRC laws on trade and incorporation. Therefore, we have continued to assign each of these companies a separate rate.

Constructed Export Price

For all sales made by CPZ and Yantai Timken to the United States, we used constructed export price (''CEP'') in accordance with section 772(b) of the Act. Section 772(b) of the Act defines CEP as the price at which the subject merchandise is first sold in the United States before or after the date of importation, by or for the account of the producer or exporter of the merchandise, or by a seller affiliated with the producer or exporter, to an unaffiliated purchaser, as adjusted under sections 772(c) and (d) of the Act.

We calculated CEP based on the packed, ex-warehouse prices from CPZ's and Yantai Timken's U.S. subsidiaries to unaffiliated customers. We made deductions, where appropriate, from the starting price for CEP for international freight, foreign brokerage and handling, foreign inland freight, marine insurance, customs duties, U.S. warehousing, and U.S. inland freight. When foreign brokerage and handling, marine insurance, and ocean freight were provided directly by market-economy companies and paid for in a market-economy currency, we deducted the market-economy values reported by the responding companies for these services.

In accordance with section 772(d)(1) of the Act, we made further deductions from the CEP starting price for the following selling expenses that related to economic activity in the United States: commissions, credit expenses, discounts, further manufacturing, rebates, repacking costs, and indirect selling expenses (including inventory carrying costs). For CPZ, we made an upward adjustment to its reported indirect selling expenses. For more information, *see Preliminary Results Calculation Memorandum for CPZ*(February 7, 2003), which is on file in the Department's Central Records Unit, which is located in Room B-099 of the main Department building (''CRU''). Additionally, in accordance with section 772(d)(3) of the Act, we have deducted from the starting price an amount for profit. For information on how profit was calculated, *see* ''Overhead, SG&A Expenses, and Profit'' in the ''Normal Value'' section below.

Normal Value

Section 773(c)(1) of the Act provides that the Department shall determine normal value (''NV'') using a factors-of-production (''FOP'') methodology if: (1) the subject merchandise is exported from an NME country, and (2) the Department finds that the available information does not permit the calculation of NV under section 773(a) of the Act. We have no basis to determine that the available information would permit the calculation of NV using PRC prices or costs. Therefore, we calculated NV based on factors data in accordance with sections 773(c)(3) and (4) of the Act and 19 CFR 351.408(c).

Under the FOP methodology, we are required to value, to the extent possible, the NME producer's inputs in a market-economy country that is at a comparable level of economic development and that is a significant producer of comparable merchandise. We chose India as the surrogate country on the basis of the criteria set out in 19 CFR 351.408(b). *See*the October 21, 2002, Memorandum to File: ''Requests for Surrogate Values,'' which includes the August 6, 2002, Memorandum to Melani Miller from Jeff May: ''Administrative Review on Tapered Roller Bearings from the People's Republic of China,'' and the February 7, 2003, Memorandum to John Brinkmann: ''Selection of a Surrogate Country and Steel Value Sources'' (''*Steel Values Memorandum*'') for a further discussion of our surrogate selection. (Both memoranda are on file in the CRU.)

We used publicly available information from India to value the various factors. Pursuant to the Department's FOP methodology, we valued each respondent's reported factors of production by multiplying them by the values described below. For a complete description of the factor values used, *see* the Memorandum to John Brinkmann: ''Factors of Production Values Used for the Preliminary Results,'' dated February 7, 2003, which is on file in the Department's CRU.

1. Steel and Scrap. For hot-rolled alloy steel bars used in the production of cups, we used an adjusted weighted-average of Japanese export values to India from the Japanese Harmonized Schedule (''HS'') category 7228.30.900 obtained from Official Japan Ministry of Finance statistics. We adjusted this data to include costs incurred on ocean freight and marine insurance. This is the same valuation methodology used in *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Final Results of 2000–2001 Administrative Review, Partial Rescission of Review, and Determination to Revoke Order, in Part* 67 FR 68990 (November 14, 2002) and *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Amended Final Results of 2000–2001 Administrative Review* 67 FR 72147 (December 4, 2002) (collectively, ''*TRBs XIV*'') and *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Final Results of 1999–2000 Administrative Review, Partial Rescission of Review, and Determination Not to Revoke Order in Part*, 66 FR 57420 (November 15, 2001) (''*TRBs XIII*''). For further discussion of our calculation of this value, *see Steel Values Memorandum*.

We valued scrap recovered from the production of cups, cones, and rollers using Indian import statistics from Indian HS category 7204.2909. As in

previous administrative reviews of this order, we eliminated from our scrap calculations imports from NME countries and small quantity imports from market-economy countries. *See TRBs XIII* and *TRBs XIV*. We also excluded, imports from countries that do not produce bearing-quality steel (see,*e.g., TRBs XIV*). We made adjustments to the import values to include freight costs using the shorter of the reported distances from either the closest PRC port to the PRC respondent or the domestic supplier to the PRC respondent. *See Notice of Final Determination of Sales at Less Than Fair Value: Collated Roofing Nails From the People's Republic of China*, 62 FR 51410 (October 1, 1997) and *Sigma Corporation v. United States*, 117 F. 3d 1401 (Fed. Cir. 1997) and 86 F. Supp. 2d 1344, 1348 (CIT 2000).

Additionally, certain steel and steel parts used to make TRBs or TRB parts during the period of review (''POR'') were purchased from market-economy suppliers and paid for with market-economy currency. In accordance with 19 CFR 351.408(c)(1), we valued these steel inputs using the actual price reported by the PRC respondent, except as noted below.

As explained in *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Final Results of 1998–1999 Administrative Review, Partial Rescission of Review, and Notice of Intent to Revoke Order in Part*, 66 FR 1953 (January 10, 2001) and *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Amended Final Results of 1998–1999 Administrative Review and Determination to Revoke Order in Part*, 66 FR 11562 (February 26, 2001) (collectively, ''*TRBs XII*'') and *TRBs XIII*, we found a reasonable basis to believe or suspect that certain market-economy steel inputs purchased by PRC TRBs manufacturers for the production of TRBs were subsidized. Consistent with our treatment of subsidized inputs in *TRBs XIV*, *TRBs XIII*, and *TRBs XII*, we have not used the prices paid by PRC producers of TRBs for steel which we have continuing reason to believe or suspect is subsidized. Instead, we relied on surrogate values. (*See* individual company calculation memoranda for a more detailed company-specific discussion of this issue.)

2. Labor. Section 19 CFR 351.408(c)(3) of the Department's regulations requires the use of a regression-based wage rate. We have used the regression-based wage rate available on Import Administration's internet website at www.ia.ita.doc.gov/wages.

3. Overhead, SG&A Expenses, and Profit. For factory overhead, selling, general, administrative expenses, and profit, we used information obtained from the fiscal year 2001–2002 annual reports of five Indian bearing producers. We calculated factory overhead and selling, general, and administrative expenses as percentages of direct inputs and applied these ratios to the PRC respondent's direct input costs. These expenses were calculated exclusive of labor and electricity, but included employer provident funds and welfare expenses not reflected in the Department's regressed wage rate. This is consistent with the methodology we utilized in *TRBs XIV* and *TRBs XIII*. For profit, we totaled the reported profit before taxes for three of the five Indian bearing producers and divided by the total calculated cost of production (''COP'') of goods sold. Consistent with *TRBs XIV*, we excluded from our profit calculation the two companies that reported profit losses. This percentage was applied to each respondent's total COP to derive a company-specific profit value.

4. Packing. Consistent with our methodology in prior reviews (*see, e.g., TRBs XIV*), we calculated packing costs as a percentage of COP for CPZ based on company-specific information submitted in a previous review. This ratio was applied to CPZ's COP for the current review to calculate its packing costs.

We calculated surrogate values for the packing materials reported by Yantai Timken (*e.g.*, wooden pallet, plastic bag, steel strip) using import statistics reported in *Monthly Statistics of the Foreign Trade of India, Vol. II - Imports by Commodity*. We multiplied these surrogate values by the reported usage factor to calculate Yantai Timken's packing costs.

5. Electricity. We calculated our surrogate value for electricity based on electricity rate data from the*Energy Data Directory and Yearbook (1999/2000)* published by Tata Energy Research Institute. We calculated a simple average of the rates for the ''industrial'' category listed for 19 Indian states or electricity boards. We adjusted the electricity value to the POR using the Reserve Bank of India electricity-specific price index.

6. Natural Gas. Consistent with *Structural Steel Beams from the People's Republic of China; Final Determination of Sales at Less than Fair Value*, 67 FR 35479 (May 20, 2002) and *Notice of Amended Final Determination of Sales at Less Than Fair Value: Structural Steel Beams From the People's Republic of China*, 67 FR 41397 (June 18, 2002), we used publicly available information pertaining to natural gas prices in India derived from the ''India Infoline'' website which can be found at www.indiainfoline.com. The website reported an average market price for natural gas in India for June 2000, the most recent year for which natural gas data was available for India. We converted this value to dollars per cubic meter and adjusted the value to the current POR using the Indian wholesale price index (''WPI'') published by the International Monetary Fund.

7. Foreign Inland Freight. We valued truck freight using an average of November 1999 truck freight rate quotes collected from Indian trucking companies by the Department and used in the *Final Determination of Sales at Less than Fair Value: Bulk Aspirin from the People's Republic of China*, 65 FR 33805 (May 25, 2000) and in past TRBs reviews (*see, e.g., TRBs XIV and TRBs XIII*). We inflated this truck freight rate to the POR using the Indian WPI.

8. Brokerage and Handling. We used the public version of a U.S. sales listing reported in the questionnaire response submitted by Meltroll Engineering for *Stainless Steel Bar from India; Final Results of Antidumping Duty Administrative Review and New Shipper Review and Partial Rescission of Administrative Review*, 65 FR 48965 (August 10, 2000). Because this information is not contemporaneous with the POR, we adjusted the data to the POR by using the Indian WPI.

Preliminary Results of the Review

We preliminarily determine that the following dumping margins exist for the period June 1, 2001, through May 31, 2002:

Exporter/manufacturer	Weighted-average margin percentage
Peer Bearing Company - Changshan	6.31
Yantai Timken Bearing Company, Ltd.	20.41

Public Comment

Interested parties may request a hearing within 30 days of the date of publication of this notice. Any hearing, if requested, will be held two days after the scheduled date for submission of rebuttal briefs (*see* below). Interested parties may submit written arguments in case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, limited to issues raised in case briefs, may be filed no later than five

days after the date of filing the case briefs. Parties who submit briefs in these proceedings should provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f)(3).

The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any such written briefs or hearing, within 120 days of publication of these preliminary results.

Assessment Rates

Upon completion of this administrative review, the Department will determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated an exporter/importer (or customer)-specific assessment rate for merchandise subject to this review. We calculated importer (or customer)-specific *ad valorem* rates by aggregating the dumping duties due for all U.S. sales to each importer (or customer) and dividing this amount by the total entered value of the sales to that importer (or customer). In accordance with the requirement set forth in 19 CFR 351.106(c)(2), where an importer (or customer)-specific *ad valorem* rate is less than *de minimis*, we will direct the Customs Service to liquidate without regard to antidumping duties. Where an importer (or customer)-specific *ad valorem* rate is greater than *de minimis*, we will direct the Customs Service to apply the *ad valorem* assessment rates against the entered value of each of the importer's/customer's entries during the review period.

All other entries of the subject merchandise during the POR will be liquidated at the antidumping duty rate in place at the time of entry.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) for the PRC companies named above, the cash deposit rates will be the rates for these firms established in the final results of this review, except that, for exporters with *de minimis* rates, *i.e.*, less than 0.50 percent, no deposit will be required; (2) for previously-reviewed PRC and non-PRC exporters with separate rates, the cash deposit rate will be the company-specific rate established for the most recent period during which they were reviewed; (3) for all other PRC exporters, the rate will be the PRC country-wide rate, which is 33.18 percent; and (4) for all other non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 7, 2003.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 03–3729 Filed 2–13–03; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A-580–601]

Top-of-the-Stove Stainless Steel Cooking Ware from the Republic of Korea: Final Results and Rescission, in Part, of Antidumping Duty Administrative Review

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

ACTION: Notice of Final Results of Antidumping Duty Administrative Review.

SUMMARY: On October 9, 2002, the Department of Commerce (the Department) published the preliminary results of administrative review of the antidumping duty order on top-of-the-stove stainless steel cooking ware (cookware) from the Republic of Korea (Korea). The review covers twenty-six manufacturers of subject merchandise and the period January 1, 2001, through December 31, 2001. Based on our analysis of the comments received, we have made changes in the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled ''Final Results of the Review.''

EFFECTIVE DATE: February 14, 2003.

FOR FURTHER INFORMATION CONTACT: Ron Trentham or Tom Futtner, AD/CVD Enforcement, Office 4, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., N.W., Washington, D.C. 20230; telephone: (202) 482–6320 or 482–3814, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 9, 2002, the Department published the preliminary results of administrative review of the antidumping duty order on cookware from Korea. *See Top-of-the-Stove Stainless Steel Cooking Ware from the Republic of Korea: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review*, 67 FR 62951 (October 9, 2002) (*Preliminary Results*). This review covers twenty-six manufacturers of subject merchandise: Daelim Trading Co., Ltd. (Daelim), Dong Won Metal Co., Ltd. (Dong Won), Chefline Corporation, Sam Yeung Ind. Co., Ltd., Namyang Kitchenflower Co., Ltd., Kyung-Dong Industrial Co., Ltd., Ssang Yong Ind. Co., Ltd., O. Bok Stainless Steel Co., Ltd., Dong Hwa Stainless Steel Co., Ltd., Il Shin Co., Ltd., Hai Dong Stainless Steel Ind. Co., Ltd., Han Il Stainless Steel Ind. Co., Ltd., Bae Chin Metal Ind. Co., East One Co., Ltd., Charming Art Co., Ltd., Poong Kang Ind. Co., Ltd., Won Jin Ind. Co., Ltd., Wonkwang Inc., Sungjin International Inc., Sae Kwang Aluminum Co., Ltd., Hanil Stainless Steel Ind. Co., Ltd., Seshin Co., Ltd., Pionix Corporation, East West Trading Korea, Ltd., Clad Co., Ltd., and B.Y. Enterprise, Ltd. The period of review (POR) is January 1, 2001, through December 31, 2001.

We invited parties to comment on our *Preliminary Results* of review. On November 8, 2002, we received case briefs from the Stainless Steel Cookware Committee (the petitioner), Dong Won, and Daelim (respondents). On November 13, 2002, we received rebuttal briefs from the respondents and on November 15, 2002, we received the petitioner's rebuttal brief.

The Department has conducted this administrative review in accordance with section 751 of the Act).

Scope of Review

The merchandise subject to this antidumping order is cookware from Korea. The subject merchandise is all non-electric cooking ware of stainless steel which may have one or more layers of aluminum, copper or carbon steel for more even heat distribution. The subject merchandise includes skillets, frying pans, omelette pans, saucepans, double boilers, stock pots, dutch ovens, casseroles, steamers, and other stainless steel vessels, all for cooking on stove top burners, except tea kettles and fish poachers. Excluded from the scope of the order are stainless steel oven ware and stainless steel kitchen ware. The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) item numbers 7323.93.00 and 9604.00.00. The HTSUS item numbers are provided for convenience and Customs purposes only. The written description remains dispositive.

The Department has issued several scope clarifications for this order. The Department found that certain stainless steel pasta and steamer inserts (63 FR 41545, August 4, 1998), certain stainless steel eight-cup coffee percolators (58 FR 11209, February 24, 1993), and certain stainless steel stock pots and covers are within the scope of the order (57 FR 57420, December 4, 1992). Moreover, as a result of a changed circumstances review, the Department revoked the order in part with respect to certain stainless steel camping ware (1) made of single-ply stainless steel having a thickness no greater than 6.0 millimeters; and (2) consisting of 1.0, 1.5, and 2.0 quart saucepans without handles and with lids that also serve as fry pans (62 FR 3662, January 24, 1997).

Partial Rescission of Review

In our *Preliminary Results*, we determined that the following eight companies made no shipments of subject merchandise to the United States during the POR: Hai Dong Stainless Steel Co., Ltd, Sungjin International, Inc., Seshin Co., Ltd., Sae Kwang Aluminum Co, Ltd., Dong Hwa Stainless Steel Co., Ltd., Pionix Corporation, Il Shin Co., Ltd., and Wonkwang Inc. *See Preliminary Results*, 67 FR at 62952. Because we received no comments from interested parties on our preliminary decision to rescind the review with respect to the above companies, we have determined that no changes to our decision to rescind are warranted for purposes of these final results. Therefore, we are rescinding this review with respect to these manufacturers/exporters.

Facts Available (FA)

For these final results of review, in accordance with section 776 of the Act, we have determined that the use of adverse FA is warranted for Chefline Corporation, Sam Yeung Ind. Co., Ltd., Kyung-Dong Industrial Co., Ltd., Ssang Yong Ind. Co., Ltd., O. Bok Stainless Steel Co., Ltd., Han II Stainless Steel Ind. Co., Ltd., Bae Chin Metal Ind. Co., East One Co., Ltd., Charming Art Co., Ltd., Poong Kang Ind. Co., Ltd., Won Jin Ind. Co., Ltd., Hanil Stainless Steel Ind. Co., Ltd., East West Trading Korea, Ltd., Clad Co., Ltd., B.Y. Enterprise, Ltd., and Namyang Kitchenflower Co., Ltd.

In the *Preliminary Results*, the Department determined that because the 16 manufacturers/exporters listed above wholly failed to respond to the Department's questionnaire, they did not act to the best of their respective abilities, and therefore an adverse inference is warranted in applying FA for these companies.

For the final results, no interested party comments were submitted regarding this issue and we continue to find that the failure of the 16 manufacturers/exporters listed above to respond to the Department's questionnaire in this review demonstrates that these entities failed to cooperate by not acting to the best of their ability. Thus, consistent with the Department's practice in cases where a respondent fails to respond to the Department's questionnaire, in selecting FA for the 16 manufacturers/exporters listed above, an adverse inference is warranted. For a discussion of the application of an adverse inference in this case, *see Preliminary Results*, 67 FR at 62953.

As adverse FA, we are assigning the highest rate determined for any respondent in any segment of this proceeding. This rate is 31.23 percent. *See Final Determination of Sales at Less Than Fair Value: Certain Stainless Steel Cookware from Korea*, 51 FR 42873 (November 26, 1986). For a discussion on corroboration of the 31.23 percent FA rate and for a general discussion of the relevance of the selected FA rate for all non-cooperating respondents, see Preliminary Results, 67 FR at 62953.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum (Decision Memorandum) from Bernard T. Carreau, Deputy Assistant Secretary, Import Administration, to Faryar Shirzad, Assistant Secretary for Import Administration, dated February 6, 2003, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B-099 of the main Department building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at http://ia.ita.doc.gov. The paper copy and electronic version of the Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made a change in Dong Won's margin calculations. In accordance with section 772(c)(1)(C) of the Act, we added to the U.S. price the amount of countervailing duty imposed on the subject merchandise to offset an export subsidy. *See* Calculation Memorandum for the Final Results of the 2001 Administrative Review of the Antidumping Duty Order on Top-of-the-Stove Stainless Steel Cooking Ware from Korea for Dong Won Metal Co., Ltd., from Ron Trentham to the File, dated February 6, 2003. This change is discussed at Comment 5 of the Decision Memorandum.

Final Results of Review

We determine that the following weighted-average percentage margins exist for the period January 1, 2001, through December 31, 2001:

Manufacturer/exporter	Margin (percent)
Dong Won Metal Co., Ltd.	0.17
Dae-Lim Trading Co.,	0.90
Chefline Corporation	31.23
Sam Yeung Ind. Co., Ltd	31.23
Kyung-Dong Industrial Co., Ltd	31.23
Han II Stainless Steel Ind. Co., Ltd	31.23
East One Co., Ltd	31.23
Charming Art Co., Ltd	31.23
Won Jin Ind. Co., Ltd	31.23
Hanil Stainless Steel Ind. Co., Ltd	31.23
East West Trading Korea, Ltd	31.23
Clad Co., Ltd	31.23
B.Y. Enterprise, Ltd	31.23
Namyang Kitchenflower Co., Ltd	31.23

Manufacturer/exporter	Margin (percent)
Ssang Yong Ind. Co., Ltd.	31.23
O. Bok Stainless Steel Co., Ltd	31.23
Bae Chin Metal Ind. Co.	31.23
Poong Kang Ind. Co., Ltd.	31.23

Assessment

The Department shall determine, and the U.S. Customs Service (Customs) shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to Customs. In accordance with 19 CFR 351.212(b)(1), we have calculated for Daelim and Dong Won importer-specific assessment rates based on the ratio of the total amount of antidumping duties calculated for importer-specific sales to the total entered value of the same sales. For the companies for whom we applied FA, we based the assessment rate on the facts available margin percentage. The Department will issue appropriate assessment instructions directly to Customs within 15 days of publication of these final results of review. We will direct Customs to assess the resulting assessment rates against the entered customs values for the subject merchandise on each of the company's entries during the review period.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of this administrative review for all shipments of cookware from Korea entered, or withdrawn from warehouse, for consumption on or after publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) the cash deposit rates for the reviewed companies will be the rates indicated above, except if the rate is less than 0.5 percent *ad valorem* and, therefore, *de minimis*, no cash deposit will be required; (2) for exporters not covered in this review, but covered in the original less-than-fair-value (LTFV) investigation or a previous review, the cash deposit rate will continue to be the company-specific rate published in the most recent period; (3) if the exporter is not a firm covered in this review, a previous review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous reviews or the LTFV investigation, the cash deposit rate will be 8.10 percent, the ''all-others'' rate established in the LTFV investigation. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 6, 2003.

Faryar Shirzad,

Assistant Secretaryfor Import Administration.

Appendix—Issues in Decision Memorandum

1. Countervailing Duty Offset
2. U.S. Sales Above Normal Value
3. Daelim's Cost of Manufacture
4. Duty Drawback for Dong Won
5. Application of Countervailing Duty Offset for Dong Won

[FR Doc. 03–3730 Filed 2–13–03; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 013003A]

Receipt of an Application for an Incidental Take Permit (1417)

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

ACTION: Notice of availability.

SUMMARY: NMFS has received an application for an incidental take permit (Permit) from Dr. Anne Rudloe, Gulf Specimen Marine Laboratories, Inc. (GSML) pursuant to the Endangered Species Act of 1973, as amended (ESA). As required by the ESA, GSML's application includes a conservation plan designed to minimize and mitigate the impacts of any such take of endangered or threatened species. The Permit application is for the incidental take of ESA-listed adult and juvenile sea turtles associated with otherwise lawful trawling activities in Florida state waters of Bay, Gulf, Franklin, and Wakulla Counties to harvest marine organisms for the purpose of supplying entities conducting scientific research and educational activities. The duration of the proposed Permit is for 9 years. NMFS is furnishing this notice in order to allow other agencies and the public an opportunity to review and comment on this document. All comments received will become part of the public record and will be available for review.

DATES: Written comments from interested parties on the Permit application and Plan must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Eastern daylight time on March 17, 2003.

ADDRESSES: Written comments on this action should be addressed to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments may also be sent via fax to 301–713–0376. The application is available for download and review at *http://www.nmfs.noaa.gov/prot_res/PR3/Permits/ESAPermit.html*. Comments will not be accepted if submitted via e-mail or the Internet.

FOR FURTHER INFORMATION CONTACT: Therese Conant (ph. 301–713–1401, fax 301–713–0376, e-mail *Therese.Conant@noaa.gov*), or Eric Hawk (ph. 727–570–5312, fax 727–570–5517, e-mail *Eric.Hawk@noaa.gov*). Comments received will also be available for public inspection, by appointment, during normal business hours by calling 301–713–1401.

SUPPLEMENTARY INFORMATION: Section 9 of the ESA and Federal regulations prohibit the ''taking'' of a species listed as endangered or threatened. The term ''take'' is defined under the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. NMFS may issue permits, under limited circumstances, to take

listed species incidental to, and not the purpose of, otherwise lawful activities. Section 10(a)(1)(B) of the ESA provides for authorizing incidental take of listed species. NMFS regulations governing permits for threatened and endangered species are promulgated at 50 CFR 222.307.

Species Covered in This Notice

The following species are included in the conservation plan and Permit application: loggerhead (*Caretta caretta*), green (*Chelonia mydas*), and Kemp's ridley (*Lepidochelys kempii*) sea turtles.

Background

GSML is a non-profit scientific and educational institution that holds an IRS 501(c)3 certificate of tax exemption and conducts sea turtle research and conservation activities. GSML uses small trawls (under 500 sq. ft. (46.5 sq. m)) without turtle excluder devices (TEDs) to collect marine fish, invertebrates and algae. Trawl times are less than 30 minutes in duration. GSML sells the marine organisms it catches to public aquariums, schools, research laboratories, and biomedical institutions. It utilizes the revenue to support its environmental education and sea turtle protection programs. The issuance of a Permit will allow for the continued harvest of marine fish, invertebrates and algae by GSML.

This application includes the Kemp's ridley, green and loggerhead sea turtles. This fishing activity does not target sea turtles, and while thus far GSML has not taken any turtles with the fishing gear it now uses, a take of one turtle every 3 years is anticipated. No mortalities are expected should this take occur.

The types of activities and effects that are considered under the ESA section 10 permitting process vary in complexity and degree of impact. Despite authorization of some small level of incidental take, the action authorized under a low-effect permit has a minor or negligible effect on the species covered in the permit. The determination of whether an incidental take permit qualifies for the low-effect category must be based on its anticipated impacts prior to implementation of the mitigation plan. Low-effect incidental take permits are categorically excluded from NEPA. NMFS has determined that this Permit (1417) qualifies for the low-effect category. Only one turtle is anticipated to be taken every 3 years, and these takes are expected to be non-lethal and result in zero injury.

Conservation Plan

The conservation plan prepared by GSML describes measures designed to minimize and mitigate the impacts of any incidental takes of ESA-listed sea turtles. It includes provisions to ensure that any captured sea turtles in need of resuscitation are provided such care, per NMFS guidelines. Additionally, any animals needing medical attention or rehabilitation will be cared for by authorized persons and facilities.

The conservation plan will mitigate the impacts of any incidental takes of ESA-listed sea turtles by helping turtles that have been put at risk or harmed due to interactions with other fisheries in the area. Specifically, GSML will remove any turtles it encounters ensnared in fishing lines, nets, and trap ropes. If any of these sea turtles require care, GSML will transport them to a rehabilitation facility.

This conservation plan will be funded through GSML revenues derived from the sale of the marine fish, invertebrates, and algae collected from trawling, donations from membership in its aquarium, and from grants and contracts.

This notice is provided pursuant to section 10(c) of the ESA and the National Environmental Policy Act regulations (40 CFR 1506.6). NMFS will evaluate the application, associated documents, and submitted comments to determine whether the application meets the requirements of the ESA Section 10(a) permitting process. If it is determined that the requirements are met, a permit will be issued for incidental takes of ESA-listed sea turtles under the jurisdiction of NMFS. The final permit determinations will not be completed until after the end of the 30–day comment period and will fully consider all public comments received during the comment period. NMFS will publish a record of its final action in the **Federal Register**.

Dated: February 10, 2003.

Phil Williams,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 03–3757 Filed 2–13–03; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021003C]

New England Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Groundfish and Habitat Oversight Committee in March, 2003 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

DATES: These meetings will be held March 3 and 4, 2003. See SUPPLEMENTARY INFORMATION for specific dates and times.

ADDRESSES: The meetings will be held in Providence, RI. See **SUPPLEMENTARY INFORMATION** for specific locations.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Meeting Dates and Agendas

Monday, March 3, 2003 at 9:30 a.m. Groundfish Oversight Committee Meeting.

Location: Providence Biltmore, 11 Dorrance Street, Providence, MA 02903; telephone: (401) 421–0700.

The Groundfish Oversight Committee will continue development of Amendment 13 to the Northeast Multispecies Fishery Management Plan (FMP). The committee anticipates receiving a preliminary summary of the recent Peer Review Workshop at this meeting. This summary may include recommendations from the reviewers on the science underlying the development of Amendment 13. Based in large measure on those recommendations, the committee will consider adjustments to proposed status determination criteria, rebuilding trajectories and timelines as well as changes to the management measures in the Amendment. Changes to the measures could include revisions in the use of days-at-sea, gear, closed

areas, or any other measure identified by the committee. The committee's recommendations will be presented to the Council at its meeting March 4–6, 2003. Given time, the committee will address other business.

Tuesday, March 4, 2003 at 8:30 a.m. Habitat Oversight Committee Meeting.

Location: Providence Biltmore, 11 Dorrance Street, Providence, MA 02903; telephone: (401) 421–0700.

The Habitat Oversight Committee will review the advice from the joint advisory panel representative's meeting on habitat that occurred February 6–7, 2003. They will also review the draft Essential Fish Habitat (EFH), Draft Supplementary Environmental Impact Statement (DSEIS) for Amendment 13 to the Multispecies FMP. The EFH components of Amendment 13 have been pulled out and will be submitted as a separate DSEIS. This document will be presented to the Council at its March 4–6, 2003 Council Meeting, then the EFH DSEIS will be incorporated back into the final Amendment 13 DSEIS, which will be presented to the Council at the July Council meeting. The committee will review the EFH DSEIS for Amendment 13 and identify a preferred alternative if appropriate.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: February 11, 2003.

Theophilus R. Brainerd,

Acting DirectorOffice of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 03–3759 Filed 2–13–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021003B]

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold meetings of its Snapper Grouper Committee, Highly Migratory Species Committee, Habitat Committee, Advisory Panel Selection Committee (closed session) and Executive Committee. There will also be a full Council Session.

DATES: The meetings will be held in March 2003. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held at the Holiday Inn Beach Resort, 200 South Beachview Drive, Jekyll Island, GA 31527; telephone: (1–800) 753–5955 or (912) 635–3311.

Copies of documents are available from Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer; telephone: 843–571–4366 or toll free at 866/SAFMC–10; fax: 843–769–4520; email: kim.iverson@safmc.net.

SUPPLEMENTARY INFORMATION:

Meeting Dates

1. Snapper Grouper Committee Meeting: March 3, 2003, 1:30 p.m. until 5 p.m.

The Snapper Grouper Committee will meet to receive a presentation on the results of the Vermilion Snapper Black Sea Bass Stock Assessment and Review Workshops. In addition, the Committee will receive updates on the status of the NC pilot program for observer work on bycatch, a NOAA Fisheries report on estimating bycatch from logbooks, a progress report on economic data collection via logbooks, and the status of a snapper/grouper electronic logbook pilot study.

2. Snapper Grouper Committee Meeting: March 4, 2003, 8:30 a.m. until 5 p.m. and continued March 5, 2003, from 8:30 a.m. until 12 noon.

Following the presentations, the Committee will review draft Amendment 13 to the Snapper Grouper Fishery Management Plan (FMP) and develop recommendations for the Council. The Committee will also discuss the status of Amendment 14 to the Snapper Grouper FMP involving the use of marine protected areas as a management tool.

3. Highly Migratory Species Committee Meeting: March 5, 2003, 1:30 p.m. until 2:30 p.m.

The Highly Migratory Species (HMS) Committee will meet to hear a report on the HMS Advisory Panel meetings and discuss current HMS issues.

4. Habitat Committee Meeting: March 5, 2003, 2:30 p.m. until 5 p.m.

The Habitat Committee will meet to consider recommendations from the Habitat and Environmental Protection Advisory Panel and the Coral Advisory Panel and take action regarding those recommendations for consideration by full Council. The Committee will also develop guidance on revisions to current Policy Statements.

5. Advisory Panel Selection Committee Meeting (CLOSED): March 6, 2003, 8:30 a.m. until 10:30 a.m.

The Advisory Panel Selection Committee will meet to review current applications for advisory panel positions and develop recommendations.

6. *Executive Committee Meeting: March 6, 2003, 10:30 a.m. until 12 noon.*

The Executive Committee will meet to review and discuss major issues raised at the Council Chairmen/NOAA Fisheries meeting, hear a report on a recent meeting of Council representatives and staff with Dr. William Hogarth, NOAA Assistant Administrator of Fisheries and his staff, and review the status of Shrimp Amendment 6.

7. *Council Session: March 6, 2003, 1:30 p.m. until 5 p.m.*

From 1:30 p.m. 1:45 p.m., the Council will have a Call to Order, introductions and roll call, adoption of the agenda, and approval of the December 2002 meeting minutes.

From 1:45 p.m. 3:45 p.m., the Council will hear recommendations from the Snapper Grouper Committee and take action regarding draft Snapper Grouper Amendment 13.

From 3:45 p.m. 5 p.m., the Council will receive a presentation of proposed regulatory changes in Gray's Reef National Marine Sanctuary and take action regarding the proposal.

From 5 p.m. 6 p.m., the Council will receive legal briefing on litigation affecting the Council (CLOSED SESSION).

8. *Council Session: March 7, 2003, 8:30 a.m. until 12 Noon.*

From 8:30 a.m. 9 a.m., the Council will hear recommendations from the Advisory Panel Selection Committee and appoint new advisory panel members.

From 9 a.m. 9:15 a.m., the Council will receive a report from the Highly Migratory Species Committee.

From 9:15 a.m. 9:30 a.m., the Council will hear a report from the Habitat Committee.

From 9:30 a.m. 10:30 a.m., the Council will receive a presentation on the Marine Recreational Fisheries Statistics Survey (MRFSS).

From 10:30 a.m. 11:15 a.m., the Council will hear NOAA Fisheries status reports on the Golden/Red Crab/Skate FMP management unit issue, Shrimp Amendment 5 implementation, the Sargassum FMP, the Dolphin Wahoo FMP, the SEDAR Committee Process and implementation of the ACCSP (Atlantic Coast Cooperative Statistics Program) in the Southeast Region. NOAA Fisheries will also give status reports on landings for Atlantic king mackerel, Gulf king mackerel (eastern zone), Atlantic Spanish mackerel, snowy grouper golden tilefish, wreckfish, greater amberjack and south Atlantic octocorals.

From 11:15 a.m. 12 noon, the Council will hear agency and liaison reports, discuss other business and upcoming meetings.

Documents regarding these issues are available from the Council office (see **ADDRESSES**).

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) by February 27, 2003.

Dated: February 11, 2003.

Theophilus R. Brainerd,

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

[FR Doc. 03–3760 Filed 2–13–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 110802B]

Coral, Golden Crab, Shrimp, Spiny Lobster, Red Drum, Coastal Migratory Pelagic Resources, and Snapper-Grouper Fisheries of the South Atlantic

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

ACTION: Issuance of an exempted fishing permit.

SUMMARY: NMFS announces the issuance of an exempted fishing permit (EFP) for the South Carolina Aquarium (applicant), located in Charleston, SC. The EFP would authorize the applicant, with certain conditions, to collect for public display annually, for 2 years, an average of 25 specimens each of numerous species of marine invertebrates and marine fish from Federal waters off South Carolina. This EFP is similar to the previous EFP issued to the applicant that expired on December 31, 2002.

ADDRESSES: Copies of the EFP are available from Peter Eldridge, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Peter Eldridge, 727–570–5305; fax 727–570–5583; e-mail: *peter.eldridge@noaa.gov*.

SUPPLEMENTARY INFORMATION: The EFP is issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and the regulations at 50 CFR 600.745(b).

The South Carolina Aquarium (SCA), located in Charleston, is a public, non-profit, self-supporting institution for the understanding and conservation of South Carolina's natural aquatic habitats, with extensive field study and outreach programs and with free admission to groups of school children.

The applicant intends, over a period of 2 years, to collect annually for public display an average of 25 specimens each of 76 species of marine invertebrates and 221 species of marine fish from the EEZ off South Carolina, using a variety of fishing gears and the fish anesthetic, quinaldine.

The proposed collection involves activities otherwise prohibited by regulations implementing the Fishery Management Plans of the South Atlantic Region for Coral, Coral Reefs, and Live/Hard Bottom Habitats, Golden Crab, Shrimp, Spiny Lobster, Red Drum, Coastal Migratory Pelagics, and Snapper-Grouper. The EFP authorizes the applicant, consistent with the terms of the EFP, to harvest and possess corals, live rock, golden crab, rock shrimp, red drum, wreckfish, warsaw grouper, speckled hind, spiny lobster, bluefish, cobia, king and Spanish mackerel, groupers and snappers, greater amberjack, hogfish and red porgy species taken from Federal waters off South Carolina. In addition, the EFP authorizes, consistent with the terms of the EFP, the use of quinaldine in a coral area and the possession of species below the minimum size limit and in excess of established bag limits or taken with prohibited gear.

The EFP has a number of conditions concerning the harvest of prohibited species and corals and the gear that can be employed. The EFP requires an annual report to NMFS that lists specimens that have been taken.

The applicant also intends to collect a large number of species that are either not subject to Federal fishery management in the South Atlantic Region or included under a fishery management plan that contains no management measures restricting possession or harvest. The collection of highly migratory species is prohibited in this EFP. The applicant was referred to the NMFS Highly Migratory Species Division for authorization to collect Atlantic highly migratory species, such as sharks and tunas, for public display.

A notice of receipt of the application for this permit was published in the **Federal Register** on November 21, 2002 (67 FR 70216). In addition to announcing the receipt of the application, public comments were requested; no public comments were received. Also, consistent with the requirements of 50 CFR 600.745(b)(3)(i), NMFS provided copies of the EFP application to the State of South Carolina, the South Atlantic Fishery Management Council, and the U.S. Coast Guard, along with the following required information: Information on the EFP's effects on target and incidental species; citations of the regulations that, without the EFP, would prohibit the proposed collection activity; and other biological information relevant to the EFP proposal. None of these consulted entities expressed any objections to the issuance of the EFP.

Failure of the permittee to comply with the terms and conditions of the EFP may be grounds for revocation, suspension or modification of this EFP or for civil or criminal sanctions.

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

Dated: February 10, 2003.

Richard W. Surdi,

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

[FR Doc. 03–3761 Filed 2–13–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 010903A]

Marine Mammals; File No. 939–1682

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

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Michael Moore, Ph.D., Woods Hole Oceanographic Institution, Woods Hole, Massachusetts 02543, has been issued a permit to collect, import and export parts from all cetaceans and pinniped species (excluding walrus) for purposes of scientific research.

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

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)713–0376; and

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298; phone (978)281–9200; fax (978)281–9371.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore or Ruth Johnson, (301)713–2289.

SUPPLEMENTARY INFORMATION: On September 4, 2002, notice was published in the **Federal Register** (67 FR 56535) that a request for a scientific research permit to collect, import and export marine mammal parts of the orders Cetacea and Pinnipedia (excluding walrus) had been submitted by the above-named individual. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (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 parts 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which are the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: January 29, 2003.

Stephen L. Leathery,

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

[FR Doc. 03–3762 Filed 2–13–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Technology Administration

RIN 0692–AA08

National Medal of Technology's Call for Nominations 2003

AGENCY: Technology Administration, Department of Commerce.

ACTION: Announcement: Call for Nominations for the National Medal of Technology 2003.

SUMMARY: The Department of Commerce's Technology Administration is accepting nominations for its National Medal of Technology (NMT) 2003 program.

Established by Congress in 1980, the President of the United States awards the National Medal of Technology annually to our Nation's leading innovators. If you know of a candidate who has made an outstanding contribution in technology, obtain a nomination form from: *www.ta.doc.gov/medal.*

DATES: The deadline for submission of an application is May 23, 2003.

ADDRESSES: The NMT Nomination form for the year 2003 can be obtained by visiting the Web site at *www.ta.doc.gov/medal.* Please return the completed application to Mildred Porter, Director of the NMT program, at: *NMT2003@ta.doc.gov.*

FOR FURTHER INFORMATION CONTACT: Mildred Porter, Director, at *NMT2003@ta.doc.gov* or call 202–482–5572.

SUPPLEMENTARY INFORMATION: The National Medal of Technology is the highest honor awarded by the President of the United States to America's leading innovators. Enacted by Congress in 1980, the Medal of Technology was first awarded in 1985. The Medal is given annually to individuals, teams, or companies who have improved the American economy and quality of life by their outstanding contributions through technology.

The primary purpose of the National Medal of Technology is to recognize American innovators whose vision, creativity, and brilliance in moving ideas to market have had a profound and lasting impact on our economy and way of life. The Medal highlights the national importance of fostering technological innovation based upon solid science, resulting in commercially successful products and services.

Dated: February 5, 2003.

Bruce Mehlman,

Assistant Secretary for Technology Policy, Technology Administration.

[FR Doc. 03–3636 Filed 2–13–03; 8:45 am]

BILLING CODE 3510–18–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Wool Textile Products Produced or Manufactured in the Former Yugoslav Republic of Macedonia

February 7, 2003.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: February 14, 2003.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs Web site at *http://www.customs.gov.* For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel Web site at *http://otexa.ita.doc.gov.*

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for swing and special shift.

A description of the textile and apparel categories in terms of HTS numbers is available in the

CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 68 FR 1599, published on January 13, 2003). Also see 67 FR 63895, published on October 16, 2002.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

February 7, 2003.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on October 9, 2002, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain wool textile products, produced or manufactured in the Former Yugoslav Republic of Macedonia and exported during the twelve-month period beginning on January 1, 2003 and extending through December 31, 2003.

Effective on February 14, 2003, you are directed to adjust the current limits for the following categories, as provided for in the Memorandum of Understanding between the Governments of the United States and the Former Yugoslav Republic of Macedonia dated November 7, 1997, as amended and extended by exchange of notes on June 22, 2000 and July 5, 2000:

Category	Adjusted twelve-month limit [1]
433	25,815 dozen.
443	180,355 numbers.
448	64,809 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2002.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C.553(a)(1).

Sincerely,
D. Michael Hutchinson,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 03–3676 Filed 2–13–03; 8:45 am]

BILLING CODE 3510–DR–S

CONSUMER PRODUCT SAFETY COMMISSION

Petition HP 01–3 Requesting a Ban of Chromated Copper Arsenate (CCA)-Treated Wood in Playground Equipment

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of public meeting.

SUMMARY: The Consumer Product Safety Commission (CPSC or Commission) will conduct a public meeting on March 17, 2003 to receive comments on the CPCS staff briefing package on petition HP 01–3 requesting a ban of chromated copper arsenate (CCA)-treated wood in playground equipment. The CPSE staff will also brief the Commission on the package on that date.

The focus of the discussions will be the supporting information developed by CPSC staff that is described in the February 7, 2003 briefing package entitled *Petition to Ban Chromated Copper Arsenate (CCA)-Treated Wood in Playground Equipment.* The Commission invites oral presentations from individuals, associations, firms, and government agencies with information or comments related to the briefing package. The Commission will evaluate these presentations in its deliberations on petition HP 01–3.

DATES: The CPSC staff will brief the Commission on the issues at 10 a.m. on March 17, 2003. Oral presentations by commenters will begin at 2 p.m. on that date. In the event that time constraints require it, the meeting may continue to the next day. No oral presentations will be permitted by persons who do not submit both a request to testify and the text of the presentation by February 28, 2003. Requests to make oral presentations, and 10 copies of the text of the presentation, must be received by the CPSC Office of the Secretary no later than February 28, 2003. Persons making presentations at the meeting should provide an additional 50 copies for dissemination on the date of the meeting.

Presentation texts should identify the author's affiliation with, or employment or sponsorship by, any entity with an interest in the petitioner's request that the Commission ban use of CCA-treated wood in playground equipment. The Commission reserves the right to limit the number of persons who make presentations and the duration of their presentations. To prevent similar presentations, groups will be directed to designate a spokesperson.

Written submissions, in addition to, or instead of, an oral presentation may be sent to the address listed below and will be accepted until March 28, 2003.

ADDRESSES: The meeting will be in room 420 of the East-West Towers Building, 4330 East-West Highway, Bethesda, MD. Requests to make oral presentations, and texts of oral presentations should be captioned ACCA Ban Petition, Petition HP 01–3@ and be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, or delivered to that office, room 502, 4330 East-West Highway, Bethesda, Maryland 20814. Requests and texts of oral presentations may also be submitted by facsimile to (301) 504–0127 or by e-mail to *spsc–os@cpsc.gov*.

FOR FURTHER INFORMATION CONTACT: For information about the purpose or subject matter of this meeting contact Patricia M. Bittner, M.S., Project Manager, Directorate for Health Sciences, U.S. Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–7263; e-mail: *pbittner@cpsc.gov.* For information about the schedule for submission of requests to make oral presentations and submission of texts of oral presentations, contact Rockelle Hammond, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–6833; fax (301) 504–0127; e-mail *rhammond@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

By a submission dated May 22, 2001, the Environmental Working Group (EWG) and the Healthy Building Network (HBN) requested that the Commission enact a ban on use of chromated copper arsenate (CCA)-treated wood in playground equipment.[1] The submitters asserted that a ban is necessary because ''[r]ecent research has shown that arsenic is more carcinogenic than previously recognized, that arsenic is present at significant concentrations on CCA-treated wood and in underlying soil, that the health risks posed by this wood are greater than previously recognized, and that past risk assessments were incomplete.'' On June 20, 2001, that request was docketed as petition HP 01–3 under the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261–1278.

The Commission solicited public comment on the petition by Federal Register notice of July 13, 2001. 66 FR 36756. Twenty-eight comments were received by the close of the comment period on September 11, 2001. The staff also held a public meeting on August 6, 2001 with members of the American Chemistry Council (representing CCA chemical manufacturers) and the American Wood Preservers Institute. On October 3, 2001, the staff conducted a public meeting with representatives of the petitioners. The comments from the

[1] The submission also contained a request that the commission review the safety of CCA-treated wood for general use. Such a review would not require rulemaking to implement. Therefore, that request was not docketed as a petition for rulemaking.

wood industry, environmental groups, trade associations, consumers, and state and local governments discussed toxicity issues, health risks from exposure to CCA-treated wood, CCA-treated wood as a possible hazardous substance under the FHSA, the levels of dislodgeable arsenic present on the wood, the bioavailability of arsenic, exposure to arsenic in soil and groundcover, disposal issues, and whether the type of wood influences arsenic leaching.

The staff has completed its analysis of the petition and the comments received and has forwarded a briefing package to the Commission.The staff recommends that the Commission defer further action on the petition pending final action by the United States Environmental Protection Agency (EPA) on the request by the registrants of the CCA pesticide to cancel registrations for most, if not all, uses that involve treating wood for consumer uses, including for use in playground equipment.

B. The Public Meeting

The purpose of the public meeting is to provide a forum for oral presentations on the CPSC staff briefing package on petition HP 01–3 and the materials that are described in the staff briefing package.

Participation in the meeting is open. See the **DATES** section of this notice for information on making requests to give oral presentations at the meeting and on making written submissions.

Dated: February 11, 2003.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 03–3824 Filed 2–13–03; 8:45 am]

BILLING CODE 6355–01–M

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Notice of Technical Assistance Conference Calls for Organizations Applying Directly to the Corporation for Funding Through the AmeriCorps*National Program Grant

AGENCY: Corporation for National and Community Service.

ACTION: Notice of technical assistance conference calls.

SUMMARY: The Corporation for National and Community Service (hereinafter the ''Corporation'') will be providing a series of technical assistance conference calls for organizations applying directly to the Corporation for funding through the AmeriCorps*National Program. If you are applying for funding via a state commission, instead of applying directly to the Corporation, please contact your commission for assistance using the following link to choose your state and then find your state commission: *http://www.nationalservice.org/about/family/commissions_pick.html.*

Part A. AmeriCorps*National Guidelines and Application Instructions

We will hold a series of technical assistance calls to review the 2003–2004 AmeriCorps*National Application Instructions. Non-profit organizations intending to submit an application for an AmeriCorps*National program grant, to operate a program in two or more states, may participate in these calls. Participation in these calls is optional. The 2003–2004 AmeriCorps Guidelines and AmeriCorps*National Application Instructions are posted on our Web site at: *http://www.americorps.org/resources/guidelines2003.html.*

These calls will be recorded and available for replay. Call dates and times are as follows.

• *For organizations applying for NEW AmeriCorps*National program grants:* March 11, 2003, 1–2:30 p.m. EST.

• *For organizations applying for AmeriCorps*National PLANNING grants:* March 12, 2003, 1–2:30 p.m. EST.

• *For existing AmeriCorps*National Grantees applying for CONTINUATION grants:* March 26, 2003, 1–2:30 p.m. EST.

To Register for a Call: Select one of the call dates specified above, then contact Sueko Kumagai via e-mail (*skumagai@cns.gov*) or phone (202–606–5000, ext. #418) with your selected date. Please register no later than 3 days prior to your selected call.

Part B. AmeriCorps*National Application Toolkit Technical Assistance Calls

We will hold a series of technical assistance calls reviewing application toolkits. We have developed the toolkits to assist applicants with the performance measurement, tutoring, and faith-based and community initiative aspects of program design. Non-profit organizations intending to submit an application to the Corporation for an AmeriCorps*National program grant, to operate a program in two or more states, may participate in these calls. Participation in these calls is optional.

These calls will be recorded and available for replay. Call dates and times are as follows. Call-in information and replay information are provided for each call.

• *Performance Measurement Toolkit Technical Assistance Conference Calls*

Tuesday, February 18, 3 p.m. EST—for NEW AmeriCorps*National Applicants
Toll-Free Number: (888) 723–9816. PassCode: toolkit
Leader's Name: Sueko Kumagai
Replay Number: (800) 835–8069. Replay available until: February 25, 2003, 3 p.m. EST

Tuesday, February 25, 4 p.m. EST—for current AmeriCorps*National Grantees
Leader's Name: Sueko Kumagai. PassCode: toolkit
Toll-Free Number: (888) 723–9816
Replay Number: (800) 294–9508. Replay available until: March 4, 2003, 4 p.m. EST

• *Faith Based and Community Initiatives Toolkit Technical Assistance Conference Calls*

Wednesday, February 19, 2003, 3 p.m. EST—for NEW AmeriCorps*National Applicants
Leader's Name: Sueko Kumagai. PassCode: toolkit
Toll-Free Number: (888) 723–9816
Replay Number: (800) 489–7535. Replay available until: February 26, 2003, 3 p.m. EST

Wednesday, February 26, 2003, 4 p.m. EST—for current AmeriCorps*National Grantees
Leader's Name: Sueko Kumagai. PassCode: toolkit
Toll-Free Number: (888) 723–9816 Replay Number: (800) 839–9137. Replay available until: March 5, 2003, at 4 p.m. EST

• *Tutoring Toolkit Technical Assistance Conference Calls*

Friday, February 21, 2003, 3:30 p.m. EST—for NEW AmeriCorps*National Applicants
Leader's Name: Sueko Kumagai. PassCode: toolkit
Toll-Free Number: (888) 723–9816
Replay Number: (800) 925–2387. Replay available until: February 28, 2003, 3 p.m. EST

Friday, February 28, 3 p.m. EST—for current AmeriCorps*National Grantees
Leader's Name: Sueko Kumagai. PassCode: toolkit
Toll-Free Number: (888) 723–9816
Replay Number: (888) 568–0350. Replay available until: March 7, 2003, at 3 p.m. EST

We will schedule additional technical assistance calls for the toolkits for

Capacity Building with Members and Citizenship and Member Development in the near future. Please check *http://www.americorps.org/resources/guidelines2003.html* frequently for updates.

To Register for a Call: Select one of the call dates specified above, then contact Sueko Kumagai via e-mail (*skumagai@cns.gov*) or phone (202–606–5000, ext. #418) with your selected date. You must respond no later than three days prior to your selected call.

Dated: February 10, 2003.

John Foster-Bey,

*Director, AmeriCorps*State and National.*

[FR Doc. 03–3598 Filed 2–13–03; 8:45 am]

BILLING CODE 6050–$$–P

DEPARTMENT OF DEFENSE

Defense Logistics Agency

[Requisition No. 03–00337]

Second Notice of Proposed Solicitation for Cooperative Agreement Applications

AGENCY: Defense Logistics Agency, DOD.

ACTION: Proposed solicitation for cost sharing cooperative agreement applications.

SUMMARY: On December 13, 2002, a notice was published in the **Federal Register** announcing that the Defense Logistics Agency (DLA) intends to issue a solicitation for cooperative agreement applications (SCAA) to assist State and local governments and other nonprofit eligible entities in establishing or maintaining procurement technical assistance centers (PTACs) pursuant to chapter 142, title 10, United States Code. Written comments, that were to be submitted by January 31, 2003, concerning this proposed SCAA were also invited. Comments from four organizations were received. The comments fell into four categories. The first category was editorial changes and corrections. DLA has incorporated most of these as they improve or correct formatting, paragraph numbering, *etc.* The second category was a suggestion that two thresholds be changed: (1) Increase the funding limitation of $150,000 for less than statewide programs and (2) change the existing requirement that a statewide program service at least 50% of a state's counties *and* 75% of the state's labor force to 50% of a state's counties *or* 75% of the state's labor force. Neither of these suggestions will be implemented. The funding limitation is statutory and it is not within DLA's discretion to increase it. The suggestion to change the regulatory definition of statewide program had previously been made and it was determined that such a change would not benefit the overall program. The third category is the suggestion that DLA adopt an award selection methodology that would implement the recently increased funding level authorized for statewide programs while at the same time minimize any disruption to the existing satisfactorily performing programs, both statewide and less than statewide. DLA agrees with this comment and has implemented changes in section II of the SCAA at paragraphs 21 and 28 and in section V, paragraph D. The fourth category was the suggestion that the option award procedures be modified to allow for increases in the amount of DoD funds for which individual programs may apply in option years, should funds be available. DLA agrees with this comment and has implemented changes in section I, paragraph K, and section VIII, paragraph F.

This revised proposed SCAA is available for review on the Internet Web site: *http://www.dla.mil/db/draftscaa.pdf.*

Printed copies are not available for distribution.

You are invited to submit written comments concerning this proposed revised SCAA to: Headquarters, Defense Logistics Agency, Office of Small and Disadvantaged Business Utilization, 8727 John J. Kingman Road, Suite 1127, Ft. Belvoir, VA 22060–6221. Attn: Grants Officer.

All comments must be received by March 10, 2003, in order for them to be considered. DLA intends to post the proposed SCAA, when finalized, on the Internet in late March or early April 2003. A future notice to be published in the **Federal Register** will announce this posting and the Web site address to be utilized in accessing the final SCAA and to submit applications.

FOR FURTHER INFORMATION CONTACT: Ms. Diana Maykowskyj at (703) 767–1656.

Anthony J. Kuders,

Program Manager, DoD Procurement Technical Assistance Program.

[FR Doc. 03–3665 Filed 2–13–03; 8:45 am]

BILLING CODE 3620–01–M

DEPARTMENT OF EDUCATION

[CFDA No: 84.184H]

Office of Safe and Drug-Free Schools—Grant Competition to Prevent High-Risk Drinking or Violent Behavior Among College Students—Notice Inviting Applications for New Awards for Fiscal Year (FY) 2003

Purpose of Program: The Grant Competition to Prevent High-Risk Drinking or Violent Behavior Among College Students provides awards to develop or enhance, implement, and evaluate campus- and/or community-based strategies to prevent high-risk drinking or violent behavior among college students.

For FY 2003 the competition for new awards focuses on projects designed to meet the priorities we describe in the *Priorities* section of this application notice.

Eligible Applicants: Institutions of higher education (IHEs), consortia thereof, public and private nonprofit organizations, or individuals.

Applications Available: February 14, 2003.

Deadline for Transmittal of Applications: March 31, 2003.

Deadline for Intergovernmental Review: May 30, 2003.

Estimated Available Funds: The Department expects to make available $2,250,000 for this program for FY 2003. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications at this time to allow enough time to complete the grant process before the end of the current fiscal year.

Estimated Range of Awards: $100,000–$150,000.

Estimated Average Size of Awards: $125,000.

Estimated Number of Awards: 18.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 24 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, 86, 97, 98, and 99; and (b) the notice of final priority and selection criteria, as published in the **Federal Register** on December 27, 2000 (65 FR 82224–82226) and January 10, 2001 (66 FR 1963), apply to this competition.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

SUPPLEMENTARY INFORMATION: An application under this program should address the specific needs of the

applicant and propose activities specifically designed to meet those needs. The Deputy Under Secretary strongly discourages applicants from using ''form'' applications or proposals that address general rather than specific local needs.

Priorities: This competition focuses on projects designed to meet either of the two priorities in the notice of final priorities for this program, published in the **Federal Register** on December 27, 2000 (65 FR 82224–82226) and January 10, 2001 (66 FR 1963).

Absolute Priority #1—Develop or Enhance, Implement, and Evaluate Campus- and/or Community-Based Strategies To Prevent High-Risk Drinking Among College Students

Under this priority, applicants are required to:

(1) Identify a specific student population to be served by the grant and provide a justification for its selection;

(2) Provide evidence that a needs assessment has been conducted on campus to document prevalence rates related to high-risk drinking by the population selected;

(3) Set measurable goals and objectives for the proposed project and provide a description of how progress toward achieving goals will be measured annually;

(4) Design and implement prevention strategies, using student input and participation, that research has shown to be effective in preventing high-risk drinking by the target population;

(5) Use a qualified evaluator to design and implement an evaluation of the project using outcomes-based (summative) performance indicators related to behavioral change and process (formative) measures that assess and document the strategies used; and

(6) Demonstrate the ability to start the project within 60 days after receiving Federal funding in order to maximize the time available to show impact within the grant period.

Absolute Priority #2—Develop or Enhance, Implement, and Evaluate Campus- and/or Community-Based Strategies To Prevent Violent Behavior Among College Students

Under this priority, applicants are required to:

(1) Identify a specific student population to be served by the grant and provide a justification for its selection;

(2) Provide evidence that a needs assessment has been conducted on campus to document prevalence rates related to violent behavior;

(3) Set measurable goals and objectives for the proposed project and provide a description of how progress toward achieving goals will be measured annually;

(4) Design and implement prevention strategies, using student input and participation, that research has shown to be effective in preventing violent behavior among college students;

(5) Use a qualified evaluator to design and implement an evaluation of the project using outcomes-based (summative) performance indicators related to behavioral change and process (formative) measures that assess and document the strategies used; and

(6) Demonstrate the ability to start the project within 60 days after receiving Federal funding in order to maximize the time available to show impact within the grant period.

Under 34 CFR 75.105(c)(3) we consider only applications that meet either of the priorities.

Selection Criteria: The following selection criteria are used to evaluate applications for new grants under this competition. The maximum score for all of these criteria is 100 points. The maximum score for each criterion or factor under that criterion is indicated in parentheses.

(1) *Need for project.* (15 points)

In determining the need for the proposed project, the following factors are considered:

(a) The magnitude or severity of the problem to be addressed by the proposed project. (10 points)

(b) The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses. (5 points)

(2) *Significance.* (20 points)

In determining the significance of the proposed project, the following factors are considered:

(a) The likelihood that the proposed project will result in system change or improvement. (5 points)

(b) The potential contribution of the proposed project to the development and advancement of theory, knowledge, and practices in the field of study. (10 points)

(c) The extent to which the proposed project involves the development or demonstration of promising new strategies that build on, or are alternatives to, existing strategies. (5 points)

(3) *Quality of the project design.* (30 points)

In determining the quality of the design of the proposed project, the following factors are considered:

(a) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable. (10 points)

(b) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs. (5 points)

(c) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice. (10 points)

(d) The extent to which the proposed project will establish linkages with other appropriate agencies and organizations providing services to the target population. (5 points)

(4) *Quality of project personnel.* (10 points)

In determining the quality of project personnel, the following factors are considered:

(a) The extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. (3 points)

(b) The qualifications, including relevant training and experience, of key project personnel. (7 points)

(5) *Quality of the project evaluation.* (25 points)

In determining the quality of the evaluation, the following factors are considered:

(a) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project. (10 points)

(b) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible. (10 points)

(c) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes. (5 points)

For Applications and Further Information Contact: Richard Lucey, Jr., U.S. Department of Education, Office of Safe and Drug-Free Schools, 400 Maryland Avenue, SW., Room 3E252, Washington, DC 20202–6123. Telephone: 202/205–5471. Fax: 202/260–7767. E-mail: *richard.lucey@ed.gov*. To download a copy of the application, visit the Web site for the Office of Safe and Drug-Free Schools at *http://www.ed.gov/offices/OSDFS*.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 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 program contact person listed under *For Applications and Further Information Contact.*

Individuals with disabilities also may obtain a copy of the application package in an alternative format by contacting that person. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

Application Procedures

Note: Some of the procedures in these instructions for transmitting applications differ from those in the Education Department General Administrative Regulations (EDGAR) (34 CFR 75.102). Under the Administrative Procedure Act (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed regulations. However, these amendments make procedural changes only and do not establish new substantive policy. Therefore, under 5 U.S.C. 553(b)(A), the Secretary has determined that proposed rulemaking is not required.

Pilot Project for Electronic Submission of Applications

In FY 2003, the U.S. Department of Education is continuing to expand its pilot project for electronic submission of applications to include additional formula grant programs and additional discretionary grant competitions. The Grant Competition to Prevent High-Risk Drinking or Violent Behavior Among College Students is one the programs included in the pilot project. If you are an applicant under the Grant Competition to Prevent High-Risk Drinking or Violent Behavior Among College Students, you may submit your application to us in either electronic or paper format.

The pilot project involves the use of the Electronic Grant Application System (e-Application) portion of the Grants Administration and Payment System (GAPS). Users of e-Application will be entering data on-line while completing their applications. You may not e-mail a soft copy of a grant application to us. If you participate in this voluntary pilot project by submitting an application electronically, the data you enter on-line will be saved into a database. We request your participation in e-Application. We shall continue to evaluate its success and solicit suggestions for improvement.

If you participate in e-Application, please note the following:

- Your participation is voluntary.
- You will not receive any additional point value because you submit a grant application in electronic format, nor will we penalize you if you submit an application in paper format. When you enter the e-Application system, you will find information about its hours of operation.
- You may submit all documents electronically, including the Application for Federal Education Assistance (ED 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- After you electronically submit your application, you will receive an automatic acknowledgement, which will include a PR/Award Number (an identifying number unique to your application).
- Within three working days after submitting your electronic application, fax a signed copy of the Application for Federal Education Assistance (ED 424) to the Application Control Center after following these steps:

(1) Print ED 424 from the e-Application system.

(2) The institution's Authorizing Representative must sign this form.

(3) Place the PR/Award number in the upper right hand corner of the hard copy signature page of the ED 424.

(4) Fax the signed ED 424 to the Application Control Center at 202/260–1349.

- We may request that you give us original signatures on all other forms at a later date.
- *Closing Date Extension in Case of System Unavailability:* If you elect to participate in the e-Application pilot for the Grant Competition to Prevent High-Risk Drinking or Violent Behavior Among College Students and you are prevented from submitting your application on the closing date because the e-Application system is unavailable, we will grant you an extension of one business day in order to transmit your application electronically, by mail, or by hand delivery. For us to grant this extension—

(1)You must be a registered user of e-Application, and have initiated an e-Application for this competition; and

(2)(a) The e-Application system must be unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m. (ET), on the deadline date; or

(b) The e-Application system must be unavailable for any period of time during the last hour of operation (that is, for any period of time between 3:30 p.m. and 4:30 p.m. (ET)) on the deadline date. The Department must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension you must contact either (1) the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** or (2) the e-GRANTS help desk at 888/336–8930.

You may access the electronic grant application for the Grant Competition to Prevent High-Risk Drinking or Violent Behavior Among College Students at: *http://e-grants.ed.gov.*

We have included additional information about the e-Application pilot project (see Parity Guidelines between Paper and Electronic Applications) in the application package.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/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 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/*

Program Authority: 20 U.S.C. 7131.

Dated: February 12, 2003.

Judge Eric G. Andell,

Deputy Under Secretary for Safe and Drug-Free Schools.

[FR Doc. 03–3868 Filed 2–13–03; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

President's Advisory Commission on Educational Excellence for Hispanic Americans

AGENCY: President's Advisory Commission on Educational Excellence for Hispanic Americans, Department of Education.

ACTION: Notice of teleconference meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming teleconference meeting of the President's Advisory Commission on Educational Excellence for Hispanic Americans (Commission). The main agenda item for this teleconference is to approve the Commission's final report to the President. This notice also describes the functions of the Commission. Notice of this meeting is

required under section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of their opportunity to attend.

Date and Time: Monday, February 24, 2003, the hour to be determined.

Purpose: For approval of the Commission's final report to the President.

ADDRESSES: The Commission will hold a teleconference meeting in Washington, DC, on Monday, February 24, 2003. A room will be made available to the public to listen to the Commission's discussion. The specific location has not been determined at this time, but it is anticipated that space will be limited. You are encouraged to contact the White House Initiative on Educational Excellence for Hispanic Americans staff no later than Friday, February 21, 2003, if you wish to attend.

FOR FURTHER INFORMATION CONTACT: Leslie Sanchez, Executive Director, or Adam Chavarria, Associate Director, White House Initiative on Educational Excellence for Hispanic Americans, 400 Maryland Avenue, SW., Washington, DC 20202, (202) 401–1411.

SUPPLEMENTARY INFORMATION: The President's Advisory Commission on Educational Excellence for Hispanic Americans is established under Executive Order 13230, dated October 12, 2001. The Commission is established to provide advice to the Secretary of Education (Secretary) and issue reports to the President concerning: (a) The progress of Hispanic Americans in closing the academic achievement gap and attaining the goals established by the No Child Left Behind Act of 2002; (b) the development, monitoring, and coordination of Federal efforts to promote high-quality education for Hispanic Americans; (c) ways to increase parental, State and local, private sector, and community involvement in improving education; and (d) ways to maximize the effectiveness of Federal education initiatives within the Hispanic community.

Individuals who will need accommodations for a disability (e.g., interpreting services, assistive listening devices, materials in alternative format) should notify Adam Chavarria at (202) 401–1411 by no later than February 14, 2003. We will attempt to meet requests after this date but cannot guarantee availability of the requested accommodation. The site will be accessible to individuals with disabilities.

Records are kept of all Commission proceedings and are available for public inspection at the office of the White House Initiative on Educational Excellence for Hispanic Americans from the hours of 9 a.m. to 5 p.m.

Dated: February 6, 2003.

William D. Hansen,

Deputy Secretary, Department of Education.

[FR Doc. 03–3648 Filed 2–13–03; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF EDUCATION

Federal Interagency Coordinating Council Meeting

AGENCY: Department of Education.

ACTION: Notice of a public meeting.

SUMMARY: This notice describes the schedule and agenda of the forthcoming meeting of the Federal Interagency Coordinating Council (FICC). Notice of this meeting is intended to inform members of the general public of their opportunity to attend the meeting. The FICC will engage in policy discussions related to mental health services for young children with disabilities and their families. The meeting will be open and accessible to the general public.

DATE AND TIME: FICC Meeting: Thursday, March 13, 2003 from 9 a.m. to 4 p.m.

ADDRESSES: U.S Department of Health and Human Services, 200 Independence Avenue, SW., Room 505A, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Obral Vance, U.S. Department of Education, 330 C Street, SW., Room 3090, Switzer Building, Washington, DC 20202. Telephone: (202) 205–5507 (press 3). Individuals who use a telecommunications device for the deaf (TDD) may call (202) 205–5637.

SUPPLEMENTARY INFORMATION: The FICC is established under section 644 of the Individuals with Disabilities Education Act (20 U.S.C. 1444). The FICC is established to: (1) Minimize duplication across Federal, State, and local agencies of programs and activities relating to early intervention services for infants and toddlers with disabilities and their families and preschool services for children with disabilities; (2) ensure effective coordination of Federal early intervention and preschool programs, including Federal technical assistance and support activities; and (3) identify gaps in Federal agency programs and services and barriers to Federal interagency cooperation. To meet these purposes, the FICC seeks to: (1) Identify areas of conflict, overlap, and omissions in interagency policies related to the provision of services to infants, toddlers, and preschoolers with disabilities; (2) develop and implement joint policy interpretations on issues related to infants, toddlers, and preschoolers that cut across Federal agencies, including modifications of regulations to eliminate barriers to interagency programs and activities; and (3) coordinate the provision of technical assistance and dissemination of best practice information. The FICC is chaired by Dr. Robert H. Pasternack, Assistant Secretary for Special Education and Rehabilitative Services.

Individuals who need accommodations for a disability in order to attend the meeting (i.e., interpreting services, assistive listening devices, material in alternative format) should notify Obral Vance at (202) 205–5507 (press 3) or (202) 205–5637 (TDD) ten days in advance of the meeting. The meeting location is accessible to individuals with disabilities.

Summary minutes of the FICC meetings will be maintained and available for public inspection at the U.S. Department of Education, 330 C Street, SW., Room 3090, Switzer Building, Washington, DC 2002, from the hours of 9 a.m. to 5 p.m., weekdays, except Federal holidays.

Robert H. Pasternack,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 03–3615 Filed 2–13–03; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF EDUCATION

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of arbitration panel decision under the Randolph-Sheppard Act.

SUMMARY: The Department gives notice that on January 31, 2002, an arbitration panel rendered a decision in the matter of *Richard Bird* v. *Ohio Rehabilitation Services Commission, Bureau of Services for the Visually Impaired (Docket No. R–S/00–9*). This panel was convened by the U.S. Department of Education, under 20 U.S.C. 107d-1(a), after the Department received a complaint filed by petitioner, Richard Bird.

SUPPLEMENTARY INFORMATION: Under section 6(c) of the Randolph-Sheppard Act (the Act), 20 U.S.C. 107d-2(c), the Secretary publishes in the **Federal Register** a synopsis of each arbitration panel decision affecting the administration of vending facilities on Federal and other property.

Background

This dispute concerns the alleged failure of the Ohio Rehabilitation Services Commission, Bureau of Services for the Visually Impaired, the designated State licensing agency (SLA), to properly administer the Randolph-Sheppard vending facility program regarding vending machine income-sharing by a Federal property managing agency in violation of the Act (20 U.S.C. 107 *et seq.*) and the implementing regulations in 34 CFR part 395.

A summary of the facts is as follows: since February 1994, the complainant, Richard Bird, operated a snack bar and three rooms with vending machines at the Cleveland, Ohio, Main Post Office under a permit agreement issued to the SLA by the U.S. Postal Service (USPS) in accordance with 34 CFR 395.16 and 395.34. In addition to the complainant's three rooms with vending machines, there are five rooms with vending machines at the Main Post Office that were not included within USPS's permit agreement because they are operated by a private vendor.

Complainant receives 30 percent of the commissions paid to USPS by the private vendor from the operation of its vending machines as provided by the Act (20 U.S.C. 107d-3) and 34 CFR 395.32. USPS had determined that those vending machines were not in direct competition, but rather indirect competition, with the vending machines operated by the complainant. One hundred percent of the commissions paid to USPS would be paid to the complainant if the vending machines of the private vendor were considered to be in direct competition with complainant's vending machines.

Since 1996, complainant contended that the vending machines of the private vendor were in direct competition with his vending machines. Complainant further alleged that income from the operation of his vending facility had declined since 1994 due in large part to employees at the Main Post Office being moved to other locations and a reduction in the commission rate paid by the private vendor to USPS. To offset this decline, complainant requested that vending machines located in the Parking, Vehicle Maintenance, and Administration Building of the Main Post Office Complex operated by a private vendor be added to his vending facility.

In 1997, the SLA requested that USPS issue permits to operate the vending machines in the Parking, Vehicle Maintenance, and Administration Building in the Main Post Office Complex. USPS denied the SLA's request. Since 1998, SLA personnel have maintained that the vending machines at the Main Post Office operated by the private vendor were in direct, not indirect, competition with the complainant's vending machines. However, the SLA did not file a complaint with the U.S. Department of Education seeking Federal arbitration on the 1997 denial of the permits for the Parking, Vehicle Maintenance, and Administration Building or the direct versus indirect competition issue until June 1999. The SLA had requested that the June 1999 complaint be held in abeyance pending the outcome of this arbitration decision.

Complainant filed a grievance in October 1999 with the SLA. He alleged that the SLA failed to perform as his advocate by not aggressively challenging the actions of USPS to protect the value of his vending facility because of declining income. Complainant sought to be represented at the State of Ohio fair hearing on his grievance by a nonattorney. The Hearing Examiner ruled prior to the hearing that Ohio Law prohibited the nonattorney from representing complainant. The parties agreed to postpone the State fair hearing so that complainant could obtain proper representation.

Subsequently, complainant filed a complaint seeking Federal arbitration of his grievance. A hearing of this matter was held on July 19 and 20, 2001.

Arbitration Panel Decision

The issues heard by the panel were—(1) Whether the SLA prevented complainant from having access to the State administrative remedy procedures provided by the Act; (2) whether the SLA properly distributed unassigned vending machine income to complainant; (3) whether the SLA has the right to establish new vending facilities that continue to serve customers, who were originally assigned to complainant's building, after they have relocated to other USPS buildings; and (4) whether the SLA attempted to limit complainant's income by installing a second vending facility at the Cleveland Main Post Office Building.

Concerning issue number one, the panel ruled that complainant voluntarily chose to bypass the SLA State fair hearing process and sought remedy from a Federal arbitration panel.

The panel determined regarding issue number two that the SLA did not properly advocate for the complainant to ensure him the appropriate income from the vending machines in the five vending rooms not assigned to him. Further, the panel concluded that the vending machines at issue operated by the private vendor were in direct, not indirect, competition with complainant's vending machines.

Regarding issue number three, the panel found that the complainant established at the hearing that it was the practice of the SLA to allow blind vendors to ''follow'' their customers when they relocate. Therefore, the panel concluded that the SLA should aggressively pursue obtaining a permit for the postal facilities where complainant's customers have relocated.

Concerning issue number four, after consideration of the SLA's testimony that they were simply considering the establishment of a second vending facility at the Cleveland Post Office, but had not made a formal decision to do so, the panel ruled that issue number four was not ripe for consideration by the panel. However, the panel cautioned the SLA to consider complainant's declining income before making any decision to place another vendor at the Cleveland Post Office.

Finally, the panel ruled that the SLA owed complainant a duty to preserve the value of his vending facility and income derived from it. The panel concluded that the SLA had not properly performed that duty by its failure to assert the priority provisions of the Act.

Accordingly, the panel awarded the complainant $30,000 as compensation for vending machine income lost from 1996 through 2001 due to USPS's determination that the five areas with vending machines operated by the private vendor were not in direct competition with complainant's vending machines. The panel arrived at the $30,000 figure by calculating the difference between the commission compensation complainant actually received during those years and the commission compensation the panel believed he should have received given the panel's belief that the private vendor's machines are in direct competition with complainant's vending machines.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the U.S. Department of Education.

FOR FURTHER INFORMATION CONTACT: You may obtain a copy of the full text of the arbitration panel decision from Suzette E. Haynes, U.S. Department of Education, 400 Maryland Avenue, SW., room 3232, Mary E. Switzer Building, Washington, DC 20202–2738. Telephone: (202) 205–8536. If you use a telecommunications device for the deaf (TDD), you may call the TDD number at (202) 205–8298.

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 Adobe Portable Document Format (PDF) on the Internet at the following site: *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.

Dated: February 11, 2003.

Robert H. Pasternack,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 03–3747 Filed 2–13–03; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Energy Information Administration, DOE.

ACTION: Agency information collection activities: proposed collection; comment request.

SUMMARY: The Energy Information Administration (EIA) is soliciting comments on proposed modifications and a three-year extension to the Form EIA–28, Financial Reporting System (FRS).

DATES: Written comments must be submitted within 60 days of the publication of this notice. If you anticipate difficulty in submitting comments within that period, contact the person identified below as soon as possible.

ADDRESSES: Comments should be directed to Gregory P. Filas of EIA. To ensure receipt of the comments by the due date, submission by FAX (202–586–9753) or e-mail (*greg.filas@eia.doe.gov*) is recommended. Mr. Filas' mailing address is Energy Information Administration (EI–62), Financial Analysis Team, Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Mr. Filas may be telephoned at (202) 586–1347.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed form and instructions should be directed to Mr. Filas at the address listed above.

SUPPLEMENTARY INFORMATION:

I. Background
II. Current Actions
III. Request for Comments

I. Background

The Federal Energy Administration Act of 1974 (Pub. L. 93–275, 15 U.S.C. 761 *et seq.*), and the Department of Energy Organization Act (Pub. L. 95–91, 42 U.S.C. 7101 *et seq.*), require the Energy Information Administration (EIA) to carry out a centralized, comprehensive, and unified energy information program. This program collects, evaluates, assembles, analyzes, and disseminates information on energy resource reserves, production, demand, technology, and related economic and statistical information. This information is used to assess the adequacy of energy resources to meet near and longer-term domestic demands.

The EIA, as part of its effort to comply with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35), provides the general public and other Federal agencies with opportunities to comment on collections of energy information conducted by or in conjunction with the EIA. Any comments received help the EIA to prepare data requests that maximize the utility of the information collected, and to assess the impact of collection requirements on the public. Also, the EIA will later seek approval by the Office of Management and Budget (OMB) of the collections under Section 3507(h) of the Paperwork Reduction Act of 1995.

Under Pub. L. 95–91, section 205(h), the Administrator of the EIA is required to ''identify and designate'' the major energy companies who must annually file Form EIA–28, Financial Reporting System (FRS), to ensure that the data collected provide ''a statistically accurate profile of each line of commerce in the energy industry in the United States.'' The standardized reporting and data content allow comparisons on a uniform basis among major energy companies. Data collected on Form EIA–28 are published in aggregate form to protect confidentiality and are used in analyses of the energy industry.

II. Current Actions

For the FRS survey to be conducted in 2004 collecting information for 2003, EIA proposes to revise the Form EIA–28. Major energy companies have become increasingly involved in the supply and disposition of natural gas and electricity as both industries have deregulated. The current FRS is not currently designed to collect detailed information necessary for analyzing major energy companies' activities in electric power and downstream natural gas. Therefore, it is necessary for the FRS to revise its program in order to collect accurate information as mandated.

The mandate (Pub. L. 95–91, section 205(h)) requires EIA to provide data to evaluate the competitive environment within which energy products are supplied and developed and to analyze the nature of institutional arrangements as they relate to energy resource development, supply, and distribution. EIA has consulted with data providers and data users to design a modified FRS that reflects the suggestions of both groups.

The proposed modifications include the addition of the following schedules: Electric Power Income Statement, Electric Power Operating Expenses, Purchases and Sales of Fuel and Electric Power, Electric Power Capacity Measures, Electric Power Output Measures, Downstream Natural Gas Income Statement, Downstream Natural Gas Operating Expenses, Purchases and Sales of Natural Gas and Natural Gas Liquids, Downstream Natural Gas Capacity Measures, and Downstream Natural Gas Output Measures. These schedules will be similar in format to existing schedules used by major energy companies for reporting on petroleum operations. Copies of the proposed new schedules and the instructions are available from Mr. Filas. In addition to the proposed modifications in the FRS form and instructions, EIA will request an extension of OMB approval.

III. Request for Comments

Prospective respondents and other interested persons are invited to comment on the actions discussed in item II. The following guidelines are provided to assist in the preparation of comments.

General Issues

A. Is the proposed collection of information necessary for the proper performance of the functions of the agency and does the information have

practical utility? Practical utility is defined as the actual usefulness of information to or for an agency, taking into account its accuracy, adequacy, reliability, timeliness, and the agency's ability to process the information it collects.

B. What enhancements can be made to the quality, utility, and clarity of the information to be collected?

As a Potential Respondent

A. Are the Form EIA–28 instructions and definitions clear and sufficient? If not, which instructions require clarification?

B. Can information be submitted by the due date?

C. Public reporting burden for the Form EIA–28 collection is currently estimated to average 449 hours per response. The estimated burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose and provide the information. With regard to the new schedules for electric power and downstream natural gas, EIA is estimating those schedules will require an additional one-time burden in 2004 of between 150 to 300 hours per affected respondent to modify existing information systems to generate the additional information. After the systems are modified, EIA is estimating the average increase in reporting burden for the EIA–28 will be 186 hours annually for companies having downstream natural gas activities and 233 hours annually for companies having electric power activities. For those companies having both business activities, the average increase in burden is estimated at 419 hours annually. However, most FRS respondent companies will not be affected as they have no activities in electric power and/or downstream natural gas and thus will incur no additional burden for reporting.

Please comment on (1) the accuracy of the agency's estimate and (2) how the agency could minimize the burden of collecting this information, including the use of information technology.

D. The agency estimates respondents will incur no additional costs for reporting other than the hours required to complete the collection. What is the estimated: (1) Total dollar amount annualized for capital and start-up costs; and (2) recurring annual costs of operation and maintenance, and purchase of services associated with this data collection?

E. Does any other Federal, State, or local agency collect similar information? If so, specify the agency, the data element(s), and the method(s) of collection.

As a Potential User

A. What actions could be taken to help ensure and maximize the quality, objectivity, utility, and integrity of the information disseminated?

B. Is the information useful at the levels of detail indicated on the form?

C. For what purpose(s) would the information be used? Be specific.

D. Are there alternate sources for the information and are they useful? If so, what are their deficiencies and/or strengths?

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the form. They also will become a matter of public record.

Statutory Authority: Section 3507 (h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35).

Issued in Washington, DC, February 7, 2003.

Jay H. Casselberry,

Agency Clearance Officer, Energy Information Administration.

[FR Doc. 03–3706 Filed 2–13–03; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Rocky Flats

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Rocky Flats. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of these meeting be announced in the **Federal Register**.

DATES: Thursday, March 6, 2003, 6 p.m. to 9:30 p.m.

ADDRESSES: Jefferson County Airport, Terminal Building, Mount Evans Room, 11755 Airport Way, Broomfield, CO.

FOR FURTHER INFORMATION CONTACT: Ken Korkia, Board/Staff Coordinator, Rocky Flats Citizens Advisory Board, 9035 North Wadsworth Parkway, Suite 2250, Westminster, CO, 80021; telephone (303) 420–7855; fax (303) 420–7579.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

1. Update on site closure activities, including remediation of the 903 Pad and finalization of Rocky Flats Cleanup Agreement modifications;
2. Conversation with DOE-Rocky Flats site manager, Gene Schmitt;
3. Review and approve EMSSAB Transuranic Waste Workshop recommendations;
4. Review and approve Wildlife Refuge Technical Review Group recommendation on the purchase of mineral rights at Rocky Flats;
5. Other Board business may be conducted as necessary.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Ken Korkia at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provisions will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Public Reading Room located at the Office of the Rocky Flats Citizens Advisory Board, 9035 North Wadsworth Parkway, Suite 2250, Westminister, CO 80021; telephone (303)420–7855.

Hours of operations for the Public Reading Room are 8:30 a.m. to 4:30 p.m., Monday–Friday, except Federal holidays. Minutes will also be made available by writing or calling Deb French at the address or telephone number listed above. Board meeting minutes are posted on RFCAB's web site within one month following each meeting at: *http://www.rfcab.org/Minutes.HTML.*

Issued in Washington, DC, on February 11, 2003.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 03–3705 Filed 2–13–03; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Science

Fusion Energy Sciences Advisory Committee

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Fusion Energy Sciences Advisory Committee. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, March 5, 2003, 9 a.m. to 6 p.m.; Thursday, March 6, 2003, 9 a.m. to 12 noon.

ADDRESSES: The Hilton Gaithersburg, 620 Perry Parkway, Gaithersburg, Maryland 20877, USA.

FOR FURTHER INFORMATION CONTACT: Albert L. Opdenaker, Office of Fusion Energy Sciences; U.S. Department of Energy; 1000 Independence Avenue, SW.; Washington, DC 20585–1290; Telephone: 301–903–4927.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: The purpose of this meeting is to complete the charge before the Committee to consider what new and upgraded facilities will be necessary to position the Fusion Energy Sciences program in the forefront of scientific discovery during the next 20 years.

Tentative Agenda

Wednesday, March 5, 2003

- Office of Science Perspective
- Office of Fusion Energy Sciences Perspective
- Report from the Development Plan Panel
- Public Comments

Thursday, March 6, 2003

- Discussion of Areas of U.S. interest for Participation in ITER
- Final Report from the Non-Electric Applications Panel

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Albert L. Opdenaker at 301–903–8584 (fax) or *albert.opdenaker@science.doe.gov* (e-mail). You must make your request for an oral statement at least 5 business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: We will make the minutes of this meeting available for public review and copying within 30 days at the Freedom of Information Public Reading Room; IE–190; Forrestal Building; 1000 Independence Avenue, SW.; Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on February 11, 2003.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 03–3704 Filed 2–13–03; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP01–76–004 and CP01–77–004]

Cove Point LNG Limited Partnership; Notice of Supplemental Compliance Filing

February 7, 2003.

Take notice that on February 5, 2003, Dominion Cove Point LNG Limited Partnership (DCP) filed a supplement to the compliance filing made in the captioned proceedings on January 13, 2003.

DCP explains that the prior filing anticipated the reactivation of its LNG-import facilities on May 1, 2003, and that it now believes that the facilities will not be in-service until June 2003.

Accordingly, DCP is amending its January 13, 2003, filing to request that the tariff sheets previously filed be made effective one month later than previously requested. That is, DCP proposes an effective date of June 1, 2003. for the bulk of the sheets, and March 1, 2003, for Original Sheet Nos. 18C.01, 18D and 18F. In addition, DCP now requests that Original Sheet No. 18A.01. also become effective on March 1, 2003. Furthermore, DCP proposes to correct typographical errors on First Revised Sheet Nos. 21 and 122 and to include a clarifying numbering change on Second Revised Sheet Nos. 136 and 137. Accordingly, DCP submits the following new tariff sheets with its filing:

Substitute First Revised Sheet No. 21
Substitute First Revised Sheet No. 122
Substitute Second Revised Sheet No. 136
Substitute Second Revised Sheet No. 137

Cove Point states that copies of its letter of transmittal and enclosures have been served upon Cove Point's customers and interested state commissions.

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: February 18, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–3649 Filed 2–13–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–534–003]

Guardian Pipeline Company, L.L.C.; Notice of Negotiated Rates

February 7, 2003.

Take notice that on February 4, 2003, Guardian Pipeline Company, L.L.C. (Guardian) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1 Third Revised Sheet No. 6, proposed to be effective February 1, 2003.

Guardian states that the purpose of this filing is to reflect the implementation of a negotiated rate agreement with Wisconsin Power & Light Company for transportation under Rate Schedule FT–1.

Guardian states that copies of this tariff filing are being served on all jurisdictional customers and applicable state regulatory agencies.

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: February 18, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–3660 Filed 2–13–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–249–000]

Northern Border Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

February 7, 2003.

Take notice that on February 3, 2003, Northern Border Pipeline Company (Northern Border) tendered for filing to become part of Northern Border's FERC Gas Tariff, First Revised Volume No. 1, Third Revised Sheet Number 202; and Original Sheet Number 303A to become effective February 1, 2003.

Northern Border states that the purpose of this filing is to incorporate a new section in the general terms and conditions of Northern Border's FERC Gas Tariff to list non-conforming agreements, and to reflect two non-conforming Rate Schedule T–1B Service Agreements between Northern Border and Dynegy Marketing and Trade (Dynegy) to effectuate permanent capacity releases for the two Rate Schedule T–1B contracts with Dynegy. Northern Border states that, under its currently effective tariff, Rate Schedule T–1B does not have a provision for capacity release. Northern Border states that these two contracts with Dynegy therefore are being filed as non-conforming agreements.

Northern Border states that it is preparing a separate filing to be filed within the next week to revise tariff sheets to clearly state that capacity release is permitted under Rate Schedule T–1B.

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: February 18, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–3662 Filed 2–13–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP02–436–001]

Northern Natural Gas Company; Notice of Amendment

February 7, 2003.

Take notice that on January 29, 2003, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124–1000, filed in the above referenced docket, an amendment to its original application that was filed on September 30, 2002, pursuant to section 7(c) of the Natural Gas Act (NGA) and part 157 of the Commission's rules and regulations. The original application sought a certificate of public convenience to construct and operate certain compression, pipeline, and town border station (TBS) facilities, with appurtances, located in various counties in Minnesota in order to expand the capacity of Northern's Market Area facilities (Project MAX). Northern's amendment proposes to amend its September 30, 2002, application to include the modification of three additional existing TBS facilities and the upgrade of the proposed Popple Creek Compressor Station, all located in Minnesota, all as more fully described in the application. 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, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676, or for TTY, (202) 502–8659.

Northern states that in response to additional customer requests, Northern held an open season from December 13 through December 23, 2002, for capacity on its St. Cloud branchline to provide service beginning November 1, 2003, to be included in Northern's Project MAX expansion. Northern received requests from two customers for 5,770 of incremental throughput and realignment of 9,961 Mcf/d from other Market Area Points. In order to provide such service, Northern proposes to amend the September 30, 2002, application to include the modification of Deerwood TBS, Sherwood Forest TBS, and Sartell #1 TBS and the installation of a 1,500 horsepower (HP) compressor unit instead of the 1,000 HP unit originally proposed at the new Popple Creek Compressor Station. Northern states that it will mitigate the impacts, if necessary, to ensure that the noise level at the noise sensitive areas (NSA) will not exceed the required 55 Ldn noise level. Northern estimates that the total estimated capital cost of the facility modifications proposed is $457,000. Northern proposes that costs of the facility modifications and the facilities in the September 30, 2002, application be rolled-in to Northern's Market Area rates in its next general rate case once the subject facilities are placed in-service.

Northern requests that the Commission issue an order granting approval of the subject facilities by no

later than May 1, 2003, in order to ensure an in-service date of November 1, 2003.

Any questions regarding the application should be directed to Mary Kay Miller, Vice President, Regulatory & Customer Service, Northern Natural Gas Company, P.O. Box 3330,Omaha, Nebraska 68103–0330, telephone (402) 398–7060 or Michael T. Loeffler, Director Certificates and Community Relations, Northern Natural Gas Company, P.O. Box 3330, Omaha, Nebraska 68103–0330, telephone (402) 398–7103.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.214 or 385.211) and the regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made in the proceeding. with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission may issue a preliminary determination on non-environmental issues prior to the completion of its review of the environmental aspects of the project. This preliminary determination typically considers such issues as the need for the project and its economic effect on existing customers of the applicant, on other pipelines in the area, and on landowners and communities. For example, the Commission considers the extent to which the applicant may need to exercise eminent domain to obtain rights-of-way for the proposed project and balances that against the non-environmental benefits to be provided by the project. Therefore, if a person has comments on community and landowner impacts from this proposal, it is important either to file comments or to intervene as early in the process as possible.

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.

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

Comment Date: February 28, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–3650 Filed 2–13–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

[Docket No. RP02–362–003] PG&E Gas Transmission, Northwest Corporation; Notice of Compliance Filing

Federal Energy Regulatory Commission

February 7, 2003.

Take notice that on February 5, 2003, PG&E Gas Transmission, Northwest Corporation (GTN), tendered for filing to be part of its FERC Gas Tariff, Second Revised Volume No. 1-A, Third Revised Sheet No. 127 and Fourth Revised Sheet No. 128, with an effective date of November 14, 2002.

GTN states that these tariff sheets are being submitted to comply with the Commission's January 16, 2003, Order Accepting Compliance Filing, Subject to Conditions, in Docket Nos. RP02–362–001 and RP02–362–002. This proceeding involves proposed tariff changes by PG&E Gas Transmission, Northwest Corporation (''GTN'') that allow the pipeline to sell capacity on a pre-arranged basis.

GTN further states that a copy of this filing has been served on GTN's jurisdictional customers and interested state regulatory agencies.

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: February 18, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–3659 Filed 2–13–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC03–50–000]

Talbot EMC, Chattahoochee EMC, Oglethorpe Power Corporation; Notice of Application

February 7, 2003.

Take notice that on February 4, 2003, Talbot EMC (Talbot), Chattahoochee EMC (Chattahoochee) and Oglethorpe Power Corporation (Oglethorpe) filed with the Federal Energy Regulatory Commission (Commission) an application pursuant to section 203 of the Federal Power Act for authorization of a disposition of jurisdictional facilities whereby (i) Talbot and Chattahoochee will be merged with and into Oglethorpe, with Oglethorpe as the surviving entity and Talbot and Chattahoochee thereafter ceasing to exist, or, alternatively, (ii) Talbot and Chattahoochee will transfer to Oglethorpe their respective 618–MW and 468–MW generating facilities, terminate their rate schedules and power purchase agreements and thereafter cease doing business as public utilities.

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, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866)208–3676, or for TTY, contact (202)502–8659. Protests and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Comment Date: February 25, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–3653 Filed 2–13–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC02–5–002]

Vermont Nuclear Power Corporation and Entergy Nuclear Vermont Yankee, LLC; Notice of Filing

February 7, 2003.

Take notice that on January 30, 2003, Vermont Yankee Nuclear Power Corporation (Vermont Yankee) filed with the Federal Energy Regulatory Commission (Commission) a compliance report pursuant to the Commission's order issued February 1, 2002 (98 FERC 61,122), to account for the sale of the Vermont Yankee Nuclear Power Station to Entergy Nuclear Vermont Yankee, LLC.

Vermont Yankee states that a copy of this filing has been served on the service list maintained by the Secretary in this docket, Vermont Yankee's wholesale customers, and on the state utility commissions in Vermont, New Hampshire, Massachusetts and Connecticut.

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, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866)208–3676, or for TTY, contact (202)502–8659. Protests and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Comment Date: February 20, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–3652 Filed 2–13–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP03–47–000]

Williston Basin Interstate Pipeline Company; Notice of Application

February 7, 2003.

On January 31, 2003, Williston Basin Interstate Pipeline Company (Williston Basin), P. O. Box 5601, Bismarck, North Dakota 58506–5601 filed in Docket No. CP03–47–000, an application pursuant to Section 7(b) of the Natural Gas Act (NGA), as amended, and part 157 of the regulations of the Federal Energy Regulatory Commission (Commission), for authorization to abandon approximately 21.4 miles of natural gas transmission pipeline loop and a related receipt point meter station all located in Big Horn County, Wyoming, all as more fully set forth in the application which is on file with the Commission and open to public inspection. 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, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Keith A. Tiggelaar, Director, Regulatory Affairs, Williston Basin Interstate Pipeline Company, P. O. Box 5601, Bismarck, North Dakota 58506–5601, at (701) 530–1560 or *keith.tiggelaar@wbip.com*.

Williston Basin states that it will be abandoning the Rairden-Greybull Loop (Rairden Loop) which is located in Big Horn County, Wyoming and consists of 21.4 miles of 12 ¾-inch natural gas transmission pipeline. Additionally, Williston Basin states that it will

abandon the Dobie Creek receipt point meter station (Dobie Creek Meter Station), which is connected to the Rairden Loop and is also located in Big Horn County, Wyoming. Williston Basin states that the primary purpose of the Rairden Loop was to increase the maximum capacity of Williston Basin's Worland to Cabin Creek line section and the increased capacity allowed the transfer of additional gas volumes to Williston Basin's Elk Basin storage field. Williston Basin states that in September of 1999 it was discovered that the Rairden Loop was severely corroded due to failed pipeline coating. Upon this discovery, Williston Basin states that the Office of Pipeline Safety was notified of a generalized corrosion condition and that the maximum allowable operating pressure (MAOP) of the Rairden Loop line was reduced to ensure the continued safe operation of those facilities and the remaining parties who were utilizing the facilities were informed that they should attempt to find other transportation alternatives. As a result of these consultations, all of the parties who previously used these facilities have found other transportation alternatives, and no volumes have been transported on this line since February 12, 2002. In addition to being severely corroded, Williston Basin states that much of the original production for which the Rairden Loop was constructed has declined and that competition from other pipelines in the Rairden Loop area has resulted in decreased demand for the Rairden Loop facilities. Consequently, Williston Basin states that it has been determined that the Rairden Loop is no longer required and is seeking abandonment as the safest and most economical course of action.

Williston Basin states that Montana-Dakota constructed the Dobie Creek Meter Station under blanket authority and reported the construction in its Annual Report of Activities under Blanket Certificate in Docket No. CP78–101–000. Williston Basin states that the Dobie Creek Meter Station was originally constructed to facilitate a gas purchase agreement with American Quasar Petroleum Company. Accordingly, Williston Basin states that the Dobie Creek Meter Station is being abandoned because no customer has received service through this meter station since February 12, 2002, and Williston Basin believes that requests for service will not occur in the future. Consequently, Williston Basin is requesting Commission authorization to abandon the Dobie Creek Meter Station facilities.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.214 or 385.211) and the regulations under the NGA (18 CFR 157.10) by the comment date, below. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

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.

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

Comment Date: February 27, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–3651 Filed 2–13–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG03–40–000, et al.]

Calpine California Equipment Finance Company, LLC., et al.; Electric Rate and Corporate Filings

February 6, 2003.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Calpine California Equipment Finance Company, LLC

[Docket No. EG03–40–000

Take notice that on January 31, 2003, Calpine California Equipment Finance Company, LLC (CCEFC) 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.

CCEFC, a Delaware limited liability company, owns and leases to certain of its affiliates in California 495 MW of electric generating facilities. CCEFC states that it will purchase and resell the output of such facilities at wholesale. CCEFC further states that copies of the application were served upon the U.S. Securities and Exchange Commission and California Public Utilities Commission.

Comment Date: February 17, 2003.

2. Calpine Parlin, LLC

[Docket No. EG03–41–000]

Take notice that on February 4, 2003, Calpine Parlin, LLC (Calpine Parlin), c/o Calpine Corporation Eastern Region Office, The Pilot House, 2nd Floor, Lewis Wharf, Boston, MA 02110, filed 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.

Calpine Parlin is a Delaware limited liability company and a wholly-owned subsidiary of Calpine Cogeneration Corporation. Calpine Parlin states that it owns and operates a 122 MW cogeneration facility located in Parlin, New Jersey and sells electric energy at wholesale. Calpine Parlin further states that copies of the application were served upon the Securities and Exchange Commission, New Jersey Board of Public Utilities, Colorado Public Utilities Commission, Kansas Corporation Commission, Michigan

Public Service Commission, Minnesota Public Utilities Commission, New Mexico Public Regulation Commission, North Dakota Public Service Commission, Oklahoma Corporation Commission, South Dakota Public Utilities Commission, Texas Public Utility Commission, Wisconsin Public Service Commission, and Wyoming Public Service Commission.

Comment Date: February 27, 2003.

3. Empire District Electric Company

[Docket No. ER99–1757–002]

Take notice that on February 4, 2003, Empire District Electric Company (Empire) filed an updated market analysis as required by the Commission's March 31, 1999, order in Docket No. ER99–1757–000 granting Empire market based rate authority.

Comment Date: February 25, 2003.

4. International Falls Power Company

[Docket No. ER03–319–001]

Take notice that on February 4, 2003, International Falls Power Company (IFPC) tendered for filing in this matter a Submission of First Amendment to Initial Rate Schedule.

Comment Date: February 25, 2003.

5. Klondike Wind Power LLC

[Docket No. ER03–416–002]

Take notice that on February 4, 2003, Klondike Wind Power LLC (Klondike) amended its January 17, 2003, revised market-based tariff (Tariff) filing with the Federal Energy Regulatory Commission (the Commission). The amendment reflects changes to its Code of Conduct to conform to prior Commission orders. Klondike reiterates its request for a waiver of the 60-day prior notice requirement to allow its revised Tariff (as amended) to become effective as of December 19, 2002.

Comment Date: February 25, 2003.

6. Ameren Services Company

[Docket No. ER03–491–000]

Take notice that on February 3, 2003, Ameren Services Company (ASC) tendered for filing an unexecuted Service Agreement for Firm Point-to-Point Service between ASC and Westar Energy, Inc. ASC asserts that the purpose of the Agreement is to permit ASC to provide transmission service to Westar Energy, Inc. pursuant to Ameren's Open Access Transmission Tariff.

Comment Date: February 24, 2003.

7. Harquahala Generating Company, LLC

[Docket No. ER03–492–000]

Take notice that on February 3, 2003, Harquahala Generating Company, LLC (Harquahala) tendered for filing with the Federal Energy Regulatory Commission (Commission) a proposed amendment to the Western Systems Power Pool (WSPP) Agreement. The proposed amendment reflects the admission of Harquahala to membership in the WSPP. Harquahala requests that the Commission authorize the proposed amendment to become effective on February 3, 2003.

Comment Date: February 24, 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 filed 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. 03–3654 Filed 2–13–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2782–006 Utah]

Parowan City; Notice of Availability of Draft Environmental Assessment

February 10, 2003.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for license for the Red Creek Hydroelectric Project located on Red Creek, in Iron County, Utah, and has prepared a draft Environmental Assessment (EA) for the project. The project occupies 19.06 acres of United States lands administered by the Bureau of Land Management.

The draft EA contains Commission staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the draft EA 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 contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, (202) 502–8659.

Any comments on this draft EA should be filed within 30 days from the date of this notice and should be addressed to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please affix Project No. 2782–006 to all comments. Comments may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site *http://www.ferc.gov* under the ''e-Filing'' link.

For further information, contact Steve Hocking at (202) 502–8753 or *steve.hocking@ferc.gov*.

Magalie R. Salas,

Secretary.

[FR Doc. 03–3723 Filed 2–13–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP03–33–000, CP03–34–000 and CP03–35–000]

Wyckoff Gas Storage Company, LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed Wyckoff Gas Storage Project and Request for Comments on Environmental Issues

February 10, 2003.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Wyckoff Gas Storage Project involving construction and operation of facilities by Wyckoff Gas Storage Company, LLC (Wyckoff) in Steuben County, New York.[1] These facilities would consist of about 16.2 miles of various diameter pipeline, 9,470 horsepower (hp) of compression, 9 gas injection/withdrawal wells, and 3 observation wells. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' was attached to the project notice Wyckoff provided to landowners. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet Web site (*http://www.ferc.gov*).

Summary of the Proposed Project

Wyckoff requests authorization to construct and operate a natural gas storage facility in two nearly depleted reservoirs in Steuben County, New York, capable of storing up to 6 billion cubic feet of natural gas (CP03–33–000). Wyckoff also requests a blanket certificate under part 157 of the regulations (CP03–34–000) to permit Wyckoff to construct, acquire, and operate additional facilities following construction of the storage facilities; and a blanket certificate under part 284 of the regulations (CP03–35–000) to provide storage services on behalf of others and approval of the filed FERC gas tariff under which Wyckoff would operate to provide open access storage services. Wyckoff's storage facilities would consist of:

—9,470 horsepower of compression and dehydration facilities at a new compressor station;
—drilling and completion of 6 new injection/withdrawal wells and the re-completion and conversion of 3 existing wells;
—drilling 3 observation wells;
—constructing 3.5 miles of 20-inch-diameter pipeline and bi-directional metering facilities near the intersection of pipelines owned by Tennessee Gas Pipeline Company (Tennessee) and Columbia Gas Transmission Corporation (Columbia) in the town of Jasper, New York;
—an interconnection/meter station near the Tennessee and Columbia point of intersection;
—constructing 8 miles of 20-inch-diameter pipeline interconnecting pipeline and metering facilities operated by Dominion Transmission, Inc. (Dominion);
—an interconnection/metering station at the Dominion point of interconnection; and
—constructing 4.7 miles of 6-inch-diameter well lines in the town of Jasper, New York.

There are no nonjurisdictional facilities identified for the project.

The location of the project facilities is shown in appendix 1.[2] Land Requirements for Construction

Construction of the proposed facilities would require about 132.3 acres of land. Following construction, about 85.6 acres would be maintained as new permanent right-of-way and aboveground facility sites. The remaining 46.7 acres of land would be restored and allowed to revert to its former use. The areal extent of the gas storage reservoir is approximately 584 acres.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us[3] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

—Geology and soils
—land use
—water resources, fisheries, and wetlands
—cultural resources
—vegetation and wildlife
—air quality and noise
—endangered and threatened species
—hazardous wastes
—water resources and wetlands
—public safety

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

[1] Wyckoff's application was filed with the Commission under Section 7 of the Natural Gas Act and part 157 of the Commission's regulations.

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's Web site at the ''FERRIS'' link or from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to FERRIS refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

[3] ''We'', ''us'', and ''our'' refer to the environmental staff of the Office of Energy Projects (OEP).

To ensure your comments are considered, please carefully follow the instructions in the public participation section below.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Wyckoff. This preliminary list of issues may be changed based on your comments and our analysis.

—Two nearby residences and one church would be impacted by noise from the new compressor station.
—Eight perennial streams would be crossed by the pipelines.
—Twenty-four wetlands would be affected by the project affecting about 1.6 acres.
—A total of about 40.3 acres of agricultural land consisting of primarily hay and cornfields would be affected by the project.
—A segment of National Fuel Gas Supply Corporation's existing pipeline would be abandoned in place where it would be paralleled by the proposed pipeline.
—The pipeline route would pass within 200 feet of three year round residences and two seasonal hunting camps.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations/routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

Send an original and two copies of your letter to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426.
—Label one copy of the comments for the attention of Gas 2 Branch.
—Reference Docket No. CP03–33–000.
—Mail your comments so that they will be received in Washington, DC on or before March 14, 2003.

Please note that we are continuing to experience delays in mail deliveries from the U.S. Postal Service. As a result, we will include all comments that we receive within a reasonable time frame in our environmental analysis of this project. However, the Commission strongly encourages electronic filing of any comments or interventions or protests to this proceeding. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the ''e-Filing'' link and the link to the User's Guide. Before you can file comments you will need to create a free account which can be created by clicking on ''Login to File'' and then ''New User Account.''

If you do not want to send comments at this time but still want to remain on our mailing list, please return the Information Request. If you do not return the Information Request, you will be taken off the mailing list.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an ''intervenor.'' Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (*see* appendix 2).[4] Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Environmental Mailing List

This notice is being sent to individuals, organizations, and government entities interested in and/or potentially affected by the proposed project. It is also being sent to all identified potential right-of-way grantors. By this notice we are also asking governmental agencies, especially those in appendix 3, to express their interest in becoming cooperating agencies for the preparation of the EA.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at 1–866–208–FERC or on the FERC Internet Web site (*http://www.ferc.gov)* using the FERRIS link. Click on the FERRIS link, enter the docket number excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. For assistance with FERRIS, the FERRIS helpline can be reached at 1–866–208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov*. The FERRIS link on the FERC Internet Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

Magalie R. Salas,

Secretary.

[FR Doc. 03–3722 Filed 2–13–03; 8:45 am]

BILLING CODE 6717–01–P

[4] Interventions may also be filed electronically via the Internet in lieu of paper. *See* the previous discussion on filing comments electronically.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene and Protests

February 7, 2003.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12346–000.

c. *Date Filed*: August 21, 2002.

d. *Applicant:* Universal Electric Power Corporation.

e. *Name and Location of Project*: The Mississippi L&D #13 Hydroelectric Project would be located on the Mississippi River in Whiteside County, IL. The project would utilize the U.S. Army Corps of Engineers' existing Mississippi Lock & Dam #13.

f. *Filed Pursuant to*: Federal Power Act, 16 U.S.C.791(a)–825(r).

g. *Applicant Contact:* Mr. Raymond Helter, Universal Electric Power Corporation, 1145 Highbrook Street, Akron, OH 44301, (330) 535–7115.

h. *FERC Contact:* Lynn R. Miles, (202) 502–8763.

i. *Deadline for Filing Comments, Protests, and Motions To Intervene*: 60

days from the issuance date of this notice.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. *Description of Project*: The proposed project, using the Corps' existing Mississippi Lock and Dam #13, would consist of: (1) Seven 80-foot-long, 6-foot-diameter steel penstocks, (2) a powerhouse containing one generating unit with a total installed capacity of 7.6 megawatts, (3) a 1.5-mile-long, 14.7-kilovolt transmission line connecting to an existing power line, and (4) appurtenant facilities. The project would have an average annual generation of 46 gigawatthours.

k. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *ferconlineSupport@ferc.gov*. For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item g. above.

l. *Competing Preliminary Permit:* Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (*see* 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

m. *Competing Development Application:* Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

n. *Notice of Intent:* A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

o. *Proposed Scope of Studies Under Permit:* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

p. *Comments, Protests, or Motions To Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

q. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing an original and eight copies to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

r. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. 03–3655 Filed 2–14–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

February 7, 2003.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary permit.

b. *Project No.:* 12393–000.

c. *Date Filed:* October 17, 2002.

d. *Applicant:* Universal Electric Power Corporation.

e. *Name and Location of Project:* The Enid Dam Hydroelectric Project would be located on the Yocona River in Yalobusha County, Mississippi. The project would utilize the U.S. Army Corps of Engineers' existing Enid Dam and Reservoir.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)—825(r).

g. *Applicant Contact:* Mr. Raymond Helter, Universal Electric Power Corporation, 1145 Highbrook Street, Akron, OH 44301, (330) 535–7115.

h. *FERC Contact:* James Hunter, (202) 502–6086.

i. *Deadline for Filing Comments, Protests, and Motions To Intervene:* 60

days from the issuance date of this notice.

The Commission's rules of practice and procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. *Description of Project:* The proposed project, using the Corps' existing Enid Dam and Reservoir, would consist of: (1) An 80-foot-long, 114-inch-diameter steel penstock, (2) a powerhouse containing four generating units with a total installed capacity of 7.8 megawatts, (3) a 3-mile-long, 14.7-kilovolt transmission line connecting to an existing substation, and (4) appurtenant facilities. The project would have an average annual generation of 48 gigawatthours.

k. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnLineSupport@ferc.gov*. For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item g above.

l. *Competing Preliminary Permit:* Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (*see* 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

m. *Competing Development Application:* Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

n. *Notice of Intent:* A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

o. *Proposed Scope of Studies Under Permit:* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

p. *Comments, Protests, or Motions To Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of rules of practice and procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

q. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing an original and eight copies to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

r. *Agency Comments:* Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. 03–3656 Filed 2–13–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

February 7, 2003.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary permit.

b. *Project No.:* 12405–000.

c. *Date Filed:* October 30, 2002.

d. *Applicant:* Universal Electric Power Corporation.

e. *Name and Location of Project*: The Morgantown L&D Hydroelectric Project would be located on the Monongahela River in Monongalia County, West Virginia. The project would utilize the U.S. Army Corps of Engineers' existing Morgantown Lock and Dam.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

g. *Applicant Contact:* Mr. Raymond Helter, Universal Electric Power Corporation, 1145 Highbrook Street, Akron, OH 44301, (330) 535–7115.

h. *FERC Contact:* James Hunter, (202) 502–6086.

i. *Deadline for Filing Comments, Protests, and Motions To Intervene:* 60

days from the issuance date of this notice.

The Commission's rules of practice and procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. *Description of Project:* The proposed project, using the Corps' existing Morgantown Lock and Dam, would consist of: (1) Five 50-foot-long, 96-inch-diameter steel penstocks, (2) a powerhouse containing five generating units with a total installed capacity of 5.5 megawatts, (3) a 200-yard-long, 14.7-kilovolt transmission line connecting to an existing substation, and (4) appurtenant facilities. The project would have an average annual generation of 34 gigawatthours.

k. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnLineSupport@ferc.gov*. For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item g above.

l. *Competing Preliminary Permit:* Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (*see* 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

m. *Competing Development Application:* Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

n. *Notice of Intent:* A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

o. *Proposed Scope of Studies Under Permit:* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

p. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

q. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing an original and eight copies to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

r. *Agency Comments:* Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. 03–3657 Filed 2–13–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests

February 7, 2003.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Exemption from licensing.

b. *Project No.:* 12433–000.

c. *Date Filed:* January 24, 2003.

d. *Applicant:* Indian River Power Supply LLC.

e. *Name of Project:* Indian River Hydro Project.

f. *Location:* On the Westfield River, near the Town of Russell, in Hampden County, Massachusetts. The proposed project would not occupy any federal lands.

g. *Filed Pursuant to:* Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2705, 2708.

h. *Applicant Contact:* Richard E. Lynch, Sr., Indian River Power Supply LLC, 22 Woodland Avenue, Westfield, MA 01085–2221, (413) 562–0588.

i. *FERC Contact:* Gaylord W. Hoisington, (202) 502–6032 or *gaylord.hoisington@ferc.gov*.

j. *Cooperating Agencies:* We are asking Federal, State, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the environmental document. Agencies who would like to request cooperating status should follow the instructions for filing comments described in item k below.

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for Filing Additional Study Requests and Request for Cooperating Agency Status:* March 25, 2003.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's rules of practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Additional study requests and request for cooperating agency status may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link. After logging into the eFiling system, select ''Comment on Filing'' from the Filing Type Selection screen and continue with the filing process.

m. The application is not ready for environmental analysis at this time.

n. *Description of Project:* The proposed project would consist of: (1) An existing 3-foot-high, 377-foot-long concrete dam; (2) a 13-acre impoundment with normal storage of 620 acre-feet to 720 acre-feet; (3) two existing 7-foot-diameter to 12-foot-diameter, 65-foot-long steel penstocks equipped with trashracks; (4) an existing 60-foot-long, 60-foot-wide, 25-foot-high powerhouse containing two Francis turbines with a total installed capacity of 700 kilowatts; (5) a proposed 933-foot-long transmission line connecting to an existing distribution system, and (6) appurtenant facilities. The project would have an average annual generation of 7,400,000 kilowatts.

o. A copy of the application is on file with the Commission and is available for public inspection. This filing may also be viewed on the web 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 for TTY, contact (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

p. With this notice, we are initiating consultation with the Massachusetts State Historic Preservation Officer (SHPO), as required by Section 106 of the National Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

q. *Procedural schedule:* The application should be processed according to the following Hydro Licensing schedule. Revisions to the schedule will be made as appropriate. The Commission staff proposes to issue one Environmental Assessment (EA) rather than issuing a draft and final EA. Staff intends to provide a 30 day period for entities to comment on the EA, and will take into consideration all comments filed on the EA before final action is taken on the exemption from licensing application. If any person or organization objects to the staff proposed process, they should file comments by the date stipulated in item l above, briefly explaining the basis for their objection.

Issue Acceptance or Deficiency Letter: March 2003

Issue Acceptance Letter: May 2003

Issue Scoping Document 1 for Comments: July 2003

Request Additional Information: August 2003

Issue Scoping Document 2, if Necessary: October 2003

Notice of Application Is Ready for Environmental Analysis: November 2003

Notice of the Availability of the EA: May 2004

Ready for Commission's Decision on the Application: August 2004

Magalie R. Salas,

Secretary.

[FR Doc. 03–3658 Filed 2–13–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–162–003]

Trailblazer Pipeline Company; Notice of Compliance Filing

February 7, 2003.

Take notice that on January 31, 2003, Trailblazer Pipeline Company (Trailblazer) filed the following documents:

1. Exhibit No. TPC–1 (Revised): Testimony of Bruce H. Newsome on behalf of Trailblazer Pipeline Company, and Mr. Newsome's related affidavit.

2. Exhibit No. TPC–81 (Revised): Revised Tariff Sheets. Exhibit No. TPC–81 (Revised) is sponsored by Mr. Newsome.

Trailblazer states that the purpose of this filing is to comply with the hearing procedural schedule adopted January 17, 2003, in the above-captioned docket. Trailblazer notes that the tariff sheets are tendered for filing to be a part of its FERC Gas Tariff, Third Revised Volume No. 1, with an effective date of January 1, 2003.

Trailblazer states that copies of the filing have been mailed to all parties set out on the Commission's official service list in Docket No. RP03–162.

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: February 12, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03–3661 Filed 2–13–03; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL –7452–7]

Science Advisory Board; Advisory Council on Clean Air Compliance Analysis; Request for Nominations for Additional Expertise for the Special Council Panel for the Review of the Third 812 Analysis and the Council's Two Subcommittees, the Air Quality Modeling Subcommittee and the Health and Ecological Effects Subcommittee

1. *Action:* Notice; request for nominations to add additional expertise to the Advisory Council on Clean Air Compliance Analysis (Council) for a Special Council Panel for the Review of the Third 812 Analysis and request for nominations for membership on the Council's two subcommittees, the Air Quality Modeling Subcommittee and the Health and Ecological Effects Subcommittee (HEES). The Council is a separately chartered federal advisory committee, housed administratively in the U.S. Environmental Protection Agency Science Advisory Board.

2. *Summary:* The U.S. Environmental Protection Agency (EPA or Agency) Science Advisory Board is requesting nominations to: (a) add expertise to the Advisory Council on Clean Air Compliance Analysis (Council) for a Special Council Panel for the Review of the Third 812 Analysis (Special Council Panel); (b) the Council's Air Quality Modeling Subcommittee (AQMS); and (c) the Council's Health and Ecological Effects Subcommittee (HEES).

The SAB was established to provide independent scientific and technical advice, consultation, and recommendations to the EPA Administrator on the technical basis for Agency positions and regulations. The Council provides scientific advice on any analysis required under section 312 of the Clean Air Act (CAA) of the impacts of the Clean Air Act (CAA) on the public health, economy, and environment of the United States and is a separately chartered Federal advisory committee Federal Advisory Committee Act (FACA), as amended (5 U.S.C. App.). The AQMS of the Council provides expertise on air quality modeling used in such analysis. The HEES of the Council provides advice on assessments of health and ecological effects used in such analyses. The AQMS and the HEES will report to the Administrator of EPA through the Council. The Special Council Panel will comprise members of the Council, appointed by the Administrator, and additional experts needed for the Review of the Third 812 Analysis. Members of the Special Council Panel, AQMS, and HEES will provide advice to the Agency on the Third 812 Analysis over a two-year period. Over that period, the Special Council Panel for the Review of the Third 812 Analysis, AQMS, and HEES will comply with the provisions of FACA and all appropriate SAB procedural policies, including the SAB process for panel formation described in the Overview of the Panel Formation Process at the Environmental Protection Agency Science Advisory Board, which can found on the SAB's website at: *http://www.epa.gov/sab/pdf/ec02010.pdf*. Those selected to serve on the Council, AQMS, and HEES will review the draft materials identified in this notice and respond to the charge questions provided below.

3. *Background:* The Agency is seeking the Council's advice in developing the third in a series of statutorily mandated comprehensive analyses of the total costs and total benefits of programs implemented pursuant to the Clean Air Act. Section 812 of the Clean Air Act requires the EPA to periodically assess the effects of the 1990 Clean Air Act Amendments on the ''public health, economy and the environment of the United States'' and to report the findings and results of the assessments to Congress. Section 812 of the Clean Air Act Amendments of 1990 (42 U.S.C. § 7612) also specifically directed the EPA Administrator to establish the Council to: (a) Review data to be used for any analysis required under section 312 of the Clean Air Act (CAA) of the impacts of the Clean Air Act (CAA) on the public health, economy, and environment of the United States, and make recommendations on its use; (b) review the methodology used to analyze such data and make recommendations on the use of such methodology; and (c) prior to the issuance of a report to Congress required under section 312 of the CAA, review the findings of the report and make recommendations concerning the validity and utility of such findings.

EPA has to date completed two reports to Congress [The Benefits and Costs of the Clean Air Act: 1970 to 1990 (published, 1997, and on the EPA Web site at *http://www.epa.gov/oar/sect812/copy.html*) and The Benefits and Costs of the Clean Air Act, 1990 to 2010 (published 1999), and on the EPA Web site at *http://www.epa.gov/air/sect812/1990-2010/fullrept.pdf*] and received the advice of the Council on them in multiple reports. EPA also sought Council advice on a draft Analytical Plan (June 2001) for a third analysis, and received advice on the plan from the Council in September 2001, Review of the Draft Analytical Plan for EPA's Second Prospective Analysis—Benefits and Costs of the Clean Air Act 1990–2020 (EPA–SAB–COUNCIL–ADV–01–004, on the SAB Web site at *http://www.epa.gov/science1/pdf/councila01004.pdf*).

EPA's work pursuant to the draft Analytical Plan (June 2001) and receipt of SAB Council advice was suspended pending resolution of three key issues:

(a) National Academy of Sciences (NAS) review of EPA air pollution benefits methods. Shortly after completion of the September 2001 SAB Council review of the June 2001 Analytical Plan, a panel of the National Academy of Sciences initiated development of their statutorily-mandated report evaluating EPA's methods for conducting air pollution reduction benefits analysis. The Agency recognized that the pending NAS report would have substantial effects on the selection of methods and assumptions in the third analysis, and suspended initiation of analytical work until the NAS review was completed. The NAS report, Estimating the Public Health Benefits of Proposed Air Pollution Regulations (on the web at *http://www.nap.edu/catalog/10511.html*), was completed in October 2002.

The Agency notes that the NAS report recommends numerous changes to EPA methods that are relevant for the third 812 analysis. Of particular importance, the NAS recommends that EPA develop and apply significantly enhanced uncertainty analysis methods, including the use of probabilistic specifications for important but uncertain or highly variable factors. The NAS panel, however, did not provide extensive specific advice regarding the appropriate methods or assumptions to apply in air pollution benefits analyses. The Agency proposes to seek Council advice to evaluate proposals for methodological changes pursuant to SAB and NAS advice. One specific change will be an additional analysis recommended by the NAS. This

analysis, referred to as the ''Fixed Current Conditions Analysis,'' is intended to gauge baseline aggregate uncertainty embedded in the benefits modeling system.

(b) Base emissions inventory selection. The Agency decided to wait for the availability of the upcoming 1999 National Emissions Inventory (NEI) rather than the currently available 1996 National Emissions Inventory because of shortcomings in the current emission inventories, including several deficiencies identified by the SAB Council. The 1999 NEI has now been further delayed, and is not expected to be available for use in the third analysis until Summer 2003.

The Agency therefore proposes to use the time between now and Summer 2003, when the 1999 NEI will be available, to configure and begin implementing key supplemental analyses, included in the original Analytical plan. These supplemental analyses include: (i) A Title VI re-analysis; (ii) a Hazardous Air Pollutant Case Study; and (iii) an Ecological Service Flow Case Study. Specific proposals for design and implementation of these supplemental analyses would be incorporated in the revised Analytical Plan and submitted for review by the SAB Council.

(c) Air quality model selection. The SAB Council strongly encouraged use of a comprehensive and integrated modeling system, such as the Community Multiscale Air Quality (CMAQ) model currently under development. The Agency also decided to defer initiation of emissions inventory development until air quality model evaluations for the key competing models [especially CMAQ versus the Regulatory Modeling System for Aerosols and Deposition (REMSAD) for modeling of particulate matter and CMAQ versus the Comprehensive Air Quality Model with Extensions (CAMx) for ozone modeling) were completed to ensure appropriate specification of the emission inventories used as inputs to the air quality models that will be selected for the study.

The Agency is seeking review by the Council Special Panel and its two subcommittees of three documents in the Spring 2003 that will assist the Agency in developing the third 812 analysis, which will be reviewed by the Council Special Panel and its two subcommittees in draft and final form in Fiscal Year 2004. The three documents to be reviewed in the Spring of 2003 include: (a) A revised Analytical Plan; (b) a new EPA meta-analysis for the Value of a Statistical Life (VSL), which has been developed in response, in part, to SAB Council advice for an updated and refined VSL estimate for use in third analysis; and (c) a draft strategic plan for development and implementation of probabilistic uncertainty methods to be applied more generally in EPA benefit-cost analyses. This strategic plan is expected to include proposed processes for (i) probability-based uncertainty analysis and (ii) expert elicitation to configure probability distributions for key uncertain and/or variable factors where data are limited and/or function specification would likely be controversial.

4. *EPA Request for and Proposed Charge to the Council, HEES, and AQMS.* Specific and detailed charge questions are still under development, particularly since EPA is still developing methodological options for implementation of NAS advice, especially related to probabilistic uncertainty analysis. However, the particular analytical elements for which new or updated SAB Council advice is expected to be sought include the following:

(a) Selection of upcoming 1999 National Emissions Inventory

(b) Selection of REMSAD version 7.3 for PM and CAMx for ozone air quality modeling

(c) Selection of specific Computable General Equilibrium model for estimation of general equilibrium effects (proposed model choice still pending)

(d) Selection of exposure modeling methodology

(e) Methods for quantification of compliance cost uncertainty

(f) Methods for quantification of emission inventory uncertainty

(g) Refinements to population characteristics for health effect estimation, including:

(i) Updated baseline incidence and prevalence rates for morbidity and mortality

(ii) Adjustments to account for differences in study and applied populations

(iii) Accounting for population exposure variability

(iv) Population subgroup differentiation in estimating incidence changes

(v) Development of regional-scale population projections based on Woods and Poole Economics, Incorporated, 2001 projections

(h) Updated and expanded morbidity endpoint treatments, including:

(i) Revised asthma severity baseline using new National Health Interview Survey data

(ii) Expansion of asthma age range

(iii) Emergency room visits in children age 0 to 18

(iv) Non-fatal heart attacks in adults over 30

(v) Hospital admissions for all cardiovascular causes

(vi) Hospital admissions for all respiratory causes in children under age 2

(vii) Revisions to hospital admissions studies used to estimate changes in pneumonia, chronic obstructive pulmonary disease, and total cardiovascular

(viii) Asthma hospital admissions in children age 6 to 13

(ix) Ozone-related school loss days

(x) Additional calculations to extrapolate study population age ranges for application to all child age range for various concentration-response functions

(xi) Possible expert elicitation regarding methods to transfer non-U.S. data on doctor visits and medication usage

(xii) Possible expert elicitation regarding revision to the current triangular distribution for the chronic bronchitis severity adjustment factor

(i) Updated treatments for particulate matter mortality, including:

(i) A proposed probability-based structure for cessation lags

(ii) Alternative mortality concentration-response functions (including possible expert elicitation regarding appropriate weights for alternative particulate matter cohort studies for the purpose of pooling)

(iii) Alternative PM mortality threshold models (including possible expert elicitation regarding choice and refitting of alternative threshold concentration-response curves)

(iv) Alternative particulate matter causality assumptions

(v) Relative toxicity of particulate matter components

(j) Updated and new valuation coefficients (or coefficient distributions) for the full range of morbidity and for mortality endpoints, including:

(i) Development of methods to estimate Quality Adjusted Life Year values for air pollution-related outcomes

(ii) Review of EPA's pending meta-analysis for Value of a Statistical Life

(iii) Review of the welfare economics components of EPA's analyses including not only efficiency considerations, but distributional consequences of alternative scenarios

(k) Expanded uncertainty analysis, including:

(i) Development of preliminary covariance matrices followed by possible expert elicitation for assessment and refinement

(ii) Development of probability distributions for key uncertain and/or

variable factors (in many cases, incorporating subjective judgments through various methods such as Bayesian approaches or expert elicitation)

(iii) Configuration of sensitivity tests to evaluate alternative distributions for key factors

(iv) Configuration of the side bar ''Fixed Current Conditions Analysis'' represented in the EPA benefit-cost modeling system

(v) Configuration of multi-factor sensitivity tests to evaluate the relative significance and interaction effects of key uncertain or variable factors

5. *SAB Request for Nominations:* The EPA SAB is requesting nominations of individuals who are recognized, national-level experts in one or more of the following disciplines necessary to contribute to the charge questions to be addressed by the Special Council Panel for the Review of the Third 812 Analysis, AQMS, or HEES:

(a) Emissions estimation (AQMS and the Special Council Panel)

(b) Air quality modeling (AQMS and the Special Council Panel)

(c) Exposure modeling related to air pollution (AQMS, HEES)

(d) Health effects (HEES and the Special Council Panel))

(e) Human clinical studies related to air pollution (HEES and the Special Council Panel)

(f) Air pollution epidemiology (HEES and the Special Council Panel)

(g) Ecosystem effects related to air pollution (HEES and the Special Council Panel)

(h) Uncertainty analysis and statistical and/or subjective probability (AQMS, HEES, and the Special Council Panel)

(i) Decision theory (Special Council Panel)

(j) Representation of expert judgment including expert elicitation (HEES and the Special Council Panel)

(k) Estimation of the value of morbidity and premature mortality risk reduction (Special Council Panel)

(l) Estimation of the value of ecosystem effects (Special Council Panel)

(m) Welfare economics (Special Council Panel).

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 Special Council Panel for the Review of the Third 812 Analysis, AQMS, or HEES. 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 website. The form can be accessed through a link on the blue navigational bar on the SAB Web site, *http://www.epa.gov/sab.* To be considered, all nominations must include the information required on that form.

Anyone who is unable to submit nominations in electronic format may contact Dr. Angela Nugent at the mailing address given at the end of this notice. Nominations should be submitted in time to arrive no later than 21 days after the publication date of this **Federal Register** Notice. Any questions concerning either this process or any other aspects notice should be directed to Dr. Nugent.

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 the specific expertise to add to the Council for the Special Council Panel, for the AQMS, or the HEES.

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 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 at least one public face-to-face meeting and several public conference call meetings over the anticipated course of the advisory activity.

The approved policy under which the EPA SAB selects review panels is described in a recent SAB document, EPA Science Advisory Board (SAB) Panel Formation Process: Immediate Steps to Improve Policies and Procedures—An SAB Commentary (EPA–SAB–EC–COM–002–003), which can be found on the SAB's Web site at: *http://www.epa.gov/sab/pdf/ecm02003.pdf.*

Additional information concerning the EPA Science Advisory Board, including its structure, function, and composition, may be found on the EPA SAB Web site at: *http://www.epa.gov/sab;* and in the EPA Science Advisory Board FY2001 Annual Staff Report, which is available from the EPA SAB Publications Staff at phone: (202) 564–4533; via fax at: (202) 501–0256; or on the SAB Web site at: *http://www.epa.gov/sab/annreport01.pdf.*

7. *For Further Information*—Any member of the public wishing further information regarding this Request for Nomination may contact Dr. Angela Nugent, Designated Federal Officer, U.S. EPA Science Advisory Board (1400A), Suite 6450C by telephone/voice mail at (202) 564–4562, by fax at (202) 501–0323; or via e-mail at *nugent.angela@epa.gov.*

Dated: February 10, 2003.

Vanessa T. Vu,

Director, EPA Science Advisory Board Staff Office.

[FR Doc. 03–3703 Filed 2–13–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0038; FRL–7291–5]

Eastern Research Group, Inc. and Geologics Corp.; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that pesticide related information submitted to EPA's Office of Pesticide Programs (OPP) pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), including information that may have been claimed as Confidential Business Information (CBI) by the submitter, will be tranferred to Eastern Research Group, Inc. and its subcontractor, Geologics Corp., in accordance with 40 CFR 2.307(h)(3) and 2.308(i)(2). Eastern Research Group, Inc. and its subcontractor, Geologics Corp. have been awarded a contract to perform work for the Office of Enforcement and Compliance Assurance (OECA), and access to this information will enable Eastern Research Group, Inc. and its subcontractor, Geologics Corp., to fulfill the obligations of the contract.

DATES: Eastern Research Group, Inc. and its subcontractor, Geologics Corp., will be given access to this information on or before February 19, 2003.

FOR FURTHER INFORMATION CONTACT: Erik R. Johnson, FIFRA Security Officer, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–7248; e-mail address: johnson.erik@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action applies to the public in general. As such, 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–2003–0038. 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. 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. Once in the system, select ''search,'' then key in the appropriate docket ID number.

II. Contractor Requirements

Under Contract No. 68–W9–9057, Eastern Research Group, Inc. and its subcontractor, Contract No. 68–W0–1031, Geologics Corp., will support EPA's compliance monitoring and enforcement efforts under the Office of Compliance, by performing tasks in the following areas: Training, data management, compliance monitoring, compliance inspections, targeting, sector-based support, outreach, sampling and sample analysis, and pollution prevention.

OPP has determined that access by Eastern Research Group, Inc., and its subcontractor, Geologics Corp., to information on all pesticide chemicals is necessary for the performance of this contract.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and under sections 408 and 409 of FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(2), the contract with Eastern Research Group, Inc. and its subcontractor, Geologics Corp., prohibits use of the information for any purpose not specified in the contract; prohibits disclosure of the information to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the FIFRA Information Security Manual. In addition, Eastern Research Group, Inc. and its subcontractor, Geologics Corp., are required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to Eastern Research Group, Inc., and its subcontractor, Geologics Corp., until the requirements in this document have been fully satisfied. Records of information provided to Eastern Research Group, Inc., and its subcontractor, Geologics Corp., will be maintained by EPA Project Officers for this contract. All information supplied to Eastern Research Group, Inc. and its subcontractor, Geologics Corp., by EPA for use in connection with this contract will be returned to EPA when Eastern Research Group, Inc. and its subcontractor, Geologics Corp., have completed their work.

List of Subjects

Environmental protection, Business and industry, Government contracts, Government property, Security measures.

Dated: February 3, 2003.

Linda Vlier Moos,

Acting Director, Information Resources and Services Division, Office of Pesticide Programs.

[FR Doc. 03–3581 Filed 2–13–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6637–7]

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 12, 2002 (67 FR 17992).

Draft EISs

ERP No. D–AFS–H65014–MO Rating EC2, Pineknot Woodland Restoration Project, Open Shortleaf Pine Woodland Restoration, Implementation, Doniphan/Eleven Point Ranger District, Mark Twain National Forest, Carter County, MO.

Summary: EPA expressed environmental concerns with potential impacts to air and water quality. EPA requests that the final EIS include more detailed information on criteria for assessment of soil and water mitigation measures, compliance of prescribed burns with a smoke/fire management plan and discussion of how the proposed restoration habitat meets old growth habitat as currently defined in the Forest Plan Standard and Guidelines.

ERP No. D–AFS–J35006–UT Rating EC2, Fox and Crescent Reservoirs Maintenance Project, Dam Structures Operation and Maintenance, Special Use Permit Issuance, High Andes Wilderness, Ashley National Forest, Uinta Basin, Duchesne County, UT.

Summary: EPA supports the proposed action in order to supply existing water rights and commends the USFS for indentifying proposed mitigations. However, EPA expressed environmental concerns about the potential adverse impacts to water quality, fish and aquatic invertebrates, flow regimes and the release of sediment to downstream ecosystems.

ERP No. D–AFS–J65370–MT Rating EC2, Management Area 11 Snowmobile Use Areas on the Seeley Lake Ranger District, Implementation, Lola National Forest, Missoula and Powell Counties, MT.

Summary: EPA expressed environmental concerns regarding potential snowmobile impacts to grizzly bear and other wildlife and increased traffic and erosion and rutting of substandard roads that may impair water quality and fisheries, including 303(d) listed streams and threatened bull trout. EPA believes additional information is needed to fully assess and mitigate potential impacts of the proposed management actions.

ERP No. D–AFS–L65409–AK Rating EC2, Licking Creek Timber Sale, Timber Harvest, Implementation, Tongass National Forest, Ketchikan Misty Fiords Ranger District, Revillagigedo Island, Ketchikan, AK.

Summary: EPA expressed environmental concerns related to indirect and cumulative impacts of proposed silvicultural practices and road construction to water quality and fish resources, the Action Alternatives' reliance on even-aged silvicultural practices, and lack of project level watershed analysis. Also, we recommend the FEIS examine another possible Action Alternative that would address and mitigate for cumulative impacts while maintaining moderate economic efficiencies so that the EIS could include a viable Alternative that is less damaging and yet still provides economic benefits.

ERP No. D–FHW–F40411–MN Rating EC2, Trunk Highway 371 Corridor Reconstruction, US Truck Highway 10 to County State Aid Highway (CSAH) Highway 48, Funding, Morrison County, MN.

Summary: EPA expressed environmental concerns regarding impacts to aquatic and floodplain habitat. EPA recommended bridging of a stream and its associated floodplain, creation of a wetland site and requested a detailed wetland mitigation plan to be included in the final EIS.

ERP No. D–MMS–E02012–00 Rating LO, Eastern Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sales 189 (proposed for 2003) and 197 (proposed for 2005) Leasing Program 2002–2007, Eastern Planning Area, Counties and Parishes of TX, LA, MS, AL and FL.

Summary: While EPA has no objections to the action as proposed, EPA expressed interest in the results of ongoing studies to further define the fate and effects of mercury and other heavy metal pollutants in drilling and production waste discharges. EPA also requested clarification on the construction and operational impacts of future pipeline infrastructure.

ERP No. DS–AFS–J65349–UT Rating EC2, 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.

Summary: EPA previously identified road maintenance and upgrading, beetle suppression and other management activities as having potential significant impacts to old growth forests, wetlands and wildlife. EPA remains environmentally concerned that discussion of the purpose, need and risk involved with a large scale thinning operation and discussion of the transportation system in the final EIS did not fully address our concerns and could result in adverse impacts from ecosystem alteration and fragmentation.

ERP No. DS–COE–G36148–TX Rating LO, Dallas Floodway Extension, Flood Damage Reduction and Environmental Restoration, New Information concerning Additional Formulation, Trinity River Basin, Dallas County, TX.

Summary: EPA has no objection to the proposed action since EPA agreed with the conclusions drawn in the cumulative impact supplemental EIS.

Final EISs

ERP No. F–AFS–E60006–KY, Daniel Boone National Forest Land Exchange Project, Two Federal Tracts for 98.17 Acres of Privately Owned Land located in Owsley County, Federal Lands to be Exchanged are Tract 107AB (52.15 acres) located on Langdon Branch in Leslie County and Tract 745 (39.96 acres) located on Spicer Fork in Perry County, KY.

Summary: EPA continues to have environmental concerns about impacts to water quality and aquatic resources associated with subsequent surface mining activities.

ERP No. F–AFS–K65243–CA, Brown Darby Fuel Reduction Project, Combination of Salvage Harvesting of Trees Killed and Other Fuel Management Activities, Stanislaus National Forest, Calaveras Ranger District, Calaveras and Tuolumne Counties, CA.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. F–NRC–D05124–VA, GENERIC EIS—North Anna Power Station, Units 1 and 2, Supplement 7 to NUREG–1437, License Renewal, VA.

Summary: EPA concurs with the analysis of the environmental impacts as they relate to the alternatives discussed in the report. EPA requests an opportunity to re-examine conclusions should they change as the license expiration date approaches.

ERP No. FS–NRC–E06012–SC, GENERIC EIS—Catawba Nuclear Station, Unit 1 and 2 (Catawba),

Renewal of the Operating Licenses (OLs) for an Additional 20–Year Period, Supplement 9 to NUREG–1437, York County, SC.

Summary: EPA has no objection to the proposed action since our previous issues were resolved.

Dated: February 11, 2003.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 03–3692 Filed 2–13–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6637–6]

Environmental Impact Statements; Notice of Availability

AGENCY: Office of Federal Activities, General Information (202) 564–7167 or *http://www.epa.gov/compliance/nepa/*. Weekly receipt of Environmental Impact Statements, filed February 3, 2003, through February 7, 2003, pursuant to 40 CFR 1506.9.

EIS No. 030049, Draft EIS, NPS, OH, Cuyahoga Valley National Park Rural Landscape Management Program, Rural Landscape Resources Preservation and Protection, Cuyahoga River, Cuyahoga and Summit Counties, OH, comment period ends: March 31, 2003, contact: John P. Debo (440) 546–5903.

EIS No. 030050, Draft Supplement, NPS, KY, TN, Big South Fork National River and Recreation Area, General Management Plan, implementation, additional information concerning resources, roads and trails, McCreary, KY and Fentress, Morgan, Pickett, and Scott Counties, TN, comment period ends: May 15, 2003, contact: Reed Detring (423) 569–9778.

EIS No. 030051, Final EIS, MMS, 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, wait period ends: March 17, 2003, contact: George Valiulis (703) 787–1662.

EIS No. 030052, Final EIS, FHW, IA, Avenue G viaduct and connecting corridor, access improvement for local emergency services and safety through expanded capacity across the trail corridor, funding and NPDES permit, Pottawattamie County, IA, wait period ends: March 17, 2003, contact: Bobby Blackmon (515) 233–7300.

EIS No. 030053, Draft EIS, BLM, WY, Snake River Resource Management Plan, BLM-administrated public land and resources allocation and management, Snake River, Jackson Hole, Teton Counties, WY, comment period ends: May 15, 2003, contact: Joe Patti (307) 775–6101.

EIS No. 030055, Draft EIS, FHW, TX, Grand Parkway/TX–99 Improvement Project, IH–10 to U.S. 290, funding, right-of-way grant and U.S. Army COE section 404 permit issuance, Harris County, comment period ends: May 23, 2003, contact: John Mack (512) 536–5960.

EIS No. 030056, Draft EIS, AFS, FL, USDA Forest Service and State of Florida Land Exchange Project, assembled exchange of both fee, ownership parcels and partial interest parcels, Baker, Citrus, Franklin, Hernando, Lake, Liberty, Okaloosa, Osceola, Santa Rosa and Sumter Counties, FL, comment period ends: March 31, 2003, contact: Gary Hegg (850) 926–3561.

Dated: February 11, 2003.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 03–3693 Filed 2–13–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7452–9]

Issuance of a Final General Permit to the National Science Foundation for the Ocean Disposal of Man-Made Ice Piers From its Base at McMurdo Sound on Antarctica

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final permit.

SUMMARY: EPA is today issuing a general permit under sections 102(a) and 104(c) of the Marine Protection, Research, and Sanctuaries Act (MPRSA) to the National Science Foundation (NSF) for the disposal at sea of man-made ice piers from its base at McMurdo Sound on Antarctica. McMurdo Station, which is located on the southern tip of Hut Point Peninsula on Ross Island, is the largest of three stations in Antarctica operated by the National Science Foundation. This station is the logistics hub of the United States Antarctic Program. The majority of personnel and supplies destined for bases and field camps on Antarctica pass through McMurdo Station. In order to unload supplies, ships dock at an ice pier at McMurdo Station; this man-made pier has a normal life span of three to five years. At the end of its useful life, all transportable equipment, materials, and debris are removed, and the pier is cast loose from its moorings at the base and towed out to McMurdo Sound for disposal, where it melts naturally. Issuance of this general permit is necessary because the pier must be towed out to sea for disposal at the end of its useful life. This final general permit is intended to protect the marine environment by setting forth permit conditions, including operating conditions during use of the pier and clean-up, with which the NSF must comply before the disposal of such ice piers can take place. EPA has determined that only minimal adverse environmental impacts will result from the dumping of ice piers under this general permit.

DATES: This permit is effective February 14, 2003.

ADDRESSES: Additional information on this final general permit can be obtained from the person identified in the section **FOR FURTHER INFORMATION CONTACT,** which follows below.

FOR FURTHER INFORMATION CONTACT: David Redford, Chief, Marine Pollution Control Branch, Oceans and Coastal Protection Division (4504T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone (202) 566–1288.

SUPPLEMENTARY INFORMATION:

A. The McMurdo Station Ice Pier

The NSF is the agency of the United States Government responsible for oversight of the United States Antarctic Program. The NSF currently operates three major bases in Antarctica: McMurdo Station on Ross Island, adjacent to McMurdo Sound; Palmer Station, near the western terminus of the Antarctic Peninsula; and Amundsen-Scott South Pole Station, at the geographic South Pole. McMurdo Station is the largest of the three stations, and serves as the primary logistics base for Antarctica.

For most of the year, McMurdo Station is closed in by sea ice. However, in early January, a U.S. Coast Guard icebreaker opens a channel to the harbor at McMurdo Station, allowing a fuel tanker and a supply vessel to replenish the station. The tanker normally arrives in mid-January to unload fuel and unleaded gasoline. In early February, the supply vessel arrives and off-loads the annual provision of supplies for McMurdo Station and other U.S. Antarctic bases. After unloading its

cargo, the supply vessel is backloaded with the previous year's accumulation of wastes, which are returned to the United States for disposal and recycling.

Construction of an ice pier is necessary to allow the various vessels to dock and unload at McMurdo Station. This ice pier, which is approximately 800 feet long, 300 feet wide, and 22 feet thick, is constructed during the winter season. The pier has several wooden poles frozen in it to support lighting, power, and telephone connections, and is covered with a gravel surface. At the end of each austral summer season, the pier is inspected, and as much of the gravel surface as possible is removed and stored for use the following season. If the pier is to be reused the next year, it is flooded with seawater during the winter to create a new surface for the following summer season.

The ice pier has a normal viable life of three to five years; after that period, factors such as stress cracking and erosion cause the pier to be unusable. If the pier has deteriorated to the point that it is not capable of being used the following season, the wooden poles are cut off just above the surface of the ice, the gravel is scraped off for use in the following season, all transportable equipment, materials, and debris are removed, and the pier is physically separated from McMurdo Base. It is then towed by a U.S. Coast Guard cutter to float free in the ice pack of the Ross Sea, where it mixes with the annual sea ice, and eventually disintegrates.

Please see the proposed permit notice in the **Federal Register** (68 FR 775–780, January 7, 2003) for a complete discussion of the McMurdo Station ice pier, including the process by which it is constructed, the reasons why the pier needs to be disposed of and reconstructed on a regular basis, the procedures undertaken prior to disposal to assure that minimal substances remain on the pier, and a description of the physical disposal process.

B. Statutory and Regulatory Background

Section 102(a) of the Marine Protection, Research, and Sanctuaries Act (MPRSA), 33 U.S.C. 1412(a), requires that agencies or instrumentalities of the United States obtain a permit to transport any material from any location for the purpose of dumping into ocean waters. Section 104(c) of the MPRSA, 33 U.S.C. 1414(c), and EPA regulations at 40 CFR 220.3(a) authorize the issuance of a general permit under the MPRSA for the dumping of materials which have a minimal adverse environmental impact, and are generally disposed of in small quantities.

The proposed towing of ice piers by the NSF from McMurdo Station for disposal at sea constitutes transportation of material for the purpose of dumping in ocean waters, so it is subject to the MPRSA. EPA has determined that only minimal adverse environmental impacts will result from the ocean dumping of ice piers under this general permit.

C. Discussion

Today EPA is issuing a general permit to the NSF and its agents for the ocean dumping of man-made ice piers from the NSF research station at McMurdo Sound, Antarctica, subject to specific conditions. Agents of the NSF are included in the permit because transportation for the purpose of dumping the pier may be by vessels which are not under the direct ownership or operational control of the NSF, *e.g.*, the U.S. Military Sealift Command, the U.S. Navy, or the U.S. Coast Guard. Further, the general permit applies only to the ocean dumping of man-made ice piers from the NSF station at McMurdo Sound, Antarctica. The 1992 amendments to the MPRSA (Pub. L. 102–580) provide that permits under the MPRSA shall be issued for a period not to exceed seven years (Sec. 104(a), 33 U.S.C. 1414(a)); consequently, the term of this permit is limited to a maximum of seven years.

This general permit establishes several conditions that must be met during the life of, and prior to the ocean dumping of, an ice pier. For example, the non-embedded ends of all utility poles and bollards must be cut off from the ice pier prior to disposal, and shall not be disposed of in the ocean. In addition, this general permit requires the NSF to report by June 30 of every year to the Director of the Oceans and Coastal Protection Division, in EPA's Office of Water, on any spills, discharges, or clean-up procedures on the ice pier, and on any ocean dumping of ice piers from McMurdo Station conducted under this general permit.

The conditions specified in this general permit are intended to protect the Antarctic environment against release of contaminants from the McMurdo Station ice pier following its ocean dumping and subsequent melting. As noted above, section 104(c) of the MPRSA, 33 U.S.C. 1414(c), and EPA regulations at 40 CFR 220.3(a) authorize the issuance of general permits for the dumping of materials which have a minimal adverse environmental impact. The Agency has determined that only minimal adverse environmental impacts would result from the dumping of ice piers from the NSF base at McMurdo Station in Antarctica.

Furthermore, the NSF is directed, as a condition of this permit, to utilize a methodology to track any ice piers released from McMurdo Station for a period of one year from the date of release. Such methodologies may include the use of satellite-tracked pingers placed on the ice pier, or any other methodology that will allow data to be collected on the course, speed, and location of the ice pier. The results of these tracking efforts are to be included in the reports that the NSF is required to submit to the Agency. If tracking results demonstrate that all such ice piers released have generally followed the same path and time duration for the one year following release, the Agency will consider whether further tracking efforts and tracking reports shall be required from the NSF under any future versions of this permit.

D. Response to Comments Received

One comment was received on the proposed general permit (68 FR 775-780, January 7, 2003). That comment, from The Antarctica Project (TAP), raised two points of concern about the proposed permit. Both points derive from Section (b) of the permit; that section requires NSF or its contractors to clean up any spill or discharge on the ice pier below any visible evidence of the spill or discharge, and to clean up any spill or discharge within two hours of the spill or discharge, or as soon as possible thereafter.

The first concern raised by TAP questioned whether allowing the NSF to clean up a spill ''within two hours of the spill or discharge, or as soon as possible thereafter,'' was sufficiently environmentally protective. TAP has proposed revising the language to read: ''All spills or discharges on an ice pier must be cleaned up within two hours of the spill or discharge, unless circumstances prevent cleanup within this time frame. In that event, the spill or discharge will be cleaned up as soon as possible thereafter.'' Discussion of this point with NSF has made it clear that the Foundation intends to meet the two-hour cleanup requirement unless unusual circumstances prevent it from doing so. Such circumstances may include situations such as sudden severe weather conditions, a fire in the McMurdo Station complex, or a much larger discharge event elsewhere at McMurdo Station, that would require immediate and primary attention from cleanup personnel. Therefore, the language of the permit has been

modified to accommodate TAP's concern.

Second, TAP questioned whether cleaning up a spill or discharge below any visible evidence of the spill or discharge was environmentally sufficient; they stated that a spill or discharge may penetrate into the ice below the point of visibility. TAP wanted the cleanup of any spill or discharge to be confirmed by testing, presumably by sampling and analysis. As described in the section entitled **SUPPLEMENTARY INFORMATION** in the proposed permit notice (68 FR 775, 778), NSF conducted sampling and analysis on a previous ice pier, evaluating both general areas of the pier and specific locations that showed any sign of contamination. The results of these analyses demonstrated that cleanup efforts were effective in removing petroleum hydrocarbons. EPA believes that the combination of spill prevention measures by NSF to minimize the risk of any spills or discharges, as well as the removal of any visually contaminated areas in a spill event will effectively address any concerns with residual contamination of the ice pier. Consequently, the language of the permit has not been modified to reflect TAP's comments on this point.

E. Endangered Species Act

The Endangered Species Act (ESA) imposes duties on Federal agencies regarding endangered species of fish, wildlife, or plants and habitats of such species that have been designated as critical. Section 7(a)(2) of the ESA and its implementing regulations (50 CFR part 402) require EPA to ensure, in consultation with the Secretary of Interior or Commerce, that any action authorized, funded, or carried out by EPA in the United States or upon the high seas, is not likely to jeopardize the continued existence of any endangered or threatened species, or adversely affect their critical habitat.

In compliance with section 7 of the ESA, an endangered species list for the affected area of ocean dumping of ice piers from the NSF facility at McMurdo Station was requested by EPA and received from both the Fish and Wildlife Service (F&WS) of the Department of the Interior and the National Marine Fisheries Service (NMFS) of the Department of Commerce. No endangered, threatened, or candidate species are reported to occur in the affected area.

Before issuing the notice proposing issuance of a general permit to NSF for the ocean dumping of ice piers, EPA discussed this matter with both the F&WS and the NMFS pursuant to section 7 of the ESA, and the agencies have agreed that the ocean dumping of ice piers by the NSF or its agents from McMurdo Station in Antarctica will have no effect on endangered or threatened species. EPA stated that it would consider any comments offered by either the F&WS or the NMFS on this issue before promulgating a final general permit for the ocean dumping of ice piers. No further comments were received from either agency on this matter.

Dated: February 11, 2003.

Suzanne E. Schwartz,

Director, Oceans and Coastal Protection Division.

The general permit is as follows:

Disposal of Ice Piers from McMurdo Station, Antarctica

The United States National Science Foundation and its agents are hereby granted a general permit under sections 102(a) and 104(c) of the Marine Protection, Research, and Sanctuaries Act, 33 U.S.C. 1412(a) and 1414(c), to transport ice piers from the McMurdo Sound, Antarctica, research station for the purpose of ocean dumping, subject to the following conditions:

(a) The NSF shall have a spill prevention, control, and countermeasures (SPCC) plan in place, consistent with the requirements of 40 CFR 112.3, for the McMurdo Station ice pier. The SPCC plan shall address procedures for loading and unloading the following materials, and shall include methods to minimize the accidental release or discharge of any of the following materials to the ice pier:

(1) Petroleum products unloaded from supply tankers to the storage tanks at McMurdo Station;

(2) Drummed chemicals, petroleum products, and materiel unloaded from cargo freighters to supply depots at McMurdo Station; and

(3) Materials loaded to freighters destined to be returned to bases outside Antarctica.

(b) If a spill or discharge occurs on an ice pier, clean-up procedures must be completed by NSF or its contractors to a level below any visible evidence of the spill or discharge. All spills or discharges on an ice pier must be cleaned up within two hours of the spill or discharge, unless circumstances prevent cleanup within this time frame. In that event, the spill or discharge will be cleaned up as soon as possible thereafter.

(c) As part of normal monitoring requirements, a record of the following information shall be kept by NSF:

(1) The date and time of all spills or discharges, the location of the spill or discharge, a description of the material that was spilled or discharged, the approximate volume of the spill or discharge, clean-up procedures employed, and the results;

(2) The number of wooden poles remaining in the pier at the time of its release from McMurdo Station, and their approximate length;

(3) The approximate length of the steel cables remaining in the pier at the time of its release from McMurdo Station;

(4) Any other substances remaining on the pier at the time of its release from McMurdo Station; and

(5) The date of detachment of the pier from McMurdo Station, and the geographic coordinates (latitude and longitude) of the point of final release of the pier in McMurdo Sound or the Antarctic Sea.

(d) The non-embedded ends of all wooden utility poles and bollards will be cut off from the ice pier prior to disposal, and shall not be disposed of in the ocean.

(e) Prior to the ocean dumping of any ice piers, the following actions shall be taken by NSF:

(1) Other than the matter physically embedded in the ice pier (*i.e.,* the ends of light poles or bollards frozen in the pier, and the strengthening cables), all other objects (including the non-embedded portions of bollards used for maintaining a connection between the pier and the mainland, the non-embedded portions of poles used for lighting, power, or telephone connections, and any removable equipment, debris, or objects of anthropogenic origin), shall be removed from the pier prior to dumping.

(2) The gravel non-slip surface of the pier shall be removed to the maximum extent possible, and stored on the mainland for subsequent use.

(3) A methodology to track any ice piers released from McMurdo Station shall be established and utilized for a period of one year from the date of release of the ice pier. The results of these tracking efforts are to be included in the annual reports that the NSF is required to submit to EPA.

(f) The NSF shall submit a report by June 30 of every year to the Director of the Oceans and Coastal Protection Division, in EPA's Office of Water, on (1) Any spills, discharges, or clean-up procedures on the ice pier at McMurdo Station, (2) any ocean dumping of ice piers from McMurdo Station, and (3) any tracking efforts of ice piers released from McMurdo Station under this

general permit for the year preceding the date of the annual report.

(g) For the purpose of this permit, the term ''ice pier(s)'' means those man-made ice structures containing embedded steel cable, and any remaining gravel frozen into the surface of the pier, that are constructed at McMurdo Station, Antarctica, for the purpose of off-loading the annual provision of materiel and supplies for the base at McMurdo Station and other U.S. Antarctic bases, and for loading the previous year's accumulation of wastes, which are returned to the United States.

(h) This permit shall be valid until February 18, 2010.

[FR Doc. 03–3840 Filed 2–13–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0015; FRL–7288–5]

Tribal Pesticide and Special Projects; Request for Proposals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Office of Pesticide Programs (OPP), in coordination with the EPA regions, is soliciting pesticide and special project proposals from eligible Tribes and intertribal consortia for fiscal year (FY) 2003 funding. Under this program, cooperative agreement awards will provide financial assistance to eligible Tribal Governments or intertribal consortia to carry out projects that assess or reduce risks to human health and the environment from pesticide exposure. The total amount of funding available for award in FY 2003 is $445,500.

DATES: Proposals, identified by docket ID number OPP–2003–0015, must be submitted on or before March 15, 2003. If the project proposal is submitted by fax or electronically by March 15, 2003, the EPA regional contact must receive an original copy of the proposal by mail within 5 working days thereafter.

ADDRESSES: Proposals may be submitted by mail, fax, or electronically. Please follow the detailed instructions as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Karen Rudek, Field and External Affairs Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–6005; fax number: (703) 308–1850; e-mail address: *rudek.karen@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

Potentially affected entities include federally recognized Tribal governments or qualified intertribal consortia. For this solicitation, an intertribal consortium is defined as a partnership between two or more federally recognized Tribes that is authorized by the governing bodies of those Tribes to apply for and receive assistance under the Federal Insecticide, Fungicide, and Rodenticide Act. Only one project proposal may be submitted by each Tribal Government or intertribal consortium.

To determine whether your Tribe or your Tribal consortium may be affected by this action, you should carefully examine the applicability provisions in 40 CFR 35.501 and 35.502. 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–2003–0015. 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 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. 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. Once in the system, select ''search,'' then key in the appropriate docket ID number.

C. How and to Whom Do I Submit a Project Proposal?

You may submit a project proposal through the mail, by fax, or electronically to the EPA Tribal pesticide staff in your region, as listed below. Contact the appropriate regional staff person if you need assistance or have questions regarding the creation or submission of a project proposal. To ensure proper receipt by EPA, it is imperative that you identify docket ID number OPP–2003–0015 in the subject line on the first page of your proposal.

EPA Region I (Connecticut, Maine, New Hampshire, Rhode Island, Vermont) Rob Koethe, EPA Region I, One Congress St., Suite 1100, (CPT), Boston, MA 02114–2023, telephone: (617) 918–1535, fax: (617) 918–1505, e-mail: *koethe.robert@epa.gov*.

EPA Region II (New Jersey, New York, Puerto Rico, Virgin Islands) Tara Masters, EPA Region II, U.S. EPA Facilities, Raritan Depot (MS50), 2890 Woodbridge Ave., Edison, NJ 08837–3679, telephone: (732) 906–6183, fax: (732) 321–6771, e-mail: *masters.tara@epa.gov*.

EPA Region III (Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia) Fatima El Abdaoui, EPA Region III, Chestnut Building (3AT11), Philadelphia, PA 19107, telephone: (215) 814–2129, fax: (215) 814–3114, e-mail: *el-abdaoui.fatima@epa.gov*.

EPA Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee) Christopher Plymale, EPA Region IV, 61 Forsyth St., SW., Atlanta, GA 30303, telephone: (404) 562–9004, fax: (404) 562–8972, e-mail: *plymale.christopher@epa.gov*.

EPA Region V (Illinois, Indiana, Michigan, Minnesota, Wisconsin) Meonii Crenshaw, EPA Region V, 77 West Jackson Boulevard (DRT8J), Chicago, IL 60604–3507, telephone: (312) 353–4716, fax: (312) 353–4788, e-mail: *crenshaw.meonii@epa.gov*.

EPA Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas) Jerry Collins, EPA Region VI, 1445 Ross Avenue, Dallas, TX 75202–2733, telephone: (214) 665–7562, fax: (214) 665–7263, e-mail: *collins.jerry@epa.gov*.

EPA Region VII (Iowa, Kansas, Missouri, Nebraska) John Tice, EPA Region VII, 100 Centennial Mall N., Room 289, Lincoln, NE 68508, telephone: (402) 437–5080, fax: (402) 323–9079, e-mail: *tice.john@epa.gov*.

EPA Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming) Donna Jackson, EPA Region VIII, 999 18th St., (8P–P3T), Denver, CO 80202–2466, telephone: (303) 312–6281, fax: (303) 312–6116, e-mail: *jackson.donna@epa.gov*.

EPA Region IX (Arizona, California, Hawaii, Nevada, American Samoa, Guam) Marcy Katzin, EPA Region IX, 75 Hawthorne St., (CMD–4–3), San Francisco, CA 94105, telephone: (415) 947–4215, fax: (415) 947–3583, *katzin.marcy@epa.gov*.

EPA Region X (Alaska, Idaho, Oregon, Washington) Theresa Pimentel, EPA Region X, 1200 Sixth Avenue, (ECO-084), Seattle, WA 98101, telephone: (206) 553–0257, fax: (206) 553–1775, e-mail: *pimentel.theresa@epa.gov*.

II. Background

A. What Action is the Agency Taking?

The Office of Pesticide Programs, in coordination with the EPA regions, is soliciting Tribal pesticide projects for FY 2003 funding. The total amount of funding available in FY 2003 to be awarded to Tribal Governments and/or intertribal consortia for pesticide projects is $445,500.

B. What is the Agency's Authority for Taking this Action?

Section 23(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizes EPA to enter into cooperative agreements with States and Indian Tribes to implement pesticide enforcement programs. Pursuant to the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act for FY 1999, pesticide program implementation grants under section 23(a)(1) of FIFRA are available for ''pesticide program development and implementation, including enforcement and compliance activities.''

The award and administration of these grants will be governed by the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments set forth at 40 CFR part 31. Grants awarded pursuant to this solicitation are program grants subject to the regulations for ''Environmental Program Grants for Tribes'' set forth at 40 CFR part 35, subpart B.

III. What Should I Consider as I Prepare My Project Proposal for EPA?

1. *Scope and purpose of the OPP Tribal Pesticide and Special Projects Cooperative Agreements*. The purpose of these cooperative agreements is to provide financial assistance to eligible Tribal Governments or intertribal consortia to carry out projects related to human health and the environment that assess or reduce risk from pesticide exposure. Funds can be used for new activities or to further an existing eligible project or program.

2. *Eligible applicants and activities*—

i. *Who may submit a project proposal and may an applicant submit more than one*? Any federally recognized Tribal Government or intertribal consortium (as defined in Unit I.A.) that is eligible to receive federal funds may submit a project proposal. Only one project proposal may be submitted by each Tribal Government or intertribal consortium.

ii. *What types of projects are eligible for funding*? The Agency will consider projects related to human health and the environment that assess or reduce risk from pesticide exposure. Projects may be targeted to any pesticide concern or need facing a Tribe or intertribal consortium, including:

- Water quality.
- Traditional Tribal lifeways/subsistence. Effects of pesticides on cultural activities.
- Assessment of the need for and/or development of a pesticide management policy or plan.
- Consideration of integrated pest management, reduced pesticide use, or alternatives to pesticides.
- Sampling.
- Education about the use of pesticides in Tribal museum curatorship.
- Noxious weed educational materials and/or control alternatives.
- Public outreach/education materials relating to pest management and/or the safe use, storage and disposal of pesticides.

Water quality work products may be focused on monitoring of surface water or ground water (e.g., assessing dietary exposure to pesticides via drinking water, determining those water bodies that may be impaired due to pesticides, predicting potential exposure to endangered and threatened aquatic species, or establishing a baseline of contamination from which to measure progress in the future). Water quality projects may also include information gathering and development such as a vulnerability assessment, determining the pesticides (from either on or off reservation sources) that are most likely to impact water quality, and/or providing information to pesticide users on ways they can assist in ensuring quality water sources. Finally, water quality work may also focus on the development or implementation of programs aimed at preventing contamination of water sources, mitigating contaminated water sources or implementation of best management practices.

Other projects not related to the water quality activities described above may include the establishment of a Tribal environmental, pesticide, or water quality code, a system for the proper disposal of pesticides, and/or educational outreach to the community. Sampling projects may include soil sampling, residue sampling on culturally significant/medicinal plants, or sampling to determine the effects of pesticides on cultural activities, such as subsistence hunting and fishing.

iii. *How much money may be requested, and are matching funds required*? Maximum funding award will not exceed $50,000 per project. Indirect cost rates will not increase the $50,000 maximum funding amount. No matching funds are required.

IV. Project Proposal Application Requirements

A. What is Required as Part of the Application Process?

In order to be considered for funding, applicants must submit the following to the regional Tribal pesticide staff contact indicated in Unit I.C. of this solicitation:

1. *Project proposal (maximum 8 pages*[1] *of narrative), including*:

i. Name of project.

ii. Tribal project contact (including qualifications).

iii. Project description, including:

- Purpose and goal(s) of the project.
- New or continuing project. (If this proposed project is a discrete part of a continuing effort, please provide beginning and expected ending dates for the larger effort, amount of project funding previously awarded, and project activity percent achieved to date.)
- Environmental or health issues addressed.
- Approach and methods (how the project will be carried out).
- Deliverables.
- Expected/desired outcome.
- Indicators/measures of success.

[1] Additional information may be included in an appendix to the main project proposal, when it adds significant supporting detail to the main proposal.

• Resources and time frame required for this project, including beginning and ending dates.

iv. Need for assistance. Provide the following information to the extent it is relevant to demonstrating the need for the specific project that is proposed:

• A list of other sources of funding you have sought for the project.

• A description of similar, identical, or otherwise relevant work that you have undertaken, including sources of funding for that work.

• A description of Tribal or other studies, surveys and other sources of information that document the environmental issues that will be addressed by the project.

v. Responsible parties and location.

• Identify persons in charge of the project and their qualifications.

• Identify major participants in the project (e.g., universities, Federal, State or local agencies) and their qualifications.

• Identify location(s) where the project will be conducted.

vi. External stakeholders.

• Identify those who will be affected by the project and how they will be affected.

• Identify those who will participate in the project and their roles.

vii. Resources.

• Identify any personnel and/or contractors to be involved in the project, including their roles and qualifications. Description should include any relevant training or experience. For example, if the project includes sampling and writing of a Sampling and Analysis Plan, describe any experience the person(s) has in writing a Sampling and Analysis Plan, in conducting soil or water sampling, etc.

• Identify existing resources/information that will be used in conducting the project.

• Identify any additional resources (including but not limited to training) that will be required for the project.

• Describe any EPA training or assistance that will be required for Tribal personnel who will be working on the project. Such training may include the development of outreach material or a sampling analysis plan, etc.

viii. Infrastructure and coordination.

• Identify coordination efforts required to successfully conduct the project, within or outside the Tribe.

• Identify ways in which this project will improve or build Tribal capacity.

• Identify any assistance you may require in coordinating with other Federal, State or local agencies.

2. *Draft work plan (1–2 pages).* The submitted draft work plan should outline:

i. Deliverables.

ii. The separate phases of the project.

iii. The tasks associated with each phase of the project.

iv The time frames for completion of each phase or task.

v. The name, title of the person(s) who will conduct each phase or task.

vi. The dates when progress reports will be provided to EPA, clearly showing deliverables, accomplishments, delays and/or obstacles. Project costs cannot be incurred until a final work plan has been approved by the appropriate EPA regional office.

3. *Estimated budget.* The estimated budget should outline costs for personnel, fringe benefits, travel, equipment, supplies, contractual, indirect cost rate, and any other costs associated with the proposed project.

4. *Letter or resolution from the Tribal leadership showing support for and commitment to the project.* (If it is not possible to obtain a letter/resolution from your Tribal leader to submit with your project proposal, an interim letter of explanation must be included with the proposal. An original letter/resolution from your Tribal leadership will be required prior to project award.)

5. *Letter of confirmation of availability for any other funds needed to complete the project.* If your proposal requires the use of additional funds for leveraging, please include a letter from the funding source confirming that these monies are available for the project. If the budget includes a Tribal in-kind contribution, a letter of confirmation is not needed.

6. *Confidential business information.* Applicants must clearly mark information considered confidential business information. EPA will make a final confidentiality determination for information the applicant claims as confidential business information, in accordance with Agency regulations at 40 CFR part 2, subpart B.

B. When and Where Must Project Proposals be Submitted?

The applicant may submit a project proposal to the appropriate EPA regional contact by mail, fax, or electronically. The proposal must be received by the EPA regional contact listed in Unit I.C. no later than close of business March 15, 2003. If the project proposal is submitted by fax or electronically by March 15, 2003, the EPA regional contact must receive an original copy of the proposal by mail within 5 working days thereafter. Incomplete or late proposals will be disqualified for funding consideration.

V. Process for Awarding Cooperative Agreements

A. How Will Project Proposals be Reviewed and Selected?

Tribal project proposals will be reviewed and approved for validity and completeness by each respective region and then forwarded, along with regional comments, to an EPA Headquarters, Office of Pesticide Programs review panel. The team will consult with regional staff regarding their comments as necessary. If there is money left over after the selection process is completed, the review team will discuss and determine the allocation of the money. Selections will be made by close of business April 30, 2003. EPA reserves the right to reject all applications or initial/final proposals and make no awards. All costs charged to these awards must be allowable under OMB circular A-87.

B. How will Applicants be Notified?

Regions will notify their respective applicants of the selections. Those applicants not awarded funds may request an explanation for the lack of award from EPA regional staff.

VI. Criteria for Awarding Project Cooperative Agreements

Criteria on which the project proposals will be ranked are listed below. Applicants must submit information specified in this solicitation to address the award criteria. Applicants must also provide information specified in this solicitation that will assist both a Tribe and EPA in assessing the Tribe's capacity to do the project work outlined in the project proposal. The work plan and budget should reflect the training and the work that can realistically be completed during the period of performance of the cooperative agreement.

General Background Information Request

To provide reviewers with context for your proposed project, and to assist them in gaining the clearest possible sense of the impact of this project on your Tribe and the environment, please briefly provide some information about your reservation:

1. Specify the size, geography, and general climate of the reservation.

2. How many residents are Tribal members and how many are not Tribal members?

3. How much of the reservation is under cultivation?

4. Does the reservation include wetlands or other preserves?

5. If there is relevance to your project, briefly describe the Tribal and non-Tribal populations of surrounding counties/States, and surrounding land use.

6. How many people (Tribal/non-Tribal) are employed by the Tribal Government (e.g., in government services, including health care, police and fire protection).

7. How many are employed on the reservation in other areas that use pesticides or may be impacted by their use (e.g., agriculture, animal husbandry, fisheries/fishing, forestry, construction, casinos/resorts/golf course maintenance)?

8. If you are concerned about pesticide pollution that may originate within reservation boundaries, what are the potential sources and what chemicals might be involved?

9. If you are concerned with pollution migration from off-reservation sources, what are those potential sources, and what chemicals are of specific concern?

10. Is the Tribe concerned about water quality issues? If so, please describe the nature of these concerns.

11. Does the Tribe currently have any pesticide policy in place?

Selection criteria

Total possible points: 100

Technical Qualifications, Overall Management Plan, Past Performance (30 Points)

Does the person(s) designated to lead the project have the technical expertise he or she will need to successfully complete it? Does the project leader have experience in grant and project management? Proposals should provide complete information on the education, skills, training and relevant experience of the project leader. As appropriate, please cite technical qualifications and specific examples of prior, relevant experience. If this project will develop new Tribal capacity, describe how the project leader and/or staff will gain necessary training and expertise.

To whom does the project leader report? What systems of accountability and management oversight are in place to ensure this project stays on track?

Has the Tribe or Tribal consortium received past funding from EPA's Office of Pesticide Programs, other EPA programs, or other sources? If so, please identify the funding source and activities/deliverables it supported.

If previously performed work directly impacts this project, briefly describe the connection. If a directly relevant project is currently ongoing, what progress has been made?

If this new project builds upon earlier efforts, how will you use the knowledge, data, and experience of grant outputs from previous projects to shape this new proposed activity?

Justification for Need of the Project, Soundness of Technical Approach (35 Points)

Why is this project important to the Tribe or the Tribal consortium? What environmental issues(s) will it address and how serious and/or pervasive are these issues? What is the expected outcome of the project? What benefits will this project provide to the Tribe, human health, and the environment?

Has the Tribe identified a need to coordinate or consult with other parties (Tribal and/or non-Tribal) to ensure the success of this project? If so, who are they? How does the Tribe plan to involve these parties? How will they be affected by the outcome of the project?

What are the key outputs of this project? How do you propose to quantify and measure progress? Have interim milestones for this project been established? If so, what are they? How will you evaluate the success of the project in terms of measurable environmental results? Please describe the steps you will take to ensure successful completion of the project and provide a time line and description of interim and final results and deliverables.

Does your budget request accurately reflect the work you propose? Please provide a clear correlation between expenses and project objectives. Will EPA funding for this project be supplemented with funding from other source(s)? If so, please identify them.

Benefits, Sustainability, Transferable Results (35 Points)

What ecological or human health benefits does this project provide? What quality of life issues does the project address?

Does the project have limited or broad application to address risks related to pesticides?

Will the results from this project continue to provide benefits to the Tribe or other Tribes after the period of performance has expired and this funding is no longer available? How are the benefits of this effort expected to be sustained over time?

Does the applicant understand/acknowledge the need for coordination between Tribal agencies and outside communities, and/or Federal, State or local agencies? Will the project help build Tribal infrastructure or capacity? How?

Can the project results be incorporated into existing and/or future pesticide-related Tribal environmental activities? Are any of the deliverables, experiences, products, or outcomes resulting from the project transferable to other communities? Might this project readily be implemented by another Tribe?

VII. Post Selection Activity

Selected applicants must formally apply for funds through the appropriate EPA regional office. In addition, selected applicants must negotiate a final work plan, including reporting requirements, with the designated EPA regional project officer. For more general information on post award requirements and the evaluation of grantee performance, see 40 CFR part 31.

VIII. Submission to Congress and the Comptroller General

Grant solicitations such as this are considered rules for the purpose of the Congressional Review Act (CRA). The CRA, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 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).

List of Subjects

Environmental protection, Pesticides, Tribes.

Dated: January 30, 2003.

Stephen L. Johnson,

Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. 03–3582 Filed 2–13–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2002–0341; FRL–7289–5]

Boscalid; Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of

regulations for residues of boscalid in or on various food commodities.

DATES: Comments, identified by docket ID number OPP–2002–0341, must be received on or before March 17, 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: Richard Keigwin, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–7618; e-mail address: keigwin.richard@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS 111)
- Animal production (NAICS 112)
- Food manufacturing (NAICS 311)
- Pesticide manufacturing (NAICS 32532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. 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–2002–0341. 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. 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. 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. 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–2002–0341. 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–2002–0341. 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–2002–0341.

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–2002–0341. 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. Make sure to submit your comments by the deadline in this notice.
7. 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. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 3, 2003.

Debra Edwards,

Acting Director, Registration Division, Office of Pesticide Programs.

Summary of a Petition

The petitioner summary of the pesticide petition is printed below as required by FFDCA section 408(d)(3). The summary of the petition was prepared by the petitioner and represents the view of the petitioner. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

BASF Corporation

PP 1F6313

EPA has received a pesticide petition (1F6313) from BASF Corporation, P.O. Box 13528, Research Triangle Park, NC 27709 proposing, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of boscalid, 3-pyridinecarboxamide, 2-chloro-*N*-(4'-chloro(1,1'-biphenyl)-2-yl)]] in or on the following primary raw agricultural commodities and processed commodities: Root vegetables (crop group 1-B) 1.0 parts per million (ppm), tuberous and corm vegetables (crop group 1-C) 0.05 ppm, bulb vegetables (crop group 3) 3.0 ppm, leafy vegetables (crop group 4) 11.0 ppm, head and stem brassica (sub crop group 5-A) 3.0 ppm, legume vegetables (crop group 6) 2.2 ppm, fruiting vegetables (crop group 8) 1.0 ppm, cucurbit vegetables (crop group 9) 1.5 ppm, stonefruit (crop group 12) 1.7 ppm, berries (crop group 13) 3.5 ppm, tree nuts (crop group 14) 0.25 ppm, almond hulls 3.0 ppm, pistachios 0.65 ppm, mint 30.0 ppm, grapes 3.5 ppm, raisins 8.5 ppm, strawberries 1.2 ppm, peanut 0.05 ppm, peanut meal 0.15 ppm, peanut oil 0.15 ppm, canola 3.5 ppm, sunflower seed 3.5 ppm.

BASF Corporation also proposes to amend 40 CFR part 180 by establishing tolerances for residues of 3-pyridinecarboxamide, 2-chloro-*N*-(4'-

chloro(1,1'-biphenyl)-2-yl) in or on the following raw agricultural and processed commodities of rotational crops: Beet root 1.0 ppm, root vegetables (crop group 1-B) 1.0 ppm, leaves of root and tuber vegetables (crop group 2) 1.0 ppm, head and stem brassica (sub crop group 5-A) 3.0 ppm, leafy brassica greens (sub crop group 5-B) 18.0 ppm, legume vegetables - peas (crop group 6) 2.2 ppm, foliage of legume vegetables (crop group 7): forage 1.5 ppm, hay 2.0 ppm, vines 0.05 ppm, cucurbit vegetables (crop group 9) 1.5 ppm, cereal grains (crop group 15) 0.20 ppm, forage fodder and straw of cereal grains (crop group 16) forage 2.0 ppm, straw 3.0 ppm, fodder 1.5 ppm, grass forage fodder and hay (crop group 17) forage 2.0 ppm, hay 8.0 ppm, straw 0.3 ppm, seed 0.2 ppm, non-grass animal feeds (crop group 18) forage 1.0 ppm, hay 2.0 ppm, seed 0.2 ppm, mint 30.0 ppm, cotton seed 0.05 ppm, cotton gin by-products 0.3 ppm, soybean seed 0.1 ppm, soybean hulls 0.2 ppm, flax seed 3.5 ppm, sunflower seed 3.5 ppm, and rice hulls 0.5 ppm.

BASF Corporation is also proposing to amend 40 CFR part 180 by establishing tolerances for the combined residues of 3-pyridinecarboxamide, 2-chloro-*N*-(4'-chloro (1,1'-biphenyl)-2-yl and its metabolite 2-chloro-*N*-(4'chloro-5-hydroxy-biphenyl-2-yl)nicotinamide expressed in parent equivalents in the following animal commodities: Cow milk 0.10 ppm, cow muscle 0.10 ppm, cow fat 0.30 ppm, cow meat by-products 0.35 ppm, eggs 0.02 ppm, poultry muscle 0.05 ppm, poultry fat 0.05 ppm, and poultry meat by-products 0.05 ppm.

EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism*. Nature of the residue studies (OPPTS 860.1300) were conducted in grapes, lettuce, and beans as representative crops in order to characterize the fate of boscalid, also known as BAS 510 F, in all crop matrices. In all three crops, the BAS 510 F Residues of Concern (ROC) were characterized as parent (BAS 510 F). A confined rotational crop study also determined that parent was the residue of concern in the representative crops of radish, lettuce, and wheat.

2. *Analytical method*. In plants the parent residue is extracted using an aqueous organic solvent mixture followed by liquid/liquid partitioning and a column cleanup. Quantitation is by gas chromatography/mass spectrometry (GC/MS). In livestock the residues are extracted with methanol. The extract is treated with enzymes in order to release the conjugated glucuronic acid metabolite. The residues are then isolated by liquid/liquid partition followed by column chromatography. The hydroxylated metabolite is acetylated followed by a column cleanup. The parent and acetylated metabolite are quantitated by gas chromatography/electron capture detection (GC/ECD).

3. *Magnitude of residues*. Field trials were carried out in order to determine the magnitude of the residue in the following crops: Almonds, beans (dry and succulent), edible peas (dry and succulent), canola, carrot, cucurbits, grape, lettuce, leafy vegetables (brassica and non-brassica), onion (dry bulb and green), peanut, pecan, pepper (bell and chili), pistachio, potato, berries (crop group), stonefruit (cherries, peaches, plums), strawberry, tomato, mint, and sunflower. Field trials were conducted in the United States and Canada in the required regions. Field trials were carried out using the maximum label rate, the maximum number of applications, and the minimum preharvest interval for each crop or crop group. In addition, processing studies were conducted on the following crops to determine concentration factors during normal processing of the raw agricultural commodity into the processed commodities: Canola, grape, peanut, plum, tomato, sunflower, and mint. Magnitude of the residue studies were also carried out in dairy cows and hens. Tier III field rotational crop studies were conducted to support rotational crop tolerances for beet roots, beet tops, cotton, foliage of legume vegetables, soybeans, cereals, grass and non-grass animal feeds. Processing studies were conducted on soybeans and rice to determine concentration factors.

B. Toxicological Profile

1. *Acute toxicity*. Based on available acute toxicity data BAS 510 F and its formulated products do not pose acute toxicity risks. The acute toxicity studies place technical BAS 510 F in toxicity category IV for acute oral; category III for acute dermal and category IV for acute inhalation. BAS 510 F is category IV for both eye and skin irritation, and it is not a dermal sensitizer. Two formulated end use products are proposed, a Water Dispersible Granule (WG) termed BAS 510 02 F containing 70% BAS 510 F and a Water Dispersible Granule (WG) termed BAS 516 02 F containing a 2:1 mixture of BAS 510 F and BAS 500 F. BAS 510 02 F has an acute oral toxicity category of III, acute dermal of III, acute inhalation of IV, eye irritation of III, skin irritation of IV, and is not a dermal sensitizer. BAS 516 02 F has an acute oral toxicity category of III, acute dermal of III, acute inhalation of IV, eye irritation of III, skin irritation of IV, and is not a dermal sensitizer.

2. *Genotoxicity*. Ames Test (one study; point mutation): Negative; *In Vitro* CHO/HGPRT Locus Mammalian Cell Mutation Assay (one study; point mutation): Negative; *In Vitro* V79 Cell Cytogenetic Assay (one study; chromosome damage): Negative; *In Vivo* Mouse Micronucleus (one study; chromosome damage): Negative; *In Vitro* Rat Hepatocyte (one study; DNA damage and repair): Negative. BAS 510 F has been tested in a total of five genetic toxicology assays consisting of *in vitro* and *in vivo* studies. It can be stated that BAS 510 F did not show any mutagenic, clastogenic or other genotoxic activity when tested under the conditions of the studies mentioned above. Therefore, BAS 510 F does not pose a genotoxic hazard to humans.

3. *Reproductive and developmental toxicity*. The reproductive and developmental toxicity of BAS 510 F was investigated in a 2–generation rat reproduction study as well as in rat and rabbit teratology studies.

There were no adverse effects on reproduction in the 2–generation study at any dose tested. Pup effects were observed, with parental toxicity, at the highest dose tested only. In both parental generations, reduced food consumption and reduced body weight (bwt) gain were observed at 10,000 ppm. Both absolute and relative liver weights were increased 21% in F1 generation parental females at the high dose of 10,000 ppm only. Hepatocellular centrilobular hypertrophy (usually slight) was observed in many animals of both sexes in both the F0 and F1 generations at 1,000 ppm, and in all animals of both sexes at 10,000 ppm. Additionally, some of the parental male rats at 10,000 ppm, in both generations, displayed centrilobular liver cell degeneration. Developmental toxicity was seen at 1,000 ppm in the form of decreased pup weights in the F2 males, and at 10,000 ppm in the form of decreased pup weight for both males and females of both the F1 and F2 generations. The parental systemic and developmental toxicity no observed adverse effect levels (NOAEL) are both 100 ppm (12 milligrams/kilogram/day (mg/kg/day).

No teratogenic effects were noted in either the rat or rabbit developmental studies. In the rat study, evidence of maternal or developmental toxicity was not observed at any dose (highest dose tested of 1,000 mg/kg/day). Neither a maternal nor developmental lowest observed adverse effect level (LOAEL) were found since the highest dose tested was the NOAEL in both studies. In the rabbit teratology study, maternal toxicity observed at the mid dose of 300 mg/kg bwt consisted of discolored/reduced feces in one dam and an abortion in one dam. This finding is not necessarily indicative of a definitive test substance related adverse effect. The dam which displayed the fecal alterations and abortion also displayed decreased body weight and body weight gain - compared to the group mean - during gestation. These decreases occurred even prior to compound administration. Food consumption was also dramatically decreased in this dam compared to the other animals in the group. Every day from gestation day (GD) 1 - 12, this dam had food consumption values, which were less than half the mean for the group (compound administration began on GD 7). From GD 13 to 26 (when the animal aborted and was sacrificed) this dam ate essentially nothing (food consumption during this time period was ≤ 1.5 grams/day). These decreases in body weight, body weight gain, and food consumption, prior to compound administration, all indicate an animal in poor health and this poor state of health, rather than compound exposure, was likely the reason for the fecal alterations and abortion.

At the high dose of 1,000 mg/kg bwt a maternal body weight gain decrease compared to controls of 81% was observed during the treatment period. Reduced food consumption, reduced body weight and abortions in three dams, were also seen at 1,000 mg/kg/day. Evidence of developmental toxicity was not seen at any dose tested.

Developmental neurotoxicity (DNT) was not observed at any dose in the developmental neurotoxicity study. No maternal toxic effects were noted at any dose in this study. No developmental toxicity was seen at the low dose of 12 mg/kg/day (100 ppm). Reduced body weights and body weight gains were seen at 118 mg/kg/day (1,000 ppm) during postnatal day (PND) 1–4. Reduced body weights and body weight gains were seen at 1,183 mg/kg/day (10,000 ppm) as well as decreased absolute pup brain weight at day 11 post partum (p.p.) (both sexes) and decreased brain length (males only) at day 11 p.p. The reduced pup brain weights and decreased brain length go hand-in-hand and both are due to the decreased pup weights seen at this dose. In this respect, it should be noted that pup brain weights relative to body weight at p.p. 11 were not significantly different from controls at this dose.

Though no maternal toxicity was seen in this study, other studies using similar doses of BAS 510 resulted in maternal toxicity. A dose of 118 mg/kg/day in female rats of the same strain in the multi-generation study, resulted in an increased incidence of hepatic centrilobular hypertrophy a parameter which could not have been detected in the DNT study as liver histopathology on parental animals was not performed in the DNT study.

4. *Subchronic toxicity.* The subchronic toxicity of BAS 510 F was investigated in 90–day feeding studies with rats, mice and dogs, and in a 28–day dermal administration study in rats. A 90–day neurotoxicity study in rats was also performed. Generally, mild toxicity was observed. At high dose levels (doses above the LOAELs) in feeding studies, all three species displayed alterations in various clinical chemistry parameters. These clinical chemistry alterations were likely secondary to general toxicity. Statistically significant increased absolute and relative thyroid weights were observed in male rats only at doses at and above the LOAEL. Increased absolute and relative liver weights were observed in both sexes at doses above the LOAEL in rats and dogs. Increased absolute and relative liver weights were seen in both sexes of the mouse at lower doses. However, the increases in liver weights at these lower doses in the mouse were not deemed to be compound related due to the unusually low concurrent control liver weight values. At doses above the LOAELs, liver weight increases were supported by histopathology alterations in the rat and mouse, but not in the dog. Overall, only mild toxicity was observed in oral subchronic testing.

In the 28–day repeat dose dermal study, no systemic effects were noted up to the highest dose tested of 1,000 mg/kg/day.

In a 90–day rat neurotoxicity study, there was no mortality, signs of clinical toxicity, adverse effects on food consumption or body weight, at any dose level in either sex. No signs of neurotoxicity were observed during clinical observations, functional observation batteries, motor activity measurements of neuropathology. Therefore, there were no selective neurotoxic effects. Adverse effects were not seen even at the highest dose level tested. A LOAEL was not found and the NOAEL is the highest tested of 15,000 ppm (1,050 mg/kg/day in males; 1,272 mg/kg/day in females).

5.*Chronic toxicity*. Based on review of the available data, the Reference Dose (RfD) for BAS 510 F will be based on a 24–month feeding study in rats with a threshold no observed effect level (NOEL) of 5 mg/kg/day. Using an uncertainty factor of 100, the RfD is calculated to be 0.05 mg/kg/day. The following are summaries of chronic toxicity studies submitted to EPA. The chronic toxicity/oncogenicity studies with BAS 510 F include a 12–month feeding study with Beagle dogs, an 18–month B63CF1 mouse feeding study, a 24–month Wistar rat chronic feeding study and a 24–month Wistar rat oncogenicity study.

At the highest dose tested in dogs, effects observed consisted primarily of increased liver and thyroid weights and some serum clinical chemistry changes. The NOAEL was 800 ppm (21.8 mg/kg bwt males; 22.1 mg/kg bwt females).

Decreased body weights were seen in males in the mouse chronic study at doses of 400 ppm and above. Decreased female body weight was seen at doses of 2,000 ppm and above. The target organ in this study was the liver. In both the rat chronic and oncogenicity studies, the highest dose tested of 15,000 ppm exceeded a maximum tolerated dose (MTD) and was discontinued after 17 months. Effects observed at the next highest dose of 2,500 ppm primarily centered around the thyroid and liver.

Overall, mild toxicity was observed with chronic exposure to BAS 510 F. No evidence of treatment-induced oncogenicity was observed in the mouse or dog studies. A slight increase in thyroid follicular cell adenomas was seen in both sexes at the high dose when the data from both rat bioassays are combined.

A mode of action (MOA) for the thyroid follicular cell adenomas has been proposed. This MOA is based on the EPA publication ''Assessment of Thyroid Follicular Cell Tumors,'' March 1998, EPA/630/R-97/002. This document describes the criteria, which must be met in order for a compound to be considered under the MOA described in that publication. BASF Corporation believes that BAS 510 F has met the cited criteria.

Threshold effects. Based on a review of the available chronic toxicity data, BASF believes EPA will establish the Reference Dose (RfD) for BAS 510 F at 0.05 mg/kg/day. This RfD for BAS 510 F is based on the 2–year chronic and 2–year oncogenicity studies in rats with a threshold average NOAEL of 5 mg/kg/

day for males and females. Using an uncertainty factor of 100, the RfD is calculated to be 0.05 mg/kg/day. Based on the acute toxicity data, BASF believes that BAS 510 F does not pose any acute dietary risks.

BAS 510 F was shown to be non-carcinogenic in mice and dogs. There was a slight increase in thyroid follicular cell adenomas at the high dose in both sexes in the rat. A threshold-based mode of action for these tumors based on the EPA publication ''Assessment of Thyroid Follicular Cell Tumors'' (EPA/630/R-97/002, March, 1998) has been proposed. BASF believes the data to support this proposed mode of action are strong, and that the thyroid tumors seen in the rat following BAS 510 F exposure have a threshold. In addition, a battery of genotoxicity studies demonstrated that BAS 510 F has no genotoxic or clastogenic potential. Therefore, BASF believes that the threshold approach to regulating BAS 510 F is appropriate. Also, it should be noted that, while the Agency has in the past considered tumors of this type to be potential human carcinogens, the European Union has published a policy which considers these tumor types, when they occur at low incidence rates in the rat, to not be relevant to man. The publication: ''European Commission, European Chemicals Bureau, ECBI/49/99 Add. 1 Rev. 2; Draft Summary Record, Commission Group of Specialized Experts in the Fields of Carcinogenicity, Mutagenicity and Reprotoxicity, Meeting at Arona, 12 September 1999.'' Therefore, BASF believes that these tumors are not likely relevant to humans and, if these tumors are to be considered relevant to humans, the threshold approach to cancer risk assessment is appropriate.

6. *Animal metabolism*. In the rat, the predominant route of excretion of BAS 510 F is fecal with urinary excretion being minor. The half-life of BAS 510 F is less than 24 hours. Saturation of absorption appears to be occurring at the high dose level. BAS 510 F is rapidly and intensively metabolised to a large number of biotransformation products. The hydroxylation of the diphenyl moiety was the quantitatively most important pathway. Second most important was the substitution of the Cl of the 2-chloropyridine part against SH by conjugation with glutathione. No major differences were observed with regard to label, sex, and dose level. In hens and goats the residues of concern were determined to be parent, the hydroxylated metabolite M510F01 (2-chloro-*N*-(4'chloro-5-hydroxy-biphenyl-2-yl)nicotinamide), and the glucuronic acid of the metabolite M510F02.

7. *Metabolite toxicology*. No additional studies were required for metabolite toxicology.

8. *Endocrine disruption*. No specific tests have been conducted with BAS 510 F to determine whether the chemical may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen or other endocrine effects. However, there were no significant findings in other relevant toxicity studies (i.e., subchronic and chronic toxicity, teratology and multi-generation reproductive studies) which would suggest that BAS 510 F produces endocrine-related effects.

C. Aggregate Exposure

1. *Dietary exposure*—i. *Food*. A chronic dietary exposure analysis was conducted for BAS 510 F including crops which are target uses as well as inadvertent residues in rotational crops. The analysis assumed 100% of the crops were treated, default processing factors (even though much lower experimentally-derived processing factors are available), and used the tolerance value for residues. Even with these worst-case assumptions, it was determined that the Theoretical Maximum Residue Contribution (TMRC) was only 30.1% of the RfD dose for the U.S. population and 62.5% for children 1–6 years (the highest exposed age-related subpopulation). Based on the toxicology results, an acute dietary risk assessment for BAS 510 F is most likely not required, but if so only for children 1–6 years. For dietary exposure estimation, 100% crop treated and tolerance values for residues were used. The resulting acute exposure prediction for children 1–6 years (the highest exposed age-related subpopulation) resulted in an acceptable 8.8% of the acute reference dose at the 95th percentile. If a more realistic scenario were used assuming percent crop treated and the range of residues, a much lower exposure would be obtained.

ii. *Drinking water*. Estimates of ground water and surface water levels were determined using Screening Concentrations in Ground Water (SCI-GROW) and First Index Reservoir Screening Tools (FIRST) models, respectively. Using SCI-GROW to estimate chronic exposure to BAS 510 F from drinking water, drinking water consumption utilizes 0.15% of the RfD for the U.S. population and 0.044% for children ages 1–6. Using FIRST to estimate chronic exposure to BAS 510 F from drinking water, drinking water consumption utilizes 0.08% of the RfD for the U.S. population and 0.24% of the RfD for children ages 1–6.

2. *Non-dietary exposure*. BAS 510 F is not currently planned for residential uses. Thus, residential exposure is not aggregated into the risk assessment.

D. Cumulative Effects

Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' BAS 510 F is a foliar fungicide chemically belonging to the carboxin class of fungicides. BAS 510 F acts in the fungal cell by inhibiting of mitochondrial respiration through inhibition of the succinate-ubiquinone oxidase reductase system in Complex II of the mitochondrial electron transport chain. BAS 510 F shares this mode of action with only one other currently registered U.S. pesticide carboxin. EPA is currently developing methodology to perform cumulative risk assessments. At this time, there is no available data to determine whether BAS 510 F has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, BAS 510 F does not appear to produce a toxic metabolite produced by other substances.

E. Safety Determination

1. *U.S. population*. Using the conservative exposure assumptions described above and based on the completeness and the reliability of the toxicity data, BASF has estimated that aggregate exposure to BAS 510 F will utilize 30.2% of the RfD for the US population. For the highest exposed age-related subpopulation (children 1-6 years), the maximum aggregate exposure is predicted to be 62.8% of the reference dose. BASF concludes that there is a reasonable certainty that no harm will result from the aggregate exposure to residues of BAS 510 F, including anticipated dietary and drinking water exposures and non-occupational exposures.

2. *Developmental toxicity in the rat*. A developmental study was conducted via oral gavage in rats with dosages of 0, 100, 300, and 1,000 mg/kg bwt/day with a maternal and developmental no observed adverse effect level (NOAEL) of 1,000 mg/kg. No evidence of developmental toxicity was observed up to the highest dose tested.

3. *Developmental toxicity in the rabbit*. A developmental study was

conducted via oral gavage in rabbits with dosages of 0, 100, 300, and 1,000 mg/kg bwt/day. The NOAEL for maternal toxicity was 100 mg/kg bwt/day and was 1,000 mg/kg/day for developmental toxicity. As noted above this NOAEL is based on fecal alterations and an abortion in a single dam at the next highest dose of 300 mg/kg/day. The dam which displayed the fecal alterations and abortion also displayed decreased body weight, body weight gain and food consumption - compared to the group mean - during gestation. These decreases occurred even prior to compound administration. These decreases in body weight, body weight gain, and food consumption, prior to compound administration, all indicate an animal in poor health and this poor state of health, rather than compound exposure, was likely the reason for the fecal alterations and abortion. No teratogenic effects were observed at any dose level.

4. *Reproductive toxicity*. A 2–generation reproduction study in rats was conducted with dosages of 0, 12, 118, and 1,183 mg/kg bwt/day. No impairment of reproductive function was noted at any dose. The parental and developmental NOAEL are both 12 mg/kg/day. Mild effects in both the parents and pups were noted at 118 mg/kg/day and consisted of an increased incidence of hepatic centrilobular hypertrophy in parents and, in the pups, slightly decreased body weight and body weight gain (7%) in F2 generation only, and only in males. At 1,183 mg/kg/day paternal effects included decreased body weights and food consumption, increased liver weights and increased incidence of hepatic centrilobular hypertrophy and degeneration. Pup effects at this dose were an increase in pup mortality in the F2 only and a decreased body weight in F1 and F2.

5. *Reference dose*. In all reproductive studies, the NOAELs for developmental effects were either equal to or higher than those for the parents. Therefore, BAS 510 F shows no selective toxicity for the young. In addition, there were no direct neurotoxicity effects noted in either the acute or subchronic neurotoxicity studies.

Based on these results, no additional safety factors to protect children are warranted. Since the reproductive studies NOAELs are higher than the RfD calculated from the chronic rat study, BASF believes the RfD of 0.05 mg/kg/day is also appropriate to measure safety for infants and children. Therefore, the chronic population adjusted dose is also 0.05 mg/kg bwt/day.

F. International Tolerances

A maximum residue level has not been established for BAS 510 F in any crop by the Codex Alimentarius Commission.

[FR Doc. 03–3694 Filed 2–13–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0007; FRL–7289–1]

Pyrimethanil; Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of pyrimethanil in or on various food commodities.

DATES: Comments, identified by docket ID number OPP–2002–0007, must be received on or before March 17, 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: Mary Waller, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–9354; e-mail address: waller.mary@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

- Crop production (NAICS 111)
- Animal production (NAICS 112)
- Food manufacturing (NAICS 311)
- Pesticide manufacturing (NAICS 32532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have 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–2003–0007. 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. 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. 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. 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–2003–0007. 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–2003–0007. 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–2003–0007.

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–2003–0007. 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. Make sure to submit your comments by the deadline in this notice.

7. 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. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 3, 2003.

Debra Edwards,

Acting Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of the pesticide petition is printed below as required by FFDCA section 408(d)(3). The summary of the petition was prepared by the petitioner and represents the view of the petitioner. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Janssen Pharmaceutica Inc.

PP 2F6480

EPA has received a pesticide petition (2F6480) from Janssen Pharmaceutica Inc., Plant and Material Protection Division, 1125 Trenton-Harbourton Road, Titusville, NJ 08560 proposing, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing tolerances for residues of the fungicide, pyrimethanil (4,6-dimethyl-*N*-phenyl-2-pyrimidinamine) in or on the raw agricultural commodities citrus fruits (calamondin, citrus citron, citrus hybrids, grapefruit, kumquat, lemon, lime, mandarin, sour and sweet oranges, pummelo and Satsuma mandarin) at 6 parts per million (ppm), pome fruit (apples, pears, oriental pears, crabapples, loquats, mayhaws, and quince) wet pomace at 12 ppm, and pome fruit (apples, pears, oriental pears, crabapples, loquats, mayhaws, and quince) at 3 ppm. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism.* The metabolic profile of pyrimethanil has been investigated following application to five different crops (apple, carrots, grapes, lettuce and tomatoes) and is well understood. In plants, pyrimethanil is the only significant residue ranging from essentially all of the Total Radioactive Residues (TRR) in carrots and tomatoes to 44% in lettuce. Limited metabolism of pyrimethanil occurs with minor amounts (less than 10%) of the phenyl and pyrimidyl hydroxylated metabolites (AE C614276, AE C614277, AE C614278, and AE C621312) being released after acid hydrolysis. Analysis of the foliage from apples and carrots confirmed that the metabolism of pyrimethanil in plants proceeded primarily via hydroxylation of the aromatic ring structures as well as the methyl groups.

2. *Analytical method.* The plant metabolism studies indicated that analysis for the parent compound, pyrimethanil was sufficient to enable the assessment of the relevant residues in crop commodities. For citrus, the pyrimethanil was extracted with acetone, the extract acidified and washed with isohexane and basified to enable solvent partition. After solvent exchange to ethyl acetate, the residue is determined using GC-MS. For pome fruits, the pyrimethanil was extracted directly with ethyl acetate/isohexane (1:1), dried, and analyzed for residues with GC-MS. The limit of quantitation is 0.05 ppm. These methods allow detection and measurement of residues in or on agricultural commodities at or above the proposed tolerance level.

3. *Magnitude of residues.* Magnitude of residue trials were conducted for pyrimethanil on apples, pears, and citrus (lemons, oranges (navels and valencias), tangerines, tangelos, and grapefruit). Trials were conducted in the major producing states which together represent 97%, 70%, and 75% of the citrus, apple and pear domestic production, respectively. Samples were collected according to good agricultural practices at harvest and/or following a postharvest treatment. The pre-harvest interval (PHI) for pome fruit was 7 days following application of the fungicide at the proposed label rate, to approximate maximum field residues. The proposed PHI for pome fruit is 72 days. Samples were harvested at maturity and analyzed with a method having an level of quantitation (LOQ) of 0.05 ppm pyrimethanil. Residues in the raw agricultural commodity (RAC) samples (range, maximum and average) are discussed per crop grouping below.

i. *Citrus fruits (calamondin, citrus citron, citrus hybrids, grapefruit, kumquat, lemon, lime, mandarin, sour and sweet oranges, pummelo and Satsuma mandarin).* Nine trials were conducted on citrus during 2001. An end use formulation containing 400 gram/liter or 3.34 lbs/active ingredient/gallon of pyrimethanil was applied by drench, dip and/or line spray in water, storage wax or shipping wax. Multiple treatments (single, double and triple applications) were investigated. A maximum of ten different multiple treatment scenarios were investigated for lemons, seven for oranges, and five for grapefruit. Fruit were washed between treatments only when this was typical of commercial packinghouse operations. The maximum rates applied were 1,000 ppm in drench and dip tanks, and 2,000 ppm in any type of line spray. The maximum proposed use recommendations are for a 4 minute drench at 500 ppm, 2 minute dip at 1,000 ppm, and/or 2,000 ppm line spray for water or storage and shipping wax, with a maximum of three applications. Whole fruit and edible pulp were analyzed separately for pyrimethanil residues. In the whole fruit samples, maximum residues were 6.0 ppm for the proposed applications, and 0.76 ppm for edible pulp. Mean pyrimethanil residues ranged from 1.1 ppm for an single aqueous line spray applied with a 20,000 ppm treating solution to 5.45 ppm for a triple treatment that included a drench (1,000 ppm), dip (1,000 ppm), and 2,000 ppm wax line spray. A single orange trial was established in Florida as a processing study. Pyrimethanil was

applied as a dual application at rates of 2,000 and 4,000 ppm active ingredient (a.i.) in aqueous and wax line sprays, respectively. This rate is the maximum for the aqueous treatment and two times the proposed label rate for wax incorporation. Mean pyrimethanil residue levels found in/on the samples were: Whole citrus fruits 7.46 ppm, dried pulp 2.93, orange juice 0.05 ppm and citrus oil 131 ppm. No pyrimethanil-derived residue concentrated from the whole fruit into the orange juice or dried pulp. However, the pyrimethanil residues concentrated from the whole oranges into the citrus oil by a factor of 17.5. Citrus oil is not considered as a ready-to-eat food commodity and since none of the of the processed food products are likely to contain pyrimethanil residues above the proposed citrus tolerance of 6.0 ppm in the raw agricultural commodity of whole fruit utilizing dilution factors, tolerances are not necessary for citrus oil.

ii. *Pome fruit (apples, pears, Oriental pears, crabapples, loquats, mayhew, and quince).* Ten trials were established for this study, four in Washington, four in California, and two in New York. Of the 10 trials, 4 were conducted on pears and 6 on apples. A pre-harvest formulation of pyrimethanil was applied to the apple or pear trees during a single application, at a nominal rate of 0.40 lb of a.i., 7 days prior to harvest. Mean pyrimethanil residue levels found in or on the apple fruit following both preharvest and postharvest applications ranged from 0.49 ppm for a single aqueous line spray at 1,000 ppm a.i. to 1.44 ppm for the dual treatment consisting of a drench (1,000 ppm) followed by an aqueous line spray (1,000 ppm). Individual sample residues ranged from a low of 0.11 ppm for the 1,000 ppm aqueous line spray to 2.84 ppm for the dual treatment of a 1,000 ppm drench followed by a 2,000 ppm wax application. The limit of quantitation of the analytical method was 0.05 ppm. A single trial was established in Washington as a processing study. Pyrimethanil was applied to apple trees four times prior to harvest. Applications were made at a nominal rate of 2.0 lb a.i./Acre, with 7 days between applications. This rate is approximately five times the proposed label application rate. Mean pyrimethanil residue levels found in or on the samples were: Whole apple fruit 0.17 ppm, wet pomace 0.69 ppm, and juice 0.06 ppm. No pyrimethanil-derived residue concentrated from the whole fruit into the apple juice. However, the pyrimethanil residues concentrated from the whole apples into the wet pomace by a factor of 4.

B. Toxicological Profile

1. *Acute toxicity.* Pyrimethanil is of low acute toxicity placing the active ingredient in Toxicity Category II, III and IV. Pyrimethanil is non-irritating to the eyes and skin and is not a skin sensitizer.

Acute neurotoxicity. Groups of 10 rats/sex/group were dosed once by oral gavage at dose levels of 0, 30, 100, 1,000 milligrams/kilogram (mg/kg) of pyrimethanil bodyweight. On the day of dosing, high dose animals experienced transient behavioral effects attributable to receipt of a substantial bolus dose of test substance. No histopathological lesions accompanied these transient behavioral changes. The no observed adverse effect level (NOAEL) was 100 mg/kg due to reduced body temperature for males. The NOAEL was 30 mg/kg.

2. *Genotoxicity.* Pyrimethanil is not mutagenic or genotoxic in any assay in either the presence or absence of metabolic activation.

3. *Reproductive and developmental toxicity.* Pyrimethanil is not a developmental or reproductive toxicant.

i. *Teratology - rat.* Thirty Sprague Dawley rats/group received doses of 0, 7, 85, 1,000 mg/kg of pyrimethanil by gavage from gestation days (GD) 6-15. At the highest dose tested, reduced maternal body weight gain was observed during GD6-15, along with a slight but statistically significant decrease in food consumption, hair loss, hunched posture, slight emaciation, and slightly reduced mean fetal body weight. The maternal and developmental NOAEL was 85 mg/kg.

ii. *Teratology - rabbit.* Groups of at least 18 time-mated New Zealand White rabbits received oral gavage doses of 0, 7, 45, or 300 mg/kg/day pyrimethanil over gestation days (GD) 7-19. At the highest dose tested, there was a decrease in body weight gain, production of feces and food consumption. Three females were euthanized due to severe emaciation. The highest dose, 300 mg/kg/day exceeded the maternal maximum tolerated dose (MTD). The maternal NOAEL was 45 mg/kg/day due to reduced fecal production in 1/3 of the animals. The high dose resulted in reduced mean fetal body weight, increased incidence of runts, delayed skeletal ossification and incidence of fetuses with 13 thoracic vertebrae and ribs. The maternal NOAEL was 7 mg/kg/day. The developmental NOAEL was 45 mg/kg/day.

iii. *Two-generation reproduction - rat.* Three groups of 30 Sprague-Dawley rats per sex received dietary exposure to pyrimethanil at levels of 0, 1.7, 20.9, or 266.7 mg/kg/day. In the parental generation at the highest dose tested there was a statistically significant decrease in mean body weight gain in both sexes. Mean pup weights, observed on PND1 through weaning, were reduced, though were within the range of historical controls. In the F1 generation at the highest dose tested, mean body weights and mean food consumption were reduced. Though the mean score for the combined sexes was the same as the controls, a marginally different air-righting reflex at PND11 associated with reduced body weight was seen in high dose male pups. The NOAEL for maternal and developmental toxicity was 20.9 mg/kg/day. The reproductive NOAEL was 266.7 mg/kg/day.

4. *Subchronic toxicity*—i. *28–Day dietary rat.* Five Sprague-Dawley rats/sex/group received dietary exposure to pyrimethanil for 28 days at 0, 844, 1,161, 1,500, and 2,710 mg/kg/day. All doses exceeded the maximum tolerated dose. Severe emaciation was observed at all dose levels. Body weight gains and food consumption were reduced. Liver and thyroid histopathology were observed, along with reduced hemoglobin, MCV and MCH. Kidney, adrenal and liver weights were altered. No NOEL or NOAEL was achieved.

ii. *90–Day dietary rat.* Ten Sprague-Dawley rats/sex/group received pyrimethanil in the diet at dose levels of 0, 5.4-6.8, 54.5-66.7, and 545-667 mg/kg/day (males and females, respectively). High dose animals had reduced body weight gain and food consumption, increased urinary protein in males, colored urine (not blood or bilirubin) and minimal hepatocellular hypertrophy. The NOAEL in males was 54.5-66.7 (males and females, respectively) due to colored urine and a low incidence of minimal centrilobular hepatocellular hypertrophy. The NOAEL was 5.4 mg/kg/day (males) -6.8 mg/kg/day (females).

iii. *28-Day dietary-mouse.* Five CD-1 mice/sex/group received dietary doses of 0, 167-236, 567-667, 1960-2357 mg/kg/day, males and females respectively, for 28 days (all the mice in one additional high dose group, 30,000 ppm, died within the first week of the study). At 1960-2357 mg/kg/day, animals experienced: body weight loss (females), decreased body weight gain during the first 2 weeks (males), a statistically significant decrease in cholesterol, statistically significant decreases in relative liver weights (females), pigmentation of thyroid follicles, urolithiasis, moderate urothelial hyperplasia in urinary bladder, and

slight kidney tubular degeneration (females). The NOAEL was 167-236 mg/kg/day.

iv. *90–Day dietary-mouse*. Twenty CD-1 mice/sex/group received pyrimethanil diet exposure at dose levels of 0, 12-18, 139-203, 1,864-2,545 mg/kg/day males-females for 90 days. At the high dose, animals had decreased body weight and increased food consumption, cholesterol and total bilirubin. High dose females had increased relative liver weights. Histopathology in the high dose animals was found in the kidneys, liver, thyroid, and urinary bladder. High dose males had slight urinary tract tubular dilation and slight to moderate hyperplasia of bladder epithelium. The NOAEL was determined to be 12 mg/kg/day (males) -18 mg/kg/day (females). Based on mild hepatic glycogen depletion, the NOAEL was 139-203 mg/kg/day (males and females, respectively).

v. *90–Day dietary-dog*. Four beagle dogs/sex/group received pyrimethanil by gavage for 90 days at doses of 0, 6, 80, 1,000 mg/kg/day. The high dose was lowered to 800 mg/kg/day on day 7 due to frequent and consistent vomiting. Decreased body weight, food, and water consumption were observed. Males had a significant reduction in phosphate, while females experienced a slight reduction in sodium, anion gap and total protein. At 80 mg/kg/day, infrequent vomiting after dosing and decreased water consumption were observed. After 4 weeks of dosing at 80 mg/kg/day, males had significantly reduced phosphate. The NOAEL was 80 mg/kg/day. The NOEL was 6 mg/kg/day.

vi. *Subchronic neurotoxicity*. Groups of 12 Sprague-Dawley rats per sex were treated for 13 weeks with pyrimethanil via the diet at 0, 4, 38.7-44.3, 391.9-429.9 mg/kg/day (males and females, respectively). There were no treatment-related findings in behavioral assessments, neuropathology or brain morphometrics. The NOAEL for this study is 38.7-44.3 mg/kg/day (males and females, respectively) based upon decreased body weight and food consumption in the high dose group.

vii. *Dermal toxicity evaluation*. No dermal studies have been conducted for pyrimethanil.

5. *Chronic toxicity*—i. *Chronic toxicity - dog*. Four beagle dogs/sex/group received pyrimethanil by gavage at levels of 0, 2, 30, or 250 mg/kg/day for 12 months. The high dose was reduced from 400 to 250 mg/kg/day on day 8 of treatment due to excessive vomiting during the first week of treatment. At the high dose, there was a decrease in mean body weight gain and mean consumption of food and water. The NOAEL for the study was 30 mg/kg/day, with the high dose of 250 mg/kg/day being the NOAEL.

ii. *Combined chronic toxicity/oncogenicity - rat*. Seventy Sprague-Dawley rats/sex/group received pyrimethanil by diet at levels of 0, 1.3-1.8, 17-22, and 221-291 mg/kg/day (males and females, respectively) for 2 years. At the highest dose tested, body weight gain and food consumption were decreased. Absolute liver weights were increased. Histopathology revealed centrilobular hepatocyte hypertrophy, increased incidence of eosinophilic foci (males), thyroid follicular hyperplasia, hypertrophy and colloid depletion, and the presence of a brown pigment, identified as lipofuscin in thyroid follicular cell epithelium. There was a statistically significant, dose-dependent increase in the incidence of benign thyroid follicular cell adenomas. There was no increased incidence in any malignant tumor or increase in tumor multiplicity as a result of daily dietary ingestion of pyrimethanil at any dose level. The results of special studies, discussed below, demonstrate that the benign thyroid tumors are likely a secondary result of a disruption of thyroid-pituitary homeostasis, a well-known, threshold-mediated mechanism. The NOAEL was 17 mg/kg/day (males) and 22 mg/kg/day (females).

iii. *Oncogenicity - mouse*. Fifty-one CD-1 mice/sex/group received pyrimethanil by diet at 0, 16, 160, and 1,600 ppm (corresponding to 0, 2-2.5, 20-24.9, and 210.9-253.8 mg/kg/day in males and females, respectively). There was an increase in the number of high dose male deaths caused by urogenital tract lesions. Urinary bladder histopathology on those dying during the course of the study indicates an increase in the incidence of male urinary bladder distension, cystitis, urothelial hyperplasia and inflammation of the penis. These findings are consistent with the findings of both the 28- and 90-day studies indicating that high dose administration of pyrimethanil resulted in urolith formation leading to irritation, distension and hyperplasia of the urinary bladder and urinary tract. Chronic dietary treatment with pyrimethanil produced no increased incidence of tumor-bearing mice nor of any specific tumor type suggestive of a carcinogenic effect. The NOAEL for both sexes was 20-24.9 mg/kg/day (males and females, respectively).

iv. *Special studies*. Since rodent thyroid tumors are fairly common, and since the EPA has established that five lines of evidence are required to prove the thyroid-pituitary disruption mode of action for rodent thyroid tumors, special studies were undertaken

a. *Thyroid mechanistic study (14-Day)*. Sprague Dawley rats received 378.5 mg/kg/day of pyrimethanil for 14 days to study the effects of pyrimethanil on the thyroid and liver microsomal enzymes. An increase in the levels of UDPGT and a corresponding statistically significant increase in liver weight were observed. Thyroid hormones T4 and T3 were decreased, while TSH levels were significantly increased. All effects were shown to be reversible.

b. *Dietary thyroid function test using perchlorate discharge (7-Day)*. Sprague Dawley rats received 509 mg/kg/day pyrimethanil or 177 mg/kg/day propylthiouracil, or 109 mg/kg/day phenobarbital in order to study the function of the thyroid gland. The animals fed pyrimethanil had 43% decreased body weight gain, 21% decreased food consumption and a 150% increase in uptake of iodine-125. There was no significant discharge of radioactive iodine from the thyroid after administration of perchlorate.

The required five lines of evidence to support the threshold mode of action for thyroid pituitary disruption and rat thyroid tumors are satisfied in the pyrimethanil studies.

EPA's final rule establishing a tolerance for pyrimethanil in wine stated that ''The Agency's Carcinogenicity Peer Review Committee (CPRC) chose a non-linear approach Margin of Exposure (MOE) based on a NOAEL of 17 mg/kg/day for increased incidences of thyroid tumors in rats. The MOE methodology was selected because of thyroid tumors associated with administration of pyrimethanil in the rat, which may be due to a disruption in the thyroid-pituitary status. This chemical has been classified as a Group C chemical (possible human carcinogen) and a non-linear methodology (MOE) was applied for the estimation of human cancer risk. The estimated MOE does not exceed the Agency's level of concern and therefore, EPA has a reasonable certainty that no harm will result from exposures to residues of pyrimethanil.''

6. *Animal metabolism*. Pyrimethanil is rapidly metabolized and excreted from lactating dairy cows. The observed total radioactive residues in edible tissues and milk were as follows: Milk - maximum residue of 0.069 ppm; liver - 0.363 ppm; kidney 0.249 ppm and muscle 0.017 ppm. The metabolic pathway is similar to that of plants involving hydroxylation of the phenyl and pyrimidine rings as well as hydroxylation of the methyl

substituents. Further metabolic reactions occur including cleavage of the phenyl ring to produce substituted pyrimidines. The major metabolite was AE C614276 (46% of the kidney residues, 63% of the milk residues) resulting from hydroxylation of the phenyl ring. Hydroxylation of the pyrimidinyl ring of pyrimethanil resulted in formation of minor amounts of AE C614277. Hydroxylation of the methyl groups of pyrimethanil resulted in formation of minor amounts of AE C614278. Hydroxylation of the methyl groups of AE C614276 resulted in formation of minor amounts of AE C614800.

7. *Metabolite toxicology*. The primary residue of concern in both crop and animal commodities is pyrimethanil. In the animal metabolism, since major metabolites are produced following the oral administration of pyrimethanil, toxicology data for metabolites are completely supported by data obtained for pyrimethanil.

8. *Endocrine disruption*. Chronic, life span, and multi-generational bioassays in mammals and acute and subchronic studies on aquatic organisms and wildlife did not reveal endocrine effects. Any endocrine related effects would have been detected in this definitive array of required tests. The probability of any such effect due to agricultural uses of pyrimethanil is negligible.

C. Aggregate Exposure

1. *Dietary exposure*. Tolerances are proposed under 40 CFR part 180 for pyrimethanil in or on citrus fruits and pome fruits following postharvest application. An import tolerance for wine grapes has been approved by the EPA. A petition for registration of pyrimethanil on bananas is pending at EPA. In March 2002, registration applications and tolerance petitions were filed for tree nuts, bulb vegetables, grapes, stone fruits (except cherries), pome fruit (preharvest application), tuberous and corm vegetables, strawberries, and tomatoes. There are no residential uses proposed for pyrimethanil. Therefore, potential human risk scenarios cover aggregate exposure from food residues and drinking water.

i. *Food*. Refined estimates of acute dietary exposure from potential pyrimethanil residues with the addition of postharvest uses on citrus and pome fruits are all well under 100% of the acute reference dose (RfD) at the 99.9th percentile. The most highly exposed sub population of non-nursing infants utilizes 13.35% of the RfD, while the U.S. population utilizes 6.1%. These potential dietary exposures were estimated in a Tier 3 Monte Carlo risk assessment using the Dietary Exposure Evaluation Model (DEEM) software (Novigen 2001). The 1994–96, 1998 Continuing Surveys of Food Intake by Individuals (CSFII) consumption data from USDA was used which includes the Supplemental Children's Survey (1998). Residue values included in the assessment were distributions of the field trail values incorporating percent crop treated (PCT) as zeroes for all non-blended and partially blended items. Blended items were included as the average residue and adjusted for PCT. These PCT values are the anticipated market share of pyrimethanil for the crops at market maturity (5 years). Concentration factors derived from processing studies were included where appropriate. Secondary residues for meat and milk were included in the assessment. These were calculated using theoretical dietary burdens from sensible diets for beef and dairy cattle and tissue to feed ratios from the ruminant feeding study.

Refined chronic dietary exposure estimates resulting from the proposed uses of pyrimethanil are well within acceptable limits for all population subgroups examined. The most highly exposed group of non-nursing infants utilized 0.9% of the reference dose with the U.S. population utilizing 0.2% of the reference dose. A Tier 3 chronic analysis was done using the DEEM software, (Novigen 2001). The 1994–96, 1998 CSFII consumption data from USDA were used. Average anticipated residue values were calculated from the appropriate field trial studies conducted for pyrimethanil. The average residue values were adjusted by the projected PCT at product maturity. Concentration factors derived from processing studies were included where appropriate. Secondary residues were calculated using theoretical dietary burdens derived from sensible diets for beef and dairy cattle and tissue to feed ratios from the ruminant feeding study.

ii. *Drinking water*. EPA's Standard Operating Procedure (SOP) for Drinking Water Exposure and Risk Assessments was followed to perform the Tier One drinking water assessment. This SOP uses a variety of tools to conduct drinking water assessments, including water models such as Screening Concentrations in Ground Water (SCI-GROW), First Index Reservoir Screening Tool (FIRST), Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZMS/EXAMS), and monitoring data. If monitoring data are not available then the models are used to predict potential residues in surface and ground water and the highest levels (whether ground or surface) are assumed to be the drinking water residue. In the case of pyrimethanil, monitoring data are not available. SCI-GROW and FIRST were used to estimate a drinking water residue. Calculation of the Drinking Water Estimated Concentration (DWEC) for surface water for the worst case pyrimethnail use scenario results in a acute DWEC of 122 ppb and a chronic DWEC of 37 ppb. Drinking Water Levels of Comparison (DWLOCs) calculated based on the acute and chronic risk assessments described above are many fold higher than these conservative DWECs. The adult acute and chronic DWLOCs are 9,860 ppb and 5,936 ppb respectively. Children's acute and chronic DWLOCs are 2,641ppb and 1,686 ppb respectively.

2. *Non-dietary exposure*. Pyrimethanil products are not labeled for residential uses (food or non-food), thereby eliminating the potential for residential exposure or non-occupational exposure.

D. Cumulative Effects

Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' There are no available data to determine whether pyrimethanil has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, pyrimethanil does not appear to form a toxic metabolite produced by other substances. For the purposes of the tolerance petition, it has been assumed that pyrimethanil does not have a common mechanism of toxicity with other substances.

E. Safety Determination

1. *U.S. population*. Using the assumptions and data described above, based on the completeness and reliability of the toxicity data, it is concluded that dietary risk from the proposed uses of pyrimethanil are acceptable for all populations examined. Chronic exposure for the U.S. population utilizes 0.2% (0.000392 mg/kg bw/day) of the chronic reference dose. Acute exposure for the U.S. population utilizes 6.1% (0.018287 mg/kg bw/day) of the acute reference dose. The most highly exposed population of non-nursing infants utilizes only 0.9% of the chronic reference dose and

13.35% of the acute reference dose. The actual exposures are likely to be much less as more realistic data and models are developed. EPA generally has no concern for exposures below 100% of the RfD (acute or chronic), because the RfD represents the level at or below which exposure will not pose appreciable risk to human health. DWLOC for adults both acute (9,860 ppb) and chronic (5,936 ppb) are several orders of magnitude above the conservative DWEC for acute (122 ppb) and chronic (37 ppb) worst case scenarios. Therefore, there is a reasonable certainty that no harm will occur to the U.S. population from aggregate exposure (food and drinking water) to residues of pyrimethanil.

2. *Infants and children*. The relevant toxicity studies as discussed in the toxicology section above show no extra sensitivity of infants and children to pyrimethanil, therefore, the FQPA safety factor can be removed. Using the assumptions and data described in the exposure section above, it is concluded that dietary risk from the proposed uses of pyrimethanil are acceptable for all infant and children sub-populations examined. The most highly exposed sub-population was non-nursing infants for both the chronic and acute analyses. The sub-population non-nursing infants utilizes 0.9% (0.001563 mg/kg bw/day) of the chronic reference dose and 13.35% (0.040040 mg/kg bw/day) of the acute reference dose. All other infant and children populations have less exposure. The chronic and acute drinking water levels of concern for children (1,684 ppb and 2,600 ppb respectively) are well above the conservative drinking water estimated concentrations for chronic and acute scenarios. The chronic DWEC is 37 ppb and the acute DWEC is 122 ppb. Therefore, there is a reasonable certainty that no harm will occur to infants and children from aggregate exposure to residues of pyrimethanil.

F. International Tolerances

Maximum Residue Limits for pyrimethanil have not been established by the Codex Alimentarius Commission.

[FR Doc. 03–3695 Filed 2–13–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0020; FRL–7289–9]

Aspergillus flavus AF36; Notice of Filing a Pesticide Petition to Establish an Exemption from a Tolerance for a Certain Pesticide Microbial Agent in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide microbial agent in or on various food commodities.

DATES: Comments, identified by docket ID number OPP–2003–0020, must be received on or before March 17, 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: Shanaz Bacchus, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8097; e-mail address: bacchus.shanaz@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

- Crop production (NAICS code 111)
- Animal production (NAICS code 112)
- Food manufacturing (NAICS code 311)
- Pesticide manufacturing (NAICS code 32532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions. 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–2003–0020. 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. 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. 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. 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–2003–0020. 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–2003–0020. 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–2003–0020.

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–2003–0020. 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. Make sure to submit your comments by the deadline in this notice.

7.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. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and record keeping requirements.

Dated: February 6, 2003.

Phil Hutton,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of the pesticide petition is printed below as required by FFDCA section 408(d)(3). The summary of the petition was prepared by the petitioner and represents the view of the petitioner. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Interregional Research Project Number 4 and The Arizona Cotton Research and Protection Council

PP 8E5001

EPA has received a pesticide petition (PP 8E5001) from Interregional Research Project Number 4 (IR–4), New Jersey Agricultural Experiment Station, Technology Center, 681 U.S. Highway #1 South, North Brunswick, NJ 08902–3390 on behalf of the Arizona Cotton Research and Protection Council, 3721 East Wier Avenue Phoenix, Arizona 85040–2933 proposing pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR 180.1206 by establishing an amendment/expansion of an existing tolerance exemption for the microbial pesticide *Aspergillus flavus* AF36 in or on the food and feed commodity cotton and its by products.

Pursuant to section 408(d)(2)(A)(i) of the FFDCA, as amended, the aforesaid Interregional Research Project Number 4 (IR–4), has submitted the following summary of information, data, and arguments in support of the pesticide petition on behalf of the Arizona Cotton Research and Protection Council, however EPA has not fully evaluated the merits of the pesticide petition. The summary may have been edited by EPA if the terminology used was unclear, the summary contained extraneous material, or the summary unintentionally made the reader conclude that the findings reflected EPA's position and not the position of the petitioner.

A. Product name and Proposed Use Practices

Aspergillus flavus AF36, a non-aflatoxin-producing strain of *Aspergillus flavus*, is proposed for application to cotton to reduce the incidence of aflatoxin producing strains of*Aspergillus flavus* and thereby reduce aflatoxin contamination of cottonseed. When applied just prior to flowering, *Aspergillus flavus* AF36 which does not produce aflatoxin, competitively excludes aflatoxin producing *Aspergillus flavus* strains without increasing *Aspergillus flavus* in the environment in the long term. Sterile wheat seed colonized with *Aspergillus flavus* AF36 is applied at 10 lb of end-use product (total amount of active ingredient less than 0.01 lb/acre) per acre. The pesticide is currently being used in certain counties in the States of Arizona and Texas under an Experimental Use Permit (EPA Reg. No. 69224–EUP–1). The current submission proposes to establish a permanent exemption from tolerance for residues of *Aspergillus flavus* AF36 on cotton and its byproducts.

B. Product Identity/Chemistry

1. *Identity of the pesticide and corresponding residues.* The pesticide and corresponding residues are identified as *Aspergillus flavus* AF36, a non-aflatoxin-producing strain of *Aspergillus flavus*.

2. *Magnitude of residue at the time of harvest and method used to determine the residue. Aspergillus flavus* AF36 is a naturally occurring fungus isolated from cottonseed produced in the Yuma Valley of Arizona. *Aspergillus flavus* AF36 has been shown to be naturally and consistently associated with commercial cotton grown in Arizona. Other than immediately after application, the overall quantity of *Aspergillus flavus* at time of harvest on cottonseed grown in fields where *Aspergillus flavus* AF36 has been applied and has been shown to be similar to levels on cottonseed grown in fields where no application was made. *Aspergillus flavus* is a widespread fungus. It is particularly well adapted to the hot desert regions of Arizona where it is widespread in the environment. The communities of *Aspergillus flavus* in the desert and in agricultural fields are naturally composed of both aflatoxin producing (toxigenic) and aflatoxin non-producing (atoxigenic) strains. Both atoxigenic and toxigenic strains have been found on essentially all plant material and soils in the desert valleys of Arizona. The goal of applications is to increase the percent of the *Aspergillus flavus* community composed of the atoxigenic strain AF36 and to decrease the percent of *Aspergillus flavus* that produces aflatoxins on the crop and in the fields.

3. *A statement of why an analytical method for detecting and measuring the levels of the pesticide residue are not needed.* An exemption from the requirement of a tolerance for residues of the microbial pesticide *Aspergillus flavus* AF36 in/on cotton is being proposed for cotton treated in Arizona and Texas. *Aspergillus flavus* isolate AF36, when applied to the soil just prior to bloom has been shown to significantly reduce the levels of aflatoxin in cottonseed at harvest. Aflatoxin levels in cottonseed products are regulated by the Food and Drug Administration (FDA). FDA does not allow cottonseed products containing aflatoxin at 20 parts per billion (ppb), or higher to be used in dairy rations. FDA regulations also do not allow cottonseed products containing aflatoxin above 300 ppb, to be used for feeding beef cattle. All lots of the active ingredient (*Aspergillus flavus* isolate AF36) and the formulated products are monitored for aflatoxin production as part of a rigorous quality control program. Starter cultures of *Aspergillus flavus* isolate AF36 used in the production of the end-use product are always screened for strain identity by vegetative

compatibility, and for aflatoxin production using thin layer chromatography and appropriate standards. Quality control standards are zero tolerance in the starter cultures and in the formulated product for aflatoxin production, and for *Aspergillus flavus* not identified as *Aspergillus flavus* isolate AF36. *Aspergillus flavus* AF36 has never been found to produce aflatoxin.

C. Mammalian Toxicological Profile

An acute oral toxicity test was performed whereby a single oral dose of 5,000 milligrams/kilogram body weight (mg/kg/bwt) per animal of *Aspergillus flavus* AF36 colonized wheat seed was administered by gavage to five male and five female Sprague Dawley rats. The oral LD_{50} of *Aspergillus flavus* AF36 was determined to be greater than 5,000 mg/kg rat body weight. No clinical signs were observed during the 14–day study and no abnormalities or adverse effects were observed in any of the rats upon necropsy.

An initial pulmonary rat study resulted in lethality in a significant number of animals treated with either the live *Aspergillus flavus* AF36 in Tween 80 or heat killed *Aspergillus flavus* AF36 in Tween 80. Onset of symptoms was rapid after dosing with all deaths occurring by day 4 of the study. All rats surviving to day 4 of the study recovered and all rats sacrificed (as scheduled) on day 8 or day 15 of the study had totally eliminated viable *Aspergillus flavus* AF36 from the lungs, caecal contents, and feces. There was no evidence of infectivity. The aetiology of deaths was unclear. It appeared that *Aspergillus flavus* AF36 prepared as a test substance with Tween 80 caused a severe acute inflammatory response. Retrospective literature review and consultation with a toxicologist supported the theory that the responses were a result of a synergism with Tween 80 and/or of Tween 80 breakdown products formed during preparation of the spore suspension test substance.

A second rat pulmonary study was therefore undertaken. In the second study the conidia were both washed from the wheat and suspended in sterile physiological saline instead of Tween 80. Animals (2 male and 2 female for each treatment level) were dosed at 0, 10^5, 10^6, 10^7, and 10^8 colony forming units per rat. There were no clinical signs in any of the treatment groups considered to be associated with the test substance. Rats were sacrificed at day 8 without treatment associated mortality. No abnormalities were observed in any of the animals at the macroscopic examination at termination.

Based on these two mammalian studies, the petitioner concludes that *Aspergillus flavus* AF36 does not present either a toxicological or an infectious risk to mammals. Data waivers were requested for the following toxicology studies: Acute dermal toxicology/pathology, primary dermal irritation, primary eye irritation, and acute intraperitoneal toxicology/pathology effects of the microbial pesticide. The following rationales were used as a basis for the data waiver requests:

- Researchers and other workers have worked with *Aspergillus flavus* AF36 at the Southern Regional Research Center for over 10 years and in commercial fields (1996 to 1998) and in hand-picked field plots (1989 to 1994) without report of any adverse health effects.
- *Aspergillus flavus* AF36 is widely distributed in the environment and its occurrence is natural.
- The label will require applicators and other handlers to wear Personal Protective Equipment (PPE) such as waterproof gloves, a dust/mist filtering respirator with the appropriate NIOSH approval prefix N–95, P–95, or R–95, coveralls, long sleeved shirt and long pants, and shoes plus socks, and goggles, to mitigate against dermal and primary eye irritation exposure.

The pesticide is to be applied aerially by mixers/handlers and applicators who are licensed and trained to handle restricted materials. At the 10 lb/acre application rate of the formulated material, the total amount of active ingredient is less than 0.01 lb/acre. Applications of AF36 do not significantly impact the total amount of *Aspergillus flavus* in the soil or crop, but only change the proportion of the AF36 strain in relation to the overall soil population. Since the product is applied to cotton fields as a granular formulation on colonized wheat seeds, exposure from drift is minimal.

In addition, the following rationales were advanced in support of the data waiver requests for acute dermal toxicity and primary dermal irritation. These studies were waived during the experimental use program, based upon the lack of toxicity in animals dosed orally. While other *Aspergillus flavus* strains have been reported to be dermal sensitizers, this testing is not warranted, since the aerial method of application and the PPE required on the label will mitigate dermal exposure to workers and pesticide handlers. The acute intraperitoneal study was waived based upon the lack of toxicity in animals dosed orally and by pulmonary/intratracheal instillation.

Genotoxicity, reproductive and developmental toxicity, subchronic toxicity and chronic toxicity testing were not performed, since no adverse effects were observed in the acute toxicology study Tier 1 studies. Tier II (885.3550), subchronic toxicology study (EPA OPPTS 885.3600) and chronic feeding studies (guideline 152–50) are only required if triggered by adverse effects observed in Tier I studies.

D. Aggregate Exposure

1. *Dietary exposure*—i. *Food*. *Aspergillus flavus* AF36 is a naturally occurring organism, which does not produce aflatoxin and is thus safer than the aflatoxin-producing *Aspergillus flavus* isolates. Proposed uses and application rates will not result in increases in the total population of *Aspergillus flavus* on the mature crop beyond naturally occurring background levels. FDA does not allow cottonseed products containing aflatoxin at 20 ppb or higher to be used in dairy rations. FDA regulations also do not allow cottonseed products containing aflatoxin levels above 300 ppb, to be used for feeding beef cattle.

Aspergillus flavus AF36, when applied to the soil just prior to bloom, has been shown to significantly reduce the levels of aflatoxin in cottonseed at harvest. Furthermore, the proposed use and application rate will not increase exposure of humans to *Aspergillus flavus* by dietary means, since cotton itself is not a food product for human consumption. There is minimal dietary exposure to *Aspergillus flavus* from cottonseed. There is no mechanism for *Aspergillus flavus* to be transferred from the seed to animal products and there is no evidence that the fungus readily contaminates meat or milk. Seed is typically extracted for oil with hexane and that process kills the fungus. Furthermore, applications of *Aspergillus flavus* AF36 do not increase the indigenous populations of *Aspergillus flavus* associated with the harvested crop. The applications merely alter the composition of the fungal community associated with the mature crop so that aflatoxin producing strains are far less frequent. The result is a much lower incidence of aflatoxins in the crop and in the environment associated with the developing and mature crop.

ii. *Drinking water. Aspergillus flavus* AF36 is a naturally occurring organism that is already widespread in the environment and is not considered to be a risk to drinking water. Both percolation through soil and municipal treatment of drinking water would reduce the possibility of exposure of *Aspergillus flavus* through the drinking

water. Applications of *Aspergillus flavus* AF36 do not increase the long-term populations of *Aspergillus flavus* in the environment, and thus are not expected to influence the relationship of *Aspergillus flavus* to water sources. Applications merely change the composition of the *Aspergillus flavus* community so that aflatoxin producing strains are less common in the environment.

2. *Non-dietary exposure.*The potential for non-occupational, non-dietary exposure to the general population is not expected to be significant and is not expected to present any risk of adverse health effects.

E. Cumulative Exposure

There are no other registered products containing *Aspergillus flavus* AF36 or any other isolates (strains) of the microbial active ingredient. Data submitted show that the fungal metabolite of concern, which is aflatoxin, is not produced by *Aspergillus flavus* AF36 in the crop or in artificial media in the lab. When applied prior to flowering, *Aspergillus flavus* AF36 has been shown to exclude aflatoxin producing fungi competitively from the developing crop and to reduce aflatoxin contamination of cottonseed. Data show that the proposed use will not result in appreciable increases in the long-term population of *Aspergillus flavus* on the crop beyond naturally occurring levels. Furthermore, there is no expectation of cumulative effects with other pesticides.

F. Safety Determination

1. *U.S. population. Aspergillus flavus* AF36 is a naturally occurring organism. This isolate has low toxicity as demonstrated by the acute oral toxicity study in rats. *Aspergillus flavus* is ubiquitous throughout the hot desert valleys in Arizona. Studies have shown that treatment of cotton fields just prior to flowering with sterile wheat seed colonized by *Aspergillus flavus* AF36 at 10 lb per acre does not increase the long-term populations of *Aspergillus flavus* either on the crop at maturity or in the soil 1 year after application. Based on this information, Interregional Research Project Number–4 is of the opinion that the aggregate exposure to *Aspergillus flavus* over a lifetime should not change with application of *Aspergillus flavus* AF36, and exposure to both aflatoxin producing *Aspergillus flavus* strains and aflatoxin should decrease. This should be beneficial to human health. Thus, there is a reasonable certainty that no harm will result from aggregate exposure to *Aspergillus flavus* AF36.

2. *Infants and children.* Based on the lack of toxicity and natural occurrence, there is reasonable certainty that no harm to infants, children, or adults will result from aggregate exposure to *Aspergillus flavus* AF36. Exempting *Aspergillus flavus* AF36 from the requirement of a tolerance should pose no significant risk to humans or the environment.

G. Effects on the Immune and Endocrine Systems

Aspergillus flavus AF36 is a naturally occurring organism, which does not produce aflatoxin, and is thus safer than the *Aspergillus flavus* isolates that produce aflatoxin. To date there is no evidence to suggest that *Aspergillus flavus* AF36 functions in a manner similar to any known hormone, or that it acts as an endocrine disrupter.

H. Efficacy

Existence of aflatoxins in the environment is a public health hazard. Data were submitted to demonstrate that proper use of *Aspergillus flavus* AF36 results in reductions in the average aflatoxin producing potential of fungi resident in treated areas and in reductions in the quantity of aflatoxins in crops. In field tests prior to 1996, the aflatoxin content of cottonseed was shown to be inversely related to the proportion of the *Aspergillus flavus* community on the crop composed of *Aspergillus flavus* AF36. Detailed analyses of the aflatoxin content of commercial fields from 1996 through 1998 confirmed that reduced aflatoxin levels were associated with displacement of aflatoxin producers by *Aspergillus flavus* AF36 from treated crops and that treatments were associated with up to 90% reductions in crop aflatoxin content.

Efficacy of applications of *Aspergillus flavus* AF36 in displacing aflatoxin producers was demonstrated for fungal communities both on cottonseed from treated crops at harvest and in soils of treated fields 1 year after treatment. This included cotton crops treated in 1996 (112 acres treated), 1997 (463 acres treated), 1998 (499 acres), 1999 (10,488 acres), 2000 (16,725 acres), and 2001 (19,975 acres treated). The proportion of *Aspergillus flavus* communities composed of *Aspergillus flavus* AF36 indicates the extent to which aflatoxin producers were displaced. In 1996 average incidence of AF36 on treated crops was 88.5% and in the soil, 1 year after treatment, incidence of AF36 was 85.2%. Incidences of AF36 on treated crops were 78% and 67% in 1997 and 1998, respectively, and in soil 1 year after treatment, AF36 incidences were 72% and 77%, respectively. Successful displacement was also observed as the acreage treated rapidly expanded from 1999 to 2001 with average incidences of AF36 on treated crops ranging from 57% in 1999 to 66% in 2001.

Aflatoxin-producing S strain isolates of *Aspergillus flavus* are prominent in soils of cotton producing areas of Arizona and south Texas. They produce more aflatoxins than other *Aspergillus flavus* isolates such as the non-aflatoxin-producing L strain *Aspergillus flavus* AF36. Applications of AF36 during the experimental program were effective at displacing the high aflatoxin producing S strain of *Aspergillus flavus*. During the course of the experimental use program, *Aspergillus flavus* AF36 also caused long-term reductions in the aflatoxin producing potential of fungal communities in agricultural fields. *Aspergillus flavus* AF36 retained atoxigenicity (failure to produce aflatoxins) upon repeated reisolation from treated fields 1, 2, or 3 years after treatment. Thus, there was a long-term reduction in the potential of fungal communities to produce aflatoxins in treated areas. The average aflatoxin producing potential of *Aspergillus flavus* communities resident in soils of treated fields was reduced on average 73% 1 year after treatment over the 3 year period (1996 to 1999). S strain isolates, which produced very high levels of aflatoxins, with field averages ranging from 7,100 ppb, aflatoxin to 22,700 ppb, aflatoxin, were effectively displaced. Their incidence was reduced from initially composing 46% of *Aspergillus flavus* soil communities to composing on average of 11%.

I. Existing Tolerances

The registrant is not aware of any existing tolerances or tolerance exemptions for *Aspergillus flavus* AF36, other than the temporary tolerance exemption on cotton (40 CFR 180.1206) in conjunction with an EUP, which expires on December 30, 2004.

J. International Tolerances

There are no Codex maximum residue levels established for residues of *Aspergillus flavus* AF36. *Aspergillus flavus* AF36 containing products are presently not registered for pest control outside of the United States.

[FR Doc. 03–3696 Filed 2–13–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7452–6]

Notice of Proposed Settlement; Solitron Microwave Superfund Site, Port Salerno, FL

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement.

SUMMARY: The United States Environmental Protection Agency (EPA) is proposing to enter into a Prospective Purchaser Agreement (PPA) pursuant to section 122(h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, regarding the Solitron Microwave Superfund Site located in Port Salerno, Martin County, Florida. This Agreement is made and entered into by EPA and the Port Salerno Industrial Park, LLC (''PSIP''). The PPA concerns the acquisition by PSIP of certain real property presently owned by Solitron Devices, Inc. EPA will consider public comments on the proposed settlement for thirty (30) days. EPA may withdraw from or modify the proposed settlement should public comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper or inadequate.

Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, Waste Management Division, U.S. EPA, Region 4, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303–3104, 404/562–8887.

Written comments may be submitted to Ms. Batchelor within thirty (30) calendar days of the date of publication.

Dated: January 31, 2003.

Anita L. Davis,

Acting Chief, CERCLA Program Services Branch, Waste Management Division.

[FR Doc. 03–3700 Filed 2–13–03; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[IB Docket No. 03–38; DA 03–390]

Petitions for Protection From Whipsawing on the U.S.-Philippines Route

AGENCY: Federal Communications Commission.

ACTION: Notice; soliciting comments.

SUMMARY: AT&T and WorldCom filed petitions requesting that the FCC take action to protect U.S. international carriers and U.S. consumers from alleged ''whipsawing'' behavior occurring on the U.S.-Philippines route. The Commission issued a public notice soliciting comments on this issue.

DATES: Comments or oppositions are due on or before February 20, 2003 and reply comments are due on or before February 27, 2003.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 445 12th Street, SW., Washington, DC 20554. *See Supplementary Information for filing instructions.*

FOR FURTHER INFORMATION CONTACT: James Ball, Chief, or Lisa Choi, Senior Legal Advisor, Policy Division, International Bureau, (202) 418–1460.

SUPPLEMENTARY INFORMATION: AT&T Corp. (AT&T) and WorldCom Inc. (WorldCom) filed petitions on February 7, 2003 requesting that the Commission take action to protect U.S.-international carriers and U.S. consumers from alleged ''whipsawing'' behavior occurring on the U.S.-Philippines route. ''Whipsawing'' is a form of anticompetitive behavior that involves the ability of foreign carriers to obtain unduly favorable terms and conditions from U.S.-international service providers by setting competing U.S. carriers against one another.

According to AT&T's petition, several carriers in the Philippines, including the Philippines Long Distance Telephone Company (PLDT), Globe Telecom, Inc., Digitel Telecommunications Philippines, Inc., Bayan Telecommunications Company, Smart Communications, Inc., and Subic Telecom, collectively referred to as ''Philippine carriers,'' are engaged in disrupting AT&T's network. AT&T states that each of these carriers has demanded a unilateral increase in the rate for termination services in the Philippines for U.S.-outbound traffic. Similarly, WorldCom's petition states that PLDT has blocked WorldCom's traffic in retaliation for WorldCom's refusal to agree to a similar rate increase for traffic terminating on PLDT's network in the Philippines.

AT&T and WorldCom have requested that the Commission take action to protect U.S. carriers in their negotiations on the U.S.-Philippines route from ''whipsawing'' and prevent further network disruptions and harm to U.S. consumers. Specifically, AT&T has requested that the Commission take urgent action to prevent further ''whipsawing,'' including interim relief. AT&T and WorldCom request that the Commission prohibit U.S. carriers from making payments to the Philippine carriers and PLDT, respectively, until international service is fully restored.

All filings concerning any or all matters in this Public Notice should refer to IB Docket No. 03–38. Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments or oppositions on or before February 20, 2003 and reply comments on or before February 27, 2003. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <*http://www.fcc.gov/e-file/ecfs.html*>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to *ecfs@fcc.gov,* and should include the following words in the body of the message, ''get form <your e-mail address>.'' A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail).

In addition, one copy of each pleading must be sent to the Commission's duplicating contractor, Qualex International, 445 12th Street, SW., Room CY–B402, Washington, DC 20554; e-mail: *qualexint@aol.com;* facsimile: (202) 863–2898; phone: (202) 863–2893.

The Commission's contractor, Vistronix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street,

SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Copies of the petitions and any subsequently-filed documents in this matter may be obtained from Qualex International, in person at 445 12th Street, SW., Room CY–B402, Washington, DC 20554, via telephone at (202) 863–2893, via facsimile at (202) 863–2898, or via e-mail at *qualexint@aol.com.* The petition and any associated documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. The applications and any subsequently filed documents in this matter are also available electronically through the Commission's Electronic Filing System (ECFS) which may be accessed on the Commission's Internet Web site at *http://www.fcc.gov.* Ex parte communications between outside parties and Commission staff concerning these petitions are permitted subject to the Commission's rules for ''permit-but-disclose proceedings.'' *See* 47 CFR 1.1206.

Federal Communications Commission.

James Ball,

Chief, Policy Division, International Bureau.

[FR Doc. 03–3854 Filed 2–13–03; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10:01 a.m. on Tuesday, February 11, 2003, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's corporate activities.

In calling the meeting, the Board determined, on motion of Director John D. Hawke, Jr. (Comptroller of the Currency), seconded by Vice Chairman John M. Reich, and concurred in by Chairman Donald E. Powell, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no notice earlier than February 7, 2003, of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2) and (c)(9)(B) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(2) and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC building located at 550—17th Street, NW., Washington, DC.

Dated: February 11, 2003.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 03–3869 Filed 2–12–03; 2:34 pm]

BILLING CODE 6714–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, 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 a proposed extension of a collection of information. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning requests for a major disaster or an emergency declaration by the President.

SUPPLEMENTARY INFORMATION: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206, as amended (the Stafford Act), requires that all requests for a major disaster or an emergency declaration by the President must be made by the Governor of the affected State. Section 401 of the Act stipulates specific information the Government must submit with a request for any major disaster declaration. Section 501(a) of the Act stipulates specific information the Governor must submit with a request for any emergency declaration. Section 403(c) of the Act authorizes emergency assistance, without a Presidential declaration, through the utilization of Department of Defense personnel and resources. Information needed to process the request from the Governor is set forth in 44 CFR part 206.35 and 206.36.

Collection of Information

Title: The Declaration Process: Requests for Damage Assessment, Federal Disaster Assistance, Cost Share Adjustment, and Loans of the Non-Federal Share.

Type of Information Collection: Extension of a currently approved collection.

Abstract: When a disaster occurs in a State, the Governor of the State or the Acting Governor in his/her absence, may request a major disaster declaration. The Governor should submit the request to the President through the appropriate Regional Director to ensure prompt acknowledgement and processing. The information obtained by State damage assessments will be analyzed by FEMA Regional senior level staff. The Regional analysis shall include a discussion of State and local resources and capabilities, and other assistance available to met the disaster related needs. The Director of FEMA forwards the Governor's request to the President, with a FEMA report and recommendations. In the event the information required by law is not contained in the request, the Governor's request cannot be processed and forwarded to the White House. The Governor may appeal the decision.

Affected Public: Individual or households, not-for-profit institutions, State, local or tribal government, business or other for-profit, farms, and the Federal government.

Number of Respondents: The number of respondents for the information collections is 58 to include the Governors of the 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Marianna Islands, and Federal States of Micronesia, and the Republic of the Marshall Islands.

Frequency of Response: Per declaration.

Hours per Response: 76 hours per response.

Estimated Total Annual Burden Hours: 13,224.

Estimated Cost: The estimated annualized cost per respondent is $30.00 per hour for gathering preliminary assessments information × 13,244 total burden hours = $97,200. The estimated annualized cost to the Federal government is 5 FEMA senior level staff salary @ approximately $110,000 = $550,000 × 13,244 total burden hours = $72,842,000.

Comments: Written comments are solicited to: Evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall 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. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, Chief, Records Management Branch, Information Resources Management Division, Information Technology Services Directorate, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: For additional information concerning the collection of information contact Magdalena M. Ruiz, Chief, Declaration and Administrative Branch, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472. Telephone number (202) 646–3629. You may contact Ms. Anderson for copies of the proposed collection of information at facsimile number (202) 646–3347 or email address: *Information.Collections@fema.gov.*

Dated: February 5, 2003.

Edward W. Kernan,

Division Director, Information Resources Management Division, Information Technology Directorate.

[FR Doc. 03–3674 Filed 2–13–03; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Title: Mortgage and Rental Assistance Program.

Type of Information Collection: Revision of a currently approved collection.

OMB Number: 3067–0298.

Abstract: FEMA provides assistance in the form of mortgage or rental payments on behalf of eligible applicants who, as a result of a major disaster or emergency, have received written notice of dispossession or eviction from their primary residence by foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease entered into, prior to a disaster. Applications for this type of assistance may be filed for up to six months following the date of a declaration.

Affected Public: Individuals or households, Business or Other For Profit.

Number of Respondents: 2550.

Estimated Time per Respondent: 4 hours.

Estimated Total Annual Burden Hours: 10,200.

Frequency of Response: On Occasion.

Comments: Interested persons are invited to submit written comments on the proposed information collection to the Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 within 30 days of the date of this notice.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, Chief, Records Management Branch, Information Resources Management Division, Information Technology Services Directorate, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472. Facsimile number (202) 646–3347, or email address *InformationCollections@fema.gov.*

Dated: February 5, 2003.

Edward W. Kernan,

Division Director, Information Resources Management Division, Information Technology Services Directorate.

[FR Doc. 03–3675 Filed 2–13–03; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1427–DR]

Federated States of Micronesia; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Federated States of Micronesia (FEMA–1427–DR), dated July 11, 2002, and related determinations.

EFFECTIVE DATE: January 31, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705 or *Magda.Ruiz@fema.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated January 31, 2003, to Joe M. Allbaugh, Director of the Federal Emergency Management Agency, the President amended the cost-sharing arrangements concerning Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121–5206 (Stafford Act), as follows:

I have determined that the damage in certain areas of the Federated States of Micronesia, due to damage resulting from Tropical Storm Chata'an, including flooding, mudslides and landslides on July 2–4, 2002, is of sufficient severity and magnitude that special conditions are warranted regarding the cost sharing arrangements concerning Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (Stafford Act).

Therefore, I amend my declaration of July 11, 2002, to authorize Federal funds for Public Assistance, including direct Federal assistance, at 90 percent of total eligible costs.

This adjustment to State and local cost sharing applies only to Public Assistance costs eligible for such adjustment under the law. The law specifically prohibits a similar adjustment for funds provided to States for the Individual and Family Grant program (Section 411), mobile home group site development (Section 408), and the Hazard Mitigation Grant program (Section 404). These funds will continue to be reimbursed at 75 percent of total eligible costs.

Please notify the President of the Federated States of Micronesia and the Federal Coordinating Officer of this amendment to my major disaster declaration.

(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.)

Joe M. Allbaugh,

Director.

[FR Doc. 03–3672 Filed 2–13–03; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1447–DR]

Northern Mariana Islands; Amendment No.4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of the Northern Mariana Islands, (FEMA–1447–DR), dated December 11, 2002, and related determinations.

EFFECTIVE DATE: February 5, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705 or *Magda.Ruiz@fema.gov.*

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of the Northern Mariana Islands 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 December 11, 2002:

The Islands of Saipan and Tinian 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.)

Joe M. Allbaugh,

Director.

[FR Doc. 03–3673 Filed 2–13–03; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 011840.

Title: Fruit Carriers Discussion Agreement.

Parties: Great White Fleet (U.S.) Ltd., Dole Ocean Cargo Express, Inc., Network Shipping Ltd., South Pacific Shipping Company Ltd., d/b/a Ecuadorian Line.

Synopsis: The proposed agreement would permit the parties to discuss rates and other conditions in the trade between the U.S. Atlantic, Gulf, and Pacific ranges and Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

By Order of the Federal Maritime Commission.

Dated: February 11, 2003.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 03–3711 Filed 2–13–03; 8:45 am]

BILLING CODE 6730–01–P

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 March 10, 2003.

A. Federal Reserve Bank of Richmond (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. Uwharrie Capital Corp, Albermarle, North Carolina; to acquire 100 percent of the voting shares of Cabarrus Bank & Trust Company, Concord, North Carolina.

Board of Governors of the Federal Reserve System, February 10, 2003.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 03–3644 Filed 2–13–03; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System

TIME AND DATE: 10 a.m., Tuesday, February 18, 2003.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th Street entrance between Constitution Avenue and C Streets, NW., Washington, DC 20551.

STATUS: Open.

We ask that you notify us in advance if you plan to attend the open meeting and provide your name, date of birth, and social security number (SSN) or passport number. You may provide this information by calling (202) 452–2474 or you may *register on-line.* You may pre-register until close of business February 17, 2003. You also will be asked to provide identifying information, including a photo ID, before being admitted to the Board meeting. The Public Affairs Office must approve the use of cameras; please call (202) 452–2955 for further information.

Privacy Act Notice: Providing the information requested is voluntary; however, failure to provide your name, date of birth, and social security number or passport number may result in denial of entry to the Federal Reserve Board. This information is solicited pursuant to Sections 10 and 11 of the Federal Reserve Act and will be used to facilitate a search of law enforcement databases to confirm that no threat is posed to Board employees or property. It may be disclosed to other persons to

evaluate a potential threat. The information also may be provided to law enforcement agencies, courts and others, but only to the extent necessary to investigate or prosecute a violation of law.

MATTERS TO BE CONSIDERED:

Discussion Agenda

1. Final amendments to Regulation B (Equal Credit Opportunity) that would conclude the Board's review of the regulation. (Proposed earlier for public comment; Docket No. 1008).

2. Any items carried forward from a previously announced meeting.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office and copies may be ordered for $6 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FOR FURTHER INFORMATION CONTACT: Michelle A. Smith, Assistant to the Board; (202) 452–2955.

SUPPLEMENTARY INFORMATION: You may call (202) 452–3206 for a recorded announcement of this meeting; or you may contact the Board's Web site at *http://www.federalreserve.gov* for an electronic announcement. (The Web site also includes procedural and other information about the open meeting.)

Dated: February 11, 2003.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 03–3807 Filed 2–12–03; 9:19 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System

TIME AND DATE: At approximately 10:45 a.m., Tuesday, February 18, 2003, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 20551

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

FOR FURTHER INFORMATION CONTACT: Michelle A. Smith, Assistant to the Board; (202) 452–2955.

SUPPLEMENTARY INFORMATION: You may call (202) 452–2955 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at *http://www.federalreserve.gov* for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: February 11, 2003.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 03–3808 Filed 2–12–03; 9:19 am]

BILLING CODE 6210–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act Meeting Notice

TIME AND DATE: 9:00 a.m. (EST); Correction: February 20, 2003.

PLACE: 4th Floor, Conference Room, 1250 H Street, NW., Washington, DC.

ACTION: Notice; correction.

SUMMARY: The Federal Retirement Thrift Investment Board published a notice in the **Federal Register** of Wednesday, February 12, 2003, Volume 68, No. 29, page 7115, concerning upcoming Board member meeting. The document contained an incorrect time.

Correction

In the **Federal Register** of Wednesday, February 12, 2003, Volume 68, No. 29, on page 7115, third line, left side, correct the time to read 10 a.m.

CONTACT PERSON FOR MORE INFORMATION: Thomas J. Trabucco, Director, Office of External Affairs, (202) 942–1640.

Dated: February 12, 2003.

Elizabeth S. Woodruff,

Secretary to the Board, Federal Retirement Thrift Investment Board.

[FR Doc. 03–3839 Filed 2–12–03; 12:31 pm]

BILLING CODE 6760–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention (CDC)

Board of Scientific Counselors, National Institute for Occupational Safety and Health: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Board of Scientific Counselors, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, of the Department of Health and Human Services, has been renewed for a 2-year period extending through February 3, 2005.

For information, contact Roger Rosa, Ph.D., Executive Secretary, Board of Scientific Counselors, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, of the Department of Health and Human Services, CDC/Washington Office, HHH Building, 200 Independence Ave., SW., Room 715H, MS P12, Washington, DC 20201—telephone 202/205–7856 or fax 202/260–4464.

The Director, Management Analysis and Services Office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 7, 2003.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 03–3664 Filed 2–13–03; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: University Centers for Excellence in Developmental Disabilities Education, Research, and Service.

OMB No.: New Collection.

Description: In accordance with the Developmental Disabilities Assistance and Bill of Rights Act of 2000,

University Centers are required to collect data in order to measure progress achieved in one or more areas of emphasis (child care, education and early intervention, employment, health, housing, recreation, transportation, quality assurance) through advocacy, capacity building, and systemic change activities. Progress is to be measured through (1) satisfaction of individuals with developmental disabilities with advocacy, capacity building, and systemic change activities; (2) the extent to which the advocacy, capacity building, and systemic change activities provided results through improvements; and (3) the extent to which collaboration was achieved in the areas of advocacy, capacity building, and systemic change activities.

Respondents: University Centers for Excellence in Developmental Disabilities Education, Research, and Service.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Data Collection for Annual Report—University Centers	61	1	80	4,880
Estimated Total Annual Burden Hours				4,880

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, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. 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: February 10, 2003.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 03–3678 Filed 2–13–03; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: University Centers for Excellence in Developmental Disabilities Education, Research, and Service.

OMB No.: New Collection.

Description: In accordance with the Developmental Disabilities Assistance and Bill of Rights Act of 2000, University Centers are required to collect data in order to measure progress achieved in one or more areas of emphasis (child care, education and early intervention, employment, health, housing, recreation, transportation, quality assurance) through advocacy, capacity building, and systemic change activities. Progress is to be measured through (1) satisfaction of individuals with developmental disabilities with advocacy, capacity building, and systemic change activities; (2) the extent to which the advocacy, capacity building, and systemic change activities provided results through improvements; and (3) the extent to which collaboration was achieved in the areas of advocacy, capacity building, and systemic change activities.

Respondents: University Centers for Excellence in Developmental Disabilities Education, Research, and Service.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Data Collection for Annual Report—University Centers	61	1	80	4,880
Estimated Total Annual Burden Hours				4,880

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, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. 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: February 10, 2003.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 03–3679 Filed 2–13–03; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Head Start Fellows Program.

OMB No.: 0970–0140.

Description: Public Law 103–252, the Human Services Amendments of 1994, amended the Head Start Act (the Act) to authorize the creation of a Head Start Fellows Program to support the professional development of individuals working in the fields of child development and family services. The Act was most recently reauthorized through fiscal year 2003, by the Coats Human Services Amendments of 1998, Public Law 105–285.

Head Start Fellowships are awarded on a competitive basis to individuals (other than Federal employees) selected from among applicants who are working in the fields of child development and children and family services. Information collected from the applications is used to ensure that individuals selected to be Head Start Fellows have the appropriate experience/skills, and that the training developed for them and the work assigned to them will enhance their ability to make significant contributions to the fields of child development and family services. The information collected is used by program staff and policy makers at the Federal level to make judgments on the progress and needs of the program.

Respondents: Individuals who work in local Head Start programs or fields of child development and children and family services.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Application	200	1	24	4,800
Estimated Total Annual Burden Hours				4,800

Additional Information

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Desk Officer for ACF.

Dated: February 10, 2003.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 03–3677 Filed 2–13–03; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Caseload Reduction Documentation Process, ACF–202.

OMB No.: 0970–0199.

Description: To ensure that States receive credit for families that have become self-sufficient and left the welfare rolls, Congress created a caseload reduction credit. The credit reduces the required participation rate that a State must meet for a fiscal year. To receive a caseload reduction credit, a State must complete form ACF–202, the Caseload Reduction Report. The report provides information needed to calculate a caseload reduction credit, and thus determines the participation standard each State must meet for the fiscal year. This report derives from section 407(a)(3) of the Social Security Act and the implementing Federal Regulations at 45 CFR part 261, subpart D.

Respondents: The 50 States of the United States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Caseload Reduction Documentation Process, ACF–202	54	1	160	8,640
Estimated Total Annual Burden Hours				8,640

Additional Information

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Desk Officer for ACF.

Dated: February 10, 2003.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 03–3680 Filed 2–13–03; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Reasonable Cause/Corrective Action Documentation Process.

OMB No.: 0970–0199.

Description: The Social Security Act provides that States can be penalized for misusing Temporary Assistance for Needy Families funds and for failure to comply with other requirements. If a State wishes to dispute a penalty determination or wants to be considered for a waiver of a penalty, the State may submit a ''reasonable cause'' justification and/or a corrective compliance plan. After careful consideration of one or both documents, we will notify the State of our findings with respect to the penalty. This process was established by section 409 of the Social Security Act and the implementing Federal regulations at 45 CFR part 261, subpart E, Part 262, and Part 264.

Respondents: The 50 States of the United States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Reasonable Cause/Corrective Action Documentation Process	54	2	160	17,280
Estimated Total Annual Burden Hours				17,280

Additional Information

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington DC 20503, Attn: Desk Officer for ACF.

Dated: February 10, 2003.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 03–3681 Filed 2–13–03; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Annual Report on State Maintenance-of-Effort (MOE) Programs, ACF–204.

OMB No.: 0970–0199.

Description: States must submit an annual report containing information on their State MOE programs via form ACF–204. The report is an important source for information about the different ways States are using their resources to help families attain and maintain self,-sufficiency. The information is used to discuss program characteristics in our annual report to Congress, to respond to Congressional and public inquiries about how TANF programs are evolving, and to asses State MOE expenditures. The statutory basis for this report is found in sections 409(a)(7) and 411(a)(3) of the Social Security Act and the implementing Federal regulations at 45 CFR 265.9.

Respondents: The 50 States of the United States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Annual Report on State Maintenance-of-Effort (MOE) Programs, ACF–204	54	128	1	6,912
Estimated Total Annual Burden Hours				6,912

Additional Information

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment

OMB is required to make decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register.** Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be send directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Desk Officer for ACF.

Dated: February 10, 2003.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 03–3682 Filed 2–13–03; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

Program Exclusions: January 2003

AGENCY: Office of Inspector General, HHS.

ACTION: Notice of program exclusions.

During the month of January 2003, the HHS Office of Inspector General imposed exclusions in the cases set forth below. When an exclusions is imposed, no program payment is made to anyone for any items or services (other than an emergency item or service not provided in a hospital emergency room) furnished, ordered or prescribed by an excluded party under the Medicare, Medicaid, and all Federal Health Care programs. In addition, no program payment is made to any business or facility, *e.g.,* a hospital, that submits bills for payment for items or services provided by an excluded party. Program beneficiaries remain free to decide for themselves whether they will continue to use the services of an excluded party even though no program payments will be made for items and services provided by that excluded party. The exclusions have national effect and also apply to all Executive Branch procurement and non-procurement programs and activities.

Subject city, state	Effective date
PROGRAM-RELATED CONVICTIONS	
BAEZ-LOPEZ, ROBERTO ... YAUCO, PR	02/20/2003
BEARD, WALITA G ..... CHATTANOOGA, TN	02/20/2003
CLEVENGER, PATRICIA ..... COTTAGEVILLE, WV	02/20/2003
COLON-NEGRON, ARABELLA ..... YAUCO, PR	02/20/2003
CRUZ-BAEZ, EDGAR ..... PONCE, PR	02/20/2003
DAVILA, JOSE ..... RIDGEFIELD PARK, NJ	02/20/2003
GETTMANN, CECILIA BARBER ..... MASSENA, NY	02/20/2003
GIBSON, CAROLYN P ..... MACON, GA	02/20/2003
GORDON, DENNIS D ..... COLUMBUS, OH	02/20/2003
GUSTAFSON, CHERYL ANNE ..... FEDERAL WAY, WA	02/20/2003
HAWKINS, JOSEPHINE ..... JACKSON, MS	02/20/2003
HERNANDEZ, MARCELINO VINCENT ..... TAFT, CA	02/20/2003
HYLOR, SYDEAL ..... MIAMI, FL	02/20/2003
I, CHEA ..... LONG BEACH, CA	02/20/2003
JONES, CLARENCE MARSHALL ..... DETROIT, MI	02/20/2003
JONES, DARLA ..... ASHTABULA, OH	02/20/2003
KASHISHYAN, EDIK ..... GLENDALE, CA	02/20/2003
KRAWCZUK, WILLIAM J ..... SYRACUSE, NY	02/20/2003
LONG, VANDY Y ..... LONG BEACH, CA	02/20/2003
MALIK, IFTKAR ..... DIX HILLS, NY	02/20/2003
MATTEI-FRANCESCHINI, HILDRED ..... YACO, PR	02/20/2003
NALLS, DOUGLAS EARL .... MIAMI, FL	02/20/2003
NICOLOFF, ROBBIN GAIL .. FORT WORTH, TX	02/20/2003
NOLETTE, RICHARD E ..... BIDDEFORD, ME	02/20/2003
NORTHEASTERN HOME HEALTH SVCS ..... MOUNTAIN TOP, PA	02/20/2003
ORTEGA-ORTIZ, ORLANDO PENUELAS, PR	02/20/2003
ORTIZ-VARGAS, DANIEL .... YAUCO, PR	02/20/2003
PEREA-VICENTE, MIGUEL MAYAGUEZ, PR	02/20/2003
PETRUTSAS, YVETTE MUSETA ..... HOUSTON, TX	02/20/2003
QUINONES-ACEVEDO, PABLO ..... RIO PIEDRAS, PR	02/20/2003
ROSICH-BACHS, JAIME ..... HORMIGUEROS, PR	02/20/2003
ROSS, JEMEKEA ..... COLUMBUS, OH	02/20/2003
RUIZ, MARCOS ..... FT LAUDERDALE, FL	02/20/2003
SANDS, WILLIAM JAMES ... SNEADS, FL	02/20/2003
SAYERS, PAMELA PAIGE .. OLATHE, KS	02/20/2003
SCOTT, ERIKA DEANNA .... FRESNO, CA	02/20/2003
SCOTT EVAN BERNSTEIN, DPM, P A ..... MIAMI, FL	08/23/2001
SINGLETARY, BRITTANY ... HOUSTON, TX	02/20/2003
SOTO-SANTIAGO, REYNALDO ..... ARECIBO, PR	02/20/2003
STRANGE-BOSTON, DONALD C ..... ASHLAND, VA	02/20/2003
THAI, THANH SON ..... CANON CITY, CO	02/20/2003
WOZNIAK, JOHN V ..... CLINTON, CT	02/20/2003
YOUNG, OLGA IRIS ..... CHULA VISTA, CA	02/20/2003
FELONY CONVICTION FOR HEALTH CARE FRAUD	
ELROD, SELINA WANDELLA ..... FORT COLLINS, CO	02/20/2003
JENKINS, JEANETTE ..... N CHARLESTON, SC	02/20/2003
VEHOSKI, MARYALICE ..... DANBURY, CT	02/20/2003
WIBORG, WARREN ROGER JR ..... NORFOLK, NE	02/20/2003
FELONY CONTROL SUBSTANCE CONVICTION	
BARAN, ROBIN ..... PHILIPSBURG, PA	02/20/2003
DEARING, ANITA F MAHONEY ..... GREENWOOD, IN	02/20/2003
DELGADO-LEON, RENE PEDRO ..... RIVERDALE, GA	02/20/2003
JACKSON, SALLY RACHAEL CALLAHA ..... OXFORD, OH	02/20/2003
NIGN, DEBRA LYNN ..... MANSFIELD, OH	02/20/2003
PAYNE, JAMES DAVID ..... NEW ALBANY, IN	02/20/2003
RENDON-GONZALEZ, LUIS ANOTONIO ..... TRUJILLO ALTO, PR	02/20/2003
SCHAEFFER, SUSAN ..... HUMMELSTOWN, PA	02/20/2003
VACEK, BEVERLY KELLY .. PALACIOS, TX	02/20/2003
VAUGHN, MARY RUTH ..... ARLINGTON, TX	02/20/2003
WESLEY, YVETTE MONIQUE	02/20/2003

Subject city, state	Effective date
PLANO, TX	
WILLIAMS, JOYCE LAREE SIDNEY, MT	02/20/2003
PATIENT ABUSE/NEGLECT CONVICTIONS	
AUMACK, MICHAEL T KALAMAZOO, MI	02/20/2003
CARTER, ANDREA MILTON, DE	02/20/2003
CATANACH, PATRICK L CANON CITY, CO	02/20/2003
FISH, LOIS ANNE REDLANDS, CA	02/20/2003
FLETCHER, DAWN L MORRIS, NY	02/20/2003
GARNER, MONICA WOODRUFF, SC	02/20/2003
HARRIS, TENASSA R BOLIVAR, TN	02/20/2003
HAYNES, CARYLON J GAITHERSBURG, MD	02/20/2003
MORGAN, CONSTANCE LAUREL, MS	02/20/2003
OKEZIE, THEODORE EZE SEATTLE, WA	02/20/2003
REYES, ANTONIO CUTIN AVENAL, CA	02/20/2003
ROSS, KAREN ROCHESTER, NY	02/20/2003
SAWYER, JOEL THOMAS MOOSE LAKE, MN	02/20/2003
YEN, ALBERT ANDREW HOUSTON, TX	02/20/2003
CONVICTION FOR HEALTH CARE FRAUD	
ANSON, ANNA VICTORIA CANON CITY, CO	02/20/2003
CONVICTION–OBSTRUCTION OF AN INVESTIG.	
WEGEHAUPT, BETTY L BELCOURT, ND	02/20/2003
CONTROLLED SUBSTANCE CONVICTIONS	
GENEROSE, CATHERINE HAZLETON, PA	02/20/2003
MURPHY, DAVID M HARRISBURG, PA	02/20/2003
LICENSE REVOCATION/SUSPENSION/ SURRENDERED	
ADAMCZYK, BONNIE MOCK SIDMAN, PA	02/20/2003
ALBERS, LESLIE A PINE RIDGE, SD	02/20/2003
ANDERSON, STEPHEN A LOCKPORT, NY	02/20/2003
AQUILA, JAMES F CATHEDRAL CITY, CA	02/20/2003
ARBEIT, JOAN WICKLIFFE TUCSON, AZ	02/20/2003
BANKS, MICHAEL ANTHONY TEXARKANA, TX	02/20/2003
BECKER, MARE PARFINOVIC MESA, AZ	02/20/2003
BEHRENS, KATHY J TUCSON, AZ	02/20/2003
BILODEAU, BETTY DALEY PHOENIX, AZ	02/20/2003
BOURNE, ANDREA BUCKATUNNA, MS	02/20/2003
BROWN, MARY GODDARD REEDSVILLE, PA	02/20/2003
BROWN, LEONARD DANIEL ONEONTA, AL	02/20/2003
BURRELL, JOEL BRION ELYRIA, OH	02/20/2003
CARTER, JAMIE S PHOENIX, AZ	02/20/2003
CASHMORE, IRENE OLKER MEDFORD, NY	02/20/2003
CASTILLO, ARMANDO MOL PORTERVILLE, CA	02/20/2003
CAZARES, JESUS ERNESTO TUCSON, AZ	02/20/2003
CHEATOM, GREGORY PITTSBURGH, PA	02/20/2003
CHICKERING-MOORE, DORIS MARIE SAN ANTOINIO, TX	02/20/2003
CHO, JIN SOOK ANAHEIM, CA	02/20/2003
CLARKE, KILDARE ISAAC WHITE PLAINS, NY	02/20/2003
COLE, EDILLIA C FAIR OAKS, CA	02/20/2003
CUMMINGS, WILLIAM G SUFFERN, NY	02/20/2003
DELPEZZO, ELIZABETH M CENTER VALLEY, PA	02/20/2003
DELUCIA, TONI L OIL CITY, PA	02/20/2003
DILLON, DONNA YVONNE GILBERT, AZ	02/20/2003
DOYLE, LISA KATHERINE PHOENIX, AZ	02/20/2003
DRAGOO, TAMI LYNN PEORIA, IL	02/20/2003
DUFFUS, STEPHANIE JOAN FRISCO, TX	02/20/2003
ELSIRGANY, JANET M CASE GRANDE, AZ	02/20/2003
FERGUSON, ROBERT C WAPAKONETA, OH	02/20/2003
FORD, EUGENE R SUFFOLK, VA	02/20/2003
GABALDON, ANTONIA PHOENIX, AZ	02/20/2003
GALEY, JOHN SCOTT PHOENIX, AZ	02/20/2003
GALVAN, CAROLE JEAN MCALLEN, TX	02/20/2003
GELDERNICK, WILLIAM JACOB CHICAGO, IL	02/20/2003
GHAFUR, AMINA ABDUL DENVER, CO	02/20/2003
GIL DE RUBIO, HECTOR FOREST HILLS, NY	02/20/2003
GINTER, NANCY LEE BEDFORD, IN	02/20/2003
GIUNTA, JOSEPH LIBORIO WINCHESTER, VA	02/20/2003
GONZALEZ, SHERRY L PUEBLO WEST, CO	02/20/2003
GORDON, REBECCA A CAPE MAY CT HOUSE, NJ	02/20/2003
GRAINEY, JOAN HUNTINGDON, PA	02/20/2003
GREENOUGH, NIKKI LARON AURORA, NE	02/20/2003
GRIFFIN, JUDITH GRACE VILLAGE OF OAK CREEK, AZ	02/20/2003
GUSTAFSON, PETER F TUSCON, AZ	02/20/2003
HARROLD, LAURA LEE PORTAGE, IN	02/20/2003
HAWKER, JAMES B MESA, AZ	02/20/2003
HOOVER, MELISSA MARIE EXETER, CA	02/20/2003
HUSSEY, BARBARA LYNN GRAND RAPIDS, MI	02/20/2003
HUTTON, DEAN UKIAH, CA	02/20/2003
JAGGI, SHERYL L CORRY, PA	02/20/2003
JOHNSON, KENT ROBERT RIVERSIDE, CA	02/20/2003
JONES, SHERRY LYNN HAMMOND, IN	02/20/2003
JUTTE, DONALD LEE CINCINNATI, OH	02/20/2003
KABATO, ZENAWI FAIRFAX, VA	02/20/2003
KEEHAN, MICHAEL F HACIENDA HGTS, CA	02/20/2003
KEEN, SUSIE C GRUNDY, VA	02/20/2003
KEENAN, ROYAN CHRISTINE RICHMOND, CA	02/20/2003
KELLENBERGER, MATTHEW JOHN SPRINGFIELD, IL	02/20/2003
KELLY, JOSEPH L III NORFOLK, VA	02/20/2003
KONOW, SUZANNE MARY BUCKEYE, AZ	02/20/2003
KUHLMAN, KELVIN HAROLD NEW ALBANY, IN	02/20/2003
KULL, LOLITA JEAN LAKE HAVASU CITY, AZ	02/20/2003
KULP, MELINDA GOODLING EPHRATA, PA	02/20/2003
LARSON, SUSAN HUMPHREY SCOTTSDALE, AZ	02/20/2003
LAWLESS, JACKIE GLEE SPRINGFIELD, IL	02/20/2003
LEAMER, SANDRA BARNESBORO, PA	02/20/2003
LEE, CHANG DEOK LOS ANGELES, CA	02/20/2003
LEWIS, VERNA M DALEVILLE, VA	02/20/2003
LONG, KERI M APACHE JUNCTION, AZ	02/20/2003
LOWELL-SENTURIA, LISA B NEW YORK, NY	02/20/2003
LYONS, DORIS C CHESAPEAKE, VA	02/20/2003
MACCHI, DAVID MICHAEL	02/20/2003

Subject city, state	Effective date
MARTINEZ, CA	
MAGANA-NIEBLA, RAFAEL BURNSVILLE, MN	02/20/2003
MAISTER, JAMES M TAMPA, FL	02/20/2003
MAKAR, YOUSSEF NASHED BIRMINGHAM, AL	02/20/2003
MALDONADO, EDWARD JAMES DALTON CITY, IL	02/20/2003
MARTIN, BRENDA CAROL UVALDE, TX	02/20/2003
MASON, SHERYL L JARRAH, VA	02/20/2003
MCGEHEE, SHELLY LYNN OTTAWA, KS	02/20/2003
MERRIS, KATHLEEN S FREMONT, CA	02/20/2003
MILLBANK, MARCIA ANN SAN GABRIEL, CA	02/20/2003
MILLER, JOHN EDWARD LOS ANGELES, CA	02/20/2003
MOLYNEAUX, JUAN J NEW YORK, NY	02/20/2003
MORGAN, MICHAEL P NORFOLK, VA	02/20/2003
NADGIR, LAKSHMI LOS ANGELES, CA	02/20/2003
NORRIS, DENISE KOSLOWSKY MESA, AZ	02/20/2003
NUNN, MYRTLE R PHOENIX, AZ	02/20/2003
O'NEAL, BENJAMIN THOMAS TUCSON, AZ	01/20/2003
O'NEIL, AMY E NARRAGANSETT, RI	02/20/2003
PELLEGRINO, TAMMY IRVA ATCO, NJ	02/20/2003
PERCHOROWICZ, JUDITH MARGARET MISSION VIEJO, CA	02/20/2003
POTACCO, PHILIP SOUTH ORANGE, NJ	02/20/2003
POWERS, MARILYN SCOTTSDALE, AZ	02/20/2003
PRATER, SHAWN L TEMPE, AZ	02/20/2003
RADEKA, NICKOLAS WILMINGTON, NC	02/20/2003
RAE, JAMES RICHARD TUCSON, AZ	02/20/2003
RARRICK, RICHARD JAY S HOLLAND, IL	02/20/2003
RICHARD, CHRISTIAN MADISON IRVINE, CA	02/20/2003
ROBBINS, RICHARD J GLENDALE, AZ	02/20/2003
RODRIGUES, DIANE SUSAN ALLAN SAFFORD, AZ	02/20/2003
SHEFFER, LEE ALLAN OROVILLE, CA	02/20/2003
SLADE, MAX A PRESCOTT VALLEY, AZ	02/20/2003
SPERANDIO, CHRISTOPHER PAUL RICHMOND, VA	02/20/2003
STANITZ, C JAMES III ELMWOOD PARK, IL	02/20/2003
STARBUCK, JOHN M HOUSTON, TX	02/20/2003
STEPHNEY, KAREN GREENVILLE, MS	02/20/2003
STEVENS, CRISTY ANN MESA, AZ	02/20/2003
STRAIN, STEPHEN F NASHVILLE, TN	02/20/2003
STRATTON, MARIT RAMONA, CA	02/20/2003
TAYLOR, SONDRA J NEWPORT NEWS, VA	02/20/2003
TAYLOR, GILDA BONITA E ST LOUIS, IL	02/20/2003
TAYLOR, TANYA PHOENIX, AZ	02/20/2003
TOMBACK, DAVID KEW GARDENS, NY	02/20/2003
TURNER, ESTHER INEZ DEL CITY, OK	02/20/2003
URELL, COLEEN RAE TUCSON, AZ	02/20/2003
WALTERS, CECILIA MARS, PA	02/20/2003
WATKINS, ELIZABETH LUCILLE LAS VEGAS, NV	02/20/2003
WEAPU, WALTER BUCKEYE, AZ	02/20/2003
WEBER, JEFFREY D PHOENIX, AZ	02/20/2003
WHITE, DELORES V GILBERT, AZ	02/20/2003
WIEGENSTEIN, GWENDOLYN ANN CATHEDRAL CITY, CA	02/20/2003
WILLIAMS, KATHLEEN E YORK, PA	02/20/2003
WILLIAMS, ROBIN SMITH BELLEVUE, NE	02/20/2003
WOOTEN, STACY HOUSTON, TX	02/20/2003
ZAJACS, LISA C EVANS CITY, PA	02/20/2003
FEDERAL/STATE EXCLUSION/SUSPENSION	
BEREZHANSKIY, VALERIY GLENVIEW, IL	02/20/2003
LYUBEZNAYA, YELENA BUFFALO GROVE, IL	02/20/2003
NAPADOV, VALERY NORTHBROOK, IL	02/20/2003
ORTENBERG, OLEG DEERFIELD, IL	02/20/2003
FRAUD/KICKBACKS	
L & L PSYCHOLOGICAL SVCS, P C OLD GREENWICH, CT	10/31/2002
LONSKI, MICHAEL W OLD GREENWICH, CT	10/31/2002
MICHAEL LONSKI, PHD, P C OLD GREENWICH, CT	10/31/2002
OWNED/CONTROLLED BY CONVICTED ENTITIES	
A BASTECKI CHIROPRACTIC AMES, IA	02/20/2003
ANTHONY E PERROTTI, D O, P A PEMBROKE PINES, FL	02/20/2003
PRAET CHIROPRACTIC FLAGSTAFF, AZ	02/20/2003
FAILURE TO PROVIDE PAYMENT INFORMATION	
JACKSON, SHEILA L SHREVEPORT, LA	02/20/2003
JACKSON, CLEVE SHREVEPORT, LA	02/20/2003
RELIABLE HOME HEALTH CARE INC SHREVEPORT, LA	02/20/2003
DEFAULT ON HEAL LOAN	
COHEN, DANIEL B SOUTHFIELD, MI	12/16/2002
COHN, MITCHELL A HASLET, MI	12/10/2002
LEE, SHERMAN T S PASADENA, CA	12/10/2002

Dated: February 3, 2003.

Katherine B. Petrowski,

Director, Exclusions Staff, Office of Inspector General.

[FR Doc. 03–3608 Filed 2–13–03; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of 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 a meeting of the Board of Scientific Counselors, National Cancer Institute.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Cancer Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would

constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Cancer Institute, Subcommittee 1—Clinical Sciences and Epidemiology.

Date: March 3–4, 2003.

Open: March 3, 2003, 8 a.m. to 10:05 a.m.

Agenda: Joint session of NCI, Board of Scientific Advisors and BSC Committees.

Place: National Institutes of Health, National Cancer Institute, 9000 Rockville Pike, Bldg. 31, Conference Room 10, Bethesda, MD 20892.

Closed: March 3, 2003, 10:05 a.m. to 11:05 a.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, National Cancer Institute, 9000 Rockville Pike, Building 31, Conference Room 6, Bethesda, MD 20892.

Closed: March 3, 2003, 11:30 a.m. to 4:30 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Closed: March 4, 2003, 8 a.m. to 2 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Abby B. Sandler, PhD, Scientific Review Administrator, Institute Review Office, Office of the Director, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 2114, Rockville, MD 20852, (301) 496–7628.

This notice is being published less than 15 days prior to the meeting due to scheduling conflicts.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance into the building by nongovernment employees. Persons without a government I.D. will need to show a photo I.D. and sign-in at the security desk upon entering the building.

(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: February 6, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–3617 Filed 2–13–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of 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 a meeting of the Board of Scientific Counselors, National Cancer Institute.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Cancer Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Cancer Institute, Subcommittee 2—Basic Sciences.

Date: March 3, 2003.

Open: 8 a.m. to 10:05 a.m.

Agenda: Joint Session of NCI, Board of Scientific Advisors and BSC Committees.

Place: National Institutes of Health, National Cancer Institute, 9000 Rockville Pike, Bldg. 31, Conference Room 10, Bethesda, MD 20892.

Closed: 10:05 a.m. to 11:05 a.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, National Cancer Institute, 9000 Rockville Pike, Bldg. 31, Conference Room 6, Bethesda, MD 20892.

Closed: 11:30 a.m. to 5 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Holiday Inn Bethesda, 8120 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Florence E. Farber, PhD, Executive Secretary, Institute Review Office, Office of the Director, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 2115, Rockville, MD 20852, (301) 496–7628.

This notice is being published less than 15 days prior to the meeting due to scheduling conflicts.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. and sign-in at the security desk upon entering the building.

(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: February 6, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–3618 Filed 2–13–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Advisory Board, February 10, 2003, 7:15 p.m. to February 12, 2003, 10:45 a.m., which was published in the **Federal Register** on January 16, 2003, 68 FR 2343.

The notice is being amended to include a closed session on February 12 from 8 a.m. to 8:30 a.m.

The open session will convene at 8:30 a.m. The meeting is partially closed to the public.

Dated: February 6, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–3619 Filed 2–13–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; 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 clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel, RFP–NICHD–2003–08—Folate and Neural Tube Defects.

Date: March 4, 2003.

Time: 12 p.m. to 2 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852. Telephone conference call.

Contact Person: Hameed Khan, Ph.D., Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, 6100 Executive Blvd., Room 5E01, Bethesda, MD 20892. (301) 496–1485.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: February 6, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–3620 Filed 2–13–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; 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 clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Antibody Production Facility.

Date: February 24, 2003.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate contract proposals.

Place: Four Points Sheraton, Embassy I, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Nasrin Nabavi, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2217, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616. 301 496–2550. *nn30t@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.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 6, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–3621 Filed 2–13–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; 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 Allergy and Infectious Diseases Special Emphasis Panel, Human Respiratory Pathogens: Bacterial (Part A).

Date: March 18, 2003.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate contract proposals.

Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007.

Contact Person: Eugene R. Baizman, Ph.D., Scientific Review Administrator, NIH/NIAID/DEA, Scientific Review Program, Room 2209, 6700B Rockledge Drive, Bethesda, MD 20892–7616. 301–496–2550. *eb237e@nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Human Respiratory Pathogens: Viral (Part B).

Date: March 19, 2003.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate contract proposals.

Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007.

Contact Person: Eugene R. Baizman, Ph.D., Scientific Review Administrator, NIH/NIAID/DEA, Scientific Review Program, Room 2209, 6700B Rockledge Drive, Bethesda, MD 20892–7616. 301–496–2550. *eb237e@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856 Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 6, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–3622 Filed 2–13–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; 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 clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Primary Immunodeficiency Disease Consortium.

Date: March 13, 2003.

Time: 11 a.m. to 4 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Bethesda, MD 20817. (Telephone conference call.)

Contact Person: Priti Methrotra, Ph.D., Scientific Review Administrator, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 6700–B Rockledge Drive, Room 2100, Bethesda, MD 20892–7616. 301–435–9369. *pm158b@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transportation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS).

Dated: February 6, 2003.

LaVerne Y. Springfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–3623 Filed 2–13–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; 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: National Institute on Drug Abuse Special Emphasis Panel, Training and Career Development Subcommittee.

Date: March 12, 2003.

Time: 6 p.m. to 7 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Khursheed Asghar, PhD., Chief, Basic Sciences Review Branch, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, MSC 9547, Bethesda, MD 20892–9547. (301) 443–2620.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Training and Career Development Subcommittee.

Date: March 12, 2003.

Time: 7:30 p.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Khursheed Asghar, PhD., Chief, Basic Sciences Review Branch, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, MSC 9547, Bethesda, MD 20892–9547. (301) 443–2620.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Program Projects.

Date: March 17, 2003.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, 2401 M Street, NW., Washington, DC 20037.

Contact Person: Khursheed Asghar, PhD., Chief, Basic Sciences Review Branch, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, MSC 9547, Bethesda, MD 20892–9547. (301) 443–2620.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS)

Dated: February 6, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–3624 Filed 2–13–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; 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 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: National Institute of Mental Health Special Emphasis Panel, Minority Training and Development.

Date: February 24, 2003.

Time: 10:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Selected Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Peter J. Sheridan, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6142, MSC 9606, Bethesda, MD 20892–9606, 301–443–1513, *psherida@mail.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: National Institute of Mental Health Special Emphasis Panel, NIMH Cognition and Behavior Conte Centers

Date: March 13, 2003.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Benjamin Xu, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Boulevard, Room 6143, MSC 9608, Bethesda, MD 20892–9608, 301–443–1178, *benxu1@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: February 5, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–3627 Filed 2–13–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; 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 clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel, Contracts for National Coordination Office-NNTC.

Date: March 10, 2003.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate contract proposals.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Houmam H Araj, Ph.D., Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6148, MSC 9608, Bethesda, MD 20892–9608, 301–443–1340, *haraj@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: February 5, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–3628 Filed 2–13–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases;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 clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Test Strip for Urinary Cystine.

Date: February 25, 3003.

Time: 11 AM to 12:30 PM.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Maxine A. Lesniak, PhM, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 756 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892–6600, (301) 594–7792, *lesniakm@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 5, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–3629 Filed 2–13–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; 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 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 Library of Medicine Special Emphasis Panel. Publications SEP P M3.

Date: March 21, 2003.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Merlyn M. Rodrigues, MD, PhD., Medical Officer/SRA, National Library of Medicine, Extramural Programs, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20894.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: February 5, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–3630 Filed 2–13–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; 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 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 Library of Medicine Special Emphasis Panel, R03's SEP.

Date: March 28, 2003.

Time: 7:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Merlyn M. Rodrigues, MD, PhD., Medical Officer/SRA, National Library of Medicine, Extramural Programs, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20894.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: February 5, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–3631 Filed 2–13–03; 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, ZRG1–F05 (20) L Fellowships: Cell and Development Biology.
Date: February 26–28, 2003.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Select Old Town Alexandria, 480 King Street, Alexandria, VA 22314.
Contact Person: Richard D. Rodewald, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5142, MSC 7840, Bethesda, MD 20892, (301) 435–1024, *rodewalr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Tuberculosis.
Date: February 26, 2003.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave., Bethesda, MD 20814.
Contact Person: Timothy J. Henry, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4180, MSC 7808, Bethesda, MD 20892, (301) 435–1147.

Name of Committee: Oncological Sciences Integrated Review Group, Experimental Therapeutics Subcommittee 2.
Date: February 26–28, 2003.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave., Bethesda, MD 20814.
Contact Person: Marcia Litwack, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6206, MSC 7804, Bethesda, MD 20892, (301) 435–1719.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG 1 VISC(01) Biology and Diseases of the Posterior Eye.
Date: February 26–28, 2003.
Time: 8:30 a.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Melrose Hotel, 2430 Pennsylvania Ave., NW., Washington, DC 20037.
Contact Person: Michael H. Chaitin, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7850, Bethesda, MD 20892, (301) 435–0910, *chaitinm@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group, Microbial Physiology and Genetics Subcommittee 1.
Date: February 26–27, 2003.
Time: 8:30 a.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.
Contact Person: Neal B. West, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3202, MSC 7808, Bethesda, MD 20892–7808, (301) 435–2514, *westnea@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Rheumatology SBIR's.
Date: February 26, 2003.
Time: 11 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.
Contact Person: Harold M. Davidson, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4216, MSC 7814, Bethesda, MD 20892, (301) 435–1776, *davidsoh@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 CDF–4 (02) M:Cell Biology.
Date: February 26, 2003.
Time: 2 p.m. to 3 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: Alexandra M. Ainsztein, PhD, Scientific Review Administrator Intern, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5144, MSC 7840, Bethesda, MD 20892, (301) 451–3848, *ainsztea@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Nursing Science: Children and Families.
Date: February 26, 2003.
Time: 3:30 p.m. to 5:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn, Tysons Corner, 1960 Chain Bridge Road, McLean, VA 22102.
Contact Person: Gertrude K. McFarland, DNSC, FAAN, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3156, MSC 7770, Bethesda, MD 20892, (301) 435–1784, *mcfarlag@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 BBBP–2 02M: Member Conflict: Behavioral Pharmacology.
Date: February 26, 2003.
Time: 3:30 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: Thomas A Tatham, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, MSC 7848, Bethesda, MD 20892, (301) 594–6836, *tathamt@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Prokaryotic and Eukaryotic Molecular Biology and Genetics,
Date: February 26–28, 2003.
Time: 8 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814.
Contact Person: Mary P. McCormick, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2208, MSC 7890, Bethesda, MD 20892, (301) 435–1047, *mccormim@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Computational Biology.
Date: February 27–28, 2003.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Select, 480 King Street, Alexandria, VA 22314.
Contact Person: George W. Chacko, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room: 4202, MSC: 7812, Bethesda MD 20892, (301) 435–1220, *chackoge@csr.nih.gov.*

Name of Committee: Biochemical Sciences Integrated Review Group, Physiological Chemistry Study Section.
Date: February 27–28, 2003.
Time: 8 a.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: St. Gregory Hotel, 2033 M Street, NW., Washington, DC 20036.
Contact Person: Richard Panniers, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, 7842, Bethesda, MD 20892, (301) 435–1741.

Name of Committee: Social Sciences, Nursing, Epidemiology and Methods Integrated Review Group, Nursing Research Study Section, Nursing Science: Adults and Older Adults.
Date: February 27–28, 2003.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn, Tysons Corner, 1960 Chain Bridge Road, McLean, VA 22102.

Contact Person: Gertrude McFarland, DNSC, FAAN, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3156, MSC 7770, Bethesda, MD 20892, (301) 435–1784, *mcfarlag@csr.nih.gov.*

Name of Committee: Social Sciences, Nursing, Epidemiology and Methods Integrated Review Group, Social Sciences, Nursing, Epidemiology and Methods 3.

Date: February 27–28, 2003.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications,

Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Robert Weller, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3160, MSC 7770, Bethesda, MD 20892, (301) 435–0694.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group, Molecular, Cellular and Developmental Neurosciences 6,

Date: February 27–28, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, 2401 M Street, NW., Washington, DC 20037.

Contact Person: Carole L. Jelsema, PhD, Scientific Review Administrator and Chief, MDCN Scientific Review Group, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7850, Bethesda, MD 20892, (301) 435–1248, *jelsemac@csr.nih.gov*.

Contact Person: Carole L. Jelsema, PhD, Scientific Review Administrator and Chief, MDCN Scientific Review Group, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7850, Bethesda, MD 20892, (301) 435–1248, *jelsemac@csr.nih.gov*.

Name of Committee: Cell Development and Function Integrated Review Group, Cell Development and Function 5.

Date: February 27–28, 2003.

Time: 8 a.m. to 5 p.m.,

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Sherry L. Dupere, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5136, MSC 7840, Bethesda, MD 20892, (301) 435–1021, *duperes@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, F10 (20): Fellowships: Pathophysiology.

Date: February 27–28, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications,

Place: Hilton Washington Embassy Row, 2015 Massachusetts Ave., NW., Washington, DC 20036.

Contact Person: Peter J. Perrin, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2183, MSC 7818, Bethesda, MD 20892, (301) 435–0682, *perrinp@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, F10 (21) Fellowship: Pathophysiology.

Date: February 27, 2003.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications,

Place: Hilton Washington Embassy Row, 2015 Massachusetts Ave., NW., Washington, DC 20036.

Contact Person: Peter J. Perrin, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2183, MSC 7818, Bethesda, MD 20892, (301) 435–0682, *perrinp@car.nih.gov.*

Name of Committee: Cardiovascular Sciences Integrated Review Groupu, Pharmacology Study Section,

Date: February 27–28, 2003.

Time: 8 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007–3701.

Contact Person: Joyce C. Gibson, DSC, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4172, MSC 7804, Bethesda, MD 20892, (301) 435–4522, *gibsonj@csr.nih.gov.*

Name of Committee: Musculoskeletal and Dental Sciences Integrated Review Group, Geriatrics and Rehabilitation Medicine.

Date: February 27–28, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Governor's Hotel, 1615 Rhode Island Ave., NW., Washington, DC 20036.

Contact Person: Jo Pelham, BA, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4102, MSC 7814, Bethesda, MD 20892, (301) 435–1786.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Brain Disorders and Clinical Neurosciences ZRG1–1 BDCN–6 (01).

Date: February 27–28, 2003.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Governor's House Hotel, Presidential Library, 1615 Rhode Island Avenue, NW., Washington, DC 20036.

Contact Person: Jay Cinque, MSC, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7846, Bethesda, MD 20892, (301) 435–1252.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Chemistry/Biophysics SBIR/STTR Panel.

Date: February 27–28, 2003.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Vonda K. Smith, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4172, MSC 7806, Bethesda, MD 20892, (301) 435–1789, *smithvo@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Bacterial Pathogenesis.

Date: February 27–28, 2003.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Timothy J. Henry, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4180, MSC 7808, Bethesda, MD 20892, (301) 435–1147.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group, Molecular, Cellular and Developmental Neurosciences 3.

Date: February 27–28, 2003.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Riverwalk Hotel, 711 Riverwalk Street, San Antonio, TX 78205.

Contact Person: Michael A Lang, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7850, Bethesda, MD 20892, (301) 435–1265, *langm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Psychosocial Risk and Disease Prevention.

Date: February 27–28, 2003.

Time: 8:30 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Ave., NW., Washington, DC 20037.

Contact Person: Deborah L. Young-Hyman, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4188, MSC 7808, Bethesda, MD 20892, (301) 451–8008, *younghyd@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Skeletal Muscle and Biology.

Date: February 27–28, 2003.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington Embassy Row, 2015 Massachusetts Ave., NW., Washington, DC 20036..

Contact Person: Paul D. Wagner, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4108, MSC 7814, Bethesda, MD 20892, (301) 435–6809, *wagnerp@csr.nih.gov.*

Name of Committee: Social Sciences, Nursing, Epidemiology and Methods Integrated Review Group, Social Sciences, Nursing, Epidemiology and Methods 1.

Date: February 27–28, 2003.

Time: 9 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Washington, DC, 1400 M Street, NW., Washington, DC 20005.

Contact Person: Ellen K. Schwartz, PhD, EDD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3168, MSC 7770, Bethesda, MD 20892, (301) 435–0681.

Name of Committee: Social Sciences, Nursing, Epidemiology and Methods Integrated Review Group, Social Sciences, Nursing, Epidemiology and Methods 2.

Date: February 27–28, 2003.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Yvette Davis, VMD, MPH, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3152, MSC 7770, Bethesda, MD 20892, (301) 435–0906.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Alpha Adrenergic Signaling.

Date: February 27, 2003.

Time: 1 p.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Latham Hotel, 300 M Street, NW., Washington, DC 20007.

Contact Person: Anshumali Chaudhari, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4124, MSC 7802, Bethesda, MD 20892, (301) 435–1210.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 SSS T: 10B: Small Business: Endocrinology, Metabolism, Nutrition, & Reproductive Sciences.

Date: February 27–28, 2003.

Time: 7 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Krish Krishnan, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892, (301) 435–1041.

Name of Committee: Biophysical and Chemical Sciences Integrated Review Group, Metallobiochemistry Study Section.

Date: February 28, 2003.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Phoenix Park Hotel, 520 North Capitol Street, Washington, DC 20001.

Contact Person: Janet Nelson, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4168, MSC 7806, Bethesda, MD 20892, (301) 435–1723, *nelsonja@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Adverse Drug Reactions.

Date: February 28, 2003.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007.

Contact Person: Joyce C. Gibson, DSC, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4172, MSC 7804, Bethesda, MD 20892, (301) 435–4522, *gibsonj@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: February 6, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–3625 Filed 2–13–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, February 10, 2003, 8 a.m. to February 10, 2003, 4 p.m., which was published in the **Federal Register** on January 29, 2003, 68 FR 4501–4503.

The meeting will be two days February 9–10, 2003, from 7:30 p.m. to 4 p.m. The location remains the same. The meeting is closed to the public.

Dated: February 6, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–3626 Filed 2–13–03; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes Of Health

Prospective Grant of Exclusive License: Vaccines Against Rotavirus Disease

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive world-wide license to practice the invention embodied USPN 4,704,275, USPN 4,751,080 (''Vaccine Against Rotavirus Disease'' and USPN 4,571,385 (''Genetic Re-assortment Of Rotaviruses For Production Of Vaccines And Vaccine Precursors'') and foreign patent applications or other related materials to BIOVIRx, Inc. of Shoreview, MN. The rights to this invention have been assigned to the United States of America.

DATES: Only written comments and/or applications for a license which are received by NIH on or before April 15, 2003 will be considered.

ADDRESSES: Requests for a copy of a license application, inquiries, comments and other materials relating to the contemplated license should be directed to: Steven M. Ferguson, Deputy Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852; Telephone: (301) 435–5561; Facsimile: (301) 402–0220; E-mail: *sf8h@nih.gov.*

SUPPLEMENTARY INFORMATION: U.S. Patents 4,704,275 and 4,751,080 describe a live, attenuated serotype 3 rhesus rotavirus (or reassortments thereof) suitable for prevention of rotavirus disease in humans. U.S. Patent 4,571,385 describes methods of producing a human rotavirus vaccine based upon the re-assortment of human and non-human rotavirus strains.

The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. It is anticipated that this license may be limited to the field of immunoprophylactic protection against rotavirus disease.

This prospective exclusive license may be granted unless within sixty (60) days from the date of this published notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Applications for a license filed in response to this notice will be treated as objections to the grant of the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: January 29, 2003.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer.

[FR Doc. 03–3616 Filed 2–13–03; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4815–N–04]

Notice of Submission of Proposed Information Collection to OMB: Mortgagee's Cert./Application/Monthly Summary of Assistance Payments

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments Due Date: March 17, 2003.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2502–0081) and should be sent to: Lauren Wittenberg, OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503; Fax number (202) 395–6974; E-mail *Lauren_Wittenberg@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, AYO, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail *Wayne_Eddins@HUD.gov;* telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Mortgagee's Cert./Application/Monthly Summary of Assistance Payments.

OMB Approval Number: 2502–0081.

Form Numbers: HUD–300 and HUD–93102.

Description of the Need for the Information and its Proposed Use: Mortgagees' applications for assistance payments on behalf of lower income homeowners under Section 235.

Respondents: Business or other or-profit.

Frequency of Submission: On occasion, Monthly.

	Number of respondents	Annual responses	x	House per response	=	Burden hours
Reporting burden	350	24		0.6		5,250

Total Estimated Burden Hours: 5,250.

Status: Reinstatement, without change.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 11, 2003.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 03–3775 Filed 2–13–03; 8:45 am]

BILLING CODE 4210–72–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4665–N–07]

Third Meeting of the Manufactured Housing Consensus Committee

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of upcoming meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of an upcoming meeting of the Manufactured Housing Consensus Committee (the Committee). The meeting is open to the public and the site is accessible to individuals with disabilities.

DATES: The meetings will be held on Tuesday, March 4, 2003, from 8 a.m. to 5 p.m., Wednesday, March 5, 2003, from 8 a.m. to 5 p.m., and Thursday, March 6, 2003, 8 a.m to 4:15 p.m.

ADDRESSES: These meetings will be held at the Hyatt Regency Dallas Fort Worth (DFW), International Parkway (inside DFW International Airport), Dallas, Texas, telephone (972) 453–1234.

FOR FURTHER INFORMATION CONTACT: William W. Matchneer III, Administrator, Office of Manufactured Housing Programs, Office of Deputy Assistant Secretary for Regulatory Affairs and Manufactured Housing, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 708–6409 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Notice of this meeting is provided in accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.2) and 41 CFR 102–3.150. The Manufactured Housing Consensus Committee was established under section 604(a)(3) of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 4503(a)(3). The Consensus Committee is charged with providing recommendations to the Secretary to adopt, revise, and interpret manufactured housing construction and safety standards and procedural and enforcement regulations, and with developing proposed model installation standards. The purpose of this meeting is to begin the development of proposed model manufactured home installation standards.

Tentative Agenda

A. Welcome and Introductions
B. Presentation on Duties of Congress of State Administrative Agencies
C. Presentation on Oregon's Installation Set-up Program
D. Installation Standards
E. Dispute Resolution

Dated: February 10, 2003.

John C. Weicher,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 03–3776 Filed 2–13–03; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collection To Be Submitted to the Office of Management and Budget (OMB) for Approval Under the Paperwork Reduction Act; Special Use Permit Application Form for Alaska Refuges

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: The U.S. Fish and Wildlife Service will submit the collection of information listed below to OMB for approval under the provisions of the Paperwork Reduction Act. We have included an estimate of the information collection burden in this notice. If you wish to obtain copies of the proposed information collection requirement, related forms, and explanatory material, contact the Service Information Collection Clearance Officer at the address listed below.

DATES: We accept comments until April 15, 2003.

ADDRESSES: Send your comments on the requirement to Anissa Craghead, Information Collection Clearance Officer, U.S. Fish and Wildlife Service, ms 222—ARLSQ, 4401 N. Fairfax Dr., Arlington, VA 22203; or *Anissa_Craghead@fws.gov.*

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information, and related forms, contact Anissa Craghead at (703) 358–2445 or *Anissa_Craghead@fws.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR part 1320, which implement provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). We plan to submit a request to OMB to renew its approval of the collection of information for special use permit applications on national wildlife refuges in Alaska. We are requesting a 3-year term of approval for this information collection activity. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The National Wildlife Refuge System Improvement Act of 1997, which amends the National Wildlife Refuge Administration Act (16 U.S.C. 668dd–668ee), requires that we authorize economic privileges on any national wildlife refuge by permit only when the activity will not be incompatible with the purposes for which the refuge was established. The Alaska National Interest Lands Conservation Act (ANILCA) provides for the disposition and use of a variety of federally owned lands in Alaska. Sections 302 and 303 of ANILCA identify the purposes for which each refuge in Alaska was established and shall be managed. Section 304 of ANILCA prohibits us from permitting any use of Alaska refuges unless it is compatible with the purposes of the refuge, and requires that we prescribe regulations and impose terms and conditions as may be necessary and appropriate to ensure activities permitted under any use are so compatible.

Various other sections of ANILCA prescribe additional conditions and requirements for us to permit uses on national wildlife refuges in Alaska. Specifically, section 810 of ANILCA requires that we evaluate the effects of any proposed use on subsistence uses and needs. Section 1303 of ANILCA establishes requirements and conditions for permitting use or construction of cabins, and states that we will issue no special use permits for cabins unless the permit applicant provides certain items of information. Section 1307 of ANILCA contains provisions concerning persons and entities to whom we are to give special rights and preferences with respect to providing commercial visitor services (except for guided hunting and sport fishing services) on units of the National Wildlife Refuge System in Alaska.

Our general refuge regulations provide for public entry for specialized purposes, including economic activities such as the operation of guiding, outfitting, and other visitor services on refuges by concessionaires or cooperators under appropriate contracts or legal agreements (see 50 CFR part 25.61) or special use permits (see 50 CFR parts 26.22(b) and 26.25). Alaska refuge regulations provide the authorities and procedures for selecting permittees on Alaska refuges, the vast majority of which are providers of services and facilities to the public (see 50 CFR parts 36. 37 and 36.41). We issue permits for a specific time period as determined by the type and location of the use or visitor service provided.

We supply refuge special use permit applications to interested Alaska citizens upon request. We use information provided on the permit application to determine whether the applicant is qualified and eligible for a permit. For competitively awarded permits, we use the information to ensure that we select the most qualified applicants to receive the benefit of a refuge permit. In applicable situations, we also use the information to determine the applicant's eligibility for special rights and preferences required by section 1307 of ANILCA. In addition, Alaska refuge managers need the information requested on the permit application to evaluate potential impacts of the proposed uses on refuge resources and other refuge users. Using information provided on the application form, refuge managers must determine or ensure that the proposed uses are compatible with the purposes of the refuge, provide safe and high quality visitor services to the public, and are consistent with other statutory and regulatory requirements for management of Alaska refuges.

Title: Special Use Permit Applications for National Wildlife Refuges in Alaska.

OMB Control Number: 1018–0014.

Service Form Number: 3–2001.

Frequency of Collection: On occasion.

Description of Respondents: Individuals and households; business and other for-profit institutions; not-for-profit institutions; farms; and State, local, or Tribal governments.

INFORMATION COLLECTION BURDEN ESTIMATE

Type of permit application	Annual number of respondents	Completion time (in hrs.)	Annual burden (in hrs.)
Competitively issued permit	180	30	5,400
Non-competitively issued permit	170	1.5	255
Combined Total	350	.....	5,655

We invite comments concerning this renewal on (1) Whether the collection of information is necessary for the proper performance of our functions, including whether the information will have practical utility; (2) The accuracy of our estimate of the burden of the collection of information; (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 respondents. This information collection is part of a system of record covered by the Privacy Act (5 U.S.C. 552(a)).

Dated: February 10, 2003.

Anissa Craghead,

Information Collection Officer, Fish and Wildlife Service.

[FR Doc. 03–3743 Filed 2–13–03; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Draft National Management Plan for the Genus Eriocheir

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability and request for comments.

SUMMARY: This notice announces the availability of a Draft National Management Plan for the Genus Eriocheir for public review and comment. The document was prepared by the Chinese Mitten Crab Control Working Group of the Aquatic Nuisance Species Task Force, as authorized by section 4722(c) of the Nonindigenous Aquatic Nuisance Prevention and Control Act (NANPCA) of 1990 (16 U.S.C. 1701 *et seq.*). Comments received will be considered in preparing the final National Management Plan for the Genus Eriocheir, which will become the basis for cooperative and integrated management of the Chinese Mitten Crab, Eriocheir sinensis, with the involvement of Federal, State, Tribal, and local resource agencies.

DATES: Comments on the draft National Management Plan for the Genus Eriocheir should be received by March 31, 2003.

ADDRESSES: Written responses and requests for copies of the document should be mailed to Chair, Chinese Mitten Crab Control Working Group, U.S. Fish and Wildlife Service, Sacramento/San Joaquin Estuary Fishery Resources Office (SSJEFRO), 4001 North Wilson Way, Stockton, CA 95205–2486.

FOR FURTHER INFORMATION CONTACT: Kim Webb, Chair, Chinese Mitten Crab Control Working Group, at 209–946–6400 ext. 311 or by e-mail at *kim_webb@fws.gov* or Sharon Gross, Executive Secretary, Aquatic Nuisance Species Task Force at 703–358–2308 or by e-mail at *sharon__gross@fws.gov.*

SUPPLEMENTARY INFORMATION: The Chinese mitten crab, Eriocheir sinensis, is a recently introduced species to the San Francisco Estuary and associated watershed. The most probable mechanisms of introduction to the estuary were deliberate release to establish a fishery and/or accidental release via ballast water. This species is native to coastal rivers and estuaries of Korea and China along the Yellow Sea. The Chinese mitten crab is presently well-established throughout the San Francisco Bay, the Sacramento-San Joaquin Delta, and the mainstems of the major rivers and tributaries that flow into the estuary. Both the distribution and population size of this species continue to rapidly increase.

The establishment of this species in North America is of concern because the crab is considered a pest in northern Europe. The crab was accidentally introduced to Germany in the early 1900s, proliferated and spread to many northern European rivers and estuaries, where it impacted local fisheries and levee integrity. Once mitten crabs become established, there may be numerous negative impacts. The following description of negative impacts has been developed from a review of the literature and from experience with the California crab populations:

- Levees and/or banks are weakened due to mitten crab burrowing, leading to increased maintenance/repair requirements, slumping and/or failure of banks and/or levees. The tidal marsh and the mouth of San Francisquito Creek has experienced enhanced erosion where horizontal mitten crab burrows cut into the marsh sediments.
- Mitten crab feeding behavior contributes to a decrease in vegetation in agriculture fields and/or natural habitats.
- Fish in fish salvage or fish passage operations face increased mortality due to the presence of mitten crab in the facilities. At peak times of fall migration period, estimated fish mortality attributed to the crabs at the federal facility at Tracey is reported to be 98–99%. The economic impact incurred to the fish salvage facilities amounted to over one million dollars.
- Water diversion/industrial use activities are subject to interference due to crabs blocking or clogging systems.
- Recreational and commercial fishing are subject to interference and reductions in opportunities/efficiencies due to blocking/clogging of traps/nets, bait stealing and/or damage to gear or catch.
- The impacts of predation, competition, habitat alteration and/or foodweb disturbance on biotic populations leads to a decrease in biotic populations and/or biodiversity, and a change in the community structure.
- Public and wildlife health risks arising from potential bioaccumulation and biomagnification of contaminants, the transfer of disease, or spread of parasites leads to a decrease in public/wildlife health. These risks are escalated both by direct consumption of the crab or indirectly by consumption/association with animals that prey on or associate with the crab.

In recognition of these threats, the California Department of Fish and Game added the genus Eriocheir to its List of Prohibited Species (Section 671, Title 14) in 1986. The U.S. Fish and Wildlife Service added the genus to its injurious wildlife list under the Lacey Act in 1989 (50 CFR 16.13). The ANS Task Force has followed the status of the mitten crab

invasion of California since early 1998 and determined that, under the authority of NANPCA, the development of a cooperative and comprehensive management plan for the genus Eriocheir was appropriate and necessary. The U.S. Fish and Wildlife Service supported a literature search and summary, organized a public meeting and workshop, and developed a report in 1999 to the ANS Task Force entitled ''The Chinese Mitten Crab Invasion of California: A Draft Management Plan for the Genus Eriocheir.'' In 2001 the ANS Task Force developed a Mitten Crab Control Working Group (under the authority of NANPCA) and charged the committee with the task to review and edit the draft plan. The committee submitted a revised version of the draft plan to the ANS Task Force for review and approval in 2002.

The purpose of the draft management plan is to assist the ANS Task Force and other interested parties with a determination of appropriate responses to the Chinese mitten crab invasion of the San Francisco Bay and estuary, as well as the threat to other estuaries. The plan addresses the information and initial recommendations as well as the opinions of committee members regarding priorities for implementation of management actions. Currently, there is not enough information about this crab to implement many management actions with a high degree of confidence; therefore, a vital component of this program is adaptive management. As implementation moves forward, results of new findings will be incorporated into future planning. Continual integration of findings will require flexibility in adoption of many program components, but it will greatly enhance the success of the program by allowing decisions to be based on more complete scientific information.

The goal of the draft National Plan is to prevent or delay the introduction and spread of Eriocheir species to new areas and reduce the negative impacts of existing populations.

The draft plan has identified the following four primary objectives: (1) Preventing introductions and spread; (2) detecting new populations and monitoring existing populations; (3) reducing negative impacts; and (4) developing strategies and methods for population control and management. Elements of research, outreach and management pertain to each of these objectives.

The draft plan has outlined actions not only to minimize further impacts in California, but to also prevent invasions in other ecosystems. Due to reports of crab sightings and the susceptibility of these regions, the Columbia River, Mississippi River, Hudson River, and St. Lawrence River are considered areas that may soon face the same type of invasion that San Francisco Bay has experienced. Without the implementation of proactive efforts to prevent new introductions and spread from California, control and management activities will likely be required in numerous locations throughout the country in the future, making management efforts even more complex and expensive. Importantly, while immediate actions are warranted in the draft plan, additional biological information is also needed to allow development of a theoretically based management plan that will allow us to minimize negative impacts on the very resources we hope to protect.

The draft National Management Plan for the Genus Eriocheir is available on the ANS Task Force Web site (*http://www.anstaskforce.gov*) You may also request copies of the draft plan by calling or writing the person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: January 21, 2003.

Everett Wilson,

Acting Co-Chair, Aquatic Nuisance Species Task Force, Assistant Director—Fisheries and Habitat Conservation.

[FR Doc. 03–3745 Filed 2–13–03; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; 12-Month Finding for a Petition To List the California Spotted Owl (*Strix occidentalis occidentalis*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 12-month petition finding.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 12-month finding for a petition to list the California spotted owl (*Strix occidentalis occidentalis*) under the Endangered Species Act of 1973, as amended. After reviewing the best available scientific and commercial information available, we find that the petitioned action is not warranted. We continue to ask the public to submit to us any new information that becomes available concerning the status of or threats to this species. This information will help us monitor and encourage the conservation of this species.

DATES: The finding announced in this document was made on February 7, 2003. You may submit new information concerning these species for our consideration at any time.

ADDRESSES: You may send data, information, comments, or questions concerning this finding to Field Supervisor (Attn: CASPO), Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room W–2605, Sacramento, California 95825. You may inspect the petition, administrative finding, supporting information, and comments received, by appointment, during normal business hours, at the above address.

FOR FURTHER INFORMATION CONTACT: Susan Moore or Ken Sanchez at the above address (telephone at 916/414–6600; facsimile at 916/414–6710).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(B) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), requires that, for any petition to revise the List of Threatened and Endangered Species that presented substantial scientific or commercial information that listing may be warranted, we make a finding within 12 months of receiving the petition on whether the petitioned action is: (a) Not warranted, (b) warranted, or (c) warranted but precluded by other pending proposals. Such 12-month findings are to be published promptly in the **Federal Register**.

On April 3, 2000, we received a petition dated April 2000, from the Center for Biological Diversity, Tucson, Arizona, and Sierra Nevada Forest Protection Campaign, Sacramento, California, and other organizations to list as threatened or endangered the California spotted owl (*Strix occidentalis occidentalis*). The names, addresses, and signatures of representatives of these organizations followed in a letter dated April 17, 2000. These organizations filed the petition on behalf of themselves and 14 other organizations and requested that we designate critical habitat for the California spotted owl concurrent with listing. Further, they requested emergency listing and emergency designation of critical habitat. Although emergency listing and designation of critical habitat are not petitionable actions under the Act, we determined that an emergency situation did not exist.

On October 12, 2000, we published a 90-day finding on that petition in the **Federal Register** (65 FR 60605). In that publication we found that the petition

presented substantial scientific or commercial information to indicate that listing the California spotted owl may be warranted, and we requested information and data regarding the species. On July 31, 2001, the Center for Biological Diversity and others filed a complaint in District Court, alleging the Service failed to make a timely 12-month finding in response to their listing petition. On March 5, 2002, the District Court entered an order requiring the completion of the 12-month finding by February 10, 2003.

The Petition

The petitioners believe that listing the California spotted owl is necessary because of factors related to loss and modification of habitats from timber harvest and urbanization, lack of existing State or Federal regulatory mechanisms that protect the species, and declines in the population.

The petitioners believe listing is necessary primarily because past timber harvest in the Sierra Nevada has resulted in the loss of key components of spotted owl habitat over large portions of the landscape. They also believe that current Federal land management agency strategies and private land forest practices are resulting in the loss or destruction of spotted owl habitat. They expressed special concern about past timber harvest practices that selectively removed the larger, older trees that comprise a key component of spotted owl breeding habitat.

The petitioners refer to the ''Interim Guidelines'' of the Federal land management strategy in place at the time the petition was submitted (April 2000) to conclude that current and planned timber sales would continue to remove key components of spotted owl habitat. The petitioners believe the cumulative effects of continued timber harvest and fuels reduction projects on Federal lands would have dramatic effects on the spotted owl.

The petitioners state, ''* * * there are almost no protections for spotted owls * * *'' on private lands. They assessed the State mechanism for permitting timber harvest and analyzed recent timber harvest plans to conclude, ''* * * owls are being heavily impacted by logging on private lands.'' Additional evidence of habitat destruction cited by the petitioners includes urbanization and development, particularly loss of habitat at lower elevations from new home construction.

The petitioners cite recent studies that report potential population declines as further evidence to support a positive listing decision. The petitioners review and interpret several studies of California spotted owl population dynamics to infer ''drastic'' annual declines in the population.

Other impacts addressed in the petition include livestock grazing, recreation, climate change, fire, competition from the barred owl, and disease and predation. These are impacts thought by the petitioners to be apparent, though not well studied or documented.

Taxonomy and Description

The spotted owl was first described as *Syrnium occidentale* by John Xantus in 1859 based on a specimen collected at Fort Tejon, Kern County, California (Xantus 1859). The species was later reassigned to the genus *Strix* (Ridgway 1914). The specific name was altered to conform to the Code of Zoological Nomenclature, yielding the scientific name *Strix occidentalis* (Service 1993). Currently, the American Ornithologist Union (AOU) recognizes three subspecies of spotted owls: the California spotted owl (*Strix occidentalis occidentalis*), the northern spotted owl (*Strix occidentalis caurina*), and the Mexican spotted owl (*Strix occidentalis lucida*) (AOU 1957).

The spotted owl is mottled in appearance. It has a brown back with white spots and brown barring. The facial disk is pale brown with concentric rings of dark brown, bordered by a ring of dark brown feathers. A conspicuous light-colored ''X'' is apparent between the eyes above its pale yellowish beak, where ''eyebrows'' and ''whiskers'' merge together. Unlike most other owl species, which have yellow eyes, spotted owls have dark brown eyes. Wings and tail are rounded, and all flight feathers are dark brown with light brown cross-bars. Sexes cannot be distinguished by plumage, but can be readily identified by size and vocalization (Verner *et al.* 1992b). Females are usually larger than males, with males weighing 470 to 685 grams (g) (17 to 24 ounces (oz)), and females 535 to 775 g (19 to 27 oz) (Gutiérrez *et al.* 1995). First- and second-year adults can be distinguished by the tips of the tail feathers, which are white and taper to a sharp point until replaced by adult plumage at about 26 months of age (Gutiérrez *et al.* 1995). The spotted owl is the fifth largest species of owl occurring in North America (Verner *et al.* 1992b); It is 41 to 48 centimeters (cm) (16 to 19 inches (in)) in length, with a wingspan of 107 to 114 cm (42 to 45 in) (Center for Biological Diversity 2000).

California spotted owls are lighter brown with slightly larger white spots than the northern spotted owl. Mexican spotted owls are lighter brown than both the California and northern subspecies, with some individuals having a rare palomino color. The facial disk and upper breast of the Mexican spotted owl contain more white than the other subspecies, and larger white spots add to the perception that they are lighter in color (Gutiérrez *et al.* 1995).

The northern spotted owl was listed as threatened under the Act in 1990 (Service 1990), and the Mexican spotted owl was listed as threatened in 1993 (Service 1993).

Population Genetics

Three genetic markers (*i.e.*, allozymes, mitochondrial DNA and random amplified polymorphic DNA) have been used to examine the genetic structure of spotted owls . Analysis of allozymes (alternate forms of proteins) supports separation of the Mexican spotted owl from the other two subspecies (Gutiérrez *et al.* 1995). Barrowclough *et al.* (1999) compared the sequences of a fragment of mitochondrial DNA (mtDNA) from 73 individual spotted owls, including samples from all three subspecies and from multiple populations within each subspecies. Their data support the separation of the species into the three currently recognized subspecies. Based on their data, the northern spotted owl appears to have diverged from the other two subspecies, and the California spotted owl later diverged from the Mexican spotted owl. In this study, gene flow appeared relatively high within subspecies and low between subspecies (Barrowclough *et al.* 1999). The authors concluded that gene flow between northern and California spotted owls is a recent and uncommon phenomenon.

Haig *et al.* (2001) used random amplified polymorphic DNA (RAPD) to analyze genetic variation between spotted owls at multiple geographic levels, including between subspecies. They found extremely low RAPD variation in spotted owls, with only 11 of 400 primers showing variation. Their data show genetic separation of Mexican spotted owls from California and northern spotted owls, but do not show separation between the California and northern subspecies. They suggest that the lack of separation between the California and northern subspecies in their data may be due to recent gene flow between subspecies, or due to the low variation of the data. We are also aware that additional research by Haig and colleagues bearing on the question of subspecific distinctions in spotted owls has not yet been published (A. Bowers, U.S. Fish and Wildlife Service, in litt. 2002).

Currently available, published genetic data (*i.e.*, mtDNA and RAPDs) apparently lead to different conclusions regarding subspecific distinctions in spotted owls. Therefore, for the purposes of this finding, we adopt the taxonomy accepted by the American Ornithological Union (AOU 1957), which recognizes the California spotted owl as a distinct subspecies (*Strix occidentalis occidentalis*).

Life History

Mating System and Reproduction. Spotted owls usually reach reproductive maturity at two years of age, although first year birds have sometimes nested the season after they were hatched. Considerable variation exists in both the percentage of pairs that nest and the number of pairs that successfully fledge young, both geographically and from year to year (Verner *et al.* 1992b).

Spotted owls are monogamous with no records of extra-pair copulations. They usually pair with the same mate from year to year, although ''divorces'' have been documented. The breeding season of California spotted owls extends from mid-February to mid-September or early October. Individuals begin breeding earlier in the San Bernardino Mountains than in the Sierra Nevada. Within a geographic area, individuals begin breeding earlier at lower elevations (Verner *et al.* 1992b).

California spotted owls are mostly nonmigratory, remaining within the same home ranges year round. However, in the Sierra Nevada, some individuals migrate downslope to winter habitats (Verner *et al.*1992b). Laymon (1988) observed the subspecies migrating from summer home ranges in mixed conifer forests to winter home ranges in lower elevation pine-oak woodlands. He believed that similar migrations may also occur in Southern California. Tibstra (1999) observed that 10 of 22 dispersing juvenile owls having natal sites in coniferous forest habitats above 1,120 meters (m) (3,675 feet (ft)) moved downslope to lower elevation (305 m (1,000 ft) to 732 m (2,402 ft)) pine-oak woodland habitats. Of those ten, data were available through the following spring for only two, both of which overwintered and then moved back to high-elevation sites. The elevational movements of those two owls were significantly correlated with environmental temperature. Tibstra speculated that the pattern of migration to winter range observed in some adults may be established in the first year by dispersing juveniles.

Owls that migrate downslope do so between early October and mid-December and return in late February to late March. Such migrations range from 15 to 65 kilometers (km) (9 to 40 miles (mi)) with altitudinal changes of 500 to 1,500 m (1,640 to 4,921 ft). Some individuals have also been observed to move between high- and low-elevation ranges one or more times within a single winter (Gutiérrez *et al.* 1995).

Individuals of migratory pairs of California spotted owls migrate to separate winter ranges rather than wintering together. After they return to their summer ranges, they follow the same breeding cycle as nonmigratory pairs, as described below. However, they probably do not spend as much time together at the beginning of the breeding season, because they may not return from their winter range by the time nonmigratory pairs have begun roosting together (Verner *et al.* 1992b, Gutiérrez *et al.* 1995). Individuals of nonmigratory pairs of California spotted owls remain together on the same home range year round, but they do not usually roost together during the winter. However, late in the winter, they increasingly roost together, preen each other, and occasionally copulate. For approximately two weeks before the first egg is laid, pairs roost together and copulate once or twice each evening. For about one week before the first egg is laid, the female spends most of her time near the nest, and the male brings her prey items (Verner *et al.* 1992b, Gutiérrez *et al.* 1995).

California spotted owl eggs are elliptical, white to pearl grey, and smooth to slightly granular in texture. California spotted owl egg laying peaks in mid-April. When egg laying begins, the female spends almost all her time in the nest, and the male supplies almost all of her food. The number of eggs in clutches ranges from one to four, with most nests containing two. Successive eggs are laid approximately three days apart. Pairs continue to copulate throughout, and for up to four days, after the egg laying period (Verner *et al.* 1992b, Gutiérrez *et al.* 1995).

Only the female incubates the eggs. During the first two days of incubation, she may leave the nest for up to two hours, but thereafter she will only leave the nest for 10 to 20 minutes at a time to regurgitate pellets, defecate, preen, or accept food from her mate (Verner *et al.* 1992b).

Eggs hatch after approximately 30 days. Hatchlings are covered with white natal down, with juvenile plumage starting to replace natal down at about 10 to 20 days (Gutiérrez *et al.* 1995). The female broods the hatchlings almost continuously for eight to ten days. During this period, the male supplies food for the female and young. Two to three weeks after the eggs hatch, the female begins foraging for one to four hours per night. Males have not been observed to feed the chicks directly, but continue to bring food to the nest, which the female passes to the chicks (Verner *et al.* 1992b).

Most chicks fledge 34 to 36 days after hatching. New fledglings are weak fliers and may spend hours or days on the ground. Approximately three days after fledging, most young are able to fly or climb to elevated perches. Within a week, most are able to fly between trees. Both parents continue to feed the fledglings until mid to late September (Verner *et al.* 1992, Gutiérrez *et al.* 1995).

Dispersal. Spotted owls primarily disperse as juveniles (natal dispersal), but may also disperse as adults (breeding dispersal) if habitat within their home range has been degraded or if they have separated from a mate (Verner *et al.* 1992b). Natal dispersal occurs in September and October.

Natal dispersal distances of California spotted owls have been estimated using radio telemetry (Verner *et al.* 1992, Tibstra 1999) and recapturing territorial owls that were banded as juveniles (LaHaye *et al.* 2001, Jennifer Blakesley, Colorado State University, *in litt.* 2002a). Dispersal distances of successfully dispersing owls ranged from 3 km (2 mi) to 76 km (47 mi). Mean natal dispersal distance of 26 owls in the Sierra National Forest and Sequoia National Park estimated using radio telemetry was 15.9 km (9.9 mi) (Tibstra 1999) and median distance of 42 owls on the Lassen National Forest estimated using recapture data was 25 km (16 mi) for females and 23 km (14 mi) for males (Blakesley *in litt.* 2002a). Mean natal dispersal distances of 129 owls in southern California estimated using recapture data were 10.1 km (6.3 mi) for males and 11.7 km (7.3 mi) for females. No significant difference existed in dispersal distance or time to become territorial between sexes (LaHaye *et al.* 2001). In this study, some dispersing owls did not occupy territories until they were four years old, but over 60 percent occupied territories within one year of fledging. Apparent survival of fledglings (calculated as the percentage of banded fledglings that were later relocated) was 31.8 percent.

LaHaye *et al.* (2001) concluded that the presence of conspecifics (members of the same species) may play a vital role in the recruitment of dispersing California spotted owls into a territory, because owls that ''settled'' (established territories) were significantly more likely to do so in territories that were occupied the previous year than would

be expected by chance and all previously vacant territories that were settled were adjacent to occupied territories. The percentage of territories occupied varied from 59 to 95 percent from year to year. During the study, young fledged from 28 percent of the 39 territories that were ''frequently vacant,'' indicating that habitat at those sites was suitable to support California spotted owl reproduction.

Four color banded adults on the Sierra National Forest later shifted territories, moving 3.4 km (2.1 mi), 3.5 km (2.2 mi), 3.9 km (2.4 mi), and 7.1 km (4.4 mi) (Verner *et al.* 1992b). In a study of breeding dispersal of California spotted owls in the San Bernardino Mountains (LaHaye and Gutiérrez *in litt.* 2002), 46 females and 38 males dispersed, which were 22 percent and 17 percent of the total banded females and males, respectively. Among dispersing females, 70 percent were adults and 30 percent subadults; among males, 71 percent were adults and 29 percent were subadults. A significantly higher percentage of subadults dispersed (30 percent) compared to the territorial population as a whole (14 percent). Mean dispersal distances were 4.3 km (2.7 mi) for females and 3.0 km (1.9 mi) for males, which are significantly shorter than natal dispersal distances observed in the same population.

Interactions with Other Species and Natural Mortality. Spotted owls are mobbed by many species of diurnal birds (Gutiérrez *et al.* 1995). Red-tailed hawks (*Buteo jamaicensis*) and common ravens (*Corvus corax*) may take away prey items that are captured by spotted owls. The spotted owl's closest competitors are great horned owls (*Bubo virginianus*) and barred owls (*Strix varia*). Barred owls have recently colonized portions of the range of California spotted owls and are known to displace spotted owls from their territories (Verner *et al.* 1992b, Gutiérrez *et al.* 1995). Circumstantial evidence suggests that barred owls may kill spotted owls (Leskiw and Gutiérrez 1998). Northern goshawks (*Accipiter gentilis*), great horned owls, red-tailed hawks and potentially other birds of prey eat spotted owls (Verner *et al.* 1992, Gutiérrez *et al.* 1995). Fishers (*Martes pennanti*) have been observed in spotted owl nest trees and may take eggs or chicks (Gutiérrez *et al.* 1995).

Starvation (Verner *et al.* 1992b, Gutiérrez *et al.* 1995, Tibstra 1999) has been documented as a cause of death in California spotted owls. Starvation is more common in juveniles than adults and may result from low prey availability or lack of hunting experience (Verner *et al.* 1992b). Dispersing juveniles sometimes roost in open habitats during inclement weather, which may result in exposure causing or contributing to their deaths (Gutiérrez *et al.* 1995). Accidents leading to death have been documented for spotted owls, including flying into obstacles and drowning (Verner *et al.* 1992b).

Feeding and Metabolism. Spotted owls are ''perch and pounce'' predators, hunting primarily by selecting an elevated perch, detecting prey by sight or sound, and swooping from the perch to capture the prey with their talons. Spotted owls are not fast fliers, but they are very agile and maneuverable. The flight pattern is a series of quick wing beats interspersed with gliding flight. Spotted owls use gliding flight when approaching prey. When gaining altitude in the forest canopy, they make a series of short climbing flights rather than one continuous flight. Flight is labored when attempting to fly to a higher perch or a nest sight. Flight above the forest canopy is probably rare, except during dispersal (Gutiérrez *et al.* 1995). If a potential prey item is inaccessible or at a considerable distance from an owl's perch, the owl may move closer before pouncing (Verner *et al.* 1992b). Spotted owls will forage at several sites within a single night (Gutiérrez *et al.* 1995). They also hunt by capturing in mid-air flying prey such as insects, bats, and birds (Verner *et al.* 1992b, Gutiérrez *et al.* 1995). California spotted owls forage primarily at night, but have been observed hunting during the day, especially while raising young (Laymon 1991, Verner *et al.* 1992). They may cache prey items on limbs, stumps, or the ground for later consumption (Gutiérrez *et al.* 1995). Prey items include mammals, birds, and insects.

Spotted owls have a high water need relative to their metabolic rate (Weathers *et al.* 2001), and have been observed drinking surface water from seeps and creeks (Gutiérrez *et al.*1995). California spotted owls have a narrow thermal neutral zone (the ambient temperature range through which a bird or mammal can maintain its normal body temperature without expending energy to do so) relative to birds in general and are therefore especially subject to heat stress (Gutiérrez *et al.* 1995, Weathers *et al.* 2001). They roost higher in the forest canopy during winter and lower during the summer. They will also move during a day in response to changes in ambient temperature and sun exposure. The variety of microclimates available in mature and old growth forests has been postulated as an explanation for the spotted owl's use of such habitats (Gutiérrez *et al.* 1995).

Distribution, Range, and Land Ownership

Grinnell and Miller (1944) described the range of the California spotted owl as ''[I]n general, coastal slope of southern California from southern San Diego County northwest to Santa Barbara, Ventura, and western Kern Counties, and west flank of Sierra Nevada north from Tulare County to Tehama County'' and noted that the southern California range was apparently separated from the Sierra portion of the range.

The mapped range of the California subspecies in Grinnell and Miller (1944) indicated a gap in the distribution of spotted owls in Shasta County, separating the California and northern spotted owl subspecies. However, based on newer records and the occurrence of apparently-suitable habitat in the area, more recent authors have concluded that this purported gap between the California and northern subspecies may not have actually existed (Detrich *et al.* 1993). For regulatory purposes, we established the ''Pit River area'' as the boundary between the northern spotted owl and the California spotted owl (55 FR 26114). No historic data are available regarding pre-European settlement population numbers of the California spotted owl.

The northern spotted owl ranges from southwestern British Columbia, Canada through western Washington, western Oregon, and northern California south along the coast to San Francisco Bay (Service 1990). The range of the Mexican spotted owl is disjunct from the other subspecies, from southern Utah and Colorado south through Arizona and New Mexico, and is discontinuous through the Sierra Madre Occidental and Oriental to the mountains at the southern end of the Mexican Plateau (Service 1993).

Today the California spotted owl still occurs throughout its historic range, including the west side of the Sierra Nevada from Shasta County south to the Tehachapi Pass, and all major mountains of southern California, including the San Bernardino, San Gabriel, Tehachapi, north and south Santa Lucia, Santa Ana, Liebre/Sawmill, San Diego, San Jacinto, and Los Padres ranges (Beck and Gould 1992). In addition, a few sites have been found on the eastern side of the Sierra Nevada and in the central Coast Ranges at least as far north as Monterey County.

Regarding the current distribution of the California spotted owl, Verner *et al.* (1992a) stated ''in spite of the fact that

logging has occurred over nearly all of the conifer forests of the Sierra Nevada in the past 100 years, and especially the past 50 years, spotted owls continue to be widely distributed throughout most of the conifer zone. Indeed, spotted owls may be more abundant in some areas of the Sierra Nevada today than they were 100 years ago, '' (due to presumed effects of 19th century sheep grazing on spotted owl prey species.) They also stated that ''Spotted owl distribution in the Sierra Nevada is characterized by its continuity and relatively uniform density.''

The elevation of known nest sites of California spotted owls ranges from about 305 to 2,348 m (1,000 to 7,700 ft), with approximately 86 percent of sites occurring between 915 and 2,135 m (3,000 and 7,000 ft) (USFS 2001a). In conifer forests mean elevation of nest sites was 1,160 m (5,300 ft) in the northern Sierra Nevada and 1,830 m (6,000 ft) in southern California (Gutiérrez *et al.*1992).

The California Department of Fish and Game (CDFG) has maintained a database of the number and location of California spotted owl territories located from the early 1970s to the present. We have combined that database with similar data collected by Sierra Pacific Industries, the major private timberland owner in the Sierra Nevada. The following discussion of locations and land ownership is based on that combined database and includes all records available to us. It is important to note that not all territories are occupied during any given year. The data presented are useful to illustrate the range of the species and jurisdictions under which it occurs, but should not be viewed as a population estimate because the current status of many territories is unknown due to lack of recent surveys; not all territories are occupied in a given year; and, in addition to territorial owls that comprise most of the sites in the database, nonterritorial, ''floater'' owls may be present but uncounted.

California spotted owl territories have been located on Forest Service (USFS), National Park Service (NPS), Bureau of Land Management (BLM), California Department of Parks and Recreation (State parks), California Department of Forestry and Fire Protection (CDF), California State Lands Commission (CSLC), Native American and private lands, and in Mexico.

Sierra Nevada. In the Sierra Nevada the California spotted owl is mostly continuously and uniformly distributed, with several breaks in distribution where habitat appears limited due to natural or human-caused factors (Beck and Gould 1992). These Areas of Concern are further discussed in a later section.

In Sierra Nevada national forests, 99 percent of owl sites occur on the Lassen, Plumas, Tahoe, Eldorado, Stanislaus, Sierra, and Sequoia National Forests. The number of territories per national forest are as follows: Modoc 3, Lassen 138, Toiyabe 2, Inyo 5, Tahoe 173, Lake Tahoe Basin Management Unit 14, Plumas 254, El Dorado 202, Stanislaus 234, Sierra 226, and Sequoia 148. This results in a sub-total for Forest Service Sierran lands of 1,399 sites. The number of territories per national park are as follows: Lassen 6, Kings Canyon 19, Sequoia 50, and Yosemite 54. Fourteen territories are on BLM land in the Sierra Nevada. Three territories are on State parks, 1 is on CDF land, and 4 are on CSLC land. One territory is on Native American land and 314 are on private lands. Thus, the total number of California spotted owl sites known in the Sierra Nevada is 1,865 (Service 2002)

Because the subspecies has large home ranges, a given home range may occur across different ownerships. For instance, the Forest Service reported that over 15 percent of 135 Forest Service sites analyzed had greater than 15 percent of their theoretical home range on private lands (USFS 2001).

Coast Ranges and Southern California. In southern California, the owl occupies ''islands'' of high elevation forests isolated by lowlands covered by chaparral, desert scrub, and increasingly (Noon and McKelvey 1992), human development (LaHaye *et al.*1994). California spotted owls have been found on 440 territories or sites in southern California in 15 populations comprised of 3 to 270 individuals, and separated from each other by 10 to 72 km (6 to 45 mi) (Verner *et al.* 1992a, Gutiérrez 1994). Seventy-five percent of known territories are on Federal lands and twenty-five percent are on nonFederal lands. The Angeles National Forest has 64 territories, Cleveland National Forest has 18 territories, Los Padres National Forest has 109 territories, and San Bernardino National Forest has 138 territories; two territories are on BLM land; eight territories are on State parks; six are on Native American lands, 95 are on private lands, and one is in Mexico.

Within the California coastal and inland mountain ranges where California spotted owls occur (San Bernardo, San Gabriel, San Jacinto, Castaic, Santa Ana, and Santa Lucia mountains and San Diego/Peninsular, and Los Padres Ranges) an area of just over 2,428,068 hectares (ha) (6,000,000 acres (ac)) was assessed for all habitats by the Forest Service (Stephenson and Calcarone 1999). Landownership in the assessment area is National Forest (57 percent), private (33 percent), BLM (4 percent), Indian (3 percent), State (2 percent), military (1 percent) and local (1 percent). Not all of the analysis area is suitable spotted owl habitat (mixed conifer hardwood), thus the portion of the total owl population or sites known on Federal lands as determined in Verner *et al.*1992a and Gutiérrez 1994, is higher (75 percent) than their relative ownership in the assessment area (62 percent).

The range of California spotted owls in southern California is disjunct from that in the Sierra Nevada range as a result of natural topographic and manmade factors (Stephenson and Calcarone 1999). Within this southern range, habitat and spotted owls are distributed discontinuously across the landscape reflecting natural vegetation breaks, topographic conditions, and human induced habitat disturbance and fragmentation (Noon and McKelvey 1992). The spotted owls in the southern portion of the range may function as a meta population, with separate subpopulations connected by infrequent but persistent interchange of individual owls (Noon and McKelvey 1992; LaHaye *et al.* 1994).

Habitat

The habitat used by California spotted owls today is comprised of forests that have been shaped by numerous inter-acting human impacts, including timber harvest, livestock grazing, urbanization, and, because of fire suppression, changes in the character of wildfires. Prior to the occupation of California by Anglo-Americans in the mid-1900s, habitat was probably fairly stable on a large geographic scale, although there were almost certainly localized variations caused by fire and other causes of forest mortality. In recent decades, timber harvest and ingrowth related to fire suppression have created widespread forest conditions believed to be considerably different than that of pre-historic times (McKelvey and Weatherspoon 1992, McKelvey and Johnston 1992). In the following section, the current understanding of use of today's forests by California spotted owls will be portrayed, along with some discussion of the factors that created these conditions. The anticipated trends in habitat will be discussed in the Threats section below.

The suppression of wildfire during the 20th century has been one of the most important factors in creating the forest conditions that provide habitat for

the California spotted owl today. For thousands of years preceding European settlement of California, low to moderate intensity fires burned frequently in most Sierra Nevada vegetation types (University of California 1996). Median fire return intervals were typically less than 20 years, and as low as four years, in ponderosa pine (*Pinus ponderosa*) and mixed conifer zones. In the mixed conifer zone, where approximately 80 percent of Sierra Nevada California spotted owl sites occur (see Habitat Requirements, above), many plant species take advantage of, or depend on, fire for their reproduction or as a means of competing with other species. The effects of frequent surface fires largely explain the reports and photographs by early observers who described Sierra Nevada forests as typically open and park-like. However, other early observers reported dense conditions and dark or impenetrable forest. These records suggest that although open conditions were more prominent than they are today, Sierra Nevada forests were a mix of different degrees of openness, with an unknown proportion in dark, dense, nearly impenetrable vegetative cover and with variations in density with latitude, aspect, and elevation (University of California 1996, Gruell 2001).

Suppression of wildland fires had been established in California as State and Federal policy by the early 20th century. The area burned annually in recent times has been estimated to be only about three percent of that burned pre-European settlement in mixed conifer forest types (University of California 1996). As will be discussed further below, fire suppression has resulted in substantial growth of small understory trees in much of the range of the California spotted owl.

Timber harvest has been another obvious impact to California spotted owl habitat (Gutiérrez 1994, Verner *et al.* 1992a). McKelvey and Johnston (1992) used historical documents to describe the status of Sierran forests at the beginning of the 20th century, and detailed the harvest history from the late 19th century to 1990. Harvest steadily intensified from the railroad building and mining eras of the 1800s until the 1950s, then remained at relatively high levels through the 1980s. (Intermittent declines occurred during poor economic conditions of the 1930s and early 1980s.) Low elevations and accessible areas (McKelvey and Johnston 1992, Beardsley *et al.* 1999) and commercially important forest types such as west-side mixed conifer and east-side pine (Franklin and Fites-Kaufmann 1996) have been the most heavily impacted. As a result, McKelvey and Johnston stated that ''The mixed conifer zone of the Sierra Nevada * * * has few or no stands remaining that can be described as natural or pristine.''

Verner *et al.* (1992a) discussed five major factors of concern for California spotted owl habitat that have resulted from historical timber harvest strategies: (1) Decline in the abundance of very large, old trees; (2) decline in snag density; (3) decline in large-diameter logs; (4) disturbance or removal of duff and topsoil layers; and (5) change in the composition of tree species. Of these concerns, they believed significant changes in diameter distributions of trees in the Sierra Nevada and rapid reductions in the distribution and abundance of large, old, and decadent trees posed the greatest threat to the California spotted owl. Thus, extensive commercial harvest of large old trees in late successional forest directly affected the key structural components of California spotted owl habitat.

Timber harvest in the Sierra Nevada peaked in the 1950s and remained at high levels into the late 1980s (McKelvey and Johnston 1992). Since the late 1980s, the volume of timber harvested in the Sierra Nevada has declined substantially. In particular, levels of timber harvest on national forest lands declined after implementation of the California Spotted Owl Sierran Province Interim Guidelines in 1993 (USFS 2001a). From Fiscal Year (FY)1998 through FY 2002, the mean annual total harvest volume (279.4 million board ft (mmbf)) on the seven National Forests that support most of the Sierra owl population was about 28 percent of the mean annual total volume harvested on those forests during the period FY 1986 through FY 1990 (1,007 mmbf) (USFS 2002a). Whereas old-growth accounted for most of the volume in the past, more recent harvest practices have focused on thinning of young, smaller trees (McKelvey and Johnston 1992).

The decline in Federal harvest led an overall decline in the total Federal and private harvest in the Sierra Nevada. According to California timber tax data (California Board of Equalization 2002), total harvest from public lands in 18 Sierra Nevada counties during the late 1980s and early 1990s constituted about half of the total annual volume harvested in those counties, but following the 1993 implementation of protections for the California spotted owl on Forest Service lands, the public lands harvest did not exceed 25 percent of the total annual volume harvested from those counties in any year from 1994 through 2000. In the meantime, private harvest during the 15-year period from 1986 to 2000 remained between 650 and 775 mmbf per year, except for a 2-year spike of over 900 mmbf per year in 1990 and 1991. Mean annual volume from private lands in the 18 Sierra Nevada Counties in the period for the period 1986 to 1990 was about 811 mmbf, and mean annual volume from 1996 to 2000 was about 714 mmbf, a difference of 12 percent. Thus, in the Sierra Nevada, private lands harvest has declined somewhat while Federal harvest has declined sharply since the late 1980s.

Similar trends in timber harvest have occurred in the four southern California national forests, although timber harvest in this area was never as extensive as in the Sierra Nevada. According to McKelvey and Johnston (1992), harvest volume in Los Angeles and San Bernardino counties was about ten to twenty times higher in the 1960s than in the early 1980s, and the decline has continued since the 1980s. Southern California national forests have not had a commercial green timber sale program for over a decade. Harvest in recent years has primarily been salvage and hazard trees along roads and near administrative sites (M. Gertsch, USFS, pers. comm. 2002). Mean annual total harvest volume for the four forests in FY 1998 to 2002 (1.66 mmbf) was about 30 percent of the mean annual total harvested on the four forests during FY 1988 to1992 (5.48 mmbf) (USFS 2002a).

Thus, timber harvest, the primary cause of habitat loss for the California spotted owls for decades, has been much reduced in recent years. Spotted owls today are occupying habitat that is a combination of the remnants of older stands and stands regenerating from timber harvest in past decades. The present habitat used by California spotted owls is further described below.

California spotted owls use a broader range of habitat types than the northern spotted owl (Call *et al.* 1992, Gutiérrez *et al.* 1992, Anderson and Mahato 1995, Moen and Gutiérrez 1997, North *et al.* 2000), in part due to the relatively more complex landscapes available to the California subspecies (Zabel *et al.* 1992b, Franklin and Fites-Kaufmann 1996, Helms and Tappeiner 1996, Beardsley *et al.* 1999). In the Sierra Nevada, this complexity reflects: (1) The variety of environmental conditions due to elevation, latitude, geology, precipitation, and temperature; (2) rich flora; and (3) influence of natural disturbance, especially fire (Andersen and Mahato 1995) and human disturbance (Franklin and Fites-Kaufmann 1996). The forests of the

Sierra Nevada have a complex logging history dominated by selection methods (McKelvey and Johnston 1992, Beardsley *et al.*1999) varying by number of entries, types of species harvested, size distribution of harvested trees, and total volume logged (Zabel *et al.*1992b). The heterogeneity of forests occupied by California spotted owls make quantifying its habitat difficult and sensitive to scale. Several studies have found that analysis of habitat at a coarse, small scale (*e.g.*, using timber type polygons developed for timber management) masks fine grained attributes used or selected by owls (Bias and Gutiérrez 1992, Zabel *et al.*1992a, Moen and Gutiérrez 1997).

Despite the complexity of California spotted owl habitat, several authors have concluded the subspecies is a habitat specialist (Andersen and Mahato 1995, Moen and Gutiérrez 1997, LaHaye *et al.*1997), selecting habitat at several scales. California spotted owls, like the other subspecies of spotted owls, use or select habitats for nesting, roosting, or foraging that have structural components of old forests, including large (typically greater than 61 cm (24 in) diameter at breast height (dbh; breast height has been standardized at 137 cm (4.5 ft) above the ground) (Call 1990, Gutiérrez *et al.*1992, Zabel *et al.*1992a, Moen and Gutiérrez 1997, USFS 2001a), decadent trees (trees with cavities, broken tops, etc.); high density of trees (Laymon 1988, Call 1990, Bias and Gutiérrez 1992, Gutiérrez *et al.*1992, LaHaye *et al.*1997, Moen and Gutirrez 1997); multi-layered canopy/complex structure (Call 1990, Gutiérrez *et al.*1992, LaHaye *et al.*1997, Moen and Gutiérrez 1997); high canopy cover (greater than 40 percent and mostly greater than 70 percent; Laymon 1988, Bias and Gutiérrez 1992, LaHaye *et al.*1992, Gutiérrez *et al.*1992, Zabel *et al.*1992a, Moen and Gutiérrez 1997, North *et al.*2000); snags (Laymon 1988, Call 1990, Bias and Gutiérrez 1992, Gutiérrez *et al.*1992, LaHaye *et al.*1997); and logs (Call 1990). Gutiérrez *et al.* (1992) noted that these characteristics applied to mixed conifer forests, because riparian/hardwood forests occupied by California spotted owls did not necessarily have these characteristics.

Late successional forests provide habitat attributes selected by California spotted owls, including large trees, high canopy closure, multi-layered canopies, snags, and logs (University of California 1996). The current extent of old forests in the Sierra Nevada is believed to be substantially less than in pre-historic times. Estimates of the current extent have been made by several authors. The University of California (1996) reported that in national parks in the Sierra Nevada, which contain the best representation of pre-European settlement conditions because only minor areas have been subject to timber harvest, 55 percent of forests are in late successional conditions, but on all Federal lands in the Sierra Nevada, late successional conditions are now found on only 19 percent of forest lands. The Forest Service (USFS 2001a) reported that old forest conditions have declined from 50 to 90 percent in various vegetation types compared to the range of historical conditions. Beardsley *et al.* (1999) estimated that approximately 15 percent of coniferous forests in the Sierra Nevada remain in high quality old growth/late successional stages; most of these stands are in high elevations and national parks (Franklin and Fites-Kaufmann 1996). Most of the remaining high quality late successional/old growth habitat in the Sierra Nevada is in public ownership; less than two percent of 1,214,000 ha (3 million ac) of private land was classified as high quality late successional/old growth habitat (Franklin and Fites-Kaufmann 1996).

California spotted owls in the Sierra Nevada may have undergone at least three periods of decline: (1) Elimination of prey species by intensive livestock grazing and burning in the 1800s; (2) logging beginning in the late 1800s, which removed basic structural elements of owl habitat; and (3) recent California spotted owls in the Sierra Nevada may have undergone at least three periods of decline: (1) Elimination of prey species by intensive livestock grazing and burning in the 1800s; (2) logging beginning in the late 1800s, which removed basic structural elements of owl habitat; and (3) recent logging of stands that regenerated following initial entry (Gutiérrez 1994).

In the early 1990s, researchers expressed concern regarding potential lag effects in population decline, in which the negative effects of habitat modification might not be observed until subsequent years (Noon *et al.* 1992, Gutiérrez 1994, LaHaye *et al.* 1994). However, it seems reasonable to presume that the causal mechanisms of negative effects ascribed to the high levels of timber harvest circa 1990 were substantially reduced as timber harvest levels dropped and increased protection measures were instituted in the mid- and late-1990s. In the opinion of the Forest Service (USFS 2001a), it is unlikely that recent timber harvest on national forests has caused declines in spotted owl populations, although the possibility exists that declines are due in part to latent effects of past timber harvest. However, because the regeneration of habitat may take several decades, modification of habitat components that resulted from past timber harvest is probably still affecting the subspecies to various degrees.

Although late-successional forests with large old trees are believed to provide the best habitat for California spotted owls, descriptions of suitable habitat derived from habitat use studies often also include smaller size classes, and thus, include a greater proportion of the landscape than that included in the above estimates of older forest extent. In the early 1990s, Verner *et al.* (1992a) estimated the amount of suitable California spotted owl habitat on public land. They defined suitable habitat as having canopy cover exceeding 40 percent and dominant trees 30 to 36 cm (12 to 14 in) dbh or larger, or areas with the potential to reach those values relatively rapidly. Their estimates of California spotted owl habitat in the Sierra Nevada by jurisdiction were as follows: 1,416,400 ha (3,500,000 ac) on national forests;186,560 ha (461,000 ac) on national parks; 27,721 ha (68,500 ac) on BLM lands; and 10,522 ha (26,000 ac) on State lands. Their estimates for the Coast ranges and southern California were: 218,530 ha (540,000 ac) on national forests; 3,076 ha (7,600 ac) on BLM; and 10,117 ha (25,000 ac) held by State and local governments. Thus, the total estimated habitat was 1,872,926 ha (4,628,100 ac). An undetermined amount of suitable habitat also existed on private and Native American lands (Verner *et al.* 1992a).

Habitat in the Sierra Nevada. The Final Environmental Impact Statement (FEIS) for the Sierra Nevada Framework Amendment (SNFPA) (USFS 2001a) estimated the amount of suitable habitat for California spotted owls on national forest lands in the Sierra Nevada to be 1.7 million ha (4.3 million ac). This estimate was about 14 percent higher than that of Verner *et al.* (1992a). The new estimate was based on more refined analysis, rather than an actual increase in habitat. This constitutes about 59 percent of the forested lands on the Sierra Nevada national forests.

Amounts of habitat on private lands have not been quantified. Generally, industrial landowners regard information relevant to timber inventories as proprietary. Based on Forest Service data, there were about 485,600 ha (1.2 million ac) of industrial timberland in the Sierra Nevada as of 1994 (derived from Waddell and Bassett 1997a, Waddell and Bassett 1997b, Waddell and Bassett 1997c). National forests in the Sierra Nevada include

approximately 560,000 ha (1.4 million ac) of private land within their administrative boundaries. Private land inholdings are much greater in extent in the northern national forests (especially the Lassen, Plumas, and Tahoe) than in the southern Sierra Nevada forests. Much of the private land within the boundary of the Lassen and Plumas National Forests is in contiguous blocks, leaving national forest lands also fairly contiguous. Most private land on the Tahoe National Forest is in checkerboard ownership, and the Eldorado National Forest has a combination of checkerboard ownership and large contiguous blocks of inholdings. We acknowledge that considerable amounts of suitable habitat exist on private lands, especially in the smaller size classes. This is reflected in the occurrence of over 300 spotted owl activity centers (about 17 percent of the Sierra Nevada total) on private lands.

The mixed-conifer forest type (sugar pine (*Pinus lambertiana*), ponderosa pine, white fir (*Abies concolor*), Douglas-fir (*Pinus lambertiana*), giant sequoia (*Sequoiadendron giganteum*), incense-cedar (*Calocedrus decurrens*), black oak (*Q. kelloggii*), and red fir (*Abies magnifica*) is the predominant type used by spotted owls in the Sierra Nevada: about 80 percent of known sites are found in mixed-conifer forest, 10 percent in red fir forest (red and white fir, lodgepole pine (*Pinus contorta*), and quaking aspen (*Populus tremuloides*), seven percent in ponderosa pine/hardwood forest type (ponderosa pine, interior live oak (*Quercus wislizenii*), canyon live oak (*Quercus chrysolepis*), black oak, incense-cedar, white fir, tanoak (*Lithocaarpus densiflorus*), and Pacific madrone (*Arbutus menziesii*)), and the remaining three percent in foothill riparian/hardwood forest (cottonwood (*Populus* ssp.), California sycamore (*Platanus racemosa*), interior live oak, Oregon ash (*Fraxinus latifolia*), and California buckeye (*Aesculus californica*) and east-side pine (ponderosa and Jeffrey pine (*P. jeffreyi*)) (Verner *et al.* 1992a, USFS) 2001).

Six major studies (Gutíerrez *et al.* 1992) have described habitat relations of the owl in four areas spanning the length of the Sierra Nevada. These studies examined spotted owl habitat use at three scales: landscape; home range; and nest, roost, or foraging stand. Based on comparisons of time spent by owls in various habitat types to amounts of habitat available, owls preferentially use areas with at least 70 percent canopy cover, use habitats with 40 to 69 percent canopy cover in proportion to their availability, and spend less time in areas with less than 40 percent canopy cover than might be expected if habitat were selected randomly.

California spotted owls in the Sierra Nevada prefer stands with significantly greater canopy cover, total live tree basal area, basal area of hardwoods and conifers, and snag basal area for nesting and roosting. Owls use stands dominated by trees with dbhs between 30 and 61 cm (12 and 24 in) and canopy covers between 40 and 100 percent for nesting significantly more than expected, based on the proportion of those forest types (Gutíerrez *et al.* 1992). Stands suitable for nesting and roosting have: (1) Two or more canopy layers; (2) dominant and codominant trees in the canopy averaging at least 61 cm (24 in) in dbh; (3) at least 70 percent total canopy cover (including the hardwood component); (4) higher than average levels of very large, old trees; and (5) higher than average levels of snags and downed woody material (Gutíerrez *et al.* 1992, USFS 2001a).

Analysis of vegetation characteristics of plots surrounding 292 California spotted owl nest and roost sites on the Lassen, Eldorado, and Sierra National Forests, and in Sequoia and Kings Canyon National Parks provides further information on habitat types favored by the species (USFS 2001a). Thirty-two percent of the plots were in stands with multilayered canopies exceeding 60 percent closure and with average trees exceeding 61 cm (24 in) in dbh. Eighteen percent were in stands with 40 to 59 percent canopy closure and with average trees exceeding 61 cm (24 in) in dbh. Fourteen percent were in stands with over 60 percent canopy cover and with average trees between 28 and 61 cm (11 to 24 in) in dbh. Eleven percent were in stands with 40 to 59 percent canopy closure and average trees between 28 and 61 cm (11 to 24 in) in dbh. Nine percent were in stands with over 60 percent canopy closure and average trees exceeding 61 cm (24 in) in dbh. Seven percent were in stands with 25 to 39 percent canopy cover and average trees exceeding 61 cm (24 in) in dbh. Five percent were in stands with 25 to 39 percent canopy cover and average trees between 28 and 61 cm (11 to 24 in) in dbh. North *et al.* (2000) suggested that canopy cover, tree density, and foliage volume represent conditions consistent across different forest types and therefore could indicate the basic nest site conditions selected by California spotted owls. California spotted owl nests were consistently located in sites with 75 percent canopy cover, 300 trees/ha (122 trees/ac), and 40,000 cubic m/ha (571,860 cubic ft/ac) of foliage volume.

Moen and Gutiérrez (1997) analyzed California spotted owl habitat at the landscape, habitat patch, and microsite levels on a 355 square kilometer (137 square mile) study area on the El Dorado National Forest. They used remote sensing to analyze vegetation in 457 ha (1,129 ac) circular plots surrounding spotted owl activity centers, and compared those plots with randomly selected plots of equal size. Owl plots were significantly more homogeneous than random sites, indicating that owls select against patchy or fragmented habitats; owl sites contained significantly more area with canopy closure exceeding 70 percent than random plots; and California spotted owl roosts were significantly more likely to be located in mixed conifer habitat containing trees greater than 30 cm (12 in) dbh than would be expected by chance. In addition, of 82 roost sites examined, 56 (68 percent) were in habitat with greater than 40 percent canopy closure and trees greater than 30 cm (12 in) dbh, and 97 percent of roost sites had trees over 100 cm (39 in) dbh. Microsite comparison between sixteen 0.04 ha (0.10 ac) vegetation plots surrounding nest sites and random plots of equal area showed that nest plots had significantly higher structural diversity, more total trees, larger trees, and more trees over 100 cm (39 in) dbh.

Bias and Gutiérrez (1992) attributed low use of private timberlands by roosting and nesting California spotted owls to sanitation (removal of damaged or diseased trees or species of low commercial value) and high-grade logging (harvest of large trees of high commercial value) that removed potential nest trees. However, as stated above, California spotted owls do occur on private timberlands. Habitat use by California spotted owls has been studied on a private timber production area in the Sierra Nevada, 48 kilometers (km) (30 mi) east of Chico, California (Larry L. Irwin *et al.*, National Council for Air and Stream Improvement, Incorporated, *in litt.* 2002). Seven pairs of California spotted owls were repeatedly located using radiotelemetry. Habitat use was similar to that observed in other studies on Federal lands. Owls were located in areas with canopy closure averaging 70 percent, dominated by trees 30 to 36 cm (12 to 14 in) in dbh but with a few larger (over 66 cm (26 in) dbh) trees, and with tree densities ranging from 930 to 1,360 trees/ha (372 to 544 trees/ac). To our knowledge, there are no studies providing information on demographic performance of owl populations on private lands in the range of the California spotted owl.

Habitat in the Coast Range and Southern California. In the coast range, California spotted owls occupy redwood/California-laurel forests which consists of a mix of coast redwood (*Sequoia sempervirens*), California-laurel (*Umbellularia californica*), tanoak, Pacific madrone, red alder (*Alnus rubra*), and white alder (*Alnus rhombifolia*), coast live oak, Santa Lucia fir (*Abies bracteata*), and bigleaf maple (*Acer macrophyllum*) (Verner *et al.* 1992a). Spotted owls can be found at elevations below 305 m (1,000 ft) along the Monterey coast to approximately 8,500 ft (2,591 m) in the inland mountains (Stephenson and Calcarone 1999). Lower elevation (less than 3,000 ft (914 m)) birds can be found in pure oak stands and higher elevation (greater than 6,500 ft (1,981 m)) birds can be found in pure conifer stands.

Verner *et al.* (1992a) noted that California spotted owls also use riparian hardwood forest types (coast and canyon live oak, cottonwood, California sycamore, white alder, and California laurel) in southern California. Owls on Mount San Jacinto used conifer and riparian hardwood forests significantly more than would be expected based on their availability and owls on Palomar Mountain primarily used conifer or mixed forests of conifers and hardwoods. California spotted owl nest sites in the San Bernardino Mountains were more likely to be located in areas with steeper slopes and in the lower third of canyons and owl nest and roost sites in this area were more likely to be located in areas with higher canopy closure and higher basal area (the area of all trees at breast height) than random sites.

Spatial positions and vegetation types were compared between plots surrounding 144 California spotted owl territory centers and 144 random plots in the San Bernardino Mountains of southern California (Smith *et al.* 1999, Humboldt State University, *in litt.* 2002). Owl sites were significantly closer to one another than random sites, showing a clumped distribution. Owl sites contained more area of closed canopy forest, larger mean patch sizes of closed canopy forest, and lower habitat diversity than random sites. California spotted owl territories in this study were found in three vegetation types; canyon live oak/ big cone Douglas-fir (39 percent of territories), mixed conifer/hardwood (which includes canyon live oak, big cone Douglas-fir, sugar pine, white fir, Coulter pine (*P. coulteri*), incense cedar, and black oak) (28 percent of territories), and mixed conifer (which contains white fir, Jeffrey pine, and incense cedar (33 percent of territories).

Stephenson and Calcarone (1999) estimated that there were approximately 473,473 ha (1,170,000 ac) of habitat types where spotted owls were known to reproduce (low-elevation oak/bigcone Douglas-fir, mid-elevation conifer/ hardwood, and high elevation mixed conifer) within the range of the subspecies in southern California and the central Coast Ranges. The total amount of available suitable habitat in the analysis area is likely lower, because it is possible that not all habitat is currently in a condition suitable for reproduction, roosting or foraging.

Nest Tree Characteristics. California spotted owls nest in a variety of tree/ snag species in pre-existing structures such as cavities, broken top trees, and platforms such as mistletoe brooms, debris platforms and old raptor or squirrel nests (Gutiérrez *et al.* 1992, 1995). Nest trees are often large, over 89 cm (35 in) average dbh (Gutiérrez *et al.* 1992, Steger *et al.* 1997, LaHaye *et al.* 1997), and larger than other trees in the same stand (Gutiérrez *et al.* 1992). Nest trees are also often greater than 200 years old (Gutiérrez *et al.* 1992, North *et al.* 2000). However, approximately 25 percent of nest trees out of a sample of over 250 were less than 76 cm (30 in) dbh (Gutiérrez *et al.* 1992). Although old, large trees are important to California spotted owls, intermediate-sized (28 to 61 cm (11 to 24 in)) trees were also selected by nesting (LaHaye *et al.* 1997; and trees 51 to 76 cm (20 to 30 in) dbh), roosting (Moen and Gutiérrez 1997), and foraging (Laymon 1988) owls.

Prey and Foraging Habitat. California spotted owls are considered prey specialists (Verner *et al.* 1992b) because they select a few key species (Verner *et al.* 1992b) among the variety of taxa on which they prey. In the upper elevations of the Sierra Nevada (about 1,200 to 1,525 m (4,000 to 5,000 ft), the primary prey is the northern flying squirrel (*Glaucomys sabrinus*), which is most common in larger stands of mature forests (Verner *et al.* 1992b). In lower elevations of the Sierra Nevada and in southern California, the primary prey is the dusky-footed woodrat (*Neotoma fuscipes*) (Thrailkill and Bias 1989), which is most abundant in shrubby habitats and uncommon in pure conifer forests or forests with little shrub understory (Williams *et al.* 1992). Both flying squirrels and woodrats occur in the diets of owls in the central Sierra Nevada (Verner *et al.* 1992b). Home ranges of owls in areas where the primary prey is northern flying squirrels are consistently larger than those where the primary prey is dusky-footed woodrats presumably because woodrats occur in greater densities and weigh more than flying squirrels (Zabel *et al.* 1992a). Verner *et al.* (1992b) reported that approximately 25 percent of known owl sites in the Sierra Nevada occur where woodrats are the primary prey species and 75 percent of sites occur where flying squirrels are the primary prey species.

Other prey items include gophers (*Thomomys* spp.), mice (*Peromyscus* spp.), diurnal squirrels (*Tamiasciurus douglasii, Sciurus griseus, Spermophilus beecheyi, Eutamias* spp.) and a variety of other rodents; shrews (*Sorex* spp.); moles (*Scapanus* spp); bats (*Myotis* spp.); birds; frogs; lizards; and insects (Verner *et al.* 1992b, Gutiérrez *et al.* 1995, Tibstra 1999). California spotted owls have low metabolic rates relative to other birds. Analysis of metabolic rates and the energy content of prey items indicates that an individual California spotted owl would need to eat one flying squirrel every 1.8 days or one woodrat every 3.7 days (Weathers *et al.* 2001).

California spotted owls in the Sierra Nevada forage most commonly in intermediate- to late-successional forests with greater than 40 percent canopy cover and a mixture of tree sizes, some larger than 61 cm (24 in) in dbh. The birds consistently use stands with significantly greater canopy cover, total live tree basal area, basal area of hardwoods and conifers, snag basal area, and dead and downed wood than are found at random locations within the forest. Studies on the Tahoe and Eldorado National Forests found that owls forage in stands with large diameter trees (defined as trees greater than 61 cm (24 in) in dbh in one study and trees 51 to 89 cm (20 to 35 in) in dbh in the other) significantly more than expected based on availability. Owls also forage in stands with trees between 30 and 61 cm (12 and 24 in) dbh and greater than 70 percent canopy cover significantly more than expected, based on the proportion of that forest type (USFS 2001a).

Stands suitable for owl foraging have: (1) At least two canopy layers; (2) dominant and codominant trees in the canopy averaging at least 28 cm (11 in) in dbh; (3) at least 40 percent canopy cover in overstory trees (30 percent canopy cover in red fir dominated forests); and (4) higher than average numbers of snags and downed woody material. California spotted owls forage in forests with ample open flying space within and beneath the canopy (Gutiérrez *et al.* 1995); therefore, extremely dense stands may not be used

for foraging. Although canopy covers down to 40 percent are suitable for foraging, they appear to be so only marginally. Radio tracking data from the Sierra National Forest showed that owls tended to forage more in sites with greater than 50 percent canopy cover than predicted from their availability; while stands with 40 to 50 percent canopy cover were used about in proportion to their availability (USFS 2001a). The subspecies avoids open (0–30 percent canopy cover; Gutiérrez *et al.* 1992) or logged (Call 1990, Zabel *et al.* 1992b, Gutiérrez and Pritchard 1990) areas.

Winter Habitat. Winter habitats of owls that undertake altitudinal migrations have similar canopy closures, but lower basal areas of both green trees and snags, and higher shrub densities than higher-elevation summer habitats (Gutiérrez *et al.* 1995).

General Description of Suitable Habitat. Based on the above studies, nesting habitat for California spotted owls is generally described as stands with an average dominant and co-dominant tree diameter of greater than 24 in and canopy cover of greater than 70 percent. Foraging habitat is generally described as stands of trees of 30 cm (12 in) in diameter or greater, with canopy cover of 40 percent or greater. Exceptions to both descriptions are known to occur. Suitable habitat includes California Wildlife Habitat Relationship (WHR) habitat types 4M, 4D, 5M, 5D, and 6 (Mayer and Laudenslayer 1988).

Home Range

Spotted owl pairs have large home ranges that may overlap those of conspecifics (Verner *et al.* 1992b). A portion of the home range is defended as a territory, especially against unknown intruders (Gutiérrez *et al.* 1995). However, territorial disputes between neighbors are rare. Members of the same sex are more likely to display aggression toward each other than members of the opposite sex (Verner *et al.* 1992b). Spotted owls may roost near conspecifics other than their mates (Gutiérrez *et al.* 1995). Verner *et al.* 1992b suggested that the spotted owl territorial system functions such that an individual or pair are dominant within a territory and prevent conspecifics from breeding there, but that feeding or roosting by those birds may be tolerated.

Carey *et al.* (1992) studied the relationship between the amount of habitat used by northern spotted owls and prey abundance within those habitats. They found that owls used more area in habitats where the estimated biomass of medium sized prey, primarily flying squirrels and woodrats, was lower. The largest home ranges of California spotted owls occur where flying squirrels comprise the majority of the owl's diet and the smallest occur where woodrats dominate (Verner *et al.* 1992b, Zabel *et al.* 1992a). Woodrat populations are denser than flying squirrel populations, often by at least 10 fold, and woodrats weigh nearly twice as much as flying squirrels. Variation in prey availability likely affects the percentage of California spotted owl pairs that nest and successfully fledge young. Weather may also affect these parameters, either by directly affecting the owls or by affecting their prey base (Verner *et al.* 1992b).

Estimates of California spotted owl home range size are extremely variable. All available data indicate that they are smallest in habitats at relatively low elevations that are dominated by hardwoods, intermediate in size in conifer forests in the central Sierra Nevada, and largest in the true fir forests in the northern Sierra Nevada (Zabel *et al.* 1992a, USFS 2001a). Based on an analysis of data from telemetry studies of California spotted owls, mean breeding season pair home range sizes have been estimated as 3,642 ha (9,000 ac) in true fir forests on the Lassen National Forest; 1,902 ha (4,700 ac) in mixed conifer forests on the Tahoe and Eldorado National Forests; and 1,012 ha (2,500 ac) in mixed conifer forests on the Sierra National Forest. Zimmerman *et al.* (2000) used radiotelemetry data to estimate the breeding season home range of two pairs of California spotted owls in the San Bernardino Mountains of southern California. The average home range (571 ha (1,410 ac)) was smaller than those reported for the Sierra Nevada and varied widely between the two pairs (325 to 816 ha (803 to 2,016 ac)).

Gutiérrez *et al.* (1992) analyzed the sizes of stands containing nest trees (*i.e.*, nest stands) and the cumulative sizes of each nest stand plus all adjoining stands that were in vegetation strata preferentially used by owls for nesting. The mean size of nest stands was about 40 ha (100 ac); the mean size of the nest stand plus adjacent suitable stands was about 120 ha (300 ac). In radio tracking studies, the central area including half of the foraging locations of owls was found to vary from an average of 128 ha (317 ac) on the Sierra National Forest to an average of 319 ha (788 ac) on the Lassen National Forest (Gutiérrez *et al.* 1992). Bingham and Noon (1997) used radiotelemetry data to calculate core areas within the home ranges of four California spotted owls. Owls used the core areas more than would be expected if the entire home range were used at random. Core areas contained an average of 66 percent of points at which owls were located within an average of 21 percent of the home range.

Habitat in Home Range. California spotted owls were found to select more consistently for habitat patches with high canopy cover than for large tree size-class (Zabel *et al.* 1992a). Call (1990) estimated 42 percent of the home range to be medium timber 28 to 53 cm (11 to 21 in) dbh, and 55 percent large timber greater than 53 cm (21 in). The proportion of habitat in home ranges of owls in conifer forests of the Sierra Nevada with canopy cover greater than 40 percent was 68 percent and 81 percent for the two conifer sites studied. (Zabel *et al.* 1992a).

California spotted owls have been known to use stands that were recently selectively harvested (Zabel *et al.* 1992b). However, where forests in the Sierra National Forest were heavily thinned, owls consistently nested in patches with large, old, high crown-volume trees (North *et al.* 2000), relying on the remaining components of the original forest.

Numerous studies have described habitat used by spotted owls and habitat that occurs around owl nest sites and activity centers, but the relationships between these forest habitat characteristics and the distribution and demographic performance of California spotted owls are not completely understood. Several studies that have related habitat characteristics with California spotted owl demographic performance and occupancy rates found that productivity was positively correlated with amounts of forest with high canopy cover. Blakesley (2002a) characterized habitat within 1,830 ha (4,532 ac) circles surrounding 67 California spotted owl nest sites in northeastern California and used those data to explain observed variation in site occupancy, apparent survival probability, reproductive output, and nest success. Site occupancy was positively associated with the amount of habitat dominated by large trees and high canopy cover. North *et al.* (2000) found higher reproduction in conifer forest associated with high foliage volumes and concluded: ''The possible interaction of weather and nest-site structure on owl reproduction suggests forest managers should be cautious about reducing canopy volume in potential owl nesting areas. Retaining groups of large, old, high crown-volume trees may be needed to maintain the number of potential nesting sites in a forest.'' Apparent survival and

reproductive output were positively correlated with the proportion of habitat surrounding each nest that was selected by the owls throughout the Sierra Nevada, as described by Gutiérrez *et al.* (1992). Nest success was positively associated with the presence of large trees within the nest stand.

Verner *et al.* (1992b) reported that about 75 percent of the California spotted owls in the Sierra Nevada occurred in areas where the northern flying squirrel was the primary prey species. Northern flying squirrels have been shown to be most common in larger stands of mature forests (Williams *et al.* 1992). Flying squirrels typically use older mature forest because they provide suitable nest sites, including snags, and abundant sources of food including arboreal lichens and truffles, which are associated with an abundance of soil organic matter and decaying logs (Verner *et al.* 1992b). In second-growth forests in Oregon, northern flying squirrels were found in younger forests if large snags and down logs remained from earlier stands (Carey and Peeler 1995). Thus, past selection harvest that removed the largest trees and snags probably did not favor northern flying squirrels, and, therefore, probably had negative effects on foraging by California spotted owls.

Blakesley (2002a, pers. comm. 2002) studied California spotted owls in an area where northern flying squirrels (*Glaucomys sabrinus*) comprised 70 to 80 percent of prey taken. She found that both survival and reproductive output were positively related to the proportion of the home range that was comprised of habitat selected by owls. Furthermore, site occupancy and reproductive output were negatively associated with the amount of non-habitat (non-forest and areas dominated by small trees and/or very low canopy cover).

In areas where the primary prey consists of dusky-footed woodrats, effects of timber harvest, either by selection or small patch cuts, may have been less severe on spotted owl prey. Dusky-footed woodrats are more abundant in shrubby areas than in areas with little shrub understory (Williams *et al.* 1992), so this forage species may persist in harvested areas, at least at the lower elevations where it is more common. Franklin *et al.* (2000), who studied demographic performance of northern spotted owls in an area of northwestern California where dusky-footed woodrats were the primary prey, reported that adult owls with access to larger blocks of suitable forested habitat had slightly lower mortality rates, but those with home ranges that were more patchy with more openings had slightly higher fecundity (number of young produced per breeding female). A landscape pattern with some small patches of other habitats dispersed within and around a main patch of old forest appeared to provide the optimum balance in promoting both high fecundity and high survival. It seems likely that California spotted owls would have similar responses in the minority of their range where dusky-footed woodrats are the primary prey and thus may be less affected by habitat modification in those areas.

According to McKelvey and Johnston (1992), clear-cutting was the predominant harvest method on Sierran national forests only from 1983 through 1987. In areas where clear-cutting occurred during those years, and perhaps also where catastrophic fire has eliminated forested habitat, it may be reasonable to evaluate impacts based on studies of the effects of clear-cutting on the similar northern spotted owl. Bart (1995b) examined the relationship between amount of a northern spotted owl pair's home range that is suitable habitat and productivity and survivorship of owls. In Bart's (1995b) study area, habitat remaining after harvest was either of good quality (*i.e.*, remaining old growth) or very poor quality unsuitable for extensive use by owls (clear cuts). That analysis suggested that removing any suitable habitat within the vicinity of the nest tends to reduce productivity and survivorship of resident owls. Bart concluded that replacement rate reproduction might occur when 30 to 50 percent suitable habitat is retained within an owl's home range. However, he also noted that productivity and survivorship declined steadily below 80 percent suitable habitat and advised that northern spotted owl habitat should not be reduced to perceived thresholds in all instances or viability could be compromised. The primary form of habitat modification in the Bart (1995b) analysis area was clear-cutting. Therefore, these results may only have limited application to the California spotted owl, because much of the range of the California spotted owl has been selectively harvested. The selection harvest practiced in the Sierra is believed to have lowered habitat quality by removing large trees and snags, but it may not have rendered habitat completely unsuitable (USFS 2001a). Thus, the degree of impact of past selection harvest practices on California spotted owls remains unclear.

Spotted owl distribution in the Sierra Nevada is generally continuous and of uniform density within the historic range. However, several ''areas of concern'' were identified in Beck and Gould (1992). These are areas where densities of spotted owls are low, local populations are isolated, or distribution of habitat or owls is not continuous or is restricted because of past timber harvest, fire, and natural breaks in habitat. Areas of concern might be important if the range of the spotted owl begins to shrink. Beck and Gould (1992) identified 16 areas distributed throughout the range where there are gaps that delineate discontinuities in owl distribution (no habitat exists or there is a bottleneck) and 19 areas where concern relates to low population density, fragmented habitat, or loss of habitat due to fire.

The USFS (2001a) further cautioned that management in at least nine of these areas of concern in the Sierra Nevada could have disproportionate impacts to spotted owls without special management consideration. USFS noted that areas of concern that fall within checkerboard ownerships (blocks of private land interspersed with Federal lands) or fragmented habitats warranted special attention. Final management direction selected by the USFS-modified alternative 8 (USFS 2001b) included objectives for the amounts of habitat within each owl home range to provide for replacement rate reproduction.

Demographic Analysis

As one of the most intensively studied birds in the United States, the spotted owl has been the focus of research for well over two decades. Many sophisticated statistical techniques for estimating population trends have been developed and refined using data from the northern spotted owl, and the state of information for the California subspecies has benefitted accordingly. Across the range of the California spotted owl, five study areas (Lassen, Eldorado, Sierra, Sequoia-Kings Canyon, and San Bernardino), totaling about 2,200 square miles, have been established to examine the subspecies' population status. This research serves as a valuable resource for evaluating whether or not listing under the ESA may be warranted. In this section, we offer a synopsis and evaluation of the most current research on California spotted owl population trends. Because analytical techniques for assessing population status are complex, it is necessary to discuss the techniques, the studies, and their conclusions in some detail.

Several analytical methods have been applied to the analysis of population trend in spotted owls, and each method carries certain strengths and

weaknesses. Thus, to best understand population trend, it is important to concurrently assess the results of all methods instead of relying on a single analytical approach. One of the simpler methods uses raw empirical abundance data, where banded owls are counted and numbers are compared over time. Population trends can then be crudely assessed by evaluating abundance data from one year against similar data from a later year, or multiple years of data can be used in a regression analysis to determine the population trend from the slope of a regression line. While count data may appear straightforward, they are often subject to important sources of unquantifiable bias if the ability to detect owls changes from year to year. This can occur if survey effort changes over the course of the study or if the study area changes in size during the study period. Also, variation in detectability can be caused by environmental or behavioral factors. Numerous sources of possible bias can be present during the collection of abundance data in the field, especially over the long periods of time required to evaluate population trends in long-lived species such as spotted owls. However, basic abundance data can provide a reference point for comparison with the results of more sophisticated statistical methods, especially when possible error is reduced by careful data collection. Abundance data are available for each of the California spotted owl study areas, and are included in this evaluation by the Service.

Because of the problems that accompany abundance data, scientists have developed more sophisticated methods for estimating population trends that can be described in statistical terms, and which allow various statistical tests of the estimated population trend. These methods derive estimates of the annual rate of population change, otherwise known as lambda (λ), which is the fundamental measure for retrospective estimation of population trend. Varying analytical methods derive λ from data on vital rates (*i.e.*, birth and death rates) gathered using methods described for the northern spotted owl (Forsman 1983). Reproductive output is measured from direct observation of the number of young leaving the nest, and estimates of survival are obtained using mark-recapture techniques. Capture-recapture theory (Lebreton *et al.* 1992) provides the foundation for deriving a statistical estimate of survival and population trend. In brief, this is done by capturing and uniquely marking individuals, and then recapturing (or resighting) those same individuals in subsequent years (Lebreton *et al.* 1992). Some of the potential bias factors remain, such as variation in survey effort, but the recapture history for each marked individual serves as the basis for calculating vital rates for each age and gender class. After fecundity (*i.e.*, birth rate: number of female young fledged per female) and survival for the population are statistically estimated from field sampled data, those estimates are used to compute the finite rate of population change, or λ.

Lambda provides an estimate of two useful measures: the direction in population trend and the magnitude of population change (Franklin *et al.* 1996). A λ value equal to 1.0 indicates a stationary population; less than 1.0 indicates a declining population; and greater than 1.0 indicates a growing population. The amount by which λ differs from 1.0 indicates the magnitude of the trend (*i.e.*, if $\lambda = 1.10$, the population has increased by an average of about 10 percent each year [1.10 to 1.0 = 0.10]). However, λ is a point estimate, and this estimate has a measure of precision. Therefore, researchers often test whether λ is significantly greater or less than 1.0, or equal to 1.0. For example, a $\lambda = 0.97$ may not be statistically different from 1.0 at some predetermined significance level if the confidence interval includes 1.0 (Lande 1988).

It should be noted that the estimate of lambda applies only to the period during which the data are collected. For this reason, long term studies are necessary to avoid misinterpretation of apparent trends. For instance, if a population demonstrates cycles that are completed over multiple decades, ten years of data may only capture a down cycle (which would falsely appear to be a decline) or up cycle (which would falsely appear to be an increase), depending on the timing of the study.

The five individual studies conducted on California spotted owl populations were consistent in their initial method for calculating λ, which has also been extensively described and applied in analyses of the northern spotted owl (Franklin *et al.* 1996). In this method, survival and fecundity estimates for females were used in a mathematical tool called a projection matrix to solve for λ. Several issues may affect the validity of the projection matrix approach to calculating lambda. First, the method assumes that adult survival and fecundity are constant over time (Franklin *et al.* 1996). Long term research on the northern spotted owl has demonstrated that this assumption is sometimes violated. Survival rates are not constant (Burnham *et al.* 1996), and spotted owls have demonstrated variable annual fecundity, with occasional years of very high fecundity (Franklin *et al.* 2002). However, the magnitude of the resulting bias appears to be small (Burnham *et al.* 1996, Noon and Biles 1990). Second, individuals, particularly juveniles, may emigrate to areas outside the study area boundaries. Even though they could still be alive, these individuals are considered mortalities because they disappear from the study area, resulting in a survival rate that is biased low (Raphael 1996). To better understand the possible error in juvenile mortality rates, researchers compare the observed mortality rate with calculated theoretical rates that would be necessary for a stable population, and examine the difference. Although useful in some respects, this exercise does not alter the estimate of lambda for the subject owl population. The issue of juvenile emigration was addressed in the 1999 meta-analysis for the northern spotted owl, as well as for some of the individual northern spotted owl study areas, and overall trend estimates were adjusted for juvenile emigration (Franklin *et al.* 1999).

Another potential issue regarding the projection matrix method is that the calculation includes only territorial birds (which are relatively easy to locate), ignoring nonterritorial, unlocated ''floaters'' that may be present and available to fill vacancies left by the eventual mortality of breeding birds (Franklin 1992). Bart (1995b) argued that the presence of floaters causes population trends to be determined by the trend in the amount of habitat, not by birth and survival rates. Using lambda estimates corrected for floaters and false juvenile mortalities, Bart (1995b) calculated that lambda estimates using the projection matrix method could be 0.13 to 0.03 lower than the actual value. Thus, for example, a population with an estimated lambda of 0.90 (signifying a decline of 10 percent per year) could actually be an increasing population. This argument should be considered in evaluation of lambda estimates. Trends in the nonterritorial segment of the population cannot be evaluated with the projection matrix method, although it is likely that over the long term, trends in the territorial and nonterritorial segments will follow similar trajectories, since they both depend on similar environmental conditions.

For these reasons, we approach the use of population matrix λ estimates with caution in this finding, and where possible, has sought additional

corroborative data and analyses before concluding that a population is declining. Our following discussion of the results from each of the five study areas will include evaluation of potential error in the lambda estimate that might result from these factors.

More recently, the data from the five study areas were reanalyzed using another statistical method. In 2001, owl researchers from the five California spotted owl study areas, timber industry consultants, and stakeholders met with experts in population analyses to conduct a meta-analysis of the available data (Franklin *et al.* 2002). The term meta-analysis refers to the combined analysis of data collected from numerous studies to increase sample size and investigate relationships that would be difficult to assess with data from an individual study. A draft report authored by 15 participants (Franklin *et al.* 2002) summarized the results of the five-day meta-analysis workshop and subsequent analysis.

It is our understanding that, as of the publication of this finding, peer review comments have been received by the authors of the meta-analysis, but the incorporation of peer review comments by the authors has not been completed. Thus, the meta-analysis manuscript remains a draft. We have examined the draft meta-analysis document, the comments of prominent peer reviewers, and solicited comments from the authors regarding our conclusions herein. We regard the draft meta-analysis as the best available science on the subject, but as stated above, we have not relied solely on this analysis in developing our conclusions regarding population trend.

The meta-analysis of adult survival was based on female and male adult capture histories for the five study areas, but fecundity was estimated for each study area separately because differences existed in field sampling protocols. To eliminate a possible bias in projection matrix estimates of λ due to inaccurate rates of survival (resulting from unknown emigration rates), a new technique was used to calculate λ, called the ''temporal symmetry capture-recapture model'' (Pradel 1996). Pradel's method calculates the rate of change in population size between two successive years using mark-recapture histories for each owl, and since this technique calculates annual estimates, λ can change each year. In contrast, the projection matrix method calculates an average λ estimate for the period of study using a population's average birth and death rates. Pradel's measure applies to subadult and adult territorial owls, and incorporates birth, death, emigration, and immigration rates. Estimates of juvenile survival are unnecessary because movement of spotted owls into and out of the study area is considered in changes of owl numbers over time.

While Pradel's λ accounts for permanent emigration of juveniles, it doesn't provide insight as to the root cause of a population's rate of change. For example, if λ = 1.0, indicating a stable population, it is impossible to know if the stability is a result of immigration or new recruits from births, which prevents inferences about the health of the local population (Franklin *et al.* 2002). Thus, it is important that trends in survival and fecundity rates be examined concurrently with assessments of λ. Pradel's λ provides information as to whether owls are being replaced from within or outside the study area, and not solely whether they are replacing themselves, which is the goal of the projection matrix approach. Because the Pradel method provides an estimate of one λ for each year, the annual λ estimates can themselves be assessed for trends, and a mean estimate can be calculated for the period of study.

Franklin *et al.* (2002) applied the Pradel method to each of the five individual study areas, and conducted a combined meta-analysis of the results from the four study areas (Lassen, Eldorado, Sierra, and Sequoia / Kings Canyon) that lie in the Sierra Nevada. The following discussion details the results of the earlier projection matrix analyses and reports of basic count data for each study area, and compares those results with the new results derived using the Pradel method, as reported by the draft. Following the discussion of individual areas, we will describe the results of the meta-analysis of the four combined Sierra Nevada study areas.

Since survey areas changed throughout the course of some studies, only those areas (within larger study areas) that received surveys from start to finish were included in the new analysis, and only years that received consistent survey effort were used in the analysis (Lassen study area [490 mi^2]: 1992 to 2000; Eldorado study area [137 mi^2]: 1990 to 2000; Sierra study area [137 mi^2]: 1990 to 2000 Sequoia and Kings Canyon study area [132 mi^2]: 1991 to 2000; San Bernardino study area [730 mi^2]: 1991 to 1998).

In this review, we primarily used the most recent report or published article for each area, although we reference earlier reports to clarify apparent changes in results for a given area. We summarize the results below.

Lassen Study Area—The Lassen study area encompassed approximately 850 mi^2 in northeastern California, the majority of which was located in the Lassen National Forest. Small segments of the study area included the Plumas National Forest, private timber lands, Lassen Volcanic National Park, and Bureau of Land Management land. According to Blakesley and Noon (*in litt.* 2003), four lines of evidence suggest that the Lassen population has been decreasing. However, this information, received very recently, could not be fully evaluated. The most recent publication for this study area (Blakesley *et al.* 2001) covered 10 years of field sampling (1990 to 1999), during which the annual rate of population change was estimated to be 0.910 using the projection matrix method. This estimate was significantly less than that of a stationary population (λ = 1.0), and suggested that the territorial female owl population (those females that occupy and defend a habitat area) declined 9 percent annually from 1990 to 1999. Blakesley *et al.*(2001) inferred that if the conditions present during their study remained constant into the future, and if the true rate of change were as low as 4 percent instead of the estimated 9 percent, that the population would decline by one-half within 20 years. Such forecasting beyond the period of data collection is unreliable, and the accuracy of this projection is likely biased, as conditions are unlikely to remain constant for 20 years (Burnham *et al.* 1996, Raphael *et al.* 1996, Noon *et al.* 1992).

We were unable to compare the estimated value of λ to the observed numbers of territorial adults in this study, because the survey area increased over time. However, from the estimated growth rate of 0.910, we can conclude that over 50 percent of the population would be lost by the end of the study. According to Blakesley and Noon (*in litt.* 2003), within 68 territories surveyed consistently from 1993 to 2001, the number of female owls declined from 56 to 37. This suggests a decline of 5 percent annually, which is not statistically different from the 9 percent decline estimated above. A potentially large source of error arises from unknown rates of juvenile and adult emigration. Blakesley *et al.* (2001) suggested that while incorrect juvenile emigration rates may have resulted in a survival estimate biased low, the magnitude of the bias was probably small. For the Lassen population to demonstrate a stationary trend during the study period (given that all other vital rates were accurate, including an

adult survival probability of 0.827), the juvenile survival rate would have to more than double (from the estimated 0.333) to 0.790. However, given that all other parameters remain the same, Franklin (2003) estimated that if adult and subadult survival was actually 0.85, juvenile survival would have to be 0.657 to achieve a stationary population, and if adult and subadult survival were actually 0.87, juvenile survival would have to be 0.55 for a stationary population. A juvenile survival probability of 0.55 is within the realm of possibility based on juvenile survival estimates for northern spotted owls on two study areas (Franklin *et al.* 1999).

The meta-analysis for this study area included nine years of sampling (1992 to 2000) and encompassed 490 mi^2. The mean λ estimate for the period using Pradel's method was less than 1.0 (0.985), but was not statistically different from that of a stationary population (λ = 1.0). Examination of the annual λ estimates (per year, as opposed to the above mean λ) showed no evidence of a trend for the Lassen study, and adult apparent survival showed no substantive variation or trends through time. Fecundity was so variable through time that a linear trend (as opposed to sporadic high-low trends) could not be identified.

Although there is information that suggests that this population may be declining, uncertainties exist when interpreting the projection matrix approach, actual counts, and Pradel's methodology. Without further refinement of the projection matrix approach (*i.e.*, adjusting juvenile survival estimates using radio telemetry), it is difficult to reconcile the declining projection matrix λ of 0.910 with the statistically stationary estimate of 0.985 derived using Pradel's methodology. Thus, we cannot conclude with certainty that the population is declining, increasing, or stationary.

Eldorado Study Area—The Eldorado study area consisted of two segments: a 137-mi^2 density study area, and a 220-mi^2 regional study area. The most recent publication for this study area (Seamans *et al.* 2001a) covered 10 years of field sampling (1990 to 1999). Although surveys took place from 1986 to 1999 in the density study area, surveys in the regional study area were initiated in 1997. Only data from 1990 to 1999 were used because survey effort and sample sizes increased dramatically after 1989 due to increased funding (Seamans *et al.* 2001a). The study area was located primarily within the Eldorado National Forest, but portions were also located within the Tahoe National Forest and the Tahoe Basin Management Area. Researchers lacked sufficient data to calculate the juvenile survival rate on the Eldorado study area, so they used the survival rate from the nearby Lassen study area (0.333) as a surrogate. This estimate was thought to be optimistic, as estimates of northern spotted owl juvenile survival from 11 study areas averaged 0.258 (Forsman 1996), and in the Eldorado study area, 11 of 147 individuals banded as juveniles were recaptured as territory holders, which would translate to a survival probability of 0.074 (Gutiérrez *et al.* 2001). However, there is a likelihood that the estimated juvenile survival of 0.258 for northern spotted owls was underestimated, as it was not corrected for juvenile emigration. A later report (Franklin *et al.* 1999) adjusted juvenile survival estimates in three northern spotted owl study areas to reflect juvenile emigration rates calculated from radiotelemetry data. The adjusted juvenile survival rates were 0.598, 0.632, and 0.366. These estimates represented increases of 137.2%, 41.8%, and 87.9% in juvenile survival estimates for each respective study area.

Using the projection matrix approach, the annual rate of population change was estimated to be 0.948, which was significantly less than that of a stationary population. This λ value suggested that the territorial female owl population declined 5.2 percent annually from 1990 to 1999. In contrast, female abundance at the start (1990) and finish (1999) of the study was 26 and 28 individuals, respectively. This difference between the estimated λ and the rate calculated from actual numbers could be attributed to immigration of individuals into the study area. If true, this would indicate that individuals were not replacing themselves, but were being replaced by recruits from outside the study population. Earlier estimates of λ from this study area calculated similar trends (λ= 0.947) using only 6 years of data (Noon *et al.* 1992). This six year estimate was not statistically less than 1.0, but the power (ability to detect differences) of this test was low, so the trend of the population was uncertain at the time (Verner *et al.* 1992). Results from the 2001 study (Seamans *et al.* 2001a) expanded the sample size and study period, and increased the statistical power of their test so that their estimate of lambda (0.948) was then found to be statistically less than 1.0.

The use of a surrogate juvenile survival rate in this study may introduce bias into the estimate of λ for two reasons: the Lassen estimate of juvenile survival probably carries certain biases given the inability to consider juvenile emigration in the estimate of juvenile survival, and the Lassen study area may not accurately represent the Eldorado study area. Further, Gutiérrez *et al.* (2001) reports that survey effort for this study area changed over time, and that survey effort can influence density and survival estimates. For this reason, data from the first four years of study were not included in the estimate of survival or reproduction (Seamans *et al.* 2001a analyzed data starting in 1990, not 1986). In a subsequent report (Seamans *et al.* 2001b), the projection matrix estimate of λ was compared to a growth rate calculated from actual numbers of adult females present during the study. The growth estimate from actual numbers was 0.951, and was significantly less than zero. This estimate was calculated using data from 1993 (37 adult females) to 2000 (24 adult females), while the value derived from the projection matrix approach (0.948), which was calculated using data from 1990 to 1999.

The meta-analysis for this study area included 11 years of sampling (1990 to 2000) and encompassed 137 mi^2. The mean λ estimate for this study area was greater than 1.0 (1.042), and was not statistically different from that of a stationary population (λ = 1.0). Examination of annual λ estimates showed a significant decline, and similar to the Lassen study area, adult apparent survival showed no substantive variation or trends through time. No linear trend in fecundity could be identified.

While the projection matrix estimate of λ showed a decline, (and trend in Pradel's annual λ showed a decline), actual counts increased a small amount from 1990 (26 adult females) to 1999 (28 adult females) but decreased from 1993 (37 adult females) to 2000 (24 adult females), and the mean λ estimate using Pradel's method appeared to show a stationary population. Furthermore, there were substantive uncertainties regarding the accuracy of vital rate estimates used in the projection matrix estimate of λ. These results do not allow us to reach a definitive decision with respect to population trend on the Eldorado study area, and we cannot conclude the population is declining.

Sierra Study Area—The Sierra study area was located primarily (92 percent) within the Sierra National Forest, and encompassed the watersheds of the San Joaquin River and the North Fork of the Kings River (Franklin *et al.* 2002). The study area included approximately 263 mi^2, and the boundaries were delineated based on National Forest boundaries and major topographic features such as

ridges and drainages. Spotted owl telemetry studies and intensive surveys began in 1987 and 1990, respectively, on a 160 mi² portion of this study area (old Sierra study area). In 1994, surveys were expanded to include an additional 103 mi² (new Sierra study area; Steger *et al.* 1999). Juvenile survival rate was not calculated using data from this study area. Instead, the juvenile survival rate from the San Bernardino study area (0.328) was used to approximate the Sierra study area's juvenile survival rate.

Using survey data from 1990 to 2000 and the projection matrix method, the annual rate of population change was estimated for the old Sierra study area (1987 to 2000) and both old and new Sierra study areas combined (1987 to 2000). Annual rates of population change for the old Sierra and combined Sierra study areas were 0.897 and 0.901, respectively. These estimates were significantly less than that of a stationary population, and suggested that the territorial female owl population declined about 10 percent annually from 1987 to 2000. For an 11 year period (1990 to 2000), this translates to a population decline of around 60 percent. For the old Sierra study area during 1991 to 2000 (1990 was not examined as survey guidelines were not yet established on the study area), actual owl numbers seemed to corroborate a decline, albeit the drop in numbers was less severe than 60 percent. Owl abundance in 1991 and 2000 were 69 and 55, respectively. These numbers represent a 20 percent decrease, although the accuracy of the count numbers is unknown. The new Sierra study area also showed a decline: actual owl numbers dropped from 37 in 1994 to 29 in 2000.

The meta-analysis for this study area included 11 years of sampling (1990 to 2000) and encompassed 137 mi². The mean λ estimate for this study area was less than 1.0 (0.961), but was not statistically different from that of a stationary population (λ = 1.0). Annual λ estimates showed a weak (nonsignificant) decline, and adult apparent survival showed no substantive variation or trends through time. The Sierra study showed a negative trend in fecundity, which could have been driven by a high reproduction year early in the study.

Although the mean λ was statistically stationary using Pradel's methodology, actual numbers of owls declined; the projection matrix approach showed a decline; there was a negative trend in fecundity; and there was a weak, nonsignificant decline in annual λ estimates (using Pradel's method). It appears that a decline in this study area is possible, but the use of a surrogate juvenile survival rate introduced a bias of unknown proportion, and thus, the magnitude of a possible decline remains uncertain.

Sequoia and Kings Canyon Study Area—The Sequoia and Kings Canyon study area encompassed approximately 130 mi² of land in Fresno and Tulare counties. The majority of the area was located in the Sequoia and Kings Canyon National Parks. Small segments of the study area include the Kings River watershed, but most of the study area was in the Kaweah River watershed (Franklin *et al.* 2002). Surveys in this study area cover 11 years of field sampling (1990 to 2000), but useful data exist from a previous demographic study that began in 1988 (Steger *et al.* 2000). Demographic surveys were conducted on130 mi² of land in this area, and methods for calculating λ were identical to those used for the Sierra study area. The annual rate of population growth using the projection matrix method was estimated to be 0.973, suggesting a decline of 2.7 percent per year. Statistical testing found that λ was not significantly less than 1.0. Actual owl counts during the study period seemed to indicate that the population might be growing, but again, the accuracy of such numbers is uncertain. Owl abundance in 1990 and 2000 were 54 and 64, respectively.

The meta-analysis for the Sequoia and Kings Canyon study area covered 132 mi² during 1991 to 2000. The resulting mean λ estimate was 0.984, but was not statistically different from that of a stationary population. A significant quadratic trend (decline, then increase) was detected for annual λ estimates, but adult apparent survival showed no substantive variation or trends through time. A linear trend could not be identified in fecundity estimates, as fecundity was highly variable through time. Apparent survival for the Sequoia and Kings Canyon study area was significantly higher (0.877) than that of the other study areas combined (0.819).

Lambda estimates using the projection matrix approach and Pradel's method suggest stationary population trends, and actual owl numbers do not show declines. Trend in annual λ estimates also does not show a decline, and apparent survival in this study area was higher than all other study areas examined in this finding. Based on these results, and considering the inclusion of the juvenile survival rate from another study area, we cannot conclude that this population is declining.

San Bernardino Study Area—The San Bernardino study area was located entirely within the San Bernardino National Forest, and comprised all suitable habitat for spotted owls within the mountains. Surveys covering approximately 200 mi² (Big Bear study area) began in 1987, but were expanded in 1989 to cover the entire San Bernardino Mountain range (approximately 730 mi²; San Bernardino Mountains study area; Gutiérrez et al 1999). This study area was unique in that it exists in southern California as a relatively isolated population (Gutiérrez and Pritchard 1990, LaHaye *et al.*1994). Higher elevations in the study area contained forested habitat suitable for spotted owls, while lowland areas of unsuitable desert scrub and chaparral habitats surrounded and isolated the higher peaks (Noon and McKelvey 1992). Early projection matrix studies using four, five, and six years of data estimated significant annual declines during years between 1987 and 1993 (λ = 0.769, 0.827 and 0.860, respectively; LaHaye *et al.* 1992, Noon *et al.* 1992, LaHaye *et al.* 1994). The annual rate of population change for the most recent report we possess was estimated to be 0.91 based on 11 years of data (1988 to 1998; LaHaye *et al.* 1999). This estimate was significantly less than that of a stationary population, and suggested that the territorial female owl population declined nine percent annually from 1988 to 1998. Over the 11-year study period, this rate of decline would translate to a loss of over 60 percent of the population.

Although all forested habitat within the San Bernardino Mountains study area (including unoccupied habitat) was surveyed (Gutiérrez 2001), survey effort increased during the study period. In 1989, 532 total surveys were conducted, whereas in 1998, 1,185 total surveys were conducted (LaHaye *et al.* 1999). This change in survey effort could cause the number of owls observed in any year to be a function of the survey effort instead of an actual trend in numbers. Thus, there is a high likelihood that an assessment of actual owl numbers through time could be biased, and may not accurately represent the true population size in any given year.

The meta-analysis for this study area included 8 years of sampling (1991 to 1998) and encompassed 730 mi². The mean λ estimate for this study area was less than 1.0 (0.978), but was not statistically different from that of a stationary population (λ = 1.0). Examination of annual λ estimates showed a weak (nonsignificant) decline, and as with all other study areas, adult apparent survival showed no

substantive variation or trends through time. No linear trend in fecundity could be identified.

Although the projection matrix approach showed a decline and there was a weak, nonsignificant decline in annual λ estimates using Pradel's method, the mean λ was statistically stationary using Pradel's methodology. This is more meaningful than with the other study areas. Recall that using Pradel's method, the population could appear stationary or growing, even if the population growth is caused by outside immigration. For this study area, recruitment cannot likely be attributed to immigrants entering the study area, as the study area is relatively isolated. Thus, the disparity between the projection matrix estimate and the estimate using Pradel's method could be a result of either (1) measurement error in survival rates of juveniles or adults, or (2) the presence of unlocated floaters in the study area (Franklin 1992). Regardless, we have insufficient certainty as to the status of this population to conclude that it is either declining, increasing, or stationary.

Meta-Analysis Results

The meta-analysis used the Pradel method to evaluate data from various study areas, as described above. The analysis was also applied to some aspects of the population as a whole. The estimated mean lambda for each of the individual studies was not significantly different than 1.0 over the periods analyzed. The meta-analysis did not estimate a mean overall value of lambda for all study areas combined. Examination of trends in annual λ over the periods analyzed for each study area showed no evidence of a trend for the Lassen study, a significant decline for the Eldorado study, a significant quadratic trend (decline, then increase) for the Sequoia and Kings Canyon study, and a weak (nonsignificant) decline for the Sierra study. The overall trend in annual lambda rates for these four Sierra Nevada study areas was declining, then increasing. The trend in annual rates for the San Bernardino study was a weak (nonsignificant) decline for the period analyzed.

Adult survival rate for the Lassen, San Bernardino, Sierra, and Eldorado study areas combined was 0.819, which was substantially lower than the mean estimate (0.850) for adult northern spotted owls across 15 study areas (Franklin *et al.* 1999). Except for the Sierra study area, fecundity estimates for the California spotted owl study areas were so variable through time that linear trends could not be identified. The Sierra study showed a negative trend in fecundity, which could have been driven by a high reproduction year early in the study.

Conclusions—In total, the findings reported above are not conclusive with respect to the population status of the California spotted owl. There is no definitive evidence that the population is decreasing across its range, and various analytical results of the individual study areas are not wholly supportive of conclusions regarding declines in any given study area. Low levels of declines may be occurring in some study areas, but if so, they are not clearly evident using existing analytical techniques. The strongest support for a possible decline is on the Sierra study area, and the strongest support for a possible stationary population is on the Sequoia and Kings Canyon study area. The combined rate of adult survival for all study areas except the Sequoia and Kings Canyon study area may be of concern, as it is substantially lower than that reported for the northern spotted owl. However, Pradel's λ estimate for each study area consistently showed statistically stationary populations, so we cannot conclude that this lower adult survival rate is causing a decline in California spotted owl populations. At this time we have no clear statistical evidence to show that the California spotted owl is declining throughout its range.

Summary of Factors Affecting the Species

Section 4 of the Act (16 U.S.C. 1531 *et seq.*) and the regulations (50 CFR part 424) that implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to the California spotted owl are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

There are two categories of possible threats to the California spotted owl that are related to habitat. The first is the current threat related to the condition of existing populations and habitat, and existing, ongoing habitat modification. The second is the potential threat that may result from future management of habitat.

Threats related to current condition of populations and habitat. Numerous authors have expressed concern over the current status of the California spotted owl, and much of this concern is related to the quality of the habitat available to the subspecies at the present time. The best scientific information available indicates that high survival of spotted owls is achieved by maintaining large, unfragmented areas of suitable habitat (Moen and Gutiérrez 1997, Franklin *et al.* 2000, Blakesley *in litt.*, 2002a). Important habitat components, especially large trees, large snags, and large down logs, are currently in short supply across the range of the California spotted owl (Verner *et al.* 1992b, USFS 2001a). The diameter of nest trees selected by owls in the Sierra Nevada is significantly greater than the average diameters of conifers in the Sierra Nevada. Large trees become future large snags and large downed logs, the latter providing important habitat attributes for some prey species. The length of time required to recover old trees and increase their density over the landscape raises the level of concern associated with their decline (USFS 2001a).

Concern has been exacerbated because, although harvest volume was declining markedly in the 1990s, existing management direction did not appear to be sufficient to arrest completely habitat decline (USFS 2001a), and because, until recently, most of the remaining old growth in national forests in the Sierra Nevada remained in areas available for timber harvest (Franklin and Fites-Kaufmann 1996, Beardsley *et al.* 1999). Thus, Blakesley and Noon (1999) argued that the most positive step that can be taken to reverse apparent declines of California spotted owls would be to increase retention and recruitment of large trees and closed canopy conditions throughout the Sierra Nevada.

Concern also exists because the existing habitat used by California spotted owls appears to be vulnerable to stand-replacing catastrophic fire. Removal of large overstory trees in conjunction with fire exclusion has lead to changes in forest structure that favor spread of high intensity fire. Conifer stands have become denser and composed mainly of trees in small and medium size classes (University of California 1996). The species composition of these forests has also shifted, from more shade intolerant, fire-hardy species such as ponderosa pine and black oaks to more shade tolerant, fire sensitive species such as white fir and incense-cedar (Verner *et al.* 1992, Weatherspoon *et al.* 1992). Similar increases in density and changes in species composition have been documented for coniferous forests of southern California (Weatherspoon *et al.* 1992, Minnich *et al.* 1995). Forests in

southern California were logged significantly into the 1960s (Verner *et al.* 1992a) and have also been affected by intensive fire suppression. Dense stand conditions in California forests have lead to increased tree mortality, due to competition, drought, insects, disease, and, in some cases, air pollution (University of California 1996). The increased density and continuity of young trees together with increased fuels from fire suppression and tree mortality have created conditions favorable to more intense and severe fires (University of California 1996). Over the last 30 years, the annual acreage burned in the Sierra has been about 19,020 ha (47,000 ac), but in the last ten years, that average was 30,756 ha (76,000 ac) (USFS 2001b).

Paradoxically, the growth of understory trees that contribute to the high degree of canopy closure favored by California spotted owls also increases the risk that wildfire might spread into the canopy and destroy the stand. Because fire suppression has increased density of stands in the Sierra Nevada, the possibility exists that it has led to net improvement in owl habitat in some areas (Weatherspoon *et al.* 1992) with resultant increases in spotted owls (Verner *et al.* 1992a). Weatherspoon *et al.* (1992) characterized forests selected by spotted owls as having the structural components favorable for crown fires.

However, in recent years, relatively few California spotted owl sites have been severely impacted by wildfire (USFS 2001a). From 1993 to 1998, only 15 Protected Activity Centers, a 121 ha (300 ac) management area established around all Forest Service owl sites in 1993, burned in wildfires, and three of those remain occupied (USFS 2001a). This possibly is because of the success of initial attacks on wildfires in Sierran mixed conifer types (Weatherspoon *et al.* 1992) or because California spotted owls often occupy relatively moist areas such as northern aspects (Gould 1977, Barrows 1981, Gutiérrez *et al.* 1992, North *et al.* 2000), lower slopes of canyons (Gould 1977, Gutiérrez *et al.* 1992), or areas close to water (Gould 1977) where average fire intervals are longer (Weatherspoon *et al.* 1992). Weatherspoon *et al.* (1992) noted that most of the large fires in the Sierra Nevada had occurred on the eastside and at low elevations on the westside, outside the areas where spotted owls occur.

During development of the SNFPA, the overall concerns regarding the status of the California spotted owl and its old forest habitat were so pervasive that the Forest Service, the primary land manager in the Sierra Nevada, formally adopted the assumption that the owl's population was declining as a basic tenet driving land management direction, and in the SNFPA Record of Decision established that ''The primary objective is to conserve rare and likely important components of the landscape such as stands of mid and late seral forests with large tree, structural diversity and complexity, and moderate to high canopy cover'' (USFS 2001b).

The SNFPA FEIS (USFS 2001a) provided analysis that suggested that many California spotted owl territories might not contain sufficient amounts of suitable habitat to provide for desirable levels of reproduction, based on inferences made from the work by Hunsaker *et al.* (2002) (which was in press at the time of publication of the FEIS). However, during the process of publication of that study, analysis of the data by another Forest Service scientist found that the statistical methodology of Hunsaker *et al.* (2002) was flawed and that the study's conclusion regarding the relationship between habitat and reproductive success could not be supported (Lee 2001). Thus, while the FEIS analysis of the amounts of habitat in home ranges may be of descriptive value, certain of its conclusions as to the possible population implications were not valid. The FEIS reported that, overall, 50 percent of the home ranges contained less than 60 percent of their area in suitable habitat. In the central Sierra Nevada (represented as the Plumas, Tahoe, Eldorado, and Stanislaus National Forests, which contain about 46 percent of the owl sites in the Sierra), 58 percent of the home ranges contained less than 60 percent suitable habitat.

In southern California, recent prolonged drought, particularly on the San Bernardino National Forest, has led to significant mortality in the big-cone Douglas-fir and mixed conifer vegetation types, both of which provide nesting, roosting, and foraging habitat for California spotted owls. The extent of mortality is projected to be 8,094 to 12,140 ha (20,000 to 30,000 ac), much of which is considered suitable nesting/roosting habitat. The San Jacinto Mountains are experiencing especially high mortality. It is anticipated that most of the nesting and roosting habitat in the San Jacinto Mountains will be lost. This area supports about 10 pairs of spotted owls, all of which could be lost (Loe *in press* 2002).

Despite well-founded concerns regarding the current status of the subspecies, there are several factors that suggest that the California spotted owl is not in immediate danger of extinction nor will be in the foreseeable future. These factors include: (1) The subspecies remains widespread and well-distributed throughout its historic range, despite extensive historical effects on habitat and apparent sub-optimal conditions in current habitat; (2) The estimated numbers of the subspecies combined with its wide distribution reduce the likelihood of widespread extirpation due to a catastrophic event; and (3) Although there are analyses that suggest populations may be declining, the population declines are not conclusively demonstrable.

Threats to Habitat from Future Timber Harvest, Catastrophic Fire, and Vegetative Management. With the current status and performance of California spotted owl populations and their habitat in question, the evaluation of potential future threats is a key aspect of this finding. In the following discussion, we evaluate the potential effects of impending management on the habitat of the subspecies.

In this evaluation, we confine the scope of our judgement of the future actions and programs of Federal land management agencies to reasonably foreseeable outcomes of established management direction, rather than more speculative assessment of possible future management scenarios. In particular, and most importantly, this limitation confines us to evaluation of the established management direction for Forest Service lands in the Sierra Nevada, (*i.e.*, SNFPA). As discussed below, we are aware that Forest Service is considering changes in management direction, and that other parties have called for actions that could have more widespread impacts on California spotted owl habitat. However, because such proposals are not incorporated in established management direction, they remain outside the scope of this finding.

Timber harvest on Federal lands in the Sierra Nevada—Timber harvest in coming decades on Forest Service lands in the Sierra Nevada will be governed by the Record of Decision for the SNFPA. The Record of Decision states: ''For each national forest affected by this decision, a revised allowable sale quantity (ASQ) will be established at the time of their Forest Plan Revision. Until those revisions are complete, the total annual Probable Sales Quantity (PSQ) green volume for the 11 national forests is estimated to be approximately 191 million board feet (mmbf) for the next five years, which includes approximately 137 mmbf from the pilot project for the Herger-Feinstein Quincy Library Group (HFQLG). The estimated annual volume for the ensuing five years is approximately 108 mmbf. An

additional 91 mmbf of salvage harvest per year may also be made available (USFS 2001b).

Totaling approximately 282 mmbf per year in combined volume of green and salvage timber harvest for the first five years, this harvest level would be similar to the annual average harvest volume (about 279 mmbf) from Sierra Nevada national forests from FY 1998 to 2000, described above. However, the harvest would be distributed somewhat differently than in past years, as over 70 percent of the green tree volume will be harvested from the three forests (Lassen, Plumas, and Tahoe) involved in the HFQLG pilot project. (Since 1994, the amount harvested from these three forests has ranged from 56 percent to 71 percent of the total harvested from all Sierra forests.) All of the planned harvest would be subject to the SNFPA Standards and Guidelines summarized below. It should be noted that even though the projected volume from the HFQLG pilot project was 139 mmbf per year, the total harvest in the first two years was only about 60 mmbf, primarily as a result of the constraints of the SNFPA and planning delays (Mary Carroll-Martin, USFS, pers. comm. 2003).

Timber harvest on private lands in the Sierra Nevada—Private timber harvest is widespread in the Sierra Nevada. Between 1999 and 2001, 765 timber harvest plans covering 86,685 ha (216,675 ac) within the range of the California spotted owl were submitted (Susan Britting, Sierra Nevada Forest Protection Campaign, *in litt.* 2002). For the foreseeable future, timber harvest on industrial timber lands in the Sierra Nevada will be conducted in compliance with the California Forest Practice Rules. Regulatory aspects of the Sustained Yield Plans (SYP) program are further described in Factor D below.

The primary private industrial timberland owner in the Sierra Nevada is Sierra Pacific Industries, Inc. (SPI), which owns about 376,351 ha (930,000 ac) within the range of the California spotted owl. For the next several decades, SPI's timber harvest will be conducted according to their Maximum Sustainable Production (MSP) plan pursuant to the California Forest Practice Rules (further described in Factor D below). Under this plan, SPI projects an increase of large tree/closed canopy conditions from about 20 percent of the landscape in year one (current condition) to 65 percent in year 80 and stabilizing to 55 percent in year 100. Over the 100 year period, the average diameter of trees increases from 18 in class (current condition) to 32 in class, and projections anticipate maintenance of the higher proportion of larger tree class over time with harvest practices (SPI 1999 a and b).

Timber harvest in southern California—The four southern California National Forests are currently operating under Forest Land and Resource Management Plans that were completed in the late 1980s. As discussed further in Factor D, these plans are in the process of revision. There is not an Allowable Sale Quantity or Proposed Sale Quantity proposed in the Southern California Conservation Strategy. The prolonged mortality of vegetation has resulted in significant build-up of fuels in the San Bernardino National Forest. In order to reduce both a fuel hazard and risk of fire, the San Bernardino National Forest has a number of salvage harvest timber sales currently under contract. Additional sales are being planned and the sale program will respond to continuing and projected mortality (M. Gertsch, USFS, pers. comm. 2002). Timber harvest on these forests will be conducted with California spotted owl protection measures (M. Gertsch, USFS, pers. comm. 2002).

In summary, available information suggests that U.S. Forest Service timber harvest levels in the Sierra Nevada and southern California are not expected to increase substantially above current levels. In addition, the SPI MSP is expected to provide an increasing amount of habitat on that large industrial ownership over the next few decades. Other private lands have not been specifically evaluated, but will be governed under the FPRs, further described below.

Risk of Catastrophic Fire—Weatherspoon *et al.* (1992) identified the following major factors of concern in habitats of California spotted owls in the Sierra Nevada that pertained to fire risk: (1) Ingrowth of shade-tolerant tree species, creating unnaturally dense stands with ground-to-crown fuel ladders; (2) excessive accumulation of surface fuels; and (3) change in composition of tree species from fewer pines and black oaks to more firs and incense-cedar. Such conditions create a tendency towards crown fires that kill most or all trees in an area, which may result in direct mortality of California spotted owls or make the burned habitat unsuitable for the species.

Approximately 39 percent of the California spotted owl sites on national forest lands in the Sierra Nevada occur in areas with high fire hazard risk (USFS 2001a). However, as stated above, the actual loss of owl sites to wildfire has been small in recent years, perhaps due to effective suppression and environmental factors. The annual rate of loss has been only 0.2 percent of the known national forest owl sites in the Sierra (Service 2001). Thus, based on recent rates of loss to catastrophic fire, it could be argued that the risk to the subspecies is not particularly high. Effects at some local levels have been larger; the Plumas National Forest lost 5 percent of protected activity centers (PAC, protected owl nest and surrounding habitat) per year over a recent two-year period (USFS 2001a). It is also argued that the steadily increasing amount of forest fuel creates an ever-increasing risk of large catastrophic fires (Weatherspoon *et al.* 1992).

The Forest Service currently believes that wildfire effects, particularly those associated with large, stand replacing wildfires, are a major source of risk to spotted owl populations (USFS 2001b). This is based on analysis of recent trends in fire occurrence and on the explicit assumption that the recently-observed high rate of large severe fires will continue. Also, the growing concern over the potential for disastrous wildfire effects on human communities has strongly influenced management direction toward reducing fuels in forests in proximity to human communities in the so-called Wildland Urban Interface (WUI). Response to this concern is manifested in nationwide activities under the National Fire Plan (National Interagency Fire Center (NIFC) 2002), which established general guidance and funding for land management agencies and communities involved in fire suppression and fuels reduction.

This recently increased focus on reduction of forest fuels has substantial implications for the California spotted owl, and raises difficult questions about the potential benefits and risks to the subspecies that may result from reduction of forest fuels. In general terms, the situation may be described as follows: In today's forests, the high canopy-cover stands currently much-used by spotted owls are largely a product of sustained fire suppression in stands regenerating after high levels of harvest that occurred several decades ago. The large numbers of small and medium-sized understory trees that create high degrees of canopy cover also act as a potential fuel ladder that can carry fire into the forest crown, where, under some conditions, the fire can spread rapidly and create extensive tree mortality. The competition among many small trees suppresses the rate of growth of the stand into the larger trees that are an important component of high quality habitat for owl nesting and forage

production. More mature habitat features a high degree of foliage volume and canopy cover that begins high above the ground and is not as vulnerable to fire. Thus, the primary technique of fuels reduction, thinning understory trees with mechanical equipment and/or prescribed fire, may have detrimental effects on owl habitat in the short term (10 to 20 years), but may favor development of habitat in the longer term, and may reduce the likelihood of catastrophic fire that could substantially degrade or eliminate habitat.

Tradeoffs between owl habitat lost through treatments versus projected losses to wildfire events are complex and difficult to assess. The effects of vegetation treatments upon owl habitat are mostly immediate and relatively easy to quantify, but reductions in the acreage and intensity of future wildfires due to vegetation treatments will be realized over much longer periods. In addition, due to the random nature of wildfire events, projections regarding future wildfire have greater amounts of uncertainty and are heavily dependent upon assumptions that are difficult to quantify.

In the Record of Decision for the SNFPA, the Regional Forester stated ''Two factors of greatest concern to me are: (1) Ensuring the long term protection and recovery of old forest conditions and the spotted owl and other species (2) being able to ensure that the risk of wildfires within the Sierra Nevada can be managed to protect ecosystems, property and communities' (USFS 2001b). The objective of the SNFPA's conservation strategy for California spotted owls was to provide the environmental conditions needed to establish a high likelihood of maintaining viable populations of the California spotted owl, well distributed across the national forests within the Sierra Nevada planning area. This strategy sought to maintain habitat capable of supporting existing owl populations, stabilize current population declines, and provide increases in owl habitat over time. It was based on providing and improving fundamental components of spotted owl habitat such as: a high foliage volume and complex vegetation structure at nest sites; a high percentage of home ranges in forests with moderate to high cover that are concentrated near nest sites; and habitat for primary prey species, especially the northern flying squirrel.

This objective is to be accomplished through a multi-scale landscape strategy to: (1) Protect and manage allocations called ''Old Forest Emphasis Areas'' to provide large area reserves of high quality spotted owl habitat; (2) conduct surveys for owls where vegetation treatments would occur; (3) establish PACs comprising known and suspected nest stands and the best available 121 ha (300 ac) of habitat around owl activity centers; (4) establish limited operating periods within approximately 0.4 km (0.25 mi) of California spotted owl nest sites during the breeding season (March 1 through August 31); (5) protect and manage individual spotted owl home range core areas (972 ha (2,400 ac) on the Hat Creek and Eagle Lake Ranger Districts of the Lassen National Forest; 405 ha (1,000 ac) on the Almanor Ranger District of the Lassen National Forest, Modoc, Inyo, Plumas, Tahoe, Eldorado, Lake Tahoe Basin Management Unit, and portions of the Humboldt-Toiyabe and Stanislaus National Forests; and 243 ha (600 ac) on the Sequoia and Sierra National Forests) in the ''general forest'' forested areas outside of Old Forest Emphasis Areas; (6) manage the general forest outside of owl core areas to maintain and increase the amount of suitable spotted owl habitat; and (7) address fire hazard and risk by reducing surface and ladder fuels within strategically placed area treatments focusing on the urban wildland intermix zone and Old Forest Emphasis Areas of high hazard and risk (USFS 2001a and b).

Based on the explicit assumption that the California spotted owl was in some degree of population decline, the SNFPA incorporated numerous Land Allocations and Standards and Guidelines (S and Gs) that protect existing owl habitat across the landscape and in the course of implementation of fuels treatments. In general, these measures apply to four landscape level designations. In order of increasing intensity of potential fuels treatment, these designations are old forest emphasis areas, general forest, the urban threat zone, and the urban Defense zone. The most important features of the S and Gs that relate to conservation of California spotted owls are summarized below, based on discussion in the SNFPA Record of Decision (USFS 2001b). More detail is given in the FEIS (USFS 2001a).

Important aspects of the SNFPA allocations and S and Gs include the following:

(1) In forests west of the Sierra crest (westside), all live conifer trees with a dbh of 76 cm (30 in) or greater will be retained. East of the crest, where trees generally do not grow as large or as rapidly, all trees 61 cm (24 in) or greater in the eastside pine forest type will be retained. Montane hardwoods with a dbh of 30 cm (12 in) or greater within westside forest types will be retained. Prescribed burn prescriptions and techniques will be designed to minimize the loss of large trees and down material. The largest down logs will be retained for coarse woody debris outside of the Defense zone of the urban wildland intermix. Forested stands over 2 ha (5 ac) with the largest trees will be maintained to perpetuate their current conditions. Generally, in these stands no trees greater than 30 cm (12 in) dbh will be removed and canopy cover will not be reduced more than 10 percent below current conditions when applying necessary fuels reduction treatments.

(2) Spotted owl PACs will be applied in all designations except the Defense zone of the urban wildland intermix. PACS are to include at least 121 ha (300 ac) of the best available habitat. Total acreage in spotted owls PACs (including non-habitat acreage within the PACs as presently designated) is currently estimated at 243,258 ha (601,116 acres) (K. Barber, USFS, pers. comm. 2003), which is about 12 percent of the forested acreage on national forest lands in the Sierras. Stand-altering activities in spotted owl PACs will be limited to reduction of surface and ladder fuels through prescribed fire treatments. Prior to prescribed burning, known nest trees and trees in the immediate vicinity will be protected by hand line construction, tree pruning, and cutting of small trees within a surrounding 0.4 to 0.8 ha (one to two ac) area. Activities that could disturb nesting would be prohibited within 402 meters (0.25 mi) of nests within the breeding season unless it is demonstrated that nesting is not occurring. Vegetation treatments will occur in no more than 5 percent per year and no more than 10 percent per decade of the California spotted owl PACs.

(3) Spotted owl home range core areas will be applied around all PACs, except in the Threat zone as described below. Generally, fuel treatments in home range core areas will be limited to prescribed fire or low intensity mechanical treatments for the removal of material necessary to reduce surface and ladder fuels sufficient to achieve an average flame length of 2 m (6 ft) or less if the stand were to burn under 90th percentile fire weather conditions. Fuels treatment measures will be similar to those described in the following discussion of Old Forest Emphasis Areas (USFS 2001a and b).

(4) Old Forest Emphasis Areas will be established, totaling over 1,618,712 ha (4,000,000 ac). Currently, about 70 percent of the acreage in these areas is suitable owl habitat (USFS 2001a and b); thus, about 65 percent of the

estimated 1.7 million ha (4.3 million ac) of existing habitat on national forests in the Sierras is within the Old Forest Emphasis Areas. About 49 percent of the California spotted owl sites known on national forest lands in the Sierras lie within old forest emphasis and wilderness areas. Additionally, all stands of high quality habitat outside old forest emphasis areas (*i.e.,* California WHR types 5M, 5D, and 6) will also be identified and protected.

Several protective prescriptions apply in old forest areas, based on their location with respect to other management needs. Where possible, managers are directed to avoid applying the ''strategically placed landscape fuel treatments'' in Old Forest Emphasis Areas. However, placement of these strategic fuel treatments may be required within Old Forest Emphasis Areas to minimize the risks to human life and property, sensitive resources, or protect the Old Forest Emphasis Area from loss to wildfire. In Old Forest Emphasis Areas (as in spotted owl home range core areas), fuel treatments will be limited to the removal of material necessary to reduce surface and ladder fuels sufficient to achieve an average flame length of 1.8 m (6 ft) or less if the stand were to burn under 90th percentile fire weather conditions.

When treatments are necessary within Old Forest Emphasis Areas, prescribed fire is the first priority to achieve the fuels objectives, rather than mechanical treatment. When prescribed fire will not achieve fuels objectives, mechanical thinning of understory trees less than 30 cm (12 in) dbh will be used to achieve the fuels objectives. However, in some instances those treatments will not achieve the fuels objectives due to existing stand conditions. In those situations incidental mechanical thinning of trees up to 51 cm (20 in) dbh and canopy reductions of up to 20 percent may be conducted in 28 to 61 cm (11 to 24 in) dbh stands with greater than 40 percent canopy cover. An additional analysis of suitable owl habitat will be conducted before applying the mechanical thinning of up to 51 cm (20 in) dbh and canopy reductions of up to 20 percent prescription in Old Forest Emphasis Areas. This prescription may only be utilized when sufficient suitable owl habitat exists to satisfy the requirements of a home range core area within 2.4 km (1.5 mi) of the nest site or activity center. This site specific analysis will be documented in the project environmental assessment. A minimum of 50 percent canopy cover will be retained on the westside and 30 percent will be retained on the eastside following any mechanical fuel treatments in Old Forest Emphasis Areas;

(5) The General Forest designation is that area outside of other designations. It consists of about 1.69 million ha (4.17 million ac) (after subtraction of overlapping allocations with higher priority). In the General Forest lands, spotted owl home range core areas and PACs are protected as described in the previous paragraphs. Within General Forest that is outside spotted owl PACs and home range core areas, no trees greater than 51 cm (20 in) dbh will be removed and canopy cover will not be reduced more than 20 percent below current conditions. A minimum of 50 percent canopy cover will be retained on the westside and 30 percent will be retained on the eastside following mechanical treatments. The four largest snags per acre over 38 cm (15 in) dbh will be retained.

(6) The threat zone of the urban wildland intermix consists of all areas on Forest Service lands that are between 0.4 km (0.25 mi) and 2.4 km (1.5 mi) of human structures. Recent analysis indicates that this area contains over 849,823 ha (2,100,000 ac) or about 18 percent of the national forest lands in the Sierra Nevada (K. Barber, USFS, pers. comm. 2003). The FEIS stated that about 32 percent of the known activity centers occurred within the threat zone (USFS 2001a). The threat zone overlaps about half of the California spotted owl PACs (an indication of the extensive spread of human development in the region), and about 29 percent of the total PAC acres are overlapped by the threat zone. Generally, no trees greater than 51 cm (20 in) dbh will be removed, and canopy cover will not be reduced more than 20 percent below current levels in the threat zone. A minimum of 50 percent canopy cover will be retained on the westside and 30 percent will be retained on the eastside. The four largest snags per acre over 38 cm (15 in) dbh will be retained. Strategically placed landscape treatments will be implemented to achieve fuels objectives within the Threat zone. Spotted owl PACs will be established and managed as described in (2) above, but, in an effort to balance the need for effective fuels reductions treatments with conservation of owl habitat, the S&GS did not establish home range core areas in the Threat zone. Instead, site-specific analysis will determine whether sufficient suitable habitat exists to satisfy the requirements of a home range core area within 2.4 km (1.5 mi) of the nest site or activity center. Where sufficient habitat will remain within that area, fuels treatments that remove trees up to 51 cm (20 in) dbh and reducing canopy cover by up to 20 percent, but resulting in no less than 50 percent canopy cover post-treatment, may be utilized outside of PACs in 28 to 61 cm (11 to 24 in) dbh stands with greater than 60 percent canopy cover. Otherwise, the treatment will be constrained to removal of trees less than 30 cm (12 in) dbh. The site-specific analysis will be documented in the project environmental assessment.

(7) The Defense zone of the Urban Wildland Intermix includes those areas of national forest land that are within 0.4 km (0.25 mi) of human structures. The most recent available estimate indicates that the Defense zone totals about 137,995 ha (341,000 ac) of national forest lands (K. Barber USFS pers comm. 2003), representing about three percent of the national forest lands in the Sierra Nevada. About 4.0 percent of the California spotted owl activity centers in the Sierra Nevada occur within the Defense zone (USFS 2001a). The Defense zone overlaps portions of about half of all California spotted owl PACs on Sierra national forest lands, but, based on experience in early implementation of the SNFPA, the Defense zone includes only about 4 percent of the total PAC acreage, as a result of its narrow, linear form (K. Barber USFS pers comm. 2003). This area is the highest priority for fuel treatments, and the relatively intensive treatments allowed in this zone may result in stands that are not suitable for California spotted owls. In the Defense zone, mechanical treatments will be prohibited within a 152 m (500-foot) radius buffer around a spotted owl nest site or activity center.

(8) Vegetation treatments will occur on no more than 30 to 40 percent of each watershed. These vegetation treatments will result in stand conditions meeting the definition of suitable owl habitat.

Effects of The Quincy Library Group Pilot Project—In 1998, the HFQLG designated areas on the Lassen, Plumas, and Tahoe National Forests that would be treated for creation of a landscape-based fuels reduction program. The Record of Decision for the SNFPA (USFS 2001b) directed that all SNFPA S and Gs applying to California spotted owls will be implemented in the HFQLG pilot project, resulting in the inability to carry out about ten percent of the Defensible Fuel Profile Zones that had been proposed in the original HFQLG Environmental Impact Statement (USFS 2001b). As stated earlier, the expected harvest volume of 138 mmbf per year from the HFQLG area would be less than the amount

harvested on the three forests during the late 1990s. However, in the first two years of implementation, the project has harvested a total of about 60 mmbf (M. Carroll-Martin, USFS, pers. comm. 2003), so anticipated effects described in the FEIS, which included a decrease in owl habitat of 5 to 8 percent (USFS 2001a), may be occurring at a slower rate than anticipated.

Effects of future habitat modification by fuel treatments and wildfire—Under the SNFPA, fuel treatments will be applied on a relatively small portion of the Sierra Nevada. Prescribed fire treatments would be used on less than six percent of the forested area; prescriptions thinning trees below 30 cm (12 in) dbh on about three percent; thinning of trees 30 to 51 cm (12 to 20 in) dbh on less than one percent; and thinning of trees over 51 cm (20 in) dbh on less than one half of one percent (derived from data in USFS 2001a and K. Barber, USFS, pers comm. 2003) However, because spotted owl habitat is in a condition that favors the spread of intense wildfire, many of the treatments will be focused on spotted owl habitat.

According to a database of treatments projected to occur over the next 20 years provided to us by the Forest Service (Service 2001), SNFPA mechanical treatments will treat approximately 25 percent of suitable owl habitat in the Sierras. However, these treatments will not be equally distributed among the forests. Mechanical treatments on the Lassen, Plumas, and Tahoe National Forests (forests comprising the QLG pilot project area) will treat 31, 28, and 31 percent, respectively, of spotted owl habitat.

According to the SNFPA FEIS (USFS 2001a), only a small amount of spotted owl habitat is expected to be rendered completely unsuitable by fuels treatments and wildfire. The total habitat area projected to be lost to both causes in the first decade is about 26,304 ha (65,000 ac) and in the second decade, about 23,876 ha (59,000 ac). The projection for the second decade is less because the most intense fuels treatments will take place in high risk areas in the first decade. In total, this loss would represent about three percent of the estimated existing habitat over the next twenty years. On a landscape basis, this loss will be overcome by a projected overall increase in high quality habitat of about 13 percent over the next fifty years (USFS 2001a). This increase is expected to occur as today's young and mid-aged stands mature into larger size classes, assisted by the thinning and reduction in intense wildfire that are among the objectives of the SNFPA. Habitat suitability for the primary prey species, the northern flying squirrel and dusky-footed woodrat, is also projected to increase (USFS 2001a).

The primary area where fuel treatments would remove large trees and reduce canopy cover to the point of unsuitability for owls would be the Defense zone of the wildland/urban interface. The FEIS estimated that about four percent of the known spotted owl activity centers fell within the Defense zone (USFS 2001a). More recent analysis indicates that the Defense zone overlaps some portion of 21 percent of all PACs; and Defense zone prescriptions could apply on an average of 35 ha (86 ac) of those affected PACs. However, only about four percent of the overall PAC acreage in the Sierra Nevada occurs within the Defense zone (Klaus Barber, USFS, pers. comm. 2003), so this effect should be limited.

While the S and Gs provide some protection for a 152 m (500-foot) radius (about 7 ha (18 ac)) around known activity centers that are found in the Defense zone, canopy cover in the remainder of the Defense zone could potentially be reduced to the point that it will probably be unsuitable for nesting, roosting, or foraging by spotted owls. The portion of those PACs that will actually be changed from suitable to unsuitable is unknown; this will depend on the original condition and the site-specific treatment. This effect could lead to reduced productivity on these sites through reduction of foraging habitat (Blakesley *in litt.* 2002a, Bart 1995a). While the fuel treatment prescription for the Defense zone could potentially be applied on over 137,591 ha (340,000 ac) only about seven percent of the Defense zone area overlaps PACs. The Defense zone treatments will also affect foraging areas that are associated with other more distant PACs, but this effect should be limited to a relatively small proportion of the foraging area by the narrow linear nature of the Defense zone.

During the early decades of SNFPA implementation, less severe habitat modification by fuel treatments and wildfire outside the Defense zone will be considerably more extensive. This habitat modification will probably be the most important factor affecting California spotted owl populations in the next few decades, and such, needs careful evaluation in this finding.

In general, treatments that remove habitat features such as large trees, snags, logs, and woody debris or that reduce canopy cover may be detrimental to California spotted owls, at least until these features can be regenerated by continuing growth of forest stands. As described in previous sections, large trees, high degrees of canopy closure, and large snags and logs are associated with owl nesting, roosting, and foraging habitat, and with the habitat of their primary prey in much of the Sierra, the northern flying squirrel. Alternately, treatments that retain sufficient canopy cover and habitat features to support California spotted owls, while at the same time reducing the risk of catastrophic fire, may benefit the species (Weatherspoon *et al.* 1992, Larry L. Irwin and Jack Ward Thomas, National Council for Air and Stream Improvement, Inc., *in litt.* 2002).

The primary aspects of fuel treatments that would potentially affect spotted owl habitat are (1) removal of trees larger than 51 cm (20 in.) diameter, which may reduce numbers of existing and potential nesting trees and large diameter snags and logs, with an accompanying reduction of canopy cover; and (2) removal of trees 30 to 51 cm (12 to 20 in.) in diameter, with resultant reduction in canopy closure, and perhaps to a lesser degree, reduction in numbers of existing nest trees and recruitment of potential nesting trees and large diameter snags and logs.

Throughout the area of the SNFPA, a general S&G precludes the removal of any tree over 76 cm (30 in.) dbh. The prescriptions that would allow any extensive harvest of trees of over 51 cm (20 in.) dbh (except for incidental removal for operability) are confined to the Defense zone. In addition, outside the Defense zone, removal of trees over 51 cm (20 in.) dbh would be limited to moderate quality habitat (*i.e.*, CWHR 4M and 4D) in the threat zone where this zone overlaps Old Forest Emphasis areas or where home range core areas exceed a habitat quantity standard. Thus, except for possible eventual long-term effects on recruitment of large trees that might result from continued extensive thinning of small understory trees (Franklin and Fites-Kaufmann 1996), most effects of the SNFPA on large trees are confined to the Defense zone and, with limitations, to other areas outside PACs only if their removal is necessary to allow mechanical treatments.

Therefore, since effects on large trees are limited, most of the effects of the SNFPA would be anticipated to result from the harvest of trees in the 30 to 51 cm (12 to 20 in.) size class. A small minority of spotted owl nests have been found in trees in this size class (USFS 2001a), but all known nest sites will be protected, so loss of existing nest trees is not expected. Trees in this size class also contribute to roost sites, but most

breeding season roost sites would be expected to be contained within PACs, where no mechanical treatments will be allowed. Thus, loss of these trees in breeding season roost sites would be confined to the Defense zone and to effects of prescribed fire in those areas of PACs where managers could use fire without important effects.

As a result of the above protections, the primary effect of removal of trees 30 to 51 cm (12 to 20 in.) dbh will be in foraging areas, rather than at nest sites. Because the home range core areas receive the heaviest foraging use, the effects could be most important there, but everywhere outside the Defense zone, except in the threat zone outside home range core areas and PACs, trees 30 to 51 cm (12 to 20 in.) dbh will only be removed when sufficient habitat exists within 2.4 km (1.5 mi) to meet the core area habitat requirements. Thus, effects on spotted owls due to removal of trees 30 to 51 cm (12 to 20 in.) dbh are expected to be limited.

Another important effect of fuel treatments may be reduction in canopy closure. In the Defense zone, the canopy closure could be reduced to a level below the 40 percent threshold that defines habitat suitable for use by spotted owls, although according to the Forest Service, this area is often left at about 40 percent to obtain the benefits of shade in the fuel break (K. Barber, USFS pers. comm. 2003). In the threat zone, canopy cover may be reduced not more than 20 percent below current levels, and not below 50 percent cover; and in home range core areas in that zone, may not be reduced unless sufficient habitat exists within 2.4 km (1.5 mi) to meet the core area habitat requirements. In General Forest that is outside PACs, home range core areas, and patches of high quality habitat (where cover could be reduced by no more than 10 percent), canopy may be reduced by 20 percent, but generally not to lower than 50 percent cover. In westside home range core areas, and in Old Forest Emphasis areas, canopy cover may be reduced not more than 10 percent from existing levels unless habitat standards are met, and not below 50 percent cover overall.

As a result of the above measures, opportunities for reduction of canopy closure by more than 10 percent outside the Defense zone would be limited to areas outside home range core areas unless the habitat standards are met. Where the habitat standard is met, the degree of reduction would not exceed 20 percent, and would not go below 50 percent overall unless the stand was already below 50 percent canopy closure. Reduction of canopy closure by 20 percent would potentially reduce opportunities for nesting in areas where nesting does not currently occur, at least for the short term, but these prescriptions would not apply in areas designated as PACs or in any home range core areas that do not exceed the habitat standard. In all areas except the Defense zone, habitat that currently has a degree of canopy closure suitable for foraging use would retain that character after treatment.

Reduction in canopy closure might potentially have important effects on survival and reproduction of spotted owls, especially related to effects of exposure to weather and modification of forage species habitat. Potential effects of weather on adult and juvenile survival (Franklin *et al.* 2000, North *et al.* 2000) would be largely avoided in 121 ha (300-ac) PACs around all known nest sites and activity centers, where only prescribed fire is allowed to treat surface and ladder fuels, and where effects to overstory canopy would be expected to be minimal. Fuel treatments in PACs would occur only in 5 percent of PACs per year and 10 percent per decade.

In addition, reduction in canopy closure might have effects on occupancy and reproductive success of California spotted owls. North *et al.* (2000) reported on the positive influence of high foliage volume around nest sites on owl reproduction. Effects on this attribute would not be anticipated from fuel treatments under the S and Gs. Hunsaker *et al.* (2002) reported that California spotted owl reproductive success was correlated with degree of canopy cover within several radii around nests, and thus, it might be inferred that even relatively small reductions in canopy cover by fuel treatments in foraging areas could reduce reproductive success. However, prior to publication of Hunsaker *et al.* 2002, during the process of publication of that study, analysis of the data by another Forest Service scientist (Lee 2001) found that the statistical methodology of Hunsaker *et al.* (2002) was flawed, and thus, the above inference cannot be supported. The analyses of the data by both Hunsaker *et al.* (2002) and Lee (2001) found that canopy cover of at least 50 percent was desirable; that level would be maintained by the S and Gs in all areas but the Defense zone. Blakesley (2002a) reported that amount of habitat above 40 percent canopy cover was positively correlated with owl reproduction, but did not evaluate differences between increments of canopy cover. Outside the Defense zone, treatments would not reduce higher degrees of cover to below the 40 percent level.

In many cases, the renewed growth of the crowns of the remaining stand after thinning would be expected to fill in the canopy cover within one to two decades, so effects of reduction in canopy closure due to thinning of understory trees might be temporary. Additionally, the extent of such effects would be tempered by the limitation on fuel treatments to less than 40 percent of watersheds (outside the Defense zone), and by the direction to focus treatments on the upper two-thirds of slopes.

The Service concludes that no available data firmly indicate that the removal of trees and the reduction in canopy cover as prescribed by the SNFPA S and Gs and described above would have substantial negative effects on California spotted owl reproduction and occupancy, except in the Defense zone. This does not mean that negative effects would not occur. Such effects are possible, and researchers have suggested that subtle effects could be important if they occur on a wide scale (Noon *et al.* 1992). Substantial scientific uncertainty remains regarding the effects of fuel treatments in PACs and foraging areas. However, in the absence of demonstrated effects, and considering that the potential negative impacts are also accompanied by the positive effects of fire risk reduction and faster development of high quality habitat, we find that the timber harvest and fuel treatments proposed under the SNFPA do not constitute a significant threat to the California spotted owl at this time.

Fire on nonfederal Lands—The California Department of Forestry and Fire Protection (CDF 2002) reported that over 47,347 ha (117,000 ac) of nonfederal lands burned in 2002 and that for the most recent 5 year period (1998 to 2002) an average of 47,347 (117,000 ac) of nonfederal lands burned per year (CDF 2002). However, these statistics are not broken down by habitat type and, thus, do not provide an indication of losses for forest lands or spotted owl habitat.

In general, risk of catastrophic fire is probably lower on industrial timber lands than on many Federal forest lands, as a result of more active management, especially thinning, in recent decades. Risk varies on timber lands in other private ownership, according to the degree of timber harvest and fuel reduction.

Threats From Urbanization

Residential development, both through growth of communities and construction of dispersed residences,

poses a threat to California spotted owls by removing and fragmenting suitable habitat for the spotted owl and can remove habitat for prey species, especially woodrats. Residential developments also introduce and increase urban adapted predators (cats, dogs, skunks, racoons, ravens, crows) into spotted owl habitat; these predators may kill fledgling spotted owls in the nest or on the ground before they are capable fliers. Fires within the range of the California spotted owl, which could result in the loss of habitat, are more likely to be human caused, especially at the urban interface (NIFC 2002).

Development that is most likely to result in the loss of spotted owl habitat is occurring on private land in the lower elevation foothill areas of the Sierra Nevada and in southern California (Verner *et al.* 1992a). Statistics for nine of fifteen Sierra Nevada counties within the range of the California spotted owl show these counties are currently experiencing varying degrees of urban expansion, and have projected population growth rates from 0.7 percent in Sierra county to 6.2 percent in Calaveras county (Sierra Business Council 1997). The amount of private versus public lands in the Sierra Nevada and southern California portions of the range varies widely by county. The Sierra Nevada Ecosystem Project (1996) core analysis area encompassed almost 8.5 million ha (21 million ac) in the Sierra Nevada, of which 61 percent is Federal and 38 percent is nonfederal lands. Estimates from the Sierra Business Council (1997) indicate that for the nine Sierra Nevada counties in the range of the spotted owl they analyzed, an average of 46 percent is private land. These studies do not identify specific habitat types within ownerships; however, we assume higher elevation (greater than 3,000 ft) lands that are predominately in Federal ownership are at a lower risk of loss due to urbanization, while lower elevation (less than 3,000 ft) lands, in private ownership are more likely at risk of habitat loss. Some information is available on the ''projected'' amount of land planned for development by county as specified in their General Plans, however, these accounts are not sufficiently detailed to identify habitat types that are planned for development. McBride *et al.* (1996) looked at the impacts of development in specific habitat types in selected areas in five counties in the Sierra Nevada. Their results indicated there was a decrease in crown cover and tree density and an increase in impervious surface; however, no estimates were given for the rate or amounts of habitat lost overall.

Direct and indirect loss and degradation of habitat of California spotted owls and their prey is expected to continue in mid and lower elevation zones of the Sierra Nevada and southern California ranges through residential development (Laymon 1988, Verner *et al.* 1992b), harvest of hardwoods for firewood production (Laymon 1988, Verner *et al.* 1992b), human disturbance, and other consequences of development because these are among the fastest growing areas in California (Laymon 1988, McKelvey and Weatherspoon 1992). Suitable habitat scattered among houses and housing developments was not found to be occupied by California spotted owls in southern California, although areas adjacent to these developments contained dense and productive populations of the subspecies (Gutiérrez 1994). As a result, development has the potential to further impair effective dispersal among isolated populations (Ruth and Standiford 1994). In the San Bernardino Mountains, development is likely to first occur at low elevations. Urbanization has similar negative implications for Sierra Nevada spotted owls that migrate to lower elevations in the winter (Laymon 1988, Verner *et al.* 1992b).

In southern California, the mountain ranges occupied by California spotted owls probably act as habitat islands with limited dispersal between them. Under natural conditions, if the spotted owl population of one island were reduced or eliminated, that population could be sustained or reestablished through immigration from another island. As a result, a concern is that individual populations of California spotted owls, for example, those in southern California, could become isolated from other parts of the subspecies' range, for example the Sierra Nevada. As urbanization between mountain ranges continues, habitats there may be made unsuitable to support dispersing California spotted owls, eliminating immigration and potentially leading to extirpation of one or more subpopulations (Verner *et al.* 1992).

It is evident urbanization and loss of spotted owl habitat is occurring, especially in the Sierra Nevada foothills and in southern California. This development is occurring within a variety of habitat types including agricultural, grassland, as well as woodlands, and conifer forest types used by spotted owls. Development is limited in some respects by county general planning efforts that guide development for a specified planning period. Based on the limited amount of information available we cannot conclude the loss of spotted owl habitat is significant nor are the threats from urbanization immediate.

Miscellaneous Habitat Factors. There are several minor or lesser known factors that may influence spotted owl survival. Each is discussed below.

Riparian forests are important habitats for California spotted owls in southern California (Verner *et al.* 1992a). Diversion of surface waters and pumping of groundwater depletes water from streams upon which such habitats depend. Therefore, such development may lead to loss of habitat in some areas and therefore extirpation of California spotted owls in those areas (Verner *et al.* 1992a).

During the late 1800s, heavy grazing of surface fuels by livestock may have reduced the influence or extent of wildfires (University of California 1996), and subsequent ingrowth of vegetation on denuded soils may have contributed to the heavy fuel loading and tendency towards catastrophic fire now found in much of the California spotted owl's range. Currently, livestock grazing may impact spotted owls by removing cover used by prey species, especially brush used by woodrats (Verner *et al.* 1992b).

Recreation is the fastest growing use of the national forests (USFS 2001a). The construction of facilities used for recreation, including campgrounds, trails (foot, horse, and off highway vehicle), roads, ski resorts, and cabins has likely contributed to the destruction and fragmentation of California spotted owl habitat. In addition to habitat loss, recreational activities have the potential to disturb spotted owls and thereby adversely affect their survival and reproduction (Service 2001). The effect of recreation on owls is poorly understood and may be an increasing threat to California spotted owls, especially in southern California (Noon and McKelvey 1992).

Sudden oak death is a tree disease caused by the pathogen *Phytophthora ramorum.* It infects a variety of trees, including true oaks (*Quercus* spp.), California bay laurel, tanoak, and madrone (CDF 2002). Some trees are killed by the disease, while others survive but serve as hosts. The disease can be found in 11 coastal counties outside the range of the California spotted owl and only one within the range (Monterey) (CDF 2002, UC Berkeley, *in litt.* 2002, Endicott 2002). The extent to which the disease may spread and the number of tree species it may affect remain undetermined. California spotted owls are forest

species, thus, tree deaths caused by this pathogen may pose a threat to owls or their prey species.

In summary, threats affecting the California spotted owl's habitat by themselves, or in combination with other factors, do not seem to pose now or in the foreseeable future a significant threat to the continued existence of the California spotted owl such that it warrants listing.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

We found no evidence that overutilization for commercial, recreation, scientific, or educational purposes is a threat to the California spotted owl. Research by Federal and State agencies, and various public institutions and private groups is conducted on the California spotted owl, but such research is not known to have a negative effect on the species. We are aware that northern spotted owl sites are visited by ecotourists (Sacramento Bee, October 27, 2002) and photographers, but we are not aware of such visits to California spotted owls. Therefore, we believe that overutilization for commercial, recreation, scientific, or educational purposes does not pose a threat to the continued existence of the California spotted owl.

C. Disease or Predation

Little is known regarding disease in California spotted owls (Verner *et al.* 1992b, Gutiérrez *et al.* 1995). They have a high infection rate by blood parasites, with 76 individuals examined showing 100 percent infection with one or more of *Haemoproteus noctuae, H. syrnii, Leucocytozoon ziemanni, Trypanosoma avium,* microfilariae, and/or *Atoxoplasma spp* (Verner *et al.* 1992b, Gutírrez *et al.* 1995). However, survival rates are high even where blood parasite infection rates are high (Verner *et al.* 1992b, Gutírrez *et al.* 1995). Infection by parasitic worms has been documented in northern spotted owls, including round worms, flat worms, and spiny-headed worms (Verner *et al.* 1992b, Gutírrez *et al.* 1995); and similar infections are likely in the California subspecies. External parasites have also been recorded in California spotted owls, including louse flies (*Icosta americana*) and chewing lice (*Strigiphilus spp*).

In 1999, a strain of the West Nile Virus (WNV) that has a high fatality rate in some birds was discovered in the eastern United States and more recently has infected humans in California (Russell 2002 and CDC 2002). WNV has been detected in dead birds of at least 138 species, although cause of death was not conclusively attributed to WNV (CDC 2002). Although birds, particularly crows and jays, infected with WNV can die or become ill, most infected birds do survive (CDC 2002). WNV is amplified during periods of adult mosquito blood-feeding by continuous transmission between mosquito vectors and bird reservoir hosts. Infectious mosquitoes carry virus particles in their salivary glands and infect susceptible bird species during blood-meal feeding. Bird reservoirs can sustain an infectious viremia (virus circulating in the bloodstream) for one to four days after exposure, after which these hosts develop life-long immunity. A sufficient number of vectors must feed on an infectious host to ensure that some survive long enough to feed again on a susceptible reservoir host.

In 2002, WNV activity has spread to most eastern and mid-western states, with 113 cases and 5 human deaths as of August 8, 2002 (United States Geological Service (USGS) 2002). We are not aware of any infection of spotted owls by the virus, but WNV has been found to infect the closely related barred owl (USGS, *in litt.* 2002), and may pose a threat to spotted owls.

Natural predators are discussed under Natural Mortality in the Life History section, above. Natural predation probably has little effect on healthy populations. However, as populations become smaller and more fragmented, the impacts of natural predation may also become significant. Also, the invasion of a new competitor and possible predator, the barred owl, is discussed in Factor E.

In summary, disease or predation factors by themselves, or in combination with other factors, do not seem to pose now or in the foreseeable future a significant threat to the continued existence of the California spotted owl such that it warrants listing.

D. The Inadequacy of Existing Regulatory Mechanisms

Existing regulatory mechanisms that could provide some protection for the California spotted owl include: (1) Federal laws and regulations including the Migratory Bird Treaty Act (16 U.S.C. 703–712), the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528–531), the Wilderness Act of 1964 (16 U.S.C. 1131–1136), the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C 1601–1614, §§ 1641–1647), and the Sierra Nevada Forest Plan Amendment (USFS 2001a and b); and (2) State laws including the California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 *et seq.*), the California Forest Practice Rules (14 C.C.R. § 895 *et seq.*), and the California Fish and Game Code §§ 1 *et seq.* Local land use processes and ordinances are subject to CEQA.

Federal

The Migratory Bird Treaty Act (MBTA) prohibits ''take'' of any migratory bird. ''Take'' is defined as to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect . However, no provisions in the MBTA prevent habitat destruction except that causing direct mortality or destruction of active nests.

The Wilderness Act of 1964 established a National Wilderness Preservation System made up of federally owned areas designated by Congress as ''wilderness areas'' for the purpose of preserving and protecting designated areas in their natural condition. Commercial enterprise, road construction, use of motorized vehicles or other equipment, and structural developments are usually prohibited within designated wilderness areas. The Wilderness Act has protected some California spotted owl habitat from development or other types of habitat conversions; however, it does not have any provisions specific to the protection of the species.

The National Environmental Policy Act of 1969, as amended (NEPA), requires all Federal agencies to formally document and publicly disclose the environmental impacts of their actions and management decisions. NEPA documentation is provided in either an environmental impact statement, an environmental assessment, or a categorical exemption, and may be subject to administrative or judicial appeal. The Forest Service considers the California spotted owl a species of concern. Therefore, part of the analysis generated by the Forest Service to direct management decisions under NEPA may include a biological evaluation that discloses potential impacts to species of concern on a project by project basis.

The Multiple-Use Sustained-Yield Act of 1960, as amended, (MUSY) provides direction that the national forests be managed using principles of multiple use and to produce a sustained yield of products and services. Specifically, MUSY provides policy that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes. Land management for multiple uses has inherent conflicts.

However MUSY directs resource management not to impair the productivity of the land while giving consideration to the relative values of the various resources, though not necessarily in terms of the greatest financial return or unit output. MUSY provides direction to the Forest Service that wildlife, including the California spotted owl, is a value that must be managed for, though discretion is given to each forest when considering the value of this species relative to the other uses for which it is managing. Although MUSY could provide some protection for the owl, it does not have any provisions specific to the conservation of the owl or its habitat.

The Forest Service also manages national forests under the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA) as amended by the National Forest Management Act of 1976 (NFMA). Implementing regulations for NFMA (36 CFR 219.20(b)(i)) require all units of the National Forest System to have a land and resource management plan (LRMP). The purpose of the LRMP is to guide and set standards for all natural resource management activities over time. NFMA requires the Forest Service to incorporate standards and guidelines into LRMPs, including provisions to support and manage plant and animal communities for diversity, and the long-term range-wide viability of native and desired non-native species. Standards and guidelines are based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives.

Beginning in 1991 and culminating with the signing of the Record of Decision for the Sierra Nevada Forest Plan Amendments in 2001, the Forest Service initiated several Sierra Nevada-wide planning efforts to maintain viability of California spotted owls on national forest land. These efforts gathered and analyzed technical information as well as developed and refined management direction. These efforts included a technical assessment of the current status of the California spotted owl and issuance of interim guidelines (Verner *et al.* 1992a) for protecting California spotted owl habitat in January of 1993. The guidelines were adopted as the 1993 California Spotted Owl Sierran Province Interim Guidelines Environmental Assessment and incorporated as amendments into the Forest Service's Land and Resource Management Plans.

These guidelines were intended to maintain management options and short-term population viability for the California spotted owl in the short term (maximum of five years; Verner 1999) until a conservation strategy for the owl was developed. The primary objectives of the interim guidelines were to protect known nest stands, protect large old trees in timber strata which provide suitable owl habitat, and reduce the threat of stand-destroying fires. However, they allowed degradation of suitable nesting and roosting habitat by allowing timber harvest (except in protected activity centers and some acreage in spotted owl habitat areas) to reduce canopy cover to 40 percent in timber types selected by owls and below 40 percent in other types used by owls according to their availability on the landscape. The estimated time of recovery of these treatments was five years. Under the interim guidelines, no mechanism existed to evaluate cumulative impacts of timber harvest on California spotted owls in national forests. After 1993 when baseline surveys for the species were completed within Forest Service managed lands, forest management continued without further requirements to survey for the owl.

In 1995 the Forest Service released a draft environmental impact statement (EIS) for a long-term management plan for California spotted owl habitat. Final direction was not issued due to new scientific information provided by the Sierra Nevada Ecosystem Project (SNEP) report released in 1996. In 1998 the Forest Service initiated a collaborative effort to incorporate new information from the SNEP report into management of Sierra Nevada national forests. This effort became known as the Sierra Nevada Framework for Conservation and Collaboration (Framework).

As part of the Framework, the Forest Service developed the SNFPA Environmental Impact Statement, for which a record of decision was issued on January 12, 2001 (USFS 2001b). This effort amended the land and resource management plans of Forest Service administered lands addressed by the Framework. The SNFPA addresses five problem areas: old forest ecosystems and associated species; aquatic, riparian, and meadow ecosystems and associated species; fire and fuels; noxious weeds; and lower westside hardwood ecosystems. The SNFPA included a conservation strategy for California spotted owls, which replaced the interim guidelines.

Subsequent to the establishment of management direction by the Record of Decision of the SNFPA, Region 5 of the Forest Service has undertaken two efforts that may result in changes in the anticipated impacts of the SNFPA. The first is a management review of the SNFPA (USFS 2002b), and the second is planning for implementation of an Administrative Study on the Lassen and Plumas National Forests that would evaluate the effects of extensive fuels treatments on the California spotted owl (67 FR 72136). As of yet, neither of these efforts have formally established management direction, so their potential effects are uncertain and subject to change before implementation. Therefore, their potential effects are not included in the assessment of threats to the California spotted owl under this 12-month finding. However, because the outcome of each of these efforts could substantially affect California spotted owls, we will monitor the development of management direction, offer scientific assistance, and review the effects at a later date, if necessary.

The SNFPA applies only to national forests in the Sierra Nevada and Modoc Plateau. Spotted owls in southern California are protected by measures developed by each forest (Ruth and Standiford 1994), which are currently revising their LRMPs to include a strategy to manage habitat for the owl. As a result, no comprehensive strategy currently exists for the California spotted owl on national forests in southern California. The four Forests have completed an ecological assessment (Stephenson and Calcarone 1999) and in September 2001 published a Notice of Intent (NOI) to prepare a single Environmental Impact Statement and Record of Decision (USFS 2001c). The draft EIS is scheduled for release in 2003. Included in the Purpose and Need statement of the NOI is the intent ''To more adequately protect plant and animal species and their habitat.'' The Proposed Action also recognizes that one of the most compelling needs for change in Forest Plan direction is maintenance of viable populations of plant and animal species.

Other Federal agencies have general or specific policies and regulations that would apply to the owl. The National Park Service protects all species from collection, with exemptions only for scientific testing (36 CFR 2.5). The BLM has listed the owl as a Special Status Species that should be addressed prior to approval of actions that may impact the species on BLM lands (USDI 2001).

State. Section 3503.5 of the California Fish and Game Code (CDFG 2002) provides that it is unlawful to take, possess, or destroy any birds in the order Strigiformes (owls) or to take, possess, or destroy their nests or eggs. This restriction applies only to individual owls, their nests and eggs and does not place restrictions on

inactive nests or habitats used by spotted owls.

The CDFG has identified the California spotted owl as a Species of Special Concern (CDFG 1978). This status applies to animals not listed under the Federal or the California Endangered Species Act but which appear to be vulnerable to extinction. The intent of this designation is to obtain special consideration for these species in the project planning process and to focus attention on the species to avert the need for listing under either State or Federal laws. CEQA requires that impacts to such species be mitigated. Although state and local agencies have discretion to approve projects that impact a Species of Special Concern, such impacts must be mitigated.

In 1970 the State of California enacted the CEQA (CEQA 1996a). CEQA requires a full disclosure of the potential environmental impacts of public or private projects carried out or authorized by nonfederal agencies within the state of California. The stated goals are to, ''identify the significant environmental effects of their actions; and, either avoid those significant environmental effects, where feasible; or mitigate those significant environmental effects, where feasible.'' The CEQA Guidelines provide criteria to the State or local public agency with permitting authority or jurisdiction over a project (lead agency) in determining whether a project may have significant effects (CEQA 2001b). Section 15065 of the CEQA Guidelines, as amended, requires a finding of significance if ''[t]he project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish and wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened species' (CEQA 2001b).

CEQA requires review of any project that is undertaken, funded, or permitted by a State or local governmental agency. If a project with potential impacts on the California spotted owl were reviewed, CDFG personnel could determine that, although not listed, the spotted owl is a *de facto* endangered, threatened, or rare species under section 15380 of CEQA. Once significant effects are identified, the lead agency has the option of requring mitigation for effects through changes in the project or to decide that overriding considerations make mitigation infeasible (§ 21002) (CEQA 1996a), athough such an override requires justification and is rarely implemented.

The lead ageny is responsible for conducting a review of the project and consulting with the other agencies concerned with the resources affected by the project. If significant effects are identified by the lead agency, an Environmental Report (EIR) must be prepared that analyzes the effects of the action, proposed mitigation, and explains why any potential mitigation measure is not feasible. After review of the EIR by the public and relevant agencies, the lead agency has the option of disapproving the project, requiring mitigation for effects through changes in the project, or to decide that overriding considerations make mitigation infeasible and allow the project to go forward.

If a project with potential impacts on the California spotted owl were reviewed, CDFG personnel could determine that, although not listed, the spotted owl is a *de facto* endangered, threatened, or rare species under section 15380 of CEQA. Once significant effects are identified, the lead agency has the option of requiring mitigation for effects through changes in the project or to decide that overriding considerations make mitigation infeasible (§ 21002)(CEQA 1996a). CEQA analysis and subsequent requirements for mitigation (*e.g.*, legacy hardwoods) would result in protection of spotted owl habitat components. However, CEQA does not compel a comprehensive strategy for protection of this species.

Under provisions of CEQA, an independent regulatory program can be certified by the Secretary of the Resources Agency, and allow submission of a plan in place of an EIR. In 1973 the State of California enacted the Z'berg-Nejedly Forest Practice Act of 1973 (CDF 2000), to ensure that timber harvest was done in a manner that would preserve fish, wildlife, forests, streams and other water sources. Additional rules, called Forest Practice Rules (FPR) (CDF 2002), were promulgated by the State Board of Forestry and Fire Protection and are administered by the California Department of Forestry and Fire Protection (CDF) to carry out the intent of the Forest Practice Act. CDF ensures that private landowners abide by the FPRs when harvesting trees. Although there are specific exemptions in some cases, compliance with the Forest Practice Act and Board rules apply to commercial harvesting operations for landowners of all sizes. The FPRs require landowners prepare and submit for approval by CDF, a Timber Harvesting Plan (THP). A THP is the blueprint outlining what timber will be harvested, how it will be harvested, and the steps that will be taken to prevent damage to the environment. A THP functions as the equivalent of an EIR under CEQA.

THPs are prepared by Registered Professional Foresters (RPF) who are licensed to prepare detailed plans pursuant to California's Professional Foresters Law (PFL) of 1972 (CDF 2002). A RPF is defined as ''..a person who, by reason of his or her knowledge of the natural sciences, mathematics, and the principles of forestry, acquired by forestry education and experience, performs services, including, but not limited to, consultation, investigation, evaluation, planning or responsible supervision of forestry activities when [such] professional services require the application of forestry principles and techniques''. A person must have seven years experience in forestry work and may substitute a Master of Forestry or Bachelor of Science of Forestry degree in lieu of four years of forestry work experience and must pass a comprehensive examination administered by the Professional Foresters Examining Committee.

The FPRs provide that a THP must contain information on the presence and protection of known habitat or individuals of any listed species and information on the presence and protection of non-listed species that may be impacted by the timber operation. If information provided in a proposed THP is incorrect, incomplete or misleading in a material way, or is insufficient to evaluate significant environmental effects, the FPRs require disapproval of the THP. Under the FPRs, a species can be classified as a ''sensitive species'' if it is found that the California population requires timberland as habitat for foraging, breeding, or shelter, the California population is in decline or there is a threat from timber operations, and continued timber operations under the current rules of the Board will result in a loss of the California population viability. The California spotted owl is not currently listed as a sensitive species. The FPRs require a cumulative effects assessment to address any significant known wildlife or fisheries concerns where there is a substantial reduction in required habitat or the project will result in significant interference with the movement of resident or migratory species. The CDF requires measures including, but not limited to, a buffer that protects the nest, screening, perch, and replacement trees if a spotted owl nest is sighted

during the planning or operations phase of a THP (Cunningham, CDF, pers. comm. 2002).

The implementation of the FPRs can take several forms from development of smaller individual site specific THPs to the so called Option B—landscape scale Sustained Yield Plans (SYPs). Currently there are two approved SYPs that cover approximately 73,700 ha (182,000 ac) of California spotted owl habitat north of Lake Almanor. This is approximately 8 percent of the estimated acres of potential suitable habitat on private timberlands (Verner *et al.* 1992a).

Another way to comply with the FPRs is development of the so called Option A-Maximum Sustainable Production (MSP) plan which provides a broad set of criteria that guides the individual THP process for the ownership (FPRs §§ 913.11, 933.11, 953.11)(CDF 2002). The primary goal of the MSP is to document and provide for the long term sustained yield of timber products.

Sierra Pacific Industries (SPI) is the largest private commercial timberland owner within the range of the California spotted owl. SPI owns approximately 376,351 ha (930,000 ac) of timberland within the range of the spotted owl. All of SPI's commercial timberland is harvested under two CDF approved MSPs (one for the north and one for the south) (SPI 1999 a & b). SPI continuously collects and maintains an inventory of vegetation/habitat over the entire ownership. The ownership is inventoried in 1.6 ha (4 ac) plots with detailed information on tree species, overstory, understory, size class, snag class, etc. Thus, SPI continuously maintains information on over 350,000 plots with 10 percent of the land ownership inventoried each year and all plots are inventoried each decade. Information is also collected on wildlife including location of California spotted owl nest sites. SPI uses the baseline inventory to model growth and yield of timber stands. This sophisticated modeling projects forest conditions for a 100 year planning horizon with a mix of silvicultural and cultural practices. SPI models project an increase of large tree/closed canopy conditions from about 20 percent of the landscape in year one (current condition) to 65 percent in year 80 and stabilizing to 55 percent in year 100. The average diameter of trees increases from 18 in class (current condition) to 32 in class and projections anticipate maintenance of the higher proportion of larger tree class over time with harvest practices.

The implementation of the FPRs focus primarily on sustainable timber harvest with a secondary focus on fish and wildlife. With no requirements to implement strategies to specifically manage and protect habitats that spotted owls use, some habitat elements may not be protected adequately. For example the FPRs do not require retention of structural elements such as downed woody debris that provide habitat for spotted owl prey species. However, the FPRs provide that all snags within the logging area be retained to provide wildlife habitat. There are exceptions, such as allowing harvest of merchantable snags in any location, snags whose felling is required for insect or disease control or safety reasons, and snags proposed for harvest by an RPF, where there is justification that there will not be a significant impact to wildlife. These exceptions provide discretion to timber operators on the ground to remove snags without specific review of the potential effects on owl habitat, unless addressed through late successional forest stands regulation. If a nest site is only discovered and buffered during harvest operations, impacts that have already occurred to the foraging and roosting habitat surrounding the nest site may not be adequately addressed. Furthermore, if planning or harvest operations occur outside the nesting season, nests may not be detected at all, and those habitats will receive no protection. Certain timber operations can be exempt from the THP process, including the harvest of dead and dying trees in amounts less than 10 percent of the volume of timber per acre.

The FPRs provide that in preparing a THP, the RPF may conduct the cumulative impacts assessment based on information that is reasonably available before submission of the THP. The effects of timber harvest in a watershed could be determined, cumulatively, to result in impacts not assessed on a site by site basis. CDF with support from CDFG for fish and wildlife species, determines the sufficiency of the assessment based on information in its files or on comments received during the notice and comment period. However, less than 25 percent of THPs are field checked by the CDFG, and most THPs do not adequately assess cumulative impacts (Berbach pers. comm. 2002). This level of review accounts for approximately 50 to 60 percent of the acres in THPs submitted, where the focus is often exclusively on listed species due to budget, priorities, and staffing issues (Garrison, CDFG, pers. comm. 2002). In smaller, non-industrial THPs, a complete cumulative effects analysis of past, present, and reasonably foreseeable actions at the watershed scale is not always provided by the land owner or the RPF preparing a THP. This is due to factors such as lack of funding to perform adequate watershed level analysis, lack of information about other private parcels in the watershed, and sometimes lack of knowledge of available resources, including studies conducted on larger public and private ownerships that would provide such information (Cunningham, CDF, pers. comm. 2002).

Approximately 80 percent of habitat for the California spotted owl on private lands is in the ownership of SPI timberlands and accounts for approximately 10–12 percent of the range of the spotted owl. All of SPI properties operate under a State required long term plan for timber production and resources management. As part of the requirement by the State, SPI's MSP does provide a sophisticated projection for long term increases in habitats characterized as suitable for nesting, roosting, foraging and dispersal by spotted owls. These habitats are projected to be well distributed across the landscape. SPI has taken steps to collect and analyze information on spotted owl nest locations, breeding success, and habitat use to support their conclusion that long term projections include an increase in habitat for spotted owls.

The timber management plans in place on private lands are not developed or implemented with the purpose of protecting habitat for California spotted owls. However, it appears that the State FPRs and the plans in place over a significant portion of the range of the spotted owl on private lands would result in some benefits to spotted owls. These plans would benefit from further evaluation and peer review to verify their contribution to spotted owl viability in the Sierra Nevada.

Therefore, we believe there is no substantive information that indicates there are significant or immediate threats to California spotted owl viability because of the lack of regulatory mechanisms.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

Climate and Climate Change. Climate may influence vital rates (survival, fecundity, and recruitment) of spotted owls directly, or through indirect means such as effect on prey populations (LaHaye *et al.* 1994, Verner 1999, Franklin *et al.* 2000, North *et al.* 2000). In southern California, drought was postulated to affect spotted owl population dynamics through its effects on prey (LaHaye *et al.* 1994), and statistical modeling showed that drought is associated with reduced

fecundity (LaHaye *et al.*, *in litt.* 2002). North *et al.* (2000) found synchronous low reproductive success of owls in the Sierra National Forest and Sequoia and Kings Canyon National Parks correlated to high spring precipitation (as was found for northern spotted owls by Franklin *et al.* (2000)) and lower spring temperatures, presumably due to effects of weather on prey species. Statistical modeling indicated lower fecundity in years with higher spring precipitation in spotted owls in southern California (LaHaye *et al.*, *in litt.* 2002). Results of a modeling study conducted by Franklin *et al.* (2000) suggested that northern spotted owl populations may experience periods of decline solely due to climatic variation; *i.e.*, even if habitat conditions remain unchanged, northern spotted owl populations may decline. The synchronous declines in reproduction observed by North *et al.* (2000) are of concern because as populations decline, the effects of catastrophes, especially those having a synchronous effect on populations, will have an increasing importance in determining rates of population change (Peery 1999, Franklin *et al.* 2000).

Climate may have greater impacts on spotted owls when working in concert with habitat degradation. Studies by Franklin *et al.* (2000) for northern spotted owls and by North *et al.* (2000) for California spotted owls indicate the important role habitat may play in buffering against the negative effects of climate. Franklin *et al.* (2000) found that the best model to predict adult survival included interactions between climate and habitat. Habitat quality, as defined by an optimal mix of edge and interior habitat, appeared to buffer the effects of climatic variation on survival, presumably because such habitats provided sufficient prey resources. North *et al.* (2002) found that the characteristics of nest site structures can modify microclimate conditions. Despite synchronous low reproduction, certain nests consistently exhibited higher reproductive success. In oak woodlands, these nests were on shrubby, north-aspect slopes in trees or snags surrounded by a well-developed canopy and in conifer forests they were overtopped by a canopy with a high foliage volume. The authors concluded that reproduction is influenced by both regional weather conditions and nest-site canopy structure, which protects fledglings from detrimental weather. Thus, if habitat features that buffer the effects of weather are removed, climate may have greater negative effects on spotted owls.

The last century has included some of the most variable climate reversals, at both the annual (extremes and high frequency of El Niño and La Niña events) and near decadal scales (periods of five to eight year drought and wet periods) documented (USFS 2001b). These events may have negative effects on California spotted owls. Modeling of population response to climate in northern spotted owls by Franklin *et al.* (2000), suggests that cold high precipitation springs, as would be expected in California during El Niño years, lead to higher mortality. Alternately, low precipitation (as expected during La Niña years) may have negative effects on prey populations (Verner *et al.* 1992a).

Changes in climate that occur faster than the ability of endangered species to adapt could cause local extinctions (United States Environmental Protection Agency (USEPA) 1989). Analysis of the Antarctic Vostok ice core has shown that over the past 160,000 years, temperatures have varied with the concentrations of greenhouse gasses such as carbon dioxide and methane (Harte 1996). Since the pre-industrial era, atmospheric concentrations of carbon dioxide have increased nearly 30 percent, methane concentrations have more than doubled, and nitrous oxide (another greenhouse gas) levels have risen approximately 15 percent (USEPA 1997). The burning of fossil fuels is the primary source of these increases (USEPA 1997). Global mean surface temperatures have increased 0.3–0.7 Celsius (0.6–1.2 Fahrenheit) since the late 19th century (USEPA 1997).

Climate modeling indicates that the overall effects of global warming on California will include higher average temperatures in all seasons, higher total annual precipitation, and decreased spring and summer runoff due to decreases in snowpacks (USEPA 1989, USEPA 1997). California spotted owls are susceptible to heat stress (Weathers *et al.* 2001) and are therefore likely to suffer from increased temperatures. Higher precipitation during the breeding season may increase mortality of spotted owls (Franklin *et al.* 2000). Decreased runoff from snowpacks may cause decreases in the extent or quality of riparian habitats, which are important for California spotted owls, especially in southern California (Verner *et al.* 1992a).

Southern California forests in San Bernardino, Riverside, and San Diego counties are experiencing the worst drought in more than 450 years (Loe *in litt.* 2002). Thus, the spotted owl population in these habitats may be at significant risk. Conifers stressed by drought, combined with overstocked conditions, pollution, mistletoe, root disease, and insect infestations are experiencing mortalities of up to 40 percent in some areas (Loe *in litt.* 2002). As larger older trees along with canopy layers are lost due to mortality, the effects to spotted owl prey and nesting habitat will likely continue for significant periods. As stated above, the San Jacinto Mountains are experiencing especially high mortality. It is anticipated that most of the nesting and roosting habitat in the San Jacinto Mountains will be lost. This area supports about 10 pairs of spotted owls, all of which could be lost (M. Gertsch, USFS, pers. comm. 2002). Response plans by the Forest Service and CDF include removal of dead and infected trees to reduce spread of disease, harmful insects, and fire; however, these agencies indicated the extent of the impacts far exceed their capacity to respond in the short term (Loe *in litt.* 2002). Planning efforts to address the drought mortality by the agencies are underway. As previously stated the population of spotted owls in southern California are geographically isolated from spotted owls in the north (Sierra Nevada range) and may warrant special management consideration.

Air Pollution. Nitrogen oxides and volatile organic compounds are emitted from industrial and automotive sources and transported by wind to California spotted owl habitat (USFS 2001a). These compounds react under sunlight to release ozone. Snow core samples from the Sierra Nevada contain a variety of other contaminants from industrial and automotive sources including; hydrogen ions (indicative of acidic precipitation), nitrogen and sulfur compounds (NH_4, SO_2, and SO_4), and heavy metals (Pb, Fe, Mn, Cu, and Cd) (Laird *et al.* 1986). These pollutants may directly harm California spotted owls. In addition to likely direct effects, pollutants can negatively affect California spotted owl habitat. Air pollution causes damage to trees, which may cause abnormalities and retard growth (USFS 2001a). Air pollution also contributes to tree deaths, especially by making them vulnerable to attack by insects (USFS 2001a). Damage and death of trees may reduce forest characteristics selected by California spotted owls, such as canopy cover, basal area, number of large trees, etc. Tree death also contributes to heavy fuel loading and the risk of severe fires (University of California 1996).

Human Induced Stress and Mortality. Spotted owls have died in collisions with vehicles (Verner *et al.* 1992b). They may also suffer from stress caused by human activities and habitat alteration. Wasser *et al.* (1997) measured levels of stress induced glucocorticoid

hormones in field collected northern spotted owl feces, and found those levels to be significantly higher in males having territories centered within 0.41 km (0.25 mi) of roads or areas of recent timber harvest. Gutiérrez and Tempel (*in litt.* 2002) collected similar data on California spotted owls. They found significant variation between samples, but that variation was not significantly correlated with habitat condition, road proximity, or exposure to noise from chainsaws.

Barred Owl Invasion. Historically, the barred owl was native to eastern north America and absent from the range of the California spotted owl. Barred owls have expanded their range into western North America, moving into the range of the California spotted owl from the north. Barred owl populations in California are increasing, especially in northwestern California, and the species has now been detected as far south as Nevada County, California, in the Sierra Nevada (Dark *et al.* 1998).

Barred owls have been documented to displace spotted owls from their territories and to hybridize with spotted owls (Dark *et al.* 1998). There is also circumstantial evidence that barred owls will prey on spotted owls (Leskiw and Gutiérrez 1998).

The barred owl invasion of western North America has probably been facilitated by alteration of habitats by humans. The barred owl is a forest species, but does not rely on late successional forests as spotted owls do. The establishment of riparian forests and the planting of trees that occurred simultaneously with human settlement of the northern great plains may have created habitat used by dispersing barred owls as they moved west across the midwestern United States and southern Canada. Barred owls readily use disturbed habitats, and logging in the Rocky Mountains, Cascades, and Sierra Nevada has probably facilitated their colonization of forests there.

In 2002, researchers on the Lassen Study Area found three pairs with combinations of spotted owls and ''sparred owls'' (spotted owl/barred owl hybrids), and one pair of barred owls. None of these birds reproduced. No other barred owls or sparred owl combinations were reported from the Sierra Study Area or the Sequoia Study Area. Other reports had not yet been received as of late October 2002 (Stine 2002).

The existing population of barred owls in the Sierra Nevada remains at a level below one percent that of spotted owls. Although barred owls may pose a substantial threat to California spotted owls at some point in the future, by themselves, or in combination with other factors, they do not nor do other factors seem to pose now or in the foreseeable future a significant threat to the continued existence of the California spotted owl such that it warrants listing.

Finding

We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species. We reviewed the petition, information available in our files, other published and unpublished information submitted to us during the public comment period following our 90-day petition finding, and consulted with recognized California spotted owl experts and other Federal and State resource agencies. On the basis of the best scientific and commercial information available, we find that listing the California spotted owl is not warranted at this time.

In making this finding, we recognize that there are indications that the California spotted owl may be experiencing an uncertain levels of decline in parts of its range based on demographic studies, and that the species may face threats from catastrophic fire and habitat modification related to reduction of the risk of catastrophic fire. We recognize the difficult trade-offs involving short-term risk of fuel treatments versus long term benefits of those treatments in reducing risks and improving habitat. We recognize other current threats to the species, its habitat, and its prey, including effects of drought and climate change on habitat; the potential spread of a new competitor/predator (the barred owl); and possible threats of disease.

We conclude that the overall magnitude of threats to the California spotted owl does not rise to the level that requires the protections of the Act. We will continue to monitor the status and management of the species. We will continue to accept additional information and comments from all concerned governmental agencies, the scientific community, industry, or any other interested party concerning this finding.

References Cited

A complete list of all references cited is available on request from the Sacramento Fish and Wildlife Office (see **ADDRESSES** above).

Author

The primary authors of this document are Phil Detrich of the Yreka Fish Wildlife Office, Kenneth Sanchez of the Sacramento Fish and Wildlife Office, and Darrin Thome of the Ventura Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: February 7, 2003.

Steve Williams,

Director, Fish and Wildlife Service.

[FR Doc. 03–3519 Filed 2–13–03; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Aquatic Nuisance Species Task Force Gulf of Mexico Regional Panel Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Aquatic Nuisance Species (ANS) Task Force Gulf of Mexico Regional Panel. The meeting topics are identified in the **SUPPLEMENTARY INFORMATION:**.

DATES: The Gulf of Mexico Regional Panel will meet from 9 a.m. to 5 p.m. on Wednesday, February 26, 2003, and 8:30 a.m. to noon, on Thursday, February 27, 2003.

ADDRESSES: The Gulf of Mexico Regional Panel meeting will be held at the Springhill Suites, 24 Via De Luna, Pensacola Beach, Florida 32561. Phone 850–932–6000.

FOR FURTHER INFORMATION CONTACT: Ron Lukens, Assistant Director, Gulf States Marine Fisheries Commission at 228–875–5912 or Sharon Gross, Executive Secretary, Aquatic Nuisance Species Task Force at 703–358–2308.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces meetings of the Aquatic Nuisance Species Task Force Gulf of Mexico Regional Panel. The Task Force was established by the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990.

The Gulf of Mexico Regional Panel was established under the auspices of the ANS Task Force in 2000 with administration and coordination provided by the Gulf States Marine Fisheries Commission. The purpose of the Panel is to advise and make recommendations to the Aquatic Nuisance Species Task Force on issues relating to the Gulf of Mexico region of the Untied States that includes five Gulf

States: Alabama, Florida, Louisiana, Mississippi, and Texas. The Gulf of Mexico Regional Panel will discuss several topics at this meeting including: status of coordination of aquatic invasive species prevention, control, research, and outreach efforts; an update from Panel working groups; status and discussion of national legislation regarding aquatic invasive species; updates on the development of State ANS Plans; and a discussion of the 2002 Annual Report.

Minutes of the meeting will be maintained by the Executive Secretary, Aquatic Nuisance Species Task Force, Suite 810, 4401 North Fairfax Drive, Arlington, Virginia 22203–1622, and will be available for public inspection during regular business hours, Monday through Friday.

Dated: January 30, 2003.

Cathleen I. Short,

Co-Chair, Aquatic Nuisance Species Task Force, Assistant Director—Fisheries and Habitat Conservation.

[FR Doc. 03–3744 Filed 2–13–03; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–160–1220–PG]

Notice of Public Meeting, Carrizo Plain National Monument Advisory Committee

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Carrizo Plain National Monument Advisory Committee will meet as indicated below.

DATES: The meeting will be held Saturday, March 8, 2003, at the Carrisa Plains School located approximately two miles west of the intersection of Soda Lake Road and Highway 58. The meeting will begin at 10 a.m. The agenda calls for a discussion of the Charter which authorizes the committee to advise BLM on the management of the Carrizo Plain National Monument, and a general discussion of the committee's duties and function. The committee will be briefed on the status of the planning process to update the existing Carrizo Management Plan.

FOR FURTHER INFORMATION CONTACT: Larry Mercer, Public Affairs Officer, Bureau of Land Management, 3801 Pegasus Drive, Bakersfield, CA 93308, telephone 661–391–6010.

SUPPLEMENTARY INFORMATION: The 9 member Carrizo Plain Advisory Committee advises the Bureau of Land Management, through the Designated Federal Officer (Ron Fellows, BLM–Bakersfield Field Manager) on planning and management issues for the Carrizo Plain National Monument. At this meeting, topics to be discussed and business to be conducted include:

Orientation and future planning for Committee members.

Election of officers.

Briefing on BLM structure and issues.

Update on the planning process to date regarding the Carrizo Plain National Monument Resource Management Plan.

Discussion of Committee input on the planning process.

All meetings of the Committee are open to the public, and the public is invited to attend and participate. A time will be allocated for hearing public comments, and written comments may be submitted either at the meeting or to the address above. Depending on the number of persons wishing to comment and the time available, the time for individual oral comments may be limited.

Individuals who plan to attend and need special assistance such as sign language interpretation or other reasonable accommodations should contact the BLM as indicated above.

Dated: February 4, 2003.

Ron Fellows,

Field Manager.

[FR Doc. 03–3640 Filed 2–13–03; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf (OCS), Central Gulf of Mexico (GOM), Oil and Gas Lease Sale 185

AGENCY: Minerals Management Service, Interior.

ACTION: Final notice of sale 185.

SUMMARY: On March 19, 2003, MMS will open and publicly announce bids received for blocks offered in Central GOM Oil and Gas Lease Sale 185, pursuant to the OCS Lands Act (43 U.S.C. 1331–1356, as amended) and the regulations issued thereunder (30 CFR Part 256).

The Final Notice of Sale 185 Package (FNOS 185) contains information essential to bidders, and bidders are charged with the knowledge of the documents contained in the Package.

DATES: Public bid reading will begin at 9 a.m., Wednesday, March 19, 2003, in the Hyatt Regency Conference Center (Cabildo Rooms), 500 Poydras Plaza, New Orleans, Louisiana. All times referred to in this document are local New Orleans times, unless otherwise specified.

ADDRESSES: Bidders can obtain an FNOS 185 containing this Notice of Sale and several supporting and essential documents referenced herein from the MMS Gulf of Mexico Region Public Information Unit, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, (504) 736–2519 or (800) 200–GULF, or via the MMS Gulf of Mexico Region Internet site at *http://www.gomr.mms.gov.*

Filing of Bids: Bidders must submit sealed bids to the Regional Director (RD), MMS Gulf of Mexico Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, between 8 a.m. and 4 p.m. on normal working days, prior to the Bid Submission Deadline of 10 a.m., Tuesday, March 18, 2003. If bids are mailed, the envelope containing all of the sealed bids must be marked as follows:

Attention: Mr. John L. Rodi

Contains Sealed Bids for Sale 185

If the RD receives bids later than the time and date specified above, he will return those bids unopened to bidders. Bidders may not modify or withdraw their bids unless the RD receives a written modification or written withdrawal request prior to 10 a.m., Tuesday, March 18, 2003. Should an unexpected event such as flooding or travel restrictions be significantly disruptive to bid submission, the MMS Gulf of Mexico Region may extend the Bid Submission Deadline. Bidders may call (504) 736–0557 for information about the possible extension of the Bid Submission Deadline due to such an event.

Areas Offered for Leasing: The MMS is offering for leasing all blocks and partial blocks listed in the document ''Blocks Available for Leasing in Central Gulf of Mexico OCS Oil and Gas Lease Sale 185'' included in the FNOS 185. All of these blocks are shown on the following Leasing Maps and Official Protraction Diagrams (which may be purchased from the MMS Gulf of Mexico Region Public Information Unit):

Outer Continental Shelf Leasing Maps—Louisiana Map Numbers 1 Through 12

(These 30 maps sell for $2.00 each.)

LA1 West Cameron Area (Revised November 1, 2000)
LA1A West Cameron Area, West Addition (Revised November 1, 2000)
LA1B West Cameron Area, South Addition (Revised November 1, 2000)
LA2 East Cameron Area (Revised November 1, 2000)
LA2A East Cameron Area, South Addition (Revised November 1, 2000)
LA3 Vermilion Area (Revised November 1, 2000)
LA3A South Marsh Island Area (Revised November 1, 2000)
LA3B Vermilion Area, South Addition (Revised November 1, 2000)
LA3C South Marsh Island Area, South Addition (Revised November 1, 2000)
LA3D South Marsh Island Area, North Addition (Revised November 1, 2000)
LA4 Eugene Island Area (Revised November 1, 2000)
LA4A Eugene Island Area, South Addition (Revised November 1, 2000)
LA5 Ship Shoal Area (Revised November 1, 2000)
LA5A Ship Shoal Area, South Addition (Revised November 1, 2000)
LA6 South Timbalier Area (Revised November 1, 2000)
LA6A South Timbalier Area, South Addition (Revised November 1, 2000)
LA6B South Pelto Area (Revised November 1, 2000)
LA6C Bay Marchand Area (Revised November 1, 2000)
LA7 Grand Isle Area (Revised November 1, 2000)
LA7A Grand Isle Area, South Addition (Revised November 1, 2000)
LA8 West Delta Area (Revised November 1, 2000)
LA8A West Delta Area, South Addition (Revised November 1, 2000)
LA9 South Pass Area (Revised November 1, 2000)
LA9A South Pass Area, South and East Addition (Revised November 1, 2000)
LA10 Main Pass Area (Revised November 1, 2000)
LA10A Main Pass Area, South and East Addition (Revised November 1, 2000)
LA10B Breton Sound Area (Revised November 1, 2000)
LA11 Chandeleur Area (Revised November 1, 2000)
LA11A Chandeleur Area, East Addition (Revised November 1, 2000)
LA12 Sabine Pass Area (Revised November 1, 2000)

Outer Continental Shelf Official Protraction Diagrams

(These 10 diagrams sell for $2.00 each.)

NG15–03 Green Canyon (Revised November 1, 2000)
NG15–06 Walker Ridge (Revised November 1, 2000)
NG15–09 Amery Terrace (Revised October 25, 2000)
NG16–01 Atwater Valley (Revised November 1, 2000)
NG16–04 Lund (Revised November 1, 2000)
NG16–07 Lund South (Revised November 1, 2000)
NH15–12 Ewing Bank (Revised November 1, 2000)
NH16–04 Mobile (Revised November 1, 2000)
NH16–07 Viosca Knoll (Revised November 1, 2000)
NH16–10 Mississippi Canyon (Revised November 1, 2000)

Please Note: A CD–ROM (in ARC/INFO and Acrobat (.pdf) format) containing all of the GOM Leasing Maps and Official Protraction Diagrams, except for those not yet revised to digital format, is available from the MMS Gulf of Mexico Region Public Information Unit for a price of $15.00. The Leasing Maps and Official Protraction Diagrams are also available via the Internet. For the current status of all Central GOM Leasing Maps and Official Protraction Diagrams, please refer to 66 FR 28002, published May 21, 2001. In addition, Supplemental Official OCS Block Diagrams (SOBDs) for these blocks are available for blocks which contain the ''U.S. 200 Nautical Mile Limit'' line and the ''U.S.-Mexico Maritime Boundary'' line. These SOBDs are also available from the MMS Gulf of Mexico Region Public Information Unit and via the Internet. For additional information, please call Mr. Charles Hill (504) 736–2795.

All blocks are shown on these Leasing Maps and Official Protraction Diagrams. The available Federal acreage of all whole and partial blocks in this sale is shown in the document ''List of Blocks Available for Leasing in Sale 185'' included in the FNOS 185. Some of these blocks may be partially leased or transected by administrative lines such as the Federal/State jurisdictional line. Also, information on the unleased portions of such blocks is found in the document ''Central Gulf of Mexico Lease Sale 185—Unleased Split Blocks and Available Unleased Acreage of Blocks with Aliquots and Irregular Portions Under Lease or Deferred'' included in the FNOS 185.

Areas Not Available for Leasing: The following whole and partial blocks are not offered for lease in this sale:

• Viosca Knoll Block 69 (lease termination currently under appeal);

• Blocks which are beyond the United States Exclusive Economic Zone in the area known as the Northern Portion of the Eastern Gap:

Lund South (Area NG16–07)

Blocks
172 and 173
213 through 217
252 through 261
296 through 305
349

• Whole and partial blocks which lie within the 1.4 nautical mile buffer zone north of the continental shelf boundary between the United States and Mexico:

Amery Terrace (Area NG15–09)

Partial Blocks:
235 through 238
273 through 279
309 through 317

Whole Blocks:
280 and 281
318 through 320
355 through 359

Lease Terms and Conditions: Initial period, extensions of initial period, minimum bonus bid amount, rental rates, royalty rates, minimum royalty, and royalty suspension areas are shown on the map ''Lease Terms and Economic Conditions, Sale 185, Final'' for leases resulting from this sale:

Initial Period: 5 years for blocks in water depths of less than 400 meters; 8 years for blocks in water depths of 400 to 799 meters; and 10 years for blocks in water depths of 800 meters or deeper;

Extensions of Initial Period: Extensions *may* be granted for eligible leases on blocks in water depths less than 400 meters as specified in Notice To Lessees and Operators 2000–G22, effective December 22, 2000;

Minimum Bonus Bid Amount: A bonus bid amount of $25 per acre or fraction thereof for blocks in water depths of less than 800 meters and a bonus bid amount of $37.50 per acre or fraction thereof for blocks in water depths of 800 meters or deeper;

Rental Rates: $5 per acre or fraction thereof for blocks in water depths of less than 200 meters and $7.50 per acre or fraction thereof for blocks in water depths of 200 meters or deeper, to be paid on or before the first day of each lease year until a discovery in paying quantities of oil or gas, then at the expiration of each lease year until the start of royalty-bearing production;

Royalty Rates: 16⅔ percent royalty rate for blocks in water depths of less than 400 meters and a 12½ percent royalty rate for blocks in water depths of 400 meters or deeper, except during periods of royalty suspension, to be paid monthly on the last day of the month next following the month during which the production is obtained;

Minimum Royalty: After the start of royalty-bearing production: $5 per acre or fraction thereof per year for blocks in water depths of less than 200 meters and $7.50 per acre or fraction thereof per year for blocks in water depths of 200 meters or deeper, to be paid at the expiration of each lease year with credit applied for actual royalty paid during the lease year. If actual royalty paid exceeds the minimum royalty requirement, then no minimum royalty payment is due;

Royalty Suspension Areas: Royalty suspension, subject to gas price

thresholds, will apply to blocks in water depths less than 200 meters where new deep gas (15,000 feet or greater subsea) is drilled and commences production within 5 years from lease issuance, and, subject to both oil and gas price thresholds, will apply in water depths of 400 meters or deeper; see the map ''Lease Terms and Economic Conditions, Sale 185, Final'' for specific areas and the ''Royalty Suspension Provisions, Sale 185, Final'' document contained in the FNOS 185 for specific details regarding royalty suspension eligibility, applicable price thresholds and implementation.

Stipulations: The map ''Stipulations and Deferred Blocks, Sale 185, Final'' depicts the blocks where seven lease stipulations apply: (1) Topographic Features; (2) Live Bottoms; (3) Military Areas; (4) Blocks South of Baldwin County, Alabama; (5) Law of the Sea Convention Royalty Payment; (6) Protected Species; and (7) Below Seabed Operations on Mississippi Canyon Block 474. The texts of the stipulations are contained in the document ''Lease Stipulations for Oil and Gas Lease Sale 185, Final'' included in the FNOS 185. This map also depicts the deferred blocks noted above.

Rounding: The following procedure must be used to calculate the minimum bonus bid, annual rental, and minimum royalty on blocks with fractional acreage: Round up to the next whole acre and multiply by the applicable dollar amount per acre to determine the correct minimum bonus bid, annual rental, or minimum royalty.

Please Note: For the minimum bonus bid only, if the calculation results in a decimal figure, round up to the next whole dollar amount (see next paragraph). The minimum bonus bid calculation, including all rounding, is shown in the document ''List of Blocks Available for Leasing in Sale 185'' included in the FNOS 185.

Method of Bidding: For each block bid upon, a bidder must submit a separate signed bid in a sealed envelope labeled ''Sealed Bid for Oil and Gas Lease Sale 185, not to be opened until 9 a.m., Wednesday, March 19, 2003.'' The total amount bid must be in a whole dollar amount; any cent amount above the whole dollar will be ignored by the MMS. Details of the information required on the bid(s) and the bid envelope(s) are specified in the document ''Bid Form and Envelope'' contained in the FNOS 185.

The MMS published a list of restricted joint bidders, which applies to this sale, in the **Federal Register** at 67 FR 66416 on October 31, 2002. Bidders must execute all documents in conformance with signatory authorizations on file in the MMS Gulf of Mexico Region Adjudication Unit. Partnerships also must submit or have on file a list of signatories authorized to bind the partnership. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, *e.g.*, 33.33333 percent. The MMS may require bidders to submit other documents in accordance with 30 CFR 256.46. The MMS warns bidders against violation of 18 U.S.C. 1860 prohibiting unlawful combination or intimidation of bidders. Bidders are advised that the MMS considers the signed bid to be a legally binding obligation on the part of the bidder(s) to comply with all applicable regulations, including paying the one-fifth bonus bid amount on all high bids. A statement to this effect must be included on each bid (see the document ''Bid Form and Envelope'' contained in the FNOS 185.

Bonus Bid Deposit: Each bidder submitting an apparent high bid must submit a bonus bid deposit to the MMS equal to one-fifth of the bonus bid amount for each such bid. Under the authority granted by 30 CFR 256.46(b), the MMS requires bidders to use electronic funds transfer procedures for payment of one-fifth bonus bid deposits for Sale 185, following the detailed instructions contained in the document ''Instructions for Making EFT Bonus Payments'' included in the FNOS 185. All payments must be electronically deposited into an interest-bearing account in the U.S. Treasury (account specified in the EFT instructions) by 1 p.m. Eastern Time the day following bid reading. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States. If a lease is awarded, however, MMS requests that only one transaction be used for payment of the four-fifths bonus bid amount and the first year's rental.

Please Note: Certain bid submitters (*i.e.*, those that do NOT currently own or operate an OCS mineral lease OR those that have ever defaulted on a one-fifth bonus bid payment (EFT or otherwise)) are required to guarantee (secure) their one-fifth bonus bid payment *prior* to the submission of bids. For those who must secure the EFT one-fifth bonus bid payment, one of the following options may be used: (1) Provide a third-party guarantee; (2) Amend Development Bond Coverage; (3) Provide a Letter of Credit; or (4) Provide a lump sum payment in advance via EFT. The EFT instructions specify the requirements for each option.

Withdrawal of Blocks: The United States reserves the right to withdraw any block from this sale prior to issuance of a written acceptance of a bid for the block.

Acceptance, Rejection, or Return of Bids: The United States reserves the right to reject any and all bids. In any case, no bid will be accepted, and no lease for any block will be awarded to any bidder, unless the bidder has complied with all requirements of this Notice, including the documents contained in the associated FNOS 185 and applicable regulations; the bid is the highest valid bid; and the amount of the bid has been determined to be adequate by the authorized officer. The Attorney General may also review the results of the lease sale prior to the acceptance of bids and issuance of leases. Any bid submitted which does not conform to the requirements of this Notice, the OCS Lands Act, as amended, and other applicable regulations may be returned to the person submitting that bid by the RD and not considered for acceptance. To ensure that the Government receives a fair return for the conveyance of lease rights for this sale, high bids will be evaluated in accordance with MMS bid adequacy procedures. A copy of the current procedures, ''Modifications to the Bid Adequacy Procedures'' (64 FR 37560 of July 12, 1999), can be obtained from the MMS Gulf of Mexico Region Public Information Unit via the Internet.

Successful Bidders: As required by MMS, each company that has been awarded a lease must execute all copies of the lease (Form MMS–2005 (March 1986) as amended), pay by EFT the balance of the bonus bid amount and the first year's rental for each lease issued in accordance with the requirements of 30 CFR 218.155, and satisfy the bonding requirements of 30 CFR 256, Subpart I, as amended. Each bidder in a successful high bid must have on file in the MMS Gulf of Mexico Region Adjudication Unit a currently valid certification (Debarment Certification Form) certifying that the bidder is not excluded from participation in primary covered transactions under Federal nonprocurement programs and activities. A certification previously provided to that office remains currently valid until new or revised information applicable to that certification becomes available. In the event of new or revised applicable information, the MMS will require a subsequent certification before lease issuance can occur. Persons submitting such certifications should review the requirements of 43 CFR, part 12, subpart D. A copy of the Debarment Certification Form is contained in the FNOS 185.

Affirmative Action: The MMS *requests* that, prior to bidding, Equal Opportunity Affirmative Action Representation Form MMS 2032 (June 1985) and Equal Opportunity Compliance Report Certification Form MMS 2033 (June 1985) be on file in the Gulf of Mexico Region Adjudication Unit. This certification is required by 41 CFR 60 and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967. In any event, prior to the execution of any lease contract, both forms are *required* to be on file in the MMS Gulf of Mexico Region Adjudication Unit.

Geophysical Data and Information Statement: Pursuant to 30 CFR 251.12, the MMS has a right to access geophysical data and information collected under a permit in the OCS.

Each bidder submitting a bid on a block in Sale 185, or participating as a joint bidder in such a bid, must submit a Geophysical Data and Information Statement identifying any processed or reprocessed pre- and post-stack depth migrated geophysical data and information in its possession or control and used in the evaluation of that block. The existence, extent (*i.e.*, number of line miles for 2D or number of blocks for 3D) and type of such data and information must be clearly identified. The statement must include the name and phone number of a contact person, and an alternate, knowledgeable about the depth data sets (that were processed or reprocessed to correct for depth) used in evaluating the block. In the event such data and information includes data sets from different timeframes, you should identify only the most recent data set used for block evaluations. The statement must also identify each block upon which a bidder participated in a bid but for which it does not possess or control such depth data and information.

Each bidder must submit a separate Geophysical Data and Information Statement in a sealed envelope. The envelope should be labeled ''Geophysical Data and Information Statement for Oil and Gas Lease Sale 185'' and the bidder's name and qualification number must be clearly identified on the outside of the envelope. This statement must be submitted to the MMS at the Gulf of Mexico Regional Office, Attention: Resource Evaluation (1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394) by 10 a.m. on Tuesday, March 18, 2003. The statement may be submitted in conjunction with the bids or separately. Do not include this statement in the same envelope containing a bid. These statements will not be opened until after the public bid reading at Lease Sale 185 and will be kept confidential. An Example of Preferred Format for the Geophysical Data and Information Statement is included in FNOS 185.

The MMS will issue a Notice to Lessees (NTL) to provide more detail concerning submission of the Geophysical Data and Information Statement, making the data available to the MMS following the lease sale, preferred format, reimbursement for costs, and confidentiality.

Information to Lessees: The FNOS 185 contains an ''Information To Lessees'' document which provides information on various matters of interest to potential bidders.

Dated: February 4, 2003.

R.M. Burton,

Director, Minerals Management Service.

[FR Doc. 03–3646 Filed 2–13–03; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-day notice of information collection under review: extension of a currently approved collection, Strategic Planning Environmental Assessment Outreach.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until April 15, 2003. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Kay Troester, Strategic Planning Office, 650 Massachusetts Avenue, NW., Washington, DC 20226.

Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

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

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, 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 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.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Strategic Planning Environmental Assessment Outreach.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: None. Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as wall as a brief abstract:* Primary: Business or other for-profit. Other: Not-for-profit institutions, Federal Government, State, Local, or Tribal Government. Under the provisions of the Government Performance and Results Act, Federal agencies are directed to improve their effectiveness and public accountability by promoting a new focus on results, service quality, and customer satisfaction. This act requires that agencies update and revise their strategic plans every three years. The Strategic Planning Office at ATF will use the voluntary outreach information to determine the agency's internal strengths and weaknesses and external opportunities and risks.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 1,500 respondents will complete an 18-minute questionnaire.

(6) *An estimate of the total public burden (in hours) associated with the*

collection: There are an estimated 450 annual total burden hours associated with this collection.

If additional information is required contact: Robert B. Briggs, Department Clearance Officer, Information Management and Security Staff, Justice Management Division, Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: February 10, 2003.

Robert B. Briggs,

Department Clearance Officer, Department of Justice.

[FR Doc. 03–3634 Filed 2–13–03; 8:45 am]

BILLING CODE 4410–FB–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Interchangeable Virtual Instruments Foundation, Inc.

Notice is hereby given that, on January 21, 2003, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), International Virtual Instruments Foundation, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Raytheon, Tucson, AZ; and Solectron, Milpitas, CA have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and International Virtual Instruments Foundation, Inc. intends to file additional written notification disclosing all changes in membership.

On May 29, 2001, International Virtual Instruments Foundation, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 30, 2001 (66 FR 39336).

The last notification was filed with the Department on October 29, 2002. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on December 5, 2002 (67 FR 72429).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 03–3728 Filed 2–13–03; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Open SystemC Initiative (''OSCI'')

Notice is hereby given that, on January 10, 2003, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Open SystemC Initiative (''OSCI'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Celoxica, Oxford, UNITED KINGDOM; Forte Design Systems, San Jose, CA; and Future Design Automation, Tokyo, JAPAN have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and OSCI intends to file additional written notification disclosing all changes in membership.

On October 9, 2001, OSCI filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on January 3, 2002 (67 FR 350).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 03–3726 Filed 2–13–03; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—PXI Systems Alliance, Inc.

Notice is hereby given that, on January 21, 2003, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* (''the Act''), PXI Systems Alliance, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Advantest Corp., Gunma, JAPAN has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and PXI Systems Alliance, Inc. intends to file additional written notification disclosing all changes in membership.

On November 22, 2000, PXI Systems Alliance, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 8, 2001 (66 FR 13971).

The last notification was filed with the Department on August 2, 2002. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on September 4, 2002 (67 FR 56590).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 03–3727 Filed 2–13–03; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the

Employment and Training Administration is soliciting comments concerning the proposed extension of data collections using the ETA Form 9042a, Petition for Trade Adjustment Assistance (1205–0342, expires 3/31/2003) and its Spanish translation ETA 9042a–1 (1205–0342, expires 3/31/2003); ETA 9043a, Business Confidential Data Request (1205–0339, expires 3/31/2003); and ETA 8562a, Customer Survey (1205–0190 expires 3/31/2003) To meet the Terms of Clearance assigned by OMB on October 9, 2002, these collections of information will be consolidated into one reporting requirement and approved under OMB approval number 1205–0342. ETA will not be seeking approval of the original ETA 9043, 8562 and 9042 used for the Trade Act Program as in effect prior to November 4, 2002, only the new forms associated with the Trade Act of 2002 will be extended. The consolidation of these reporting requirements along with the elimination of the ETA 9043, 8562 and 9042 forms will result in a burden decrease of 11,451 hours.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before April 15, 2003.

ADDRESSES: Erin L. FitzGerald, Program Analyst, Division of Trade Adjustment Assistance, Room C–5311, 200 Constitution Ave., NW., Washington, DC 20210. Phone (202) 693–3506 (this is not a toll-free number), fax (202) 693–3584, e-mail *efitzgerald@doleta.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The Trade Act of 2002 (Pub. L. 107–210) amends the Trade Act of 1974 and consolidated two previously authorized worker adjustment assistance programs, Trade Adjustment Assistance (TAA) and North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA–TAA) into one TAA program effective November 4, 2002. Section 221 (a) of Title II, Chapter 2 of the Trade Act of 1974, as amended by the Trade Act of 2002, authorizes the Secretary of Labor and the Governor of each state to accept petitions for certification of eligibility to apply for adjustment assistance. The petitions may be filed by a group of workers, their certified or recognized union or duly authorized representative, employers of such workers, one-stop operators or one-stop partners. ETA Form 9042a, Petition for Trade Adjustment Assistance, and its Spanish translation, ETA Form 9042a–1, Solicitud De Asistencia Para Ajuste, establish a format that may be used for filing such petitions.

Sections 222, 223 and 249 of the Trade Act of 1974, as amended, require the Secretary of Labor to issue a determination for groups of workers as to their eligibility to apply for Trade Adjustment Assistance (TAA). After reviewing all of the information obtained for each petition for trade adjustment assistance filed with the Department, a determination is issued as to whether the statutory criteria for certification are met. The information collected in ETA Form 9043a, Business Confidential Data Request, and ETA Form 8562a, Customer Survey, will be used by the Secretary to specifically determine to what extent, if any, increased imports or shift in production have impacted the petitioning worker group.

II. Review Focus

The Department of Labor 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 submissions of responses.

III. Current Actions

This is a notice to revise and consolidate collections of information currently approved by OMB under control numbers 1205–0342, 1205–0339, and 1205–0190 all expiring 3/31/03. The extension of the ETA 9042a, ETA 9042a–1, ETA 9043a, and ETA 8562a provides a format for collecting information necessary for the Department to comply with the requirement that it accept petitions for Trade Adjustment Assistance and issue determinations of eligibility in response to those petitions.

Type of Review: Revision.

Agency: Employment and Training Administration.

Title: Investigative Data Collection Requirements for the Trade Act of 1974 as amended by the Trade Act of 2002.

OMB Number: 1205–0342.

Affected Public: Individuals or Households, Businesses.

Cite/reference	Total respondents/responses	Average time per response	Total reference burden
ETA 9042A & ETA 9042A–1	4,100	[1] 20	1,367
ETA 9043A	4,100	[2] 3.5	14,350
ETA 8562A	6,560	[2] 1.78	11,677
Totals			27,394

[1] Minutes. [2] Hours.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining): $0.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: February 10, 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03–3670 Filed 2–13–03; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning the proposed collection: Notice of Termination, Suspension, Reduction or Increase in Benefit Payments (CM–908). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before April 15, 2003.

ADDRESSES: Ms. Hazel M. Bell, U.S. Department of Labor, 200 Constitution Ave., NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0418, fax (202) 693–1451, Email hbell@fenix2.dol-esa.gov. Please use only one method of transmission for comments (mail, fax, or Email).

SUPPLEMENTARY INFORMATION:

I. Background

The Office of Workers' Compensation Programs (OWCP) administers the Federal Mine Safety and Health Act of 1977 as amended (30 U.S.C. 942). The Act implementing regulations at 20 CFR 725.621 necessitate this information collection. Under the Act, responsible coal mine operators or their representatives must provide benefit payments to eligible coal miners and dependents of coal miners who have contracted pneumoconiosis. Responsible operators who pay benefits are required to report any changes in the benefit amount, and the reasons for the change, to the Department of Labor. This information collection is currently approved for use through August 31, 2003.

II. Review Focus

The Department of Labor 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 submissions of responses.

III. Current Actions

The Department of Labor seeks approval for the extension of this information collection in order to carry out its responsibility to ensure that Division of Coal Mine Workers' Compensation regulations are followed and that the new benefit amount is accurate and timely.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Notice of Termination, Suspension, Reduction or Increase in Benefit Payments.

OMB Number: 1215–0064.

Agency Number: CM–908.

Affected Public: Business or other for-profit.

Total Respondents: 325.

Total Responses: 9,000.

Time per Response: 12 minutes.

Frequency: On Occasion (Reporting).

Estimated Total Burden Hours: 1,800.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $3,600.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: February 10, 2003.

Bruce Bohanon,

Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. 03–3669 Filed 2–13–03; 8:45 am]

BILLING CODE 4510–CK–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, which ever 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 modifications 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

Massachusetts
MA020001 (Mar. 1, 2002)
MA020002 (Mar. 1, 2002)
MA020003 (Mar. 1, 2002)
MA020013 (Mar. 1, 2002)
MA020018 (Mar. 1, 2002)
MA020020 (Mar. 1, 2002)
MA020021 (Mar. 1, 2002)
Rhode Island
RI020001 (Mar. 1, 2002)

Volume II

Delaware
DE020001 (Mar. 1, 2002)
DE020005 (Mar. 1, 2002)
Maryland
MD020001 (Mar. 1, 2002)
MD020009 (Mar. 1, 2002)
MD020021 (Mar. 1, 2002)
MD020034 (Mar. 1, 2002)
MD020036 (Mar. 1, 2002)
MD020037 (Mar. 1, 2002)
MD020042 (Mar. 1, 2002)
MD020048 (Mar. 1, 2002)
MD020056 (Mar. 1, 2002)
MD020057 (Mar. 1, 2002)
MD020058 (Mar. 1, 2002)
Virginia
VA020022 (Mar. 1, 2002)
VA020050 (Mar. 1, 2002)
VA020051 (Mar. 1, 2002)
VA020052 (Mar. 1, 2002)
VA020069 (Mar. 1, 2002)
VA020078 (Mar. 1, 2002)
VA020079 (Mar. 1, 2002)
VA020092 (Mar. 1, 2002)
VA020099 (Mar. 1, 2002)

Volume III

Kentucky
KY020004 (Mar. 1, 2002)
KY020027 (Mar. 1, 2002)
KY020029 (Mar. 1, 2002)
KY020035 (Mar. 1, 2002)
South Carolina
SC020036 (Mar. 1, 2002)

Volume IV

Illinois
IL020001 (Mar. 1, 2002)
IL020015 (Mar. 1, 2002)
IL020026 (Mar. 1, 2002)
IL020049 (Mar. 1, 2002)
Indiana
IN020001 (Mar. 1, 2002)
IN020002 (Mar. 1, 2002)
IN020003 (Mar. 1, 2002)
IN020006 (Mar. 1, 2002)
Ohio
OH020002 (Mar. 1, 2002)
OH020023 (Mar. 1, 2002)
OH020028 (Mar. 1, 2002)
OH020029 (Mar. 1, 2002)
OH020037 (Mar. 1, 2002)

Volume V

Iowa
IA020002 (Mar. 1, 2002)
IA020004 (Mar. 1, 2002)
IA020010 (Mar. 1, 2002)
IA020031 (Mar. 1, 2002)
Missouri
MO020001 (Mar. 1, 2002)
MO020002 (Mar. 1, 2002)
MO020003 (Mar. 1, 2002)
MO020006 (Mar. 1, 2002)
MO020009 (Mar. 1, 2002)
MO020010 (Mar. 1, 2002)
MO020011 (Mar. 1, 2002)
MO020044 (Mar. 1, 2002)
MO020048 (Mar. 1, 2002)
MO020049 (Mar. 1, 2002)
MO020050 (Mar. 1, 2002)

Volume VI

Colorado
CO020013 (Mar. 1, 2002)
CO020014 (Mar. 1, 2002)
Oregon
OR020001 (Mar. 1, 2002)

Volume VII

California
CA020023 (Mar. 1, 2002)
CA020030 (Mar. 1, 2002)

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 *http://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 at Washington, DC, this 6th day of February 2003.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 03–3485 Filed 2–13–03; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Veterans' Employment and Training Service

RIN 1293–AA07

Annual Report From Federal Contractors

AGENCY: Veterans' Employment and Training Service, Department of Labor.

ACTION: Notice of guidance.

SUMMARY: The Veterans' Employment and Training Service (VETS) is providing guidance on methodologies for calculating the maximum and minimum number of employees for the Federal Contractor Veterans' Employment Report VETS–100.

EFFECTIVE DATE: This guidance is effective February 14, 2003.

FOR FURTHER INFORMATION CONTACT: Norman Lance, Chief, Investigation and Compliance Division, VETS, at (202) 693–4731 or by e-mail at *Lance-Norman@dol.gov.* Individuals with hearing impairments may call (800) 670–7008 (TTY/TDD).

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 4212(d).

Background: The Vietnam Era Veterans' Readjustment Assistance Act of 1974 , as amended, (VEVRAA) contains affirmative action and reporting requirements for Federal contractors and subcontractors regarding several classes of protected veterans. One VEVRAA requirement is that covered Federal contractors and subcontractors file an annual Federal Contractor Veterans' Employment Report VETS–100 (VETS–100 Report). Prior to the enactment of the Veterans Employment Opportunities Act of 1998 (VEOA), the VETS–100 Report required contractors to report, for each hiring location, the number of protected veterans by job category, and number of new hires, including protected veterans hired during the reporting period covered by the report. VEOA amended the VEVRAA's reporting requirements by adding the requirement that the maximum number and minimum number of persons employed during the reporting period be included in the VETS–100 Report.

VETS published a Notice of Proposed Rulemaking (65 FR 59684, October 5, 2000) to implement the provisions of VEOA, including the requirement for reporting the maximum and minimum number of employees. The Notice of Proposed Rulemaking did not contain guidance on how covered contractors were to determine the maximum and minimum number of employees. A commenter asserted that the proposed rule was unclear about how the maximum and minimum number of employees had to be determined, and asked for clarification. To respond to the concerns of the commenter, VETS added clarifying language to the final rule (66 FR 51998, October 11, 2001) explaining how the maximum and minimum number of employees had to be determined.

After publication of the final rule, it was brought to the attention of VETS that the revised language might have inadvertently increased the record keeping burden on some contractors. To permit contractors flexibility in how they determine the maximum and minimum number of employees, VETS published an Interim Final Rule (66 FR 65452, December 19, 2001) that withdrew the language specifying how contractors were to determine the maximum and minimum number of employees. The basic statutory requirement to report the maximum and minimum number of employees remained.

In the preamble to the interim final rule, VETS requested comments about the methods covered contractors and subcontractors proposed to use to calculate the maximum and minimum number of employees. VETS intended to consider these comments in the development of guidance or regulations about the issue. VETS was concerned that the request for comments solely within the preamble to the interim final rule might be overlooked. Consequently, VETS published a Notice on March 8, 2002 (67 FR 10804) reiterating the request for comments about how to determine the maximum and minimum number of employees.

Development of Guidance: VETS received four comments: two from human resource consultants, one from an association representing human resource professionals, and one from an association that represents employers. Commenters described the practical difficulties with creating a ''one size fits all'' procedure for reporting the maximum and minimum number of employees. For example, some contractors utilize payroll records to track the number of employees while others use headcounts. Some contractors maintain records by organizational unit while others maintain records by physical location. Some contractors count everyone on payroll as ''active employees'' while others count as employees only those actually paid in a particular period, and do not count employees on temporary leaves of absence or on other unpaid leave status. Two commenters recommended methodologies for computing the maximum and minimum number of employees. Additionally, one commenter requested that VETS eliminate the maximum and minimum number of employees reporting requirement. The final commenter asked how to determine the maximum and minimum number when an employer exercises the option to consolidate hiring locations by state.

VETS is unable to eliminate the reporting requirement for the maximum and minimum number of employees because this reporting requirement is mandated by VEOA. As discussed below, contractors determining the maximum and minimum number of employees when exercising the option to consolidate hiring locations by state may calculate their maximum and minimum number of employees by any reasonable method of computation. We appreciate receiving the thoughtful comments. We have considered all concerns and recommendations made by the commenters in developing VETS policy.

Guidance: VETS understands that contractors and subcontractors have developed many different methods to count the maximum and minimum number of employees in their workforces during the VETS–100 reporting period. Consequently, VETS has decided to permit contractors to utilize any reasonable method for contractors to compute the maximum and minimum number of employees in their workforces. Consideration of whether a procedure is reasonable will include how the employer normally maintains records about its employees and whether the employer has been consistent in its methodology for counting employees across reporting cycles.

The following are examples of methodologies identified in the public comments that VETS determined would be reasonable approaches for computing the maximum and minimum number of employees for the VETS–100 Report. These examples are provided as illustrations only and other reasonable methods are considered acceptable. Further, the examples assume that they are based on the current record keeping practice of the employer and that the employer consistently uses the same method from year to year.

Methodology Based on Organizational Structure

* The number of active employees are identified each month by job categories within an establishment and then totaled. At the end of the reporting period, the largest number recorded is

the maximum number of employees and the smallest number recorded is the minimum number of employees for each location.

Methodologies Based on Payroll Systems

* The payroll system identifies the number of active employees for each day for each location and saves that information for the whole year. At the end of the reporting period, the largest number of active employees recorded is the maximum number of employees and the smallest number of active employees recorded is the minimum number of employees.

* Payroll system data is collected on a quarterly basis about the number of employees at each establishment who either were paid wages or benefits, or were eligible to be paid wages or benefits, that quarter. The number of employees in the quarter with the largest number of employees is the maximum number and the number of employees in the quarter with the smallest number of employees is the minimum number.

* Payroll information is collected on a monthly basis about the number of employees at each establishment who either were paid wages or benefits, or were eligible to be paid wages or benefits, that month. The number of employees in the month with the largest number of such employees is the maximum number and the number of such employees in the month with the smallest number of employees is the minimum number of employees.

* A single payroll system for all employees in a single establishment is utilized. Payroll records for each pay period are maintained. The number of employees in the payroll period with the largest number of employees would be the maximum number of employees and the number of employees in the payroll period with the fewest number of employees would be the minimum number of employees for the reporting period.

Methodology Based on Company Headcount

* Many employers maintain daily establishment headcount records for financial planning and budgeting purposes. The number of employees on the day with the highest headcount would be the maximum number of employees and the number of employees on the day with the least number of employees would be the minimum number.

The above methodologies are provided as guidance only and any reasonable method of computation of the maximum and minimum number of employees is considered acceptable.

Signed at Washington, DC, this 10th day of February, 2003.

Frederico Juarbe Jr.,

Assistant Secretary of Labor for Veterans' Employment and Training Service.

[FR Doc. 03–3671 Filed 2–13–03; 8:45 am]

BILLING CODE 4510–79–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before March 31, 2003. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

ADDRESSES: To request a copy of any records schedule identified in this notice, write to the Life Cycle Management Division (NWML), National Archives and Records Administration (NARA), 8601 Adelphi Road, College Park, MD 20740–6001. Requests also may be transmitted by FAX to 301–837–3698 or by e-mail to *records.mgt@nara.gov.* Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Paul M. Wester, Jr., Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: 301–837–3120. E-mail: *records.mgt@nara.gov.*

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the government and of private persons directly affected by the government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full

description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending

1. Department of Commerce, Bureau of the Census (N1–29–03–1, 5 items, 5 temporary items). Records of the Manufacturing and Construction Division consisting of economic survey questionnaires used to collect data on the production and shipment of selected products. Digital images of records are included. This schedule clarifies and revises disposition instructions for the paper records, which were previously approved for disposal.

2. Department of Defense, Office of the Inspector General (N1–509–03–2, 13 items, 13 temporary items). Files documenting requests for subpoenas from Defense Department criminal investigative organizations. Included are program and policy files and case files, along with a database used to track subpoena requests. Also included are electronic copies of documents created using electronic mail and word processing.

3. Department of the Treasury, Financial Management Service (N1–425–03–1, 45 items, 45 temporary items). Records relating to debt collection activities. Included are such records as case files relating to wage garnishment, compliance reviews, and debtor disputes as well as financial information and reports, administrative resolutions, system development project files, conference files, and creditor agency payment information. Also included are electronic copies of documents created using electronic mail and word processing.

4. Administrative Office of the U.S. Courts, Office of Internal Services (N1–116–03–1, 4 items, 3 temporary items). Architectural and engineering plans for courthouses and other Federal judicial facilities. Also included are electronic copies of documents created using electronic mail and word processing. Plans for the Thurgood Marshall Federal Judiciary Building are proposed for permanent retention. Other Federal courthouse architectural plans were previously approved for permanent retention in the General Services Administration records schedule.

5. Central Intelligence Agency, Pacific Corporation (N1–263–00–1, 39 items, 25 temporary items). Corporate records of the Pacific Corporation, an agency proprietary, and its operating arm, Air America, Inc. Included are such materials as subject files, contracts, personnel rosters, surplus sales records, tax files and other financial records, maps, litigation files, and records relating to security. Records proposed for permanent retention include charters, by-laws, minutes, selected subject files, selected contract files, selected security records, and Board of Review files. An Air America publicity film is also proposed for permanent retention.

6. Environmental Protection Agency, Office of Research and Development (N1–412–01–04, 5 items, 2 temporary items). Electronic copies of documents created using electronic mail and word processing that relate to overflights of sites under study. Recordkeeping copies of aerial photographs, analytical reports, and indexes are proposed for permanent retention.

7. Environmental Protection Agency, Office of Environmental Information (N1–412–03–4, 3 items, 3 temporary items). Records of the Collecting Strategies Division relating to information collection requests and information collection budget reports submitted to the Office of Management and Budget. Also included are electronic copies of records created using electronic mail and word processing.

8. Environmental Protection Agency, Office of Air and Radiation (N1–412–03–5, 3 items, 3 temporary items). Records associated with an electronic database relating to acid rain, including tracking data, utility reporting data, quality assurance information, and data derived from emissions monitoring plans. Included are electronic data files, software, and supporting documentation.

9. Federal Housing Finance Board, Office of Management (N1–485–03–1, 4 items, 4 temporary items). Paper and electronic work papers created by bank examiners during an examination and used in the preparation of reports. Records include memoranda, draft analyses, notes, and spreadsheets. Also included are electronic copies of documents created using electronic mail and word processing. Recordkeeping copies of reports of examination were previously approved for permanent retention.

10. National Archives and Records Administration, Office of Records Services—Washington, DC (N2–286–01–1, 8 items, 8 temporary items). Records of the United States Agency for International Development that were previously accessioned into the National Archives. Records relate to training and education and include such files as training contracts, training authorizations, and records relating to scholarships.

11. National Commission to Ensure Consumer Information and Choice in the Airline Industry (N1–220–03–02, 21 items, 3 temporary items). The Commission's web site and electronic copies of documents created using electronic mail and word processing. Proposed for permanent retention are recordkeeping copies of such records as information and data collected by the Commission, studies, the Commission's final report, transcripts and digests of hearings, and press materials.

12. Office of Government Ethics, Office of the Director (N1–522–03–1, 2 items, 2 temporary items). Records relating to the evaluation of allegations involving Inspectors General brought before the Integrity Committee of the President's Council on Integrity and Efficiency. Also included are word processing copies of these records that are used to produce a recordkeeping copy.

13. Overseas Private Investment Corporation, Office of the Chief Financial Officer (N1–420–03–2, 26 items, 26 temporary items). Records relating to information technology operations and management. Records relate to such matters as equipment support services, system backups, security, customer services, and the design and implementation of the agency's information technology infrastructure. Also included are electronic copies of documents created using electronic mail and word processing.

Dated: February 10, 2003.

Michael J. Kurtz,

Assistant Archivist for Record Services—Washington, DC.

[FR Doc. 03–3597 Filed 2–13–03; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Reinstatement, With Change, of a Previously Approved Information Collection; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35).

This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until April 15, 2003.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer or OMB Reviewer listed below:

Clearance Officer: Mr. Neil McNamara, (703) 518–6447, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. 703–518–6489, E-mail: *mcnamara@ncua.gov.*

OMB Reviewer: Mr. Joseph F. Lackey, (202) 395–4741, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Copies of the information collection requests, with applicable supporting documentation, may be obtained by calling the NCUA Clearance Officer, Neil McNamara, (703) 518–6447.

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

OMB Number: 3133–0144.

Form Number: N/A.

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Title: Examination Survey.

Description: The survey provides federal credit unions with an opportunity to give NCUA feedback on its examination procedures. NCUA uses the information to evaluate and improve the examination process.

Estimated No. of Respondents/ Recordkeepers: 6,023.

Estimated Burden Hours Per Response: 5 minutes.

Frequency of Response: Reporting and annually.

Estimated Total Annual Burden Hours: 502 hours.

Estimated Total Annual Cost: $ 0.

By the National Credit Union Administration Board on February 10, 2003.

Becky Baker,

Secretary of the Board.

[FR Doc. 03–3707 Filed 2–13–03; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for a Reinstatement, With Change, of a Previously Approved Collection; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until April 15, 2003.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer or OMB Reviewer listed below:

Clearance Officer: Mr. Neil McNamara, (703) 518–6447, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. 703–518–6489, E-mail: *mcnamara@ncua.gov.*

OMB Reviewer: Mr. Joseph F. Lackey, (202) 395–4741, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Copies of the information collection requests, with applicable supporting documentation, may be obtained by calling the NCUA Clearance Officer, Neil McNamara, (703) 518–6447.

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

OMB Number: 3133–0121.

Form Number: N/A.

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Title: Notice of change of Officials and Senior Executive Officers.

Description: The regulations direct newly chartered and troubled credit unions to provide NCUA with 30 days notice before making a management change. 12 CFR 701.14 and 741.205.

Estimated No. of Respondents/ Recordkeepers: 589.

Estimated Burden Hours Per Response: 2.0 hours.

Frequency of Response: Reporting and on occasion.

Estimated Total Annual Burden Hours: 1178.

Estimated Total Annual Cost: $ 0.

By the National Credit Union Administration Board on February 10, 2003.

Becky Baker,

Secretary of the Board.

[FR Doc. 03–3708 Filed 2–13–03; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for a New Collection; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until April 15, 2003.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer or OMB Reviewer listed below:

Clearance Officer: Mr. Neil McNamara, (703) 518–6447, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. 703–518–6489, E-mail: *mcnamara@ncua.gov.*

OMB Reviewer: Mr. Joseph F. Lackey, (202) 395–4741, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Copies of the information collection requests, with applicable supporting documentation, may be obtained by calling the NCUA Clearance Officer, Neil McNamara, (703) 518–6447.

SUPPLEMENTARY INFORMATION: Proposal for the following new collection of information:

OMB Number: 3133–.

Form Number: N/A.

Type of Review: New collection.

Title: 12 CFR 741.11 of NCUA's Rules and Regulations, Foreign Branching.

Description: Part 741.11 contains a provision that any insured credit union must apply for and receive approval from the regional director before establishing a credit union branch outside the United States unless the foreign branch is located on a United States military institution or embassy outside the United States. The application must include (1) a business plan, (2) written approval by the state supervisory agency if the applicant is a state-chartered credit union, and (3) documentation evidencing written permission from the host country to establish the branch that explicitly recognizes NCUA's authority to examine and take any enforcement actions, to

include conservatorship and liquidation actions.

Estimated No. of Respondents/ Recordkeepers: 10.

Estimated Burden Hours Per Response: 16 hours.

Frequency of Response: Reporting and other (one time only).

Estimated Total Annual Burden Hours: 160.

Estimated Total Annual Cost: $0.

By the National Credit Union Administration Board on February 10, 2003.

Becky Baker,

Secretary of the Board.

[FR Doc. 03–3709 Filed 2–13–03; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Reinstatement, With Change, of a Previously Approved Collection; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until April 15, 2003.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer or OMB Reviewer listed below:

Clearance Officer: Mr. Neil McNamara (703) 518–6447, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. 703–518–6489, E-mail: *mcnamara@ncua.gov.*

OMB Reviewer: Mr. Joseph F. Lackey (202) 395–4741, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Copies of the information collection requests, with applicable supporting documentation, may be obtained by calling the NCUA Clearance Officer, Neil McNamara, (703) 518–6447.

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

OMB Number: 3133–0138.

Form Number: N/A.

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Title: Community Development Revolving Loan Program for Credit Union Application for Funds.

Description: NCUA requests this information from credit unions to assess financial ability to repay the loans and to ensure that the funds are used to benefit the institution and the community it serves. The respondents are financial institutions that serve specific membership groups.

Estimated No. of Respondents/ Recordkeepers: 28.

Estimated Burden Hours Per Response: 9 hours.

Frequency of Response: Reporting, on occasion and annually.

Estimated Total Annual Burden Hours: 252 hours.

Estimated Total Annual Cost: $0.

By the National Credit Union Administration Board on February 10, 2003.

Becky Baker,

Secretary of the Board.

[FR Doc. 03–3710 Filed 2–13–03; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL LABOR RELATIONS BOARD

Notice of Meeting; Sunshine Act

AGENCY: National Labor Relations Board.

TIME AND DATE: Wednesday, February 5, 2003. Immediately following a 2 p.m. scheduled Board Agenda.

PLACE: Board Conference Room, Eleventh Floor, 1099 Fourteenth St., NW., Washington, DC 20570.

STATUS: Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(2) (internal personnel rules and practices); and (9)(B) (disclosure would significantly frustrate implementation of a proposed Agency action * * *).

MATTERS TO BE CONSIDERED: Internal Administrative Matters.

CONTACT PERSON FOR MORE INFORMATION: Lester A. Heltzer, Acting Executive Secretary, Washington, DC 20570, Telephone: (202) 273–1067.

Dated: Washington, DC, February 6, 2003.

By direction of the Board:

Lester A. Heltzer,

Acting Executive Secretary.

[FR Doc. 03–3813 Filed 2–12–03; 10:19 am]

BILLING CODE 7545–01–M

NATIONAL SCIENCE FOUNDATION

Alan T. Waterman Award Committee, 1172; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Alan T. Waterman Award Committee, 1172.

Date and Time: Wednesday, March 5, 2003, 9 a.m.–2 p.m., room 1295.

Place: National Science Foundation, Arlington, Virginia.

Type of Meeting: Closed.

Contact Person: Mrs. Susan E. Fannoney, Executive Secretary, Room 1220, National Science Foundation, 4201 Wilson Blvd, Arlington, VA 22230. Telephone: 703/292–8096.

Purpose of Meeting: To provide advice and recommendations in the selection of the Alan T. Waterman Award recipient.

Agenda: To review and evaluate nominations as part of the selection process for awards (NSF–00–123).

Reason for Closing: The nomination being reviewed include information of a personal nature where disclosure would constitute unwarranted invasions of personal privacy. These matters are exempt under 5 U.S.C. 552b(c)(6) of the Government in the Sunshine Act.

Dated: February 11, 2003.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 03–3725 Filed 2–13–03; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

DOE/NSF Nuclear Science Advisory Committee, 1176; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: DOE/NSF Nuclear Science Advisory Committee (1176).

Date and Time: Thursday, March 6, 2003; 8:30 a.m.–6 p.m.; Friday, March 7, 2003; 8:30 a.m.–6 p.m.

Place: Stafford I Building, Room 1235, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230.

Type of Meeting: Open.

Contact Person: Dr. Bradley D. Keister, Program Director for Nuclear Physics, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292–7377.

Purpose of Meeting: To provide advice and recommendations concerning the scientific programs of the NSF and DOE in the area of basic nuclear physics research.

AGENDA:

March 6, 2003

Introduction (R. Casten)
Report from DOE
Report from NSF
Discussion of long-range priorities charge from DOE Office of Science
Introduction of additional charges
Public Comment

March 7, 2003

Continued Discussion of additional charges

Dated: February 11, 2003.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 03–3724 Filed 2–13–03; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–346; License No. NPF–3]

FirstEnergy Nuclear Operating Company, Davis-Besse Nuclear Power Station, Unit 1; Receipt of Request for Action Under 10 CFR 2.206

Notice is hereby given that by petition dated February 3, 2003, Congressman Dennis J. Kucinich (petitioner) of the United States House of Representatives has requested that the U.S. Nuclear Regulatory Commission (NRC) revoke the FirstEnergy Nuclear Operating Company's (FirstEnergy's) license to operate the Davis-Besse Nuclear Power Station in Oak Harbor, Ohio.

As the basis for this request, the petitioner states that FirstEnergy ''has operated outside the parameters of their operating license for several years, has violated numerous federal laws, rules and regulations, and has hidden information from the NRC and lied to the NRC to justify the continuing operation of the Davis-Besse Nuclear Power Station.''

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the NRC's Office of Nuclear Reactor Regulation (NRR). As provided by Section 2.206, appropriate action will be taken on this petition within a reasonable time.

A copy of the petition is available in the Agencywide Documents Access and Management System (ADAMS) for inspection at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and from the ADAMS Public Library component on the NRC's Web site, http://www.nrc.gov/reading-rm/adams.html (the Public Electronic Reading Room) using the Accession No. ML030370067. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC's PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland this 10th day of February 2003.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 03–3688 Filed 2–13–03; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Required Interest Rate Assumption for Determining Variable-Rate Premium; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or can be derived from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's Web site *(http://www.pbgc.gov).*

DATES: The required interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in February 2003. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in March 2003.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate (the ''required interest rate'') in determining a single-employer plan's variable-rate premium. The required interest rate is the ''applicable percentage'' (currently 100 percent) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the ''premium payment year''). (Although the Treasury Department has ceased issuing 30-year securities, the Internal Revenue Service announces a surrogate yield figure each month—based on the 30-year Treasury bond maturing in February 2031—which the PBGC uses to determine the required interest rate.)

The required interest rate to be used in determining variable-rate premiums for premium payment years beginning in February 2003 is 4.94 percent.

The following table lists the required interest rates to be used in determining variable-rate premiums for premium payment years beginning between March 2002 and February 2003.

For premium payment years beginning in—	The required interest rate is—
March 2002	5.40
April 2002	5.71
May 2002	5.68
June 2002	5.65
July 2002	5.52
August 2002	5.39
September 2002	5.08
October 2002	4.76
November 2002	4.93
December 2002	4.96
January 2003	4.92
February 2003	4.94

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in March 2003 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 7th day of February 2003.

Joseph H. Grant,

Deputy Executive Director and Chief, Operating Officer, Pension Benefit Guaranty Corporation.

[FR Doc. 03–3690 Filed 2–13–03; 8:45 am]

BILLING CODE 7708–01–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

Summary: In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Nonresident Questionnaire; OMB 3220–0145—Under Public Laws 98–21 and 98–76, benefits under the Railroad Retirement Act payable to annuitant living outside the United States may be subject to taxation under United States income tax laws. Whether the social security equivalent and non-social security equivalent portions of Tier I, Tier II, vested dual benefit, or supplemental annuity payments are subject to tax withholding, and whether the same or different rates are applied to each payment, depends on a beneficiary's citizenship and legal residence status, and whether exemption under a tax treaty between the United states and the country in which the beneficiary is a legal resident has been claimed. To effect the required tax withholding, the Railroad Retirement Board (RRB) needs to know a nonresidents citizenship and legal residence status.

To secure the required information, the RRB utilizes Form RRB–1001, Nonresident Questionnaire, as a supplement to an application as part of the initial application process, and as an independent vehicle for obtaining the needed information when an annuitant's residence or tax treaty status changes. Completion is voluntary. One response is requested of each respondent.

The RRB estimates that 1,300 Form RRB–1001's are completed annually. The completion time for Form RRB–1001 is estimated at 30 minutes. No changes are proposed to Form RRB–1001.

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751–3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611–2092. Written should be received within 60 days of this notice.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 03–3642 Filed 2–13–03; 8:45 am]

BILLING CODE 7905–01–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

Summary: In accordance with the Paperwork Reduction 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:* Application for Survivor Death Benefits.

(2) *Form(s) submitted:* AA–21, AA–21cert, G–273a, AA–11a, and G–131.

(3) *OMB Number:* 3220–0031.

(4) *Expiration date of current OMB clearance:* 04/30/2003.

(5) *Type of request:* Extension of a currently approved collection.

(6) *Respondents:* Individuals or households, Business or other for-profit.

(7) *Estimated annual number of respondents:* 20,600.

(8) *Total annual responses:* 20,600.

(9) *Total annual reporting hours:* 5,150.

(10) *Collection description:* The collection obtains the information needed to pay death benefits and annuities due but unpaid at death under the Railroad Retirement Act. Benefits are paid to designated beneficiaries or to survivors in a priority designated by law.

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. 03–3641 Filed 2–13–03; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Form F–9—OMB Control No. 3235–0377, SEC File No. 270–333

Form F–10—OMB Control No. 3235–0380, SEC File No. 270–334

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management Budget for extension and approval.

Form F–9 is a registration statement under the Securities Act of 1933 that is used to register investment grade debt or investment grade preferred securities that are offered for cash or in connection with an exchange offer and either non-convertible or not convertible for a period of at least one year from the date of issuance and, except as noted in paragraph (E), are thereafter only convertible into a security of another class of the issuer. The purpose of the information collection is to permit verification of compliance with securities law requirements and to assure the public availability and dissemination of such information. The principal function of the Commission's forms and rules under the securities laws' disclosure provisions is to make information available to the investors. Approximately 18 respondents file Form F–9 annually and at 25 hours per response for a total of 450 annual burden hours. It is estimated that 25% of the 450 annual burden hours (113 burden hours) is prepared by the company.

Form F–10 is a registration statement under the Securities Act of 1933 that is used by certain Canadian ''substantial issuers''—those issuers with at least 36

calendar months of reporting history with a securities commission in Canada and a market value of common stock of at least $360 million (Canadian) and an aggregate market value of common stock held by non-affiliates of at least $75 million (Canadian). The purpose of the information collection is to facilitate cross-border offerings by specified Canadian issuers. Approximately 25 respondents file Form F–10 annually and at approximately 25 hours per response for a total of 625 annual burden hours. It is estimated that 25% of the 625 total burden hours (156 burden hours) is prepared by the company.

Written comments are invited on: (a) Whether these proposed collections of information are 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 the burden of the collection of information; (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 respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Kenneth A. Fogash, Acting Associate Executive Director/CIO, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW Washington, DC 20549.

Dated: February 6, 2003.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–3713 Filed 2–13–03; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application To Withdraw from Listing and Registration on the American Stock Exchange LLC (Kinross Gold Corporation, Common Stock, No Par Value) File No. 1–13382

February 10, 2003.

Kinross Gold Corporation, a Providence of Ontario corporation (''Issuer''), has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to section 12(d) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 12d2–2(d) thereunder,[2] to withdraw its Common Stock, no par value (''Security''), from listing and registration on the American Stock Exchange LLC (''Amex'' or ''Exchange'').

The Issuer stated in its application that it has met the requirements of Amex Rule 18 by complying with all applicable laws in the Province of Ontario, Canada, in which it is incorporated, and with the Amex's rules governing an issuer's voluntary withdrawal of a security from listing and registration.

The Issuer states that it is in the process of merging with TVX Gold Inc. and Echo Bay Mines, Ltd. As a result of this transaction, the Company seeks to voluntarily withdraw its Security from listing and registration with the Amex. The Issuer represents that the merger transaction became effective on January 31, 2003 and that its Security began trading on the New York Stock Exchange, Inc. on February 3, 2003.

The Issuer's application relates solely to the withdrawal of the Securities from listing on the Amex and from registration under section 12(b) of the Act [3] shall not affect its obligation to be registered under section 12(g) of the Act.[4]

Any interested person may, on or before March 5, 2003, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the Amex and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Jonathan G. Katz,

Secretary.

[FR Doc. 03–3719 Filed 2–13–03; 8:45 am]

BILLING CODE 8010–01–P

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

[3] 15 U.S.C. 78*l*(b).

[4] 15 U.S.C. 78*l*(g).

[5] 17 CFR 200.30–3(a)(1).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27648]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

February 7, 2003.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 4, 2003, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After March 4, 2003, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

NorthWestern Corporation (70–10053)

NorthWestern Corporation (''NorthWestern'' or ''Applicant''), 125 South Dakota Avenue, Sioux Falls, South Dakota 57104, a ''holding company'' and ''public-utility company'' within the meanings of sections 2(a)(7) and 2(a)(5) of the Act, respectively, has filed an application (''Application'') under section 3(a)(3) of the Act.

NorthWestern is engaged in various utility and nonutility operations.[1] The

[1] Applicant states that, through subsidiaries, NorthWestern: locates for utilities underground lines, wires, and pipes; provides unregulated energy related products and services to industrial, institutional, and commercial clients; provides energy management consulting services; sells energy management systems; finances energy management investments; operates energy delivery facilities; provides integrated communication and data solutions to small and medium-sized

NorthWestern Public Service division (''NPS'') of NorthWestern holds ownership interests in the following electric utility assets: a 23.4% share of Big Stone Generating Plant, located near Big Stone City, South Dakota; a ten percent share of Coyote I Electric Generating Station, located near Beulah, North Dakota; and an 8.7% share of Neal Electric Generating Unit No. 4, located near Sioux City, Iowa. These facilities are operated by their other co-owners, and their output is dispatched by the MidContinent Area Power Pool. NorthWestern uses this plant to provide retail electric service to 108 communities in South Dakota, with a combined total population of 98,400 people. The company states that it also engages in limited wholesale electricity sales.

The NPS also holds nonexclusive municipal franchises to provide natural gas service in fifty-seven South Dakota and four Nebraska communities. Under these franchises, NorthWestern provides gas distribution services to approximately 81,000 customers.[2]

Applicant states that the South Dakota Public Utility Commission regulates its electric and gas utility operations, and its Nebraska gas distribution activities are regulated by the four Nebraska municipalities in which it operates.

By purchase and sale agreement dated September 29, 2000 (''Agreement''), NorthWestern agreed to acquire (''Acquisition'') the gas, electric, and certain nonutility operations of Montana Power Company (''MPC''). Under the Agreement, MPC would transfer certain assets to a new limited liability company subsidiary, Montana Power LLC (''LLC''), and NorthWestern would acquire all of the membership interests of the LLC. The assets that MPC would transfer to the LLC include the following: (1) Milltown Dam, a three megawatt capacity hydroelectric facility; (2) its leasehold interest in Colstrip Unit 4, an electric generating plant located in Montana that is operated by a third-party; (3) certain electric transmission and distribution lines; (4) 2,000 miles of natural gas pipeline; and (5) three underground propane distribution systems that service the town of Townsend, the Big Sky Ski Resort, and the Anaconda Job Corps. MPC used these assets to provide retail electric service to approximately 288,000 customers located in Montana and Wyoming,[3] retail gas service to approximately 151,000 retail customers in Montana, and propane distribution service to the town of Townsend, the Big Sky Ski Resort, and the Anaconda Job Corps.

On February 14, 2002, NorthWestern filed the Application and, on February 25, 2002, NorthWestern acquired the LLC. By acquiring the LLC, Applicant became a ''holding company'' within the meaning of the Act. Applicant requests an order from the Commission granting the company an exemption from registration under section 3(a)(3) of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–3712 Filed 2–13–03; 8:45 am]

BILLING CODE 8010–01–P

businesses; provides air conditioning, heating, duct-cleaning, and plumbing services; supplies, markets, and distributes propane, other natural gas liquids, crude oil, and natural gas to other resellers and end-users; markets electricity at market rates; and holds ''non-material,'' passive investments in nonutility businesses related to those described above.

[2] Applicant states that approximately half of these customers are located in South Dakota, and the other half is located in Nebraska.

[3] Applicant states that the only electric service provided in Wyoming consisted of MPC's service of customers within Yellowstone National Park, which is located in both Montana and Wyoming.

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application to Withdraw From Listing and Registration on the American Stock Exchange LLC (Star Struck, Ltd., Common Stock, $1.00 par value) File No. 1–08912

February 10, 2003.

Star Struck, Ltd., a Delaware corporation (''Issuer''), has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to section 12(d) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 12d2–2(d) thereunder,[2] to withdraw its Common Stock, $1.00 par value (''Security''), from listing and registration on the American Stock Exchange LLC (''Amex'' or ''Exchange'').

The Issuer stated in its application that it has met the requirements of Amex Rule 18 by complying with all applicable laws in State of Delaware, in which it is incorporated, and with the Amex's rules governing an issuer's voluntary withdrawal of a security from listing and registration.

The Board of Directors (''Board'') of the Issuer unanimously approved a resolution on November 1, 2002 to withdraw the Issuer's Security from listing on the Amex. The Board took such action at the advice of counsel since the Issuer had fewer than 500 shareholders of record and total assets not exceeding $10,000,000 on the last day of each of the three most recent fiscal years and, by delisting its Security from the Amex, the Issuer could eliminate significant anticipated costs, including fees and expenses relating to the Amex's annual listing charges. In addition, the Board has considered the effect on the Issuer and on its shareholders of delisting and has determined that the benefit of delisting substantially outweighs any adverse effect on the Issuer or on its shareholders. The Issuer states that it is currently seeking a market maker for the Security.

The Issuer's application relates solely to the withdrawal of the Security from listing on the Amex and from registration under section 12(b) of the Act[3] shall not affect its obligation to be registered under section 12(g) of the Act.[4]

Any interested person may, on or before March 5, 2003, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the Amex and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. [5]

Jonathan G. Katz,

Secretary.

[FR Doc. 03–3718 Filed 2–13–03; 8:45 am]

BILLING CODE 8010–01–P

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

[3] 15 U.S.C. 78*l*(b).

[4] 15 U.S.C. 78*l*(g).

[5] 17 CFR 200.30–3(a)(1).

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–25930; File No. 812–12865]

TCW Premier Funds, et al.

February 10, 2003.

AGENCY: The Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of Application for an Order of Exemption under Section 6(c) of the Investment Company Act of 1940,

as amended (''1940 Act'') from sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder.

Applicants: TCW Premier Funds (''Trust'') and TCW Investment Management Company (''TCW'') (collectively, ''Applicants'').

Summary of Application: Applicants seek an order to permit shares of the Trust and shares of any other existing or future investment company that is designed to fund insurance products and for which TCW, or any of its affiliates, may serve as investment manager, investment adviser, subadviser, administrator, manager, principal underwriter or sponsor (the Trust and such other investment companies being hereinafter referred to, collectively, as ''Insurance Trusts''), or permit shares of any current or future series of any Insurance Trust (''Insurance Fund''), to be sold to and held by: (1) Separate accounts funding variable annuity and variable life insurance contracts issued by both affiliated and unaffiliated life insurance companies; (2) qualified pension and retirement plans outside of the separate account context (''Qualified Plans'' or ''Plans''); (3) any investment manager to an Insurance Fund and affiliates thereof that is permitted to hold shares of an Insurance Fund consistent with the requirements of Treasury Regulation 1.817–5 (collectively, the ''Manager''); and (4) any insurance company that is permitted to hold shares of an Insurance Fund consistent with the requirements of Treasury Regulation 1.817–5 (''General Accounts'').

Filing Date: The Application was filed on August 9, 2002 and was amended and restated on October 18, 2002.

Hearing or Notification of Hearing: An order granting the Application will be issued unless the Commission orders a hearing. Interested persons may request a hearing on the Application by writing to the Secretary of the SEC and serving Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the SEC by 5:30 p.m. on March 6, 2003 and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of writer's interest, the reason for the request, and the issues contested. Persons may request notification of the date of the hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549–0690. Applicants, c/o Philip K. Holl, Esq., Senior Vice President and Associate General Counsel, TCW Investment Management Company, 865 South Figueroa Street, Suite 1800, Los Angeles, California 90017.

FOR FURTHER INFORMATION CONTACT: Leland B. Erickson, Attorney, or Zandra Y. Bailes, Branch Chief, Office of Insurance Products, Division of Investment Management at (202) 942–0670.

SUPPLEMENTARY INFORMATION: The 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 (202–942–8090).

Applicants' Representations

1. The Trust is a Delaware business trust organized on July 16, 2002 and is registered as an open-end management investment company under the 1940 Act. The initial series of the Trust are TCW Premier Opportunity Fund and TCW Premier Value Opportunities Fund (the ''Funds''). Additional series of the Trust and classes of the Funds and additional Insurance Funds may be established in the future.

2. TCW serves as the Trust's investment adviser. TCW was organized in 1987 as a wholly-owned subsidiary of The TCW Group, Inc. Société Générale Asset Management, S.A. may be deemed to be a control person of TCW by reason of its ownership of more than 25% of the outstanding voting stock of the TCW Group, Inc. Société Générale Asset Management, S.A., is a wholly-owned subsidiary of Société Générale, S.A.

3. The Insurance Trusts intend to offer shares of the Insurance Funds to (a) separate accounts of affiliated and unaffiliated insurance companies in order to fund variable annuity contracts and variable life insurance contracts (collectively, ''Separate Accounts''); (b) Qualified Plans; (c) any investment manager to an Insurance Fund and affiliates thereof that is permitted to hold shares of an Insurance Fund consistent with the requirements of Treasury Regulation 1.817–5 (collectively, the ''Manager''); and (d) any insurance company that is permitted to hold shares of an Insurance Fund consistent with the requirements of Treasury Regulation 1.817–5 (''General Accounts'').

4. Insurance companies whose Separate Account(s) may now or in the future own shares of the Insurance Funds are referred to herein as ''Participating Insurance Companies.'' The Participating Insurance Companies will establish their own separate accounts and design their own contracts. Each Participating Insurance Company will have the legal obligation to satisfy all applicable requirements under both state and federal law. It is anticipated that Participating Insurance Companies will rely on Rules 6e–2 and 6e–3(T), although some Participating Insurance Companies, in connection with variable life insurance contracts, may rely on individual exemptive orders as well.

5. The Insurance Trusts intend to offer shares of the Insurance Funds directly to Qualified Plans outside of the separate account context. Qualified Plans may choose any of the Insurance Funds that are offered as the sole investment under the Plan or as one of several investments. Plan participants may or may not be given an investment choice depending on the terms of the Plan itself. Shares of any of the Insurance Funds sold to such Qualified Plans would be held or deemed to be held by the trustee(s) of said Plans. Certain Qualified Plans, including section 403(b)(7) Plans and section 408(a) Plans, may vest voting rights in Plan participants instead of Plan trustees. Exercise of voting rights by participants in any such Qualified Plans, as opposed to the trustees of such Plans, cannot be mandated by the Applicants. Each Plan must be administered in accordance with the terms of the Plan and as determined by its trustee or trustees.

6. Shares of each Insurance Fund also may be offered to the Manager or to General Accounts, in reliance on regulations issued by the Treasury Department (Treas. Reg. 1.817–5) that established diversification requirements for variable annuity and variable life insurance contracts (''Treasury Regulations''). Treasury Regulation 1.817–5(f)(3)(ii) permits such sales as long as the return on shares held by the Manager or General Accounts is computed in the same manner as for shares held by the Separate Accounts, and the Manager or the General Accounts do not intend to sell to the public shares of the Insurance Trust that they hold. An additional restriction is imposed by the Treasury Regulations on sales to the Manager, who may hold shares only in connection with the creation or management of the Insurance Trust. Applicants anticipate that sales in reliance on these provisions of the Treasury Regulations generally will be made to the Manager for the purpose of providing necessary capital required by section 14(a) of the 1940 Act.

Applicants' Legal Analysis

1. Applicants request that the Commission issue an order pursuant to section 6(c) of the 1940 Act granting exemptions from the provisions of sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder (including any comparable provisions of a permanent rule that replaces Rule 6e–3(T)), to the extent necessary to permit shares of each Insurance Trust to be offered and sold to, and held by: (1) Separate Accounts funding variable annuity contracts and scheduled premium and flexible premium variable life insurance contracts issued by both affiliated and unaffiliated life insurance companies; (2) Qualified Plans; (3) any Manager to an Insurance Fund; and (4) General Accounts.

2. Section 6(c) authorizes the Commission to exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision or provisions of the 1940 Act and/or of any rule thereunder if and 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 1940 Act.

3. In connection with the funding of scheduled premium variable life insurance contracts issued through a separate account organized as a unit investment trust (''Trust Account''), Rule 6e–2(b)(15) provides partial exemptions from Sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act. The exemptions granted to a separate account by Rule 6e–2(b)(15) are available only where each registered management investment company underlying the Trust Account (''underlying fund'') offers its shares ''*exclusively* to variable life insurance separate accounts of the life insurer or of any affiliated life insurance company * * *.'' (emphasis added). Therefore, the relief granted by Rule 6e–2(b)(15) is not available with respect to a scheduled premium variable life insurance separate account that owns shares of an underlying fund that also offers its shares to a variable annuity separate account of the same company or of any affiliated life insurance company. The use of a common underlying fund as the underlying investment medium for both variable annuity and variable life insurance separate accounts of the same life insurance company or of any affiliated life insurance company is referred to herein as ''mixed funding.'' In addition, the relief granted by Rule 6e–2(b)(15) is not available with respect to a scheduled premium variable life insurance separate account that owns shares of an underlying fund that also offers its shares to separate accounts funding variable contracts of one or more unaffiliated life insurance companies. The use of a common underlying fund as the underlying investment medium for variable life insurance separate accounts of one insurance company and separate accounts funding variable contracts of one or more unaffiliated life insurance companies is referred to herein as ''shared funding.'' Moreover, because the relief under Rule 6e–2(b)(15) is available only where shares are offered *exclusively* to variable life insurance separate accounts, additional exemptive relief may be necessary if the shares of the Insurance Trusts are also to be sold to Qualified Plans, the Manager or General Accounts.

4. In connection with the funding of flexible premium variable life insurance contracts issued through a Trust Account, Rule 6e–3(T)(b)(15) provides partial exemptions from sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act to the extent that those sections have been deemed by the Commission to require ''pass-through'' voting with respect to an underlying fund's shares. The exemptions granted to a separate account by Rule 6e–3(T)(b)(15) are available only where all of the assets of the separate account consist of the shares of one or more underlying funds which offer their shares ''*exclusively* to separate accounts of the life insurer, or of any affiliated life insurance company, offering either scheduled contracts or flexible contracts, or both; or which also offer their shares to variable annuity separate accounts of the life insurer or of an affiliated life insurance company'' (emphasis added). Therefore, Rule 6e–3(T) permits mixed funding with respect to a flexible premium variable life insurance separate account, subject to certain conditions. However, Rule 6e–3(T) does not permit shared funding because the relief granted by Rule 6e–3(T)(b)(15) is not available with respect to a flexible premium variable life insurance separate account that owns shares of an underlying fund that also offers its shares to separate accounts (including variable annuity and flexible premium and scheduled premium variable life insurance separate accounts) of unaffiliated life insurance companies. The relief provided by Rule 6e–3(T) is not relevant to the purchase of shares of the Insurance Trusts by Qualified Plans, the Manager or General Accounts. However, because the relief granted by Rule 6e–3(T)(b)(15) is available only where shares of the underlying fund are offered exclusively to separate accounts, or to life insurers in connection with the operation of a separate account, additional exemptive relief may be necessary if the shares of the Insurance Trusts are also to be sold to Qualified Plans, the Manager or General Accounts.

5. The relief provided by Rule 6e–3(T) is not relevant to the purchase of shares of the Insurance Trusts by Qualified Plans, the Manager or General Accounts. However, because the relief granted by Rule 6e–3(T)(b)(15) is available only where shares of the underlying fund are offered exclusively to separate accounts, or to life insurers in connection with the operation of a separate account, additional exemptive relief may be necessary if the shares of the Insurance Trusts are also to be sold to Qualified Plans, the Manager or General Accounts. None of the relief provided for in Rules 6e–2(b)(15) and 6e–3(T)(b)(15) relates to Qualified Plans, the Manager or General Accounts, or to an underlying fund's ability to sell its shares to such purchasers. It is only because some of the Separate Accounts that may invest in the Insurance Trusts may themselves be investment companies that rely upon Rules 6e–2 and 6e–3(T) and wish to continue to rely upon the relief provided in those Rules, that the Applicants are applying for the requested relief. If and when a material irreconcilable conflict arises in the context of the Application between the Separate Accounts or between Separate Accounts on the one hand and Qualified Plans, the Manager or General Accounts on the other hand, the Participating Insurance Companies, Qualified Plans, the Manager and the General Accounts must take whatever steps are necessary to remedy or eliminate the conflict, including eliminating the Insurance Funds as an eligible investment option. Applicants have concluded that investment by the Manager or the inclusion of Qualified Plans and General Accounts as eligible shareholders should not increase the risk of material irreconcilable conflicts among shareholders. However, Applicants further assert that even if a material irreconcilable conflict involving the Qualified Plans or General Accounts arose, the Qualified Plans or General Accounts, unlike the Separate Accounts, can simply redeem their shares and make alternative investments. By contrast, insurance companies cannot simply redeem their separate accounts out of one fund and

invest in another. Time consuming, complex transactions must be undertaken to accomplish such redemptions and transfers. Applicants thus argue that allowing the Manager, General Accounts or Qualified Plans to invest directly in the Insurance Trusts should not increase the opportunity for conflicts of interest.

6. Applicants assert that the Treasury Regulations made it possible for shares of an investment company to be held by a Qualified Plan, the investment company's investment manager or its affiliates or General Accounts without adversely affecting the ability of shares in the same investment company to also be held by separate accounts of insurance companies in connection with their variable life insurance contracts. Section 817(h) of the Internal Revenue Code of 1986 (''Code'') imposes certain diversification standards on the underlying assets of separate accounts funding variable annuity contracts and variable life contracts. In particular, the Code provides that such contracts shall not be treated as an annuity contract or life insurance contract for any period (and any subsequent period) for which the separate account investments are not, in accordance with regulations prescribed by the Treasury Department, adequately diversified. The Treasury Regulations provide that, in order to meet the diversification requirements, all of the beneficial interests in the investment company must be held by the segregated asset accounts of one or more insurance companies. However, the Treasury Regulations also contain certain exceptions to this requirement, one of which allows shares in an investment company to be held by the trustee of a qualified pension or retirement plan without adversely affecting the ability of shares in the same investment company to also be held by the separate accounts of insurance companies in connection with their variable annuity and variable life contracts (Treas. Reg. § 1.817–5(f)(3)(iii)).

7. Applicants also assert that the Treasury Regulations contain another exception that permits the Insurance Funds to sell shares to General Accounts or the Manager subject to certain conditions (Treas. Reg. § 1.817–5(f)(3)(i), (ii)).

8. The promulgation of Rules 6e–2(b)(15) and 6e–3(T)(b)(15) preceded the issuance of the Treasury Regulations which made it possible for shares of an investment company to be held by a Qualified Plan, the investment company's investment manager or its affiliates or General Accounts without adversely affecting the ability of shares in the same investment company to also be held by the separate accounts of insurance companies in connection with their variable life insurance contracts. Thus, the sale of shares of the same investment company to separate accounts through which variable life insurance contracts are issued, to Qualified Plans, to the investment company's investment manager and its affiliates or General Accounts (collectively, ''eligible shareholders'') could not have been envisioned at the time of the adoption of Rules 6e–2(b)(15) and 6e–3(T)(b)(15), given the then-current tax law.

9. Paragraph (3) of section 9(a) provides, among other things, that it is unlawful for any company to serve as investment adviser to or principal underwriter for any registered open-end investment company if an affiliated person of that company is subject to a disqualification enumerated in sections 9(a)(1) or (a)(2). Rule 6e–2(b)(15)(i) and (ii) and Rule 6e–3(T)(b)(15)(i) and (ii) provide exemptions from section 9(a) under certain circumstances, subject to the limitations discussed above on mixed and shared funding. These exemptions limit the application of the eligibility restrictions to affiliated individuals or companies that directly participate in the management of the underlying management investment company. The relief provided by Rules 6e–2(b)(15)(i) and 6e–3(T)(b)(15)(i) permits a person disqualified under section 9(a) to serve as an officer, director, or employee of the life insurer, or any of its affiliates, so long as that person does not participate directly in the management or administration of the underlying fund. The relief provided by Rules 6e–2(b)(15)(ii) and 6e–3(T)(b)(15)(ii) permits the life insurer to serve as the underlying fund's investment manager or principal underwriter, provided that none of the insurer's personnel who are ineligible pursuant to section 9(a) are participating in the management or administration of the fund. The partial relief granted in Rules 6e–2(b)(15) and 6e–3(T)(b)(15) from the requirements of section 9 limits, in effect, the amount of monitoring of an insurer's personnel that would otherwise be necessary to ensure compliance with section 9 to that which is appropriate in light of the policy and purposes of section 9. Those Rules recognize that it is not necessary for the protection of investors or the purposes fairly intended by the policy and provisions of the 1940 Act to apply the provisions of section 9(a) to the many individuals in an insurance company complex, most of whom typically will have no involvement in matters pertaining to investment companies in that organization. Applicants assert that it is also unnecessary to apply section 9(a) of the 1940 Act to the many individuals in various unaffiliated insurance companies (or affiliated companies of Participating Insurance Companies) that may utilize the Insurance Funds as the funding medium for variable contracts. There is no regulatory purpose in extending the monitoring requirements to embrace a full application of section 9(a)'s eligibility restrictions because of mixed funding or shared funding and sales to Qualified Plans, the Manager or General Accounts. Those Participating Insurance Companies are not expected to play any role in the management or administration of the Insurance Funds. Those individuals who participate in the management or administration of the Insurance Funds will remain the same regardless of which separate accounts, insurance companies, Qualified Plans or General Accounts use the Insurance Funds. Therefore, applying the monitoring requirements of section 9(a) because of investment by separate accounts of other Participating Insurance Companies would not serve any regulatory purpose. Furthermore, the increased monitoring costs would reduce the net rates of return realized by contract owners and Plan participants. Moreover, the relief requested should not be affected by the sale of shares of the Insurance Trusts to Qualified Plans, the Manager or General Accounts. The insulation of the Insurance Trusts from those individuals who are disqualified under the 1940 Act remains in place. Because Qualified Plans, the Manager and General Accounts are not investment companies and will not be deemed affiliates solely by virtue of their shareholdings, no additional relief is necessary.

10. Sections 13(a), 15(a), and 15(b) of the 1940 Act have been deemed by the Commission to require ''pass-through'' voting with respect to underlying fund shares held by a separate account. Rules 6e–2(b)(15)(iii) and 6e–3(T)(b)(15)(iii) under the 1940 Act provide partial exemptions from those sections to permit the insurance company to disregard the voting instructions of its contract owners in certain limited circumstances. Rules 6e–2(b)(15)(iii)(A) and 6e–3(T)(b)(15)(iii)(A)(*1*) under the 1940 Act provide that the insurance company may disregard the voting instructions of its contract owners in connection with the voting of shares of an underlying fund if such instructions would require such shares to be voted

to cause such underlying funds to make (or refrain from making) certain investments that would result in changes in the subclassification or investment objectives of such underlying funds or to approve or disapprove any contract between an underlying fund and its investment manager, when required to do so by an insurance regulatory authority (subject to the provisions of paragraphs (b)(5)(i) and (b)(7)(ii)(A) of such Rules). Rules 6e–2(b)(15)(iii)(B) and 6e–3(T)(b)(15)(iii)(A)(*2*) under the 1940 Act provide that the insurance company may disregard contract owners' voting instructions if the contract owners initiate any change in such underlying fund's investment policies, principal underwriter, or any investment manager (provided that disregarding such voting instructions is reasonable and subject to the other provisions of paragraphs (b)(5)(ii) and (b)(7)(ii)(B) and (C) of Rules 6e–2 and 6e–3(T)).

11. Rule 6e–2 recognizes that a variable life insurance contract is an insurance contract; it has important elements unique to insurance contracts; and it is subject to extensive state regulation of insurance. In adopting Rule 6e–2(b)(15)(iii), the Commission expressly recognized that state insurance regulators have authority, pursuant to state insurance laws or regulations, to disapprove or require changes in investment policies, investment advisers, or principal underwriters. The Commission also expressly recognized that state insurance regulators have authority to require an insurer to draw from its general account to cover costs imposed upon the insurer by a change approved by contract owners over the insurer's objection. The Commission therefore deemed such exemptions necessary ''to assure the solvency of the life insurer and performance of its contractual obligations by enabling an insurance regulatory authority or the life insurer to act when certain proposals reasonably could be expected to increase the risks undertaken by the life insurer.'' In this respect, flexible premium variable life insurance contracts are identical to scheduled premium variable life insurance contracts; therefore, Rule 6e–3(T)'s corresponding provisions presumably were adopted in recognition of the same factors. State insurance regulators have much the same authority with respect to variable annuity separate accounts as they have with respect to variable life insurance separate accounts. Insurers generally assume both mortality and expense risks under variable annuity contracts. Therefore, variable annuity contracts pose some of the same kinds of risks to insurers as variable life insurance contracts. The Commission staff has not addressed the general issue of state insurance regulators' authority in the context of variable annuity contracts, and has not developed a single comprehensive exemptive rule for variable annuity contracts.

12. The Insurance Trusts' sale of shares to Qualified Plans, the Manager or General Accounts will not have any impact on the relief requested herein in this regard. Shares of the Insurance Funds sold to Qualified Plans would be held by the trustees of such Plans. The exercise of voting rights by Qualified Plans, whether by the trustees, by participants, by beneficiaries, or by investment managers engaged by the Plans, does not present the type of issues respecting the disregard of voting rights that are presented by variable life separate accounts. With respect to the Qualified Plans, which are not registered as investment companies under the 1940 Act, there is no requirement to pass through voting rights to Plan participants. Similarly, the Manager and General Accounts are not subject to any pass-through voting requirements. Accordingly, unlike the case with insurance company separate accounts, the issue of the resolution of material irreconcilable conflicts with respect to voting is not present with Qualified Plans, the Manager or General Accounts.

13. Applicants assert that shared funding by unaffiliated insurance companies does not present any issues that do not already exist where a single insurance company is licensed to do business in several or all states. A particular state insurance regulatory body could require action that is inconsistent with the requirements of other states in which the insurance company offers its policies. The fact that different Participating Insurance Companies may be domiciled in different states does not create a significantly different or enlarged problem.

14. Applicants further assert that shared funding by unaffiliated Participating Insurance Companies is, in this respect, no different than the use of the same investment company as the funding vehicle for affiliated Participating Insurance Companies, which Rules 6e–2(b)(15) and 6e–3(T)(b)(15) permit under various circumstances. Affiliated Participating Insurance Companies may be domiciled in different states and be subject to differing state law requirements. Affiliation does not reduce the potential, if any exists, for differences in state regulatory requirements. In any event, the conditions discussed below are designed to safeguard against and provide procedures for resolving any adverse effects that differences among state regulatory requirements may produce.

15. Applicants assert that the right under Rules 6e–2(b)(15) and 6e–3(T)(b)(15) of an insurance company to disregard contract owners' voting instructions does not raise any issues different from those raised by the authority of state insurance administrators over separate accounts. Under Rules 6e–2(b)(15) and 6e–3(T)(b)(15), an insurer can disregard contract owner voting instructions only with respect to certain specified items and under certain specified conditions. Affiliation does not eliminate the potential, if any exists, for divergent judgments as to the advisability or legality of a change in investment policies, principal underwriter, or investment adviser initiated by contract owners. The potential for disagreement is limited by the requirements in Rules 6e–2 and 6e–3(T) that the insurance company's disregard of voting instructions be reasonable and based on specific good faith determinations. However, a particular Participating Insurance Company's disregard of voting instructions nevertheless could conflict with the majority of contract owner voting instructions. The Participating Insurance Company's action could arguably be different than the determination of all or some of the other Participating Insurance Companies (including affiliated insurers) that the contract owners' voting instructions should prevail, and could either preclude a majority vote approving the change or could represent a minority view. If the Participating Insurance Company's judgment represents a minority position or would preclude a majority vote, the Participating Insurance Company may be required, at an Insurance Trust's election, to withdraw its separate account's investment in that Insurance Trust, and no charge or penalty would be imposed as a result of such withdrawal.

16. With respect to voting rights, it is possible to provide an equitable means of giving such voting rights to contract owners and to Qualified Plans, the Manager or General Accounts. The transfer agent(s) for the Insurance Trusts will inform each shareholder, including each separate account, each Qualified Plan, the Manager and each General Account, of its share ownership, in an Insurance Trust. Each Participating

Insurance Company will then solicit voting instructions in accordance with the ''pass-through'' voting requirement. Investment by Qualified Plans or General Accounts in any Insurance Trust will similarly present no conflict. The likelihood that voting instructions of insurance company contract owners will ever be disregarded or the possible withdrawal referred to immediately above is extremely remote and this possibility will be known, through prospectus disclosure, to any Qualified Plan or General Account choosing to invest in an Insurance Fund. Moreover, even if a material irreconcilable conflict involving Qualified Plans or General Accounts arises, the Qualified Plans or General Accounts may simply redeem their shares and make alternative investments. Votes cast by the Qualified Plans or General Accounts, of course, cannot be disregarded but must be counted and given effect.

17. Applicants assert that there is no reason why the investment policies of an Insurance Fund would or should be materially different from what they would or should be if such Insurance Fund funded only variable annuity contracts or variable life insurance policies, whether flexible premium or scheduled premium policies. Each type of insurance product is designed as a long-term investment program. Similarly, the investment strategy of Qualified Plans and General Accounts (*i.e.*, long-term investment) coincides with that of variable contracts and should not increase the potential for conflicts. Each of the Insurance Funds will be managed to attempt to achieve its investment objective, and not to favor or disfavor any particular Participating Insurance Company or type of insurance product or other investor. There is no reason to believe that different features of various types of contracts will lead to different investment policies for different types of variable contracts. The sale and ultimate success of all variable insurance products depends, at least in part, on satisfactory investment performance, which provides an incentive for the Participating Insurance Company to seek optimal investment performance.

18. Furthermore, Applicants assert that no one investment strategy can be identified as appropriate to a particular insurance product. Each pool of variable annuity and variable life insurance contract owners is composed of individuals of diverse financial status, age, insurance and investment goals. A fund supporting even one type of insurance product must accommodate these diverse factors in order to attract and retain purchasers. Permitting mixed and shared funding will provide economic justification for the growth of the Insurance Trust. In addition, permitting mixed and shared funding will facilitate the establishment of additional series serving diverse goals. The broader base of contract owners and shareholders can also be expected to provide economic justification for the creation of additional series of each Insurance Trust with a greater variety of investment objectives and policies.

19. Applicants note that section 817(h) of the Code is the only section in the Code where separate accounts are discussed. Section 817(h) imposes certain diversification standards on the underlying assets of variable annuity contracts and variable life contracts held in the portfolios of management investment companies. Treasury Regulation 1.817–5, which established diversification requirements for such portfolios, specifically permits, in paragraph (f)(3), among other things, ''qualified pension or retirement plans,'' ''the general account of a life insurance company,'' ''the manager * * * of an investment company'' and separate accounts to share the same underlying management investment company. Therefore, neither the Code nor the Treasury Regulations thereunder present any inherent conflicts of interest if Qualified Plans, Separate Accounts, the Manager and General Accounts all invest in the same underlying fund.

20. Applicants assert that the ability of the Insurance Trusts to sell their respective shares directly to Qualified Plans, the Manager or General Accounts does not create a ''senior security,'' as such term is defined under section 18(g) of the 1940 Act, with respect to any contract owner as opposed to a participant under a Qualified Plan, the Manager or a General Account. As noted above, regardless of the rights and benefits of contract owners or Plan participants, the Separate Accounts, Qualified Plans, the Manager and the General Accounts have rights only with respect to their respective shares of the Insurance Trusts. They can only redeem such shares at net asset value. No shareholder of any of the Insurance Trusts has any preference over any other shareholder with respect to distribution of assets or payment of dividends.

21. Applicants assert that permitting an Insurance Trust to sell its shares to the Manager in compliance with Treas. Reg. 1.817–5 will enhance Insurance Trust management without raising significant concerns regarding material irreconcilable conflicts. Applicants assert that, unlike the circumstances of many investment companies that serve as underlying investment media for variable insurance products, the Insurance Trusts may be deemed to lack an insurance company ''promoter'' for purposes of Rule 14a–2 under the Act. It is anticipated that many other Insurance Trusts may lack an insurance company promoter. Accordingly, Applicants assert that such Insurance Trusts will be subject to the requirements of section 14(a) of the 1940 Act, which generally requires that an investment company have a net worth of $100,000 upon making a public offering of its shares.

22. Applicants assert that given the conditions of Treas. Reg. 1.817–5(i)(3) and the harmony of interest between an Insurance Trust, on the one hand, and its Manager or a Participating Insurance Company, on the other, little incentive for overreaching exists. Applicants assert that such investments should not implicate the concerns discussed above regarding the creation of material irreconcilable conflicts. Instead, Applicants assert that permitting investment by the Manager will permit the orderly and efficient creation and operation of Insurance Trusts, and reduce the expense and uncertainty of using outside parties at the early stages of Insurance Trust operations.

23. Applicants assert that various factors have limited the number of insurance companies that offer variable contracts. These factors include the costs of organizing and operating a funding medium, the lack of expertise with respect to investment management (principally with respect to stock and money market investments) and the lack of name recognition by the public of certain Participating Insurance Companies as investment experts. In particular, some smaller life insurance companies may not find it economically feasible, or within their investment or administrative expertise, to enter the variable contract business on their own. Use of the Insurance Trusts as a common investment medium for variable contracts, Qualified Plans and General Accounts would help alleviate these concerns, because Participating Insurance Companies, Qualified Plans and General Accounts will benefit not only from the investment and administrative expertise of TCW, or any other investment manager to an Insurance Fund, but also from the cost efficiencies and investment flexibility afforded by a large pool of funds. Therefore, making the Insurance Trusts available for mixed and shared funding and permitting the purchase of Insurance Trust shares by Qualified Plans and General Accounts may encourage more insurance companies to offer variable contracts, and this should

result in increased competition with respect to both variable contract design and pricing, which can be expected to result in more product variation. Mixed and shared funding also may benefit variable contract owners by eliminating a significant portion of the costs of establishing and administering separate funds. Furthermore, granting the requested relief should result in an increased amount of assets available for investment by the Insurance Trusts. This may benefit variable contract owners by promoting economies of scale, by reducing risk through greater diversification due to increased money in the Insurance Trusts, or by making the addition of new Insurance Funds more feasible.

Applicants' Conditions

Applicants consent to the following conditions:

1. A majority of the Board of Trustees or Board of Directors (''Board'') of each Insurance Trust shall consist of persons who are not ''interested persons'' of the Insurance Trust, as defined by section 2(a)(19) of the 1940 Act and the rules thereunder and as modified by any applicable orders of the Commission, except that if this condition is not met by reason of the death, disqualification, or bona fide resignation of any trustee or director, then the operation of this condition shall be suspended: (1) For a period of 90 days if the vacancy or vacancies may be filled by the Board; (2) for a period of 150 days if a vote of shareholders is required to fill the vacancy or vacancies; or (3) for such longer period as the Commission may prescribe by order upon application.

2. Each Board will monitor the respective Insurance Trust for the existence of any material irreconcilable conflict among and between the interests of the contract owners of all Separate Accounts, participants of Qualified Plans, the Manager or General Accounts investing in that Insurance Trust, and determine what action, if any, should be taken in response to such conflicts. A material irreconcilable conflict may arise for a variety of reasons, including: (1) An action by any state insurance regulatory authority; (2) a change in applicable federal or state insurance, tax, or securities laws or regulations, or a public ruling, private letter ruling, no-action or interpretative letter, or any similar action by insurance, tax, or securities regulatory authorities; (3) an administrative or judicial decision in any relevant proceeding; (4) the manner in which the investments of any Insurance Fund are being managed; (5) a difference in voting instructions given by variable annuity contract owners, variable life insurance contract owners, Plan trustees, or Plan participants; (6) a decision by a Participating Insurance Company to disregard the voting instructions of contract owners; or (7) if applicable, a decision by a Qualified Plan to disregard the voting instructions of Plan participants.

3. Any Qualified Plan that executes a fund participation agreement upon becoming an owner of 10% or more of the assets of an Insurance Trust, any Participating Insurance Company (on their own behalf, as well as by virtue of any investment of general account assets in all Insurance Trusts), and the Manager (collectively, ''Participants'') will report any potential or existing conflicts to the Board. Each of the Participants will be responsible for assisting the Board in carrying out the Board's responsibilities under these conditions by providing the Board with all information reasonably necessary for the Board to consider any issues raised. This includes, but is not limited to, an obligation by each Participating Insurance Company to inform the Board whenever contract owner voting instructions are disregarded and, if pass-through voting is applicable, an obligation by each Qualified Plan that is a Participant to inform the Board whenever it has determined to disregard Plan participant voting instructions. The responsibility to report such information and conflicts and to assist the Board will be a contractual obligation of all Participating Insurance Companies and Qualified Plans investing in an Insurance Trust under their agreements governing participation in the Insurance Trust, and such agreements shall provide that such responsibilities will be carried out with a view only to the interests of the contract owners or, if applicable, Plan participants.

4. If it is determined by a majority of the Board of an Insurance Trust, or a majority of its disinterested trustees or directors, that a material irreconcilable conflict exists, the relevant Participating Insurance Companies and Qualified Plans shall, at their expense or, at the discretion of a Manager to an Insurance Trust, at that Manager's expense, and to the extent reasonably practicable (as determined by a majority of the disinterested trustees or directors), take whatever steps are necessary to remedy or eliminate the material irreconcilable conflict, up to and including: (1) Withdrawing the assets allocable to some or all of the Separate Accounts from the relevant Insurance Trust or any series therein and reinvesting such assets in a different investment medium (including another Insurance Fund, if any); (2) in the case of Participating Insurance Companies, submitting the question of whether such segregation should be implemented to a vote of all affected contract owners and, as appropriate, segregating the assets of any appropriate group (*i.e.,* variable annuity contract owners or variable life insurance contract owners of one or more Participating Insurance Companies) that votes in favor of such segregation, or offering to the affected contract owners the option of making such a change; (3) withdrawing the assets allocable to some or all of the Qualified Plans from the affected Insurance Trust or any Insurance Fund and reinvesting those assets in a different investment medium; and (4) establishing a new registered management investment company or managed separate account. If a material irreconcilable conflict arises because of a Participating Insurance Company's decision to disregard contract owner voting instructions and that decision represents a minority position or would preclude a majority vote, the Participating Insurance Company may be required, at the Insurance Trust's election, to withdraw its Separate Account's investment in the Insurance Trust, and no charge or penalty will be imposed as a result of such withdrawal. If a material irreconcilable conflict arises because of a Qualified Plan's decision to disregard Plan participant voting instructions, if applicable, and that decision represents a minority position or would preclude a majority vote, the Qualified Plan may be required, at the election of the Insurance Trust, to withdraw its investment in the Insurance Trust, and no charge or penalty will be imposed as a result of such withdrawal. The responsibility to take remedial action in the event of a Board determination of a material irreconcilable conflict and to bear the cost of such remedial action shall be a contractual obligation of all Participating Insurance Companies and Qualified Plans under their agreements governing participation in the Insurance Trust, and these responsibilities will be carried out with a view only to the interests of the contract owners or, as applicable, Plan participants.

For the purposes of this Condition (4), a majority of the disinterested members of the Board shall determine whether or not any proposed action adequately remedies any material irreconcilable conflict, but in no event will the Insurance Trust or its Manager(s) be required to establish a new funding medium for any variable contract. No

Participating Insurance Company shall be required by this Condition (4) to establish a new funding medium for any variable contract if an offer to do so has been declined by vote of a majority of contract owners materially adversely affected by the material irreconcilable conflict. No Qualified Plan shall be required by this Condition (4) to establish a new funding medium for such Qualified Plan if (a) a majority of Plan participants materially and adversely affected by the material irreconcilable conflict vote to decline such offer or (b) pursuant to governing Plan documents and applicable law, the Plan makes such decision without Plan participant vote.

5. The Board's determination of the existence of a material irreconcilable conflict and its implications shall be made known promptly in writing to all Participants.

6. Participating Insurance Companies will provide pass-through voting privileges to all variable contract owners whose contracts are funded through a registered Separate Account for so long as the Commission continues to interpret the 1940 Act as requiring pass-through voting privileges for variable contract owners. Accordingly, such Participating Insurance Companies will vote shares of each Insurance Fund held in their registered Separate Accounts in a manner consistent with voting instructions timely received from such contract owners. Each Participating Insurance Company will vote shares of each Insurance Fund held in its registered Separate Accounts for which no timely voting instructions are received, as well as shares held by its General Accounts, in the same proportion as those shares for which voting instructions are received. Participating Insurance Companies shall be responsible for assuring that each of their Separate Accounts investing in an Insurance Trust calculates voting privileges in a manner consistent with all other Participating Insurance Companies. The obligation to vote an Insurance Trust's shares and to calculate voting privileges in a manner consistent with all other registered Separate Accounts investing in an Insurance Trust shall be a contractual obligation of all Participating Insurance Companies under their agreements governing participation in the Insurance Trust. Each Plan will vote as required by applicable law and governing Plan documents.

7. An Insurance Trust will notify all Participating Insurance Companies and Qualified Plans that disclosure regarding potential risks of mixed and shared funding may be appropriate in prospectuses for any of the Separate Accounts and in Plan documents. Each Insurance Trust shall disclose in its prospectus that: (1) Shares of the Insurance Trust are offered to insurance company separate accounts which fund both variable annuity and variable life insurance contracts, and to Qualified Plans and General Accounts; (2) due to differences of tax treatment or other considerations, the interests of various contract owners participating in the Insurance Trust and the interests of Qualified Plans or General Accounts investing in the Insurance Trust might at some time be in conflict; and (3) the Board will monitor the Insurance Trust for any material conflicts and determine what action, if any, should be taken.

8. All reports received by the Board of potential or existing conflicts, and all Board action with regard to determining the existence of a conflict, notifying Participants of a conflict, and determining whether any proposed action adequately remedies a conflict, will be properly recorded in the minutes of the Board or other appropriate records, and such minutes or other records shall be made available to the Commission upon request.

9. If and to the extent Rule 6e–2 and Rule 6e–3(T) under the 1940 Act are amended, or Rule 6e–3 is adopted, to provide exemptive relief from any provision of the 1940 Act or the rules thereunder with respect to mixed or shared funding on terms and conditions materially different from any exemptions granted in the order requested in this Application, then each Insurance Trust and/or the Participating Insurance Companies, as appropriate, shall take such steps as may be necessary to comply with Rule 6e–2 and Rule 6e–3(T), as amended, and Rule 6e–3, as adopted, to the extent such rules are applicable.

10. Each Insurance Trust will comply with all provisions of the 1940 Act requiring voting by shareholders (which, for these purposes, shall be the persons having a voting interest in the shares of that Insurance Trust), and in particular each Insurance Trust will either provide for annual meetings (except insofar as the Commission may interpret section 16 of the 1940 Act not to require such meetings) or comply with section 16(c) of the 1940 Act (although the Trust is not one of the trusts described in section 16(c) of the 1940 Act) as well as with section 16(a) of the 1940 Act and, if and when applicable, section 16(b) of the 1940 Act. Further, each Insurance Trust will act in accordance with the Commission's interpretation of the requirements of section 16(a) of the 1940 Act with respect to periodic elections of directors (or trustees) and with whatever rules the Commission may promulgate with respect thereto.

11. As long as the Commission continues to interpret the 1940 Act as requiring pass-through voting privileges for variable contract owners, the Manager will vote its shares in the same proportion as all contract owners having voting rights with respect to the relevant Insurance Trust; provided, however, that the Manager or any General Account shall vote their shares in such other manner as may be required by the Commission or its staff.

12. The Participants shall at least annually submit to the Board of an Insurance Trust such reports, materials or data as the Board may reasonably request so that it may fully carry out the obligations imposed upon it by the conditions contained in the Application and said reports, materials and data shall be submitted more frequently, if deemed appropriate, by the Board. The obligations of Participating Insurance Companies and Participating Qualified Plans to provide these reports, materials and data to the Board of the Insurance Trust when it so reasonably requests, shall be a contractual obligation of the Participating Insurance Companies and Participating Qualified Plans under their agreements governing participation in each Insurance Trust.

13. If a Qualified Plan should become an owner of 10% or more of the assets of an Insurance Trust, the Insurance Trust shall require such Plan to execute a participation agreement with such Insurance Trust which includes the conditions set forth herein to the extent applicable. A Qualified Plan will execute an application containing an acknowledgment of this condition upon such Plan's initial purchase of the shares of any Insurance Trust.

Conclusion

For the reasons and upon the facts summarized above, Applicants assert that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–3717 Filed 2–13–03; 8:45 am]

BILLING CODE 8010–01–U

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–47332; File No. SR–CBOE–2002–69]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by Chicago Board Options Exchange, Incorporated Relating to Broker-Dealer Orders on RAES

February 10, 2003.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 26, 2002, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The Exchange submitted Amendment No. 1 to the proposed rule change on January 21, 2003.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its rules regarding broker-dealer access to RAES. The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CBOE 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. The CBOE 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

CBOE proposes to amend Interpretation and Policy .01 of CBOE Rule 6.8 to allow the appropriate Floor Procedure Committee to determine, on a class and/or series basis, to prohibit access to RAES for broker-dealer orders after 3 p.m. Currently, the appropriate Floor Procedure Committee may permit broker-dealer orders on RAES during the trading day for options by class and/or series. CBOE proposes to expand access to RAES for broker-dealer orders, but some issues arise from 3 p.m. until the close especially for American style options, which permit early exercise.

Options pricing models used by CBOE members to generate the autoquote on CBOE utilize the price of underlying securities on the appropriate securities exchange.[4] Once the underlying stock stops trading, there is no price feed from the underlying securities to automatically update the options pricing models. Therefore, the hundreds of options series must be updated manually. If broker-dealer orders are permitted on RAES this could potentially increase the number of automatically executed orders significantly, (especially when a news release occurs after the close of the securities exchanges but before the close of CBOE), which if the increase in orders is significantly large, could create even more difficulties in updating the option pricing models in a timely manner.

Due to the increase in potential orders occurring electronically at a greater speed, CBOE would like to permit RAES access in more classes and/or series for broker-dealer orders, but permit the appropriate floor procedure committee to limit the access in classes or series, where appropriate, to the time period when the exchanges for the underlying securities are open for their regular trading session, *i.e.*, until 3 p.m. The proposed rule change would provide a solution that would permit broker-dealers to have access for the vast majority of the trading, while at the same time minimizing stress to the options pricing models when they are manually updated. CBOE believes that this proposed rule change would provide flexibility, while at the same time permitting increased competition for electronic orders.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Exchange Act[5] in general and furthers the objectives of section 6(b)(5)[6] in particular in that it should promote just and equitable principles of trade, serve to remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest. The proposed rule change would promote competition, remove impediments to and perfect the mechanism to a free and open market by permitting greater competition for electronic order. The proposed rule change would permit broker-dealer orders to have RAES access in more option classes and/or series, and thus promote competition for these orders.

B. Self-Regulatory Organization's Statement on Burden on Competition

This proposed rule change does not impose 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

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from Jaime Galvan, Attorney, CBOE, to Jennifer Colihan, Special Counsel, Division of Market Regulation, Commission, dated January 17, 2003 (''Amendment No. 1''). In Amendment No. 1, the Exchange changed the Statement of the Terms of Substance of the Proposed Rule Change and the Purpose section of the filing to correctly describe the proposal, and made non-substantive, clarifying changes to the rule text.

[4] For purposes of this discussion securities exchanges includes NASDAQ.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

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 Section. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to SR–CBOE–2002–69 and should be submitted by March 7, 2003.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–3715 Filed 2–13–03; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–47333; File No. SR–CBOE–2002–18]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 1 Relating to its DPM Membership Ownership Requirement

February 10, 2003.

I. Introduction

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 April 19, 2002, the Chicago Board Option Exchange, Inc. (''CBOE'' or ''Exchange''), filed with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend CBOE Rule 8.85(e). On June 10, 2002, the proposed rule change was published in the **Federal Register**.[3] The Commission received one comment letter.[4] On January 23, 2003, the Exchange filed Amendment No. 1.[5] The Commission approves the proposed rule change, as amended, and publishes this notice to solicit comments on Amendment No. 1. The Commission also approves Amendment No. 1 on an accelerated basis.

II. Description of the Proposed Rule Change

The CBOE proposes to amend Rule 8.85(e) pertaining to the Designated Primary Market-Maker (''DPM'') seat ownership requirement. Currently, the DPM seat ownership requirement,[6] contained in CBOE Rule 8.85(e), requires each DPM to own at least one Exchange membership. The rule also provides that this requirement is satisfied if the senior principal of the DPM owned the required membership(s).

The Exchange now proposes to amend CBOE Rule 8.85(e) to make DPM seat ownership requirements applicable to each trading location (as opposed to each DPM organization). Thus, under the rule a DPM organization will be required to own a seat for each trading location in which a DPM organization serves as a DPM, as determined by the Exchange's Modified Trading System Appointments Committee (''MTS Committee'').[7] Under the proposal the term ''trading location,'' is defined as ''any separate, identifiable unit of a DPM organization that applies for and is allocated options classes by the appropriate Allocations Committee.[8] The proposed rule change also stipulates that each DPM organization will have ninety-days from the date of Commission approval to satisfy the new ownership requirements.

CBOE also proposes to eliminate the provision allowing a senior principal of a DPM to own a membership instead of the DPM organization for the purpose of satisfying a DPM's seat ownership requirements. Thus, each DPM organization would be required to directly own seats to fulfill the requirements pursuant to CBOE Rule 8.85(e).

III. Summary of Comments

The Commission received one comment letter from TD Options, LLC (''TD Options'').[9] TD Options expressed concern that the proposal: (1) Did not sufficiently explain its claim that the amendment to the DPM seat ownership rule would promote a long-term commitment to the Exchange, (2) did not provide sufficient rationale to explain why the DPM seat ownership requirement would no longer be satisfied by a principal's seat ownership under the proposal, and (3) lacked clarity with regard to the definition of ''trading location.''

In CBOE's response to the comments from TD Options,[10] the Exchange indicated that the proposal would ensure that DPMs have a long-term commitment to the Exchange because DPMs are allocated valuable securities by the CBOE, derive considerable benefits from those allocations, but currently do not have to pay for such allocations. Thus, the CBOE suggested that by amending its Rule 8.85(e) to align the DPM seat ownership requirements with the allocation of option classes, the DPM commitment to Exchange would be enhanced, and the likelihood of seat lease-related problems that could compromise a DPM's ability to open trading in its allocated option classes would be reduced. The Exchange also indicated that eliminating a DPM's ability to fulfill its seat ownership requirement through a principal ownership should enable CBOE to better monitor compliance with the rule, particularly in the present environment where individuals join and leave DPM organizations with increased frequency due to industry consolidation. In the CBOE Response Letter, the Exchange also explained that it was seeking to clarify what may be considered a trading location in instances where what physically appears to be two trading stations is actually one trading station, or conversely, where what physically appears to be one trading station is actually two trading stations. In Amendment No. 1, CBOE further clarified that the term ''trading location,'' as used in this proposed rule change would refer to any separate, identifiable unit of a DPM organization that applies for and is allocated options

---

[7] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 46020 (June 3, 2002), 67 FR 39758 (June 10, 2002).

[4] *See* Letter from Margaret Wiermanski, Chief Compliance Officer, TD Options, LLC, to Kelly Riley, Senior Special Counsel, Division of Market Regulation (''Division''), Commission, dated July 16, 2002 (''TD Options Comment Letter'').

[5] *See* Letter from Angelou Evangelou, Senior Attorney, Legal Division, CBOE to Deborah Flynn, Assistant Director, Division, Commission, dated January 23, 2003 (''Amendment No. 1''). In Amendment No. 1, CBOE clarifies that the term ''trading location,'' as used in Rule 8.85(e), is defined ''as any separate, identifiable unit of a DPM organization that applies for and is allocated options classes by the appropriate Allocation Committee.''

[6] *See* Securities Exchange Act Release No. 43186 (August 21, 2000), 65 FR 51880 (August 25, 2000) (Order approving File No. SR–CBOE–99–37).

[7] The MTS Committee is the Committee responsible for reviewing and ensuring compliance with CBOE Rule 8.85.

[8] *See* Amendment No. 1, *supra* note 5.

[9] *See* TD Options Comment Letter, *supra* note 4.

[10] *See* Letter from Angelou Evangelou, Senior Attorney, Legal Division, CBOE to Marc McKayle, Special Counsel, Division, Commission, dated October 10, 2002 (''CBOE Response Letter'').

classes by the appropriate Allocation Committee.[11]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 1, including whether Amendment No. 1 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 Section. Copies of such filing will also be available for inspection and copying at the principal office of CBOE. All submissions should refer to File No. SR–CBOE–2002–18, Amendment No. 1, and should be submitted by March 7, 2003.

V. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[12] In particular, the Commission believes that the proposed rule change is consistent with section 6(b)(5) of the Act,[13] which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market, and to protect investors and the public interest.

The proposed rule change will require that a DPM own an Exchange membership or seat for every trading location, *i.e.*, any separate, identifiable unit of a DPM organization that applies for and is allocated options classes by the appropriate Allocation Committee. The Commission believes that the Exchange's effort to ensure stability in its options market by amending the DPM seat ownership requirements is not unreasonable. By requiring each DPM to own an Exchange membership per trading location, the Exchange seeks to ensure a DPM's long-term commitment to the Exchange. The proposal should discourage entities from seeking short-term DPM appointments, which could be disruptive to the trading of allocated options classes, because DPMs will be required to make a substantial financial commitment to the Exchange. DPMs that own a membership in the Exchange should be more willing to invest the time, effort, and funding needed to build and foster a stable market place for the trading of their allocated options classes. This should provide enhanced trading benefits to investors by increasing liquidity and trading stability. Moreover, the proposal could help to preserve the integrity of the Exchange because DPMs will have a vested interest in ensuring that the Exchange maintains high standards.

Further, the Commission believes that the proposed amendment to the DPM seat ownership requirement should provide incentives to DPMs that are allocated existing CBOE options, or seeking allocations in established option classes, to maintain sufficient capital to operate as a DPM, which should result in greater liquidity and investor protections in those options classes. The proposal could further CBOE's interest in securing long-term commitments to the Exchange because members that are committed to the Exchange should have greater incentives to ensure the orderly and effective operation of the market.

The proposed rule change also eliminates the provision allowing a senior principal of a DPM to own a required membership instead of the DPM organization for the purpose of satisfying a DPM's seat ownership requirements. Instead, each DPM organization would be required to maintain direct ownership of any seats pursuant to CBOE Rule 8.85(e). The Commission believes that this requirement is consistent with the Act. In particular, the Commission believes that eliminating a DPM's ability to fulfill its seat ownership requirement through a principal's ownership could enhance the Exchange's ability to monitor DPM compliance with CBOE Rule 8.85 by helping to eliminate any confusion that may result from industry consolidation or a principal's leaving or joining a DPM organization. The Commission believes that by requiring the DPM organization to have direct ownership of the seat, the proposal could help assure the DPM's long-term commitment to the Exchange, and its willingness to invest the time, effort, and funding needed to build and foster a stable market place for the trading of its allocated options classes.

The Commission finds good cause for approving Amendment No. 1 to the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. CBOE filed Amendment No. 1 in response to comments it received after the publication of the notice of the filing of the proposed rule change, to clarify the definition of the term ''trading location.'' Because Amendment No. 1 is responsive to the commenter's concerns, the Commission finds good cause for accelerating approval of the proposed rule change, as amended by Amendment No. 1.

VI. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[14] that the proposed rule change, as amended, (File No. SR–CBOE–2002–18) be, and it hereby is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–3716 Filed 2–13–03; 8:45 am]

BILLING CODE 8010–01–P

[11] *See* Amendment No. 1, *supra* note 5.

[12] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78s(b)(2).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–47331; File No. SR–NASD–2003–09]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Fees Applicable to the NASD Alternative Display Facility

February 10, 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 January 30, 2003, the National Association of Securities Dealers, Inc. (''NASD'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. NASD has designated the proposed rule change as one that establishes or changes a due, fee or other charge imposed by NASD pursuant to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

paragraph (f)(2) of Rule 19b-4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD is proposing to amend the NASD Rule 7000A Series to designate transaction and quotation related fees applicable to activities in the NASD's Alternative Display Facility (''ADF''). The text of the proposed rule change is set forth below. Proposed new language is in italics; proposed deletions are in brackets.

* * * * *

7000A. Charges for ADF Services and Equipment

7010A. System Services

(a) Trade *Reporting and* Comparison [and Reporting] Service

The following charges shall be paid by ADF participants for use of the Trade *Reporting and* Comparison [and Reporting] Service (TRACS):

Transaction Related Charges:

Comparison $0.014/side per 100 shares (minimum 400 shares; maximum 7,500 shares)

Automated Give-Up $0.029/side *(if the associated publicly disseminated trade is not reported to the media through the ADF)*

Qualified Special Representative $0.029/side (if the associated publicly disseminated trade is not reported to the media through the ADF)

Late Report—T+N $0.30/side *unless the trade is executed outside normal ADF operating hours of 8:00 a.m. to 6:30 p.m. and the member's average publicly disseminated trades reported to the media through the ADF per day during the billing period is 150,000 or greater*

[Browse/query $0.28/query*]

[Trade Reporting $.029/side (applicable only to reportable transaction not subject to trade comparison through TRACS) **]

Corrective Transaction Charge $0.25/ Break, Decline, *Reversal* transaction, paid by each party

(b) Quotation Updates

The following quotation update charges will apply based on the average daily number of publicly disseminated trades reported to the media through the ADF during the billing period. [A member will be charged $0.01 per quotation update in the ADF quotation montage on those quotation updates that exceed three times the number of transactions reported to the ADF by the member.] A ''quotation update'' includes any change to the price or size of a displayed quotation. [This charge will be determined on a monthly basis.]

Average trades reported through the ADF per day	*Quotation update charge*	*Quotes update provided at no charge*
Less than 1	*$.02 per quotation update*	*None.*
Between 1 and 100,000	*$.01 per quotation update*	*5 quotation updates per trade.*
Between 100,001 and 150,000	*$.01 per 10 quotation update*	*10 quotation updates per trade.*
Greater than 150,000	*No Charge*	*N/A*

[(c) Volume Discounts on Transaction and Quotation Fees

During the initial six months of operation of the ADF, except as provided in paragraph (d) below, transaction fees incurred pursuant to paragraph (a) above, except the browse/query fee, and quotation update fees incurred pursuant to paragraph (b) above will be discounted on the following incremental basis:]

Trades per month	Chargeable quotation updates per month	Discount
Up to 2,000	Up to 8,000	0%
2,001 to 4,000	8,001 to 15,000	10%
4,001 to 6,000	15,001 to 25,000	25%
6,001 to 8,000	25,001 to 35,000	35%
8,001 or greater	35,001 or greater	50%]

[(d) Limited Period Without Transaction and Quotation Charges]

[During the initial six months of operation of the ADF, members will not be charged for transaction fees incurred pursuant to paragraph (a) above and the quotation fees incurred pursuant to paragraph (b) above for up to a three-month period. The three-month ''no transaction'' fee period begins on the first day on which a member has incurred charges under paragraph (a) or paragraph (b) above, and will continue until the earlier of three months or the end of the six-month period.]

* * * * *

7040A. Installation, Removal, Relocation or Maintenance

ADF subscribers shall pay a minimum charge of $5,000 for installation costs associated with connecting to the ADF. Upon installation, removal, relocation or maintenance of terminal and related equipment, or combination thereof, the subscriber shall pay charges incurred by NASD or its subsidiaries above the $5,000 minimum, on behalf of the subscriber for the work being performed by the maintenance organization retained by NASD or its subsidiaries. Upon payment of $5,000 under this provision, members will receive a credit of up to $5,000 to be used toward [their trade reporting and comparison] charges imposed under Rule 7010A(a) *and (b).*

* * * * *

[3] 17 CFR 240.19b-4(f)(2).

[* Each TRACS query incurs the $0.28 fee; however, the first accept or decline processed for a transaction is free, to insure that no more than $0.28 is charged per comparison. Subsequent queries for more data on the same security will also be processed free. Any subsequent query on a different security will incur the $0.28 query charge.]

[** The trade reporting service charge is applicable to those trades input into TRACS for reporting purposes only, such as NSCC Qualified Special Representative reports and reports of internalized transactions.]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On July 24, 2002, the Commission approved SR–NASD–2002–97,[4] which authorizes NASD to operate the ADF on a pilot basis for nine months, pending the anticipated approval of SR–NASD–2001–90,[5] which proposes to operate the ADF on a permanent basis. As described in detail in SR–NASD–2001–90, the ADF is a quotation collection, trade comparison, and trade reporting facility developed by NASD in accordance with the Commission's SuperMontage Approval Order[6] and in conjunction with Nasdaq's anticipated registration as a national securities exchange.[7]

For the duration of the pilot period, ADF will provide ADF market participants (market makers and ECNs) the ability to post quotations in Nasdaq securities and will provide all members that participate in the ADF the ability to view quotations and report transactions in Nasdaq securities to the Exclusive Securities Information Processor (''SIP'') for Nasdaq-listed issues for consolidation and dissemination of data to vendors and ADF market participants. The facility also will provide for trade comparison through the Trade Reporting and Comparison Service (''TRACS''). This mechanism operates similarly to the trade reporting functions of Nasdaq's Automated Confirmation Transactions Service (''ACT'').[8]

In SR–NASD–2002–97, NASD proposed the Rule 7000A Series, which provides the fee structure applicable to quotation and transaction-related activities through the ADF. Pursuant to that fee structure, NASD has not been charging ADF participants for transaction and quotation update fees (Rules 7010A(a) and (b), respectively) for a period of up to three months during the initial six months of operation of the ADF (from July 29, 2002 to January 29, 2003). Also during the first six-months of the ADF's operation, but subsequent to the three-month ''no charge'' period, ADF participants are eligible for certain volume discounts to make the overall cost of trade reporting and quoting through the ADF more attractive to higher volume users.

Given that the six-month ''no charge/volume discount'' fee structure is scheduled to end on January 29, 2003, NASD staff has been reviewing the ADF fee structure and now is proposing a new fee structure to commence on February 17, 2003. Specifically, NASD is proposing to eliminate trade reporting fees, browse/query and Automated Give-Up (''AGU'')/NSCC Qualified Special Representative (''QSR'') comparison charges (provided that the associated publicly disseminated trade is reported to the media through the ADF). With respect to ''as of'' trades, NASD is proposing to continue to charge $0.30/side unless the ''as of'' trade is executed outside normal ADF operating hours of 8:00 a.m. to 6:30 p.m. and the member's daily average of publicly disseminated trades reported to the media through the ADF during the billing period is 150,000 or greater. NASD will continue to charge for corrective transactions. As a result, only the following TRACS-related fees will continue to apply: Comparison Fee of $0.014/side per 100 shares (minimum 400 shares; maximum 7,500 shares); Late Report—T+N fee of $0.30/side under the circumstances noted above; and Corrective Transaction Charge[9] of $0.25, paid by each party. AGU/QSR comparison charges of $0.029/side would apply only if the associated trade is not reported to the ADF.

With respect to quotation activities, quotation update charges[10] would vary depending on the number of publicly disseminated trades reported to the media through the ADF during normal ADF processing hours of 8:00 a.m. to 6:30 p.m. Specifically, quotation update charges would apply based on the average number of publicly disseminated trades reported to the media through the ADF per day during the billing period. If an ADF market participant's average trades reported to the media through the ADF per day during the billing period is less than one, the quotation charge applicable to that ADF market participant would be $.02 per quotation update. Similarly, if an ADF market participant's average trades reported to the media through the ADF per day is between one and 150,000, the quotation charge applicable to that ADF market participant would be $.01 per quotation update. Finally, if an ADF market participant's average trades reported to the media through the ADF per day during the billing period is greater than 150,000, no quotation update charges would apply.

The proposed fee structure also would provide for a certain number of quotation updates at no charge based on the average number of publicly disseminated trades reported to the media through the ADF per day during the billing period. Specifically, if an ADF Market Participant averages between one and 100,000 trades reported through the ADF per day, the market participant would receive five free quotes per trade during that billing period. If a market participant averages between 100,001 and 150,000 trades reported to the media through the ADF per day, it would receive 10 free quotes per trade during that billing period.

By imposing quotation fees based on the number of publicly disseminated trades reported to the media through the ADF, this fee structure will fairly impose costs on those members whose quotation activity creates system capacity demands, and therefore costs that are not covered by the revenue received from trades reported to the media through the ADF.

Members currently are charged a minimum of $5,000 for installation costs associated with connecting to the ADF. The ADF, however, provides market participants with a credit of up to $5,000 toward their trade reporting and comparison charges. Given the revised fee structure, NASD is proposing to amend Rule 7040A to permit the $5,000 credit to be used toward any of the fees imposed under Rule 7010A(a) or (b), including quotation fees.

Finally, for administrative ease, NASD also is proposing to extend the current ''no charge'' period until February 14, 2003 and have the fee changes described herein commence February 17, 2003. As a result, ADF participants will continue not to be

[4] Securities Exchange Act Release No. 46249 (July 24, 2002), 67 FR 49822 (July 31, 2002).

[5] Securities Exchange Act Release No. 45991 (May 28, 2002), 67 FR 39476 (June 7, 2002).

[6] Securities Exchange Act Release No. 43863 (January 19, 2001), 66 FR 8020 (January 26, 2001) (File No. SR–NASD–99–53).

[7] Securities Exchange Act Release No. 44396 (June 7, 2001), 66 FR 31952 (June 13, 2001) (File No. 10–131).

[8] TRACS does not perform risk management services that are provided by Nasdaq's ACT.

[9] NASD also is proposing to add ''Reversals'' to the types of corrective transactions under Rule 7010A(a). Reversals are trade corrections made T+N.

[10] A ''quotation update'' includes any change to the price or size of a displayed quotation.

charged for transaction and quotation update fees under Rules 7010A(a) and (b), respectively until February 17, 2003.

2. Statutory Basis

NASD believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[11] which requires, among other things, that NASD rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. NASD believes that the proposed rule change will provide a cost effective and efficient mechanism to quote and report trades on the ADF. The proposed rule change also is consistent with Section 15A(b)(5) of the Act[12] 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 that NASD operates or controls. NASD believes that this fee structure is a reasonable means for the NASD to recover the development costs of the ADF, as well as meet ongoing operating costs.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD 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

NASD has designated the proposed rule change as establishing or changing a due, fee, or other charge under section 19(b)(3)(A)(ii) of the Act[13] and Rule 19b–4(f)(2) thereunder,[14] which renders the proposal effective upon receipt of this filing by the Commission. At any time within 60 days of this filing, the Commission may summarily abrogate this proposal 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.

[11] 15 U.S.C. 78*o*–3(b)(6).

[12] 15 U.S.C. 78o–3(b)(5).

[13] 15 U.S.C. 78s(b)(3)(A)(ii).

[14] 17 CFR 240.19b–4(f)(2).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal 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 the filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the File No. SR–NASD–2003–09 and should be submitted by March 7, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–3714 Filed 2–13–03; 8:45 am]

BILLING CODE 8010–01–P

[15] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

Bureau of Political-Military Affairs

[Public Notice 4277]

Notice of Information Collection Under Emergency Review: Form DS–4028, Request for Approval of Technical Assistance Agreement Cover Letter; Form DS–4029, Request for Approval of Technical Assistance Agreement; OMB Control Number 1405–XXXX

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995.

The following summarizes the information collection submitted to OMB:

Type of Request: Emergency Review.

Originating Office: Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DTC.

Title of Information Collection: Request for Approval of Technical Assistance Agreement Cover Letter and Request for Approval of Technical Assistance Agreement.

Frequency: Not More Than 12 Per Week.

Form Numbers: DS–4028 and DS–4029.

Respondents: Businesses.

Estimated Number of Respondents: 13.

Average Hours Per Response: 2 hours.

Total Estimated Burden: 6,240 hours.

(Total Estimated Burden based on maximum number of requests that may be received during 5-month pilot program.)

The proposed information collection is published to obtain comments from the public and affected agencies. Emergency review and approval of this collection has been requested from OMB by February 9, 2003. If granted, the emergency approval is only valid for 180 days. Comments should be directed to the State Department Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20530, who may be reached on 202–395–3897.

During the first 60 days of this same period a regular review of this information collection is also being undertaken. Comments are encouraged and will be accepted until 60 days from the date that this notice is published in the **Federal Register**. The agency requests written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments are being solicited to permit the agency to:

- Evaluate whether the proposed information collection 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, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR ADDITIONAL INFORMATION: Public comments, or requests for additional information, regarding the collection listed in this notice should be directed

to Robert W. Maggi, Deputy Assistant Secretary of Defense Trade Controls, Directorate of Defense Trade Controls, Bureau of Political-MilitaryAffairs, SA–1, Room 12th Floor, H1200, Washington, DC 20522–0112 (202) 663–7000.

Dated: January 25, 2003.

Robert W. Maggi,

Deputy Assistant Secretary for Defense Trade Controls, Bureau of Political-Military Affairs, Department of State.

[FR Doc. 03–3720 Filed 2–13–03; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice 4276]

Culturally Significant Objects Imported for Exhibition Determinations: ''Himalayas: An Aesthetic Adventure''

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, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition ''Himalayas: An Aesthetic Adventure,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners. I also determine that the exhibition or display of the exhibit objects at The Art Institute of Chicago, Chicago, IL, from on or about April 5, 2003, to on or about July 27, 2003; Freer Gallery of Art and Arthur M. Sackler Gallery, Washington, DC, from on or about October 19, 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 the exhibit objects, contact Julianne Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State, (telephone: 202/619–6529). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: February 10, 2003.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, , Department of State.

[FR Doc. 03–3721 Filed 2–13–03; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 4275]

Bureau of Educational and Cultural Affairs Program Title: Central Asia School Connectivity Program: Uzbekistan and Tajikistan

ACTION: Request for proposals.

SUMMARY: The Youth Programs Division, Office of Citizen Exchanges, of the Bureau of Educational and Cultural Affairs announces an open competition for the School Connectivity Program for Uzbekistan and Tajikistan. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c) may submit proposals to expand the educational opportunities available in Uzbekistan and Tajikistan by providing access to the Internet and related training to help promote civic education and education reform. Applicants may submit proposals to implement the program in both or one of the countries. The anticipated amount of funding available is as follows: Uzbekistan—$1,425,000; Tajikistan—$572,000.

Program Information

Overview

The Central Asia School Connectivity Program for Uzbekistan and Tajikistan is designed to introduce youth to a broad range of ideas about civil society while enhancing the use of Internet technology. Through this program, secondary schools in each country will be able to incorporate civics and related resource materials into their curricula and improve general education under the guidance of specially trained teachers. The goals of the program are:

1. To provide access to information via the Internet;
2. To provide youth in Uzbekistan and Tajikistan with the opportunity to learn democratic values through virtual and person-to-person exchanges with U.S. schools;
3. To provide training and resources to improve the teaching of civic education and related fields;
4. To generate personal and institutional ties across borders among students, educators and their schools.
5. To identify sustainability strategies that will allow for program continuation when funding is no longer available.

The main components of this program for which grant funding is provided are:

- Recruiting and selecting secondary schools in Uzbekistan and Tajikistan and in the U.S. in a competitive, transparent process;
- Establishing computer centers, including hardware, software, Internet access, and renovations;
- Providing training for teacher-trainers who will, in turn, train teachers and students in selected schools and, later, other community members;
- Facilitating joint civics-based telecurriculum projects with U.S. schools, and possibly schools from other countries;
- Developing civic-based educational resources that utilize the Internet and coordinate the use of curricula from other related programs;
- Providing regional seminars and cross-border exchanges for participating youth to advance computer usage and increase awareness of a civil society;
- Developing school-community partnerships and other locally based initiatives to help sustain computer centers and support curriculum innovation.
- Conducting a three-week program in the U.S. for teachers to enhance computer and training skills, develop mentoring techniques and gain exposure of school-community partnerships at a grassroots level.

Guidelines

The number of grants to be awarded under this competition will be based upon the quality and responsiveness of proposals to the review criteria presented later in this Request for Grant Proposals (RFGP). For purposes of simplicity, these Guidelines refer to ''grant'' and ''grant recipient.'' Sub-grant and consortium arrangements are possibilities. The grant(s) should begin on or about June 2003, subject to availability of funds. The grant period should be two years.

The grant recipient will be responsible for:

(1) Selecting schools for the installation of a computer center, the provision of training, and the implementation of a civic education program that emphasizes use of the Internet. Selected schools will be partnered, either one-to-one or in small groups, with U.S. schools so that students and faculty may work on joint projects with American peers over the Internet in order to practice their newly-developed knowledge of using this tool for educational purposes.

(2) Equipping each of the selected schools with 6–8 computers, printers, and other items necessary to afford them

Internet connectivity. This will be accompanied by improvements to the classrooms to ensure that facilities are suitable and secure. Once established, centers will be staffed by site monitors who will oversee their use.

(3) Providing training to a core group of educators in Internet education, American studies, English, civic education, curriculum development, and teaching methodologies. These educators will be employed by the grant recipient to train others in their respective regions. They will also be responsible for ongoing support, project implementation and site supervision. The training of teachers and students will focus on basic computer skills, use of electronic mail and bulletin boards, and use of the World Wide Web for research and for supplementing lesson plans. These educators will also oversee school partnership programs.

(4) Facilitating joint telecurriculum projects among students to learn about civil society, including the basics of democracy, volunteerism, conflict resolution, good citizenship, and civic responsibility, such as voting. Project staff will help teachers and youth select topics, facilitate action planning and evaluation processes, provide guidance, and assist with the development of a final product for widespread dissemination.

(5) Collaborating with USG agencies, local NGOs and ECA-funded programs relevant to this project to enhance local capacity and build on current efforts. This includes the incorporation of education materials created by other USG-funded initiatives and the engagement of program beneficiaries in project activities.

(6) Facilitating a three-week exchange of teachers to the United States in which participants will receive specialized training and will reside with partner teachers with whom they have worked during the academic year. Participants will be exposed to U.S. educational practices, specifically the use of technology in U.S. classrooms, as well as school-community partnerships and grassroots volunteer organizations that use computer technology as a tool for income-generating activities. Activities will focus on the role that the individual can play in a democracy, including school-based programs that educate young people on their civil, moral, and legal obligations to society. Upon return to their home country, participants will share their experiences and serve as mentors to other schools in the network.

(7) Developing sustainability strategies in communities where schools have been selected. Community representatives may identify income-generating activities and will use technology to shape a sustainable development path for computer centers in their communities. Community members may receive training in issues such as developing a needs assessment, entrepreneurship, management, marketing, and fundraising. The creation of PTAs will be instrumental in generating community involvement and support.

(8) Developing an evaluation plan that will focus on: (a) Determining if objectives are being met or have been met; (b) measuring attitudinal and behavioral change; (c) identifying any unmet needs, and (d) assessing if the project has effectively discovered resources, advocates, and financial support for sustainability of current efforts. Informal evaluation through discussions, monthly updates and other sources of feedback will be carried out throughout the duration of the project.

Budget Guidelines

All organizations applying under this competition must demonstrate in their proposal narrative a minimum of four years experience managing and conducting international exchange programs. Bureau grant guidelines require that organizations with less than four years experience conducting and managing international exchanges be limited to $60,000 in Bureau funding. Since the grant or grants awarded under the competition will exceed the $60,000 ceiling, organizations with less than four years experience, per above, are not eligible to apply under this competition.

The Bureau reserves the right to accept proposals for both countries or for single countries and make an award or awards in accordance with what serves the best interest of the programs. Applicants must submit a summary budget that includes all program components as well as breakdowns reflecting both administrative and program budgets. Applicants should provide separate sub-budgets for each program component, phase, location, or activity to provide clarification. Administrative costs, including indirect rates, should be kept to a minimum and cost-shared as possible.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

Announcement Title and Number: All correspondence with the Bureau concerning this RFP should reference the above title and number *ECA/PE/C/PY–03–28.*

Program Data Requirements: Organizations awarded grants will be required to maintain specific data on program participants and activities in an electronically accessible database format that can be shared with the Bureau as required. As a minimum, the data must include the following:

(1) Name, address, contact information and biographic sketch of all persons who travel internationally on funds provided by the grant or who benefit from the grant funding but do not travel.

(2) Itineraries of international and domestic travel, providing dates of travel and cities in which any exchange experiences take place.

Adherence to All Regulations Governing the J Visa

The Bureau of Educational and Cultural Affairs is placing renewed emphasis on the secure and proper administration of Exchange Visitor (J visa) Programs and adherence by grantees and sponsors to all regulations governing the J visa. Therefore, proposals should demonstrate the applicant's capacity to meet all requirements governing the administration of Exchange Visitor Programs as set forth in 22 CFR 6Z, including the oversight of Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, record-keeping, reporting and other requirements.

ECA will be responsible for issuing DS–2019 forms to participants in this program.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at *http://exchanges.state.gov* or from: United States Department of State, Office of Exchange Coordination and Designation, ECA/EC/ECD—SA–44, Room 734, 301 4th Street, SW., Washington, DC 20547. Telephone: (202) 401–9810. FAX: (202) 401–9809.

FOR FURTHER INFORMATION CONTACT: The Office of Youth Programs, ECA/PE/C/PY, Room 568, U.S. Department of State, 301 4th Street, SW., Washington, DC 20547, tel. (202) 619–5904, and fax (202) 619–5311, e-mail *amussman@pd.state.gov* to request a Solicitation Package. The Solicitation Package contains detailed award criteria, required application forms, specific budget instructions, and standard guidelines for proposal preparation. Please specify Bureau of Education and Cultural Affairs Program Officer Anna Mussman on all other inquiries and correspondence.

Please read the complete **Federal Register** announcement before sending

inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

To Download a Solicitation Package Via Internet

The entire Solicitation Package may be downloaded from the Bureau's website at: *http://exchanges.state.gov/education/rfps.* Please read all information before downloading.

Deadline for Proposals

All proposal copies must be received at the Bureau of Educational and Cultural Affairs by 5 p.m. Washington, DC time on Monday, April 7, 2003. Faxed documents will not be accepted at any time. Documents postmarked the due date but received on a later date will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

Applicants must follow all instructions in the Solicitation Package. The original and 8 copies of the application should be sent to: U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, Ref.: ECA/PE/C/PY–03–28, Program Management, ECA/EX/PM, Room 336, 301 4th Street, SW., Washington, DC 20547.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into the total proposal. Pub. L. 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' the Bureau ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the State Department Geographic Area Office and Public Diplomacy section at the U.S. embassy overseas, where appropriate. Eligible proposals will be forwarded to panels of Bureau officers for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. *Quality of the program idea:* Proposals should exhibit originality, substance, precision, and relevance to the Bureau's mission. Proposals should display an understanding of the goals of the program, as reflected in the priorities of this RFGP. Exchange activities should ensure sufficient use of program resources. Proposals should demonstrate a commitment to excellence and creativity in the implementation and management of the program.

2. *Program planning:* A detailed agenda and relevant work plan should explain how objectives will be achieved and should include a timetable for completion of major tasks. The substance of workshops, seminars and exchange activities should be described in detail. Responsibilities of in-country partners should be clearly described.

3. *Ability to achieve program objectives:* Objectives should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.

4. *Support of Diversity:* Proposals should demonstrate substantive support of the Bureau's policy on diversity.

Achievable and relevant features should be cited in both program administration (selection of schools and participants, program venue and program evaluation) and program content. Applicants should refer to the Bureau's Diversity, Freedom and Democracy Guidelines in the Proposal Submission Instructions (PSI).

5. *Institutional Capacity/Record/Ability:* Applicants should demonstrate knowledge of each country's educational environment and display significant experience in developing school-based Internet programs. Proposals should exhibit an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements as determined by the Bureau's Grants Division. Proposed personnel and institutional resources should be adequate and appropriate to achieve the program goals and objectives.

6. *Project Evaluation:* Proposals should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. Applicants should provide baseline data and questionnaires for use in surveying schools/participants to facilitate the demonstration of results. Applicants may describe any experience conducting results-oriented evaluations.

7. *Follow-on Activities:* Proposals should provide a strategy for the continuation of the schools' Internet access and online linkages without the Bureau's financial support. Applicants should detail how exchange participants will share newly-acquired knowledge and skills with others.

8. *Cost-effectiveness/cost sharing:* The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. While lower ''per school'' figures will be more competitive, the Bureau expects all figures to be realistic. All other items should be necessary and appropriate. Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Pub. L. 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the

educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authorities for this program are provided through the Fulbright-Hays Act and the FREEDOM Support Act (FSA).

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: February 3, 2003.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 03–3683 Filed 2–13–03; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

Bureau of Administration

[Public Notice 4278]

Notice of Availability of Alternative Fueled Vehicle (AFV) Reports for Fiscal Years 1998 Through 2002

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: The U.S. Department of State, Bureau of Administration, is issuing this notice in order to comply with the Energy Policy Act of 1992, 42 U.S.C. 13201 <*http://web2.westlaw.com/Find/Default.wl?DB=1000546&DocName=42USCAS13201&FindType=L&AP=&RS=WLW2.81&VR=2.0&SV=Split&MT=Westlaw&FN=_top*> *et seq.* and the United States District Court for the Northern District of California's order, in case number C 02–0027 WHA, Center for Biological Diversity, Bluewater Network and the Sierra Club v. Spencer Abraham, *et al.*, that Federal agencies must place all alternative fueled vehicle data for Fiscal Years 1996 through 2001 on a publicly accessible Web site. The purpose of this notice is to announce the public availability of the Department of State's reports for Fiscal Years 1998 (no earlier report extant) through 2002 at the following Web site: *http://www.state.gov/m/a/c8503.htm.*

FOR FURTHER INFORMATION CONTACT: Questions regarding the reports of the AFV report Web site should be addressed to the Domestic Fleet Management and Operations Division (A/OPR/GSM/FMO) [Attn: Chappell Garner], 2201 C Street NW., Washington, DC 20520, phone: (202) 647–3159.

SUPPLEMENTARY INFORMATION: The Earthjustice Environmental Law Clinic filed suit in Federal court in California on January 2, 2002 on behalf of the Center for Biological Diversity, Bluewater Network and the Sierra Club against the Department of the Interior and 16 other Federal agencies for failing to comply with the alternative fueled vehicle (AFV) acquisition and reporting requirements for Federal fleets imposed by the Energy Policy Act of 1992 (EPAct). The lawsuit requested the court to order Interior and the other Federal agencies to comply with EPAct requirements and offset future vehicle purchases with the number of AFVs necessary to bring them into compliance with the requirements of the EPAct.

Dated: February 12, 2003.

Vincent J. Chaverini,

Deputy Assistant Secretary, Office of Operations, Department of State.

[FR Doc. 03–3849 Filed 2–13–03; 8:45 am]

BILLING CODE 4710–24–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Application of Glenwood Aviation, LLC d/b/a America Rising for Certificate Authority

AGENCY: Department of Transportation.

ACTION: Notice of Order to Show Cause (Order 2003–2–8), Docket OST–02–13365.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Glenwood Aviation, LLC d/b/a America Rising, fit, willing, and able, and awarding it a certificate of public convenience and necessity to engage in interstate scheduled air transportation of persons, property and mail using small aircraft under part 135 of the Federal Aviation Regulations.

DATES: Persons wishing to file objections should do so no later than February 21, 2003.

ADDRESSES: Objections and answers to objections should be filed in Docket OST–02–13365 and addressed to the Department of Transportation Dockets (OST–M–30, Room PL–401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Mr. Howard Serig, Air Carrier Fitness Division (X–56, Room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–4822.

Dated: February 7, 2003.

Susan McDermott,

Deputy Assistant Secretary for Aviation and International Affairs.

[FR Doc. 03–3734 Filed 2–13–03; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Transportation Labor-Management Board; Meeting

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Notice of meeting.

SUMMARY: The U.S. Department of Transportation (DOT) announces a meeting of the Transportation Labor-Management Board (Board). Notice of this meeting is required under the Federal Advisory Committee Act.

Time and Place: The Board will meet on Tuesday, February 25, 2003, at 9 a.m., at the U.S. Department of Transportation, Nassif Building, room 3246A, 400 Seventh Street, SW., Washington, DC 20590. The room is located on the 3rd floor.

Type of Meeting: The meeting is open to the public. Please note that visitors without a government identification badge should enter the Nassif Building at the Southwest lobby, for clearance at the Visitor's Desk. Seating will be available on a first-come, first-served basis. Handicapped individuals wishing to attend should contact DOT to obtain appropriate accommodations.

Point of Contact: Stephen Gomez, U.S. Department of Transportation, Office of the Secretary, Workforce Environment and Pay Division, M–13,

U.S. Department of Transportation, Nassif Building, 400 Seventh Street, SW., room 7411, Washington, DC 20590, (202) 366–9455.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to determine the issues the Board will address, establish priorities, and review the revised Transportation Labor-Management Board Charter.

Public Participation: We invite interested persons and organizations to submit comments. Mail or deliver your comments or recommendations to Stephen Gomez at the address shown above. Comments should be received by February 18, 2003 in order to be considered at the February 25th meeting.

Issued in Washington, DC, on February 6, 2003.

For the U.S. Department of Transportation.

Linda S. Moody,

Associate Director, Workforce Environment and Pay Division.

[FR Doc. 03–3607 Filed 2–13–03; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2002–13766]

Information Collection Under Review by the Office of Management and Budget (OMB): OMB Control Numbers 2115–0142, 2115–0089, 2115–0137, 2115–0143, and 2115–0541

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this request for comments announces that the Coast Guard has forwarded the five Information Collection Reports (ICRs) abstracted below to the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB) for review and comment. Our ICRs describe the information we seek to collect from the public. Review and comment by OIRA ensures that we impose only paperwork burdens commensurate with our performance of duties.

DATES: Please submit comments on or before March 17, 2003.

ADDRESSES: To make sure that your comments and related material do not enter the docket (USCG 2002–13766) more than once, please submit them by only one of the following means:

(1)(a) By mail to the Docket Management Facility, U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

(b) By mail to OIRA, 725 17th Street N.W., Washington, DC 20503, to the attention of the Desk Officer for the Coast Guard. Caution: Because of recent delays in the delivery of mail, your comments may reach the Facility more quickly if you choose one of the other means described below.

(2)(a) By delivery to room PL–401 at the address given in paragraph (1)(a) above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.The telephone number is 202–366–9329. (b) By delivery to OIRA, at the address given in paragraph (1)(b) above, to the attention of the Desk Officer for the Coast Guard.

(3) By fax to (a) the Facility at 202–493–2251 and (b) OIRA at 202–395–5806, or e-mail to OIRA at *oira_docket@omb.eop.gov* attention: Desk Officer for the Coast Guard. (4)(a) Electronically through the Web Site for the Docket Management System at *http://dms.dot.gov.* (b) OIRA does not have a website on which you can post your comments.

The Facility maintains the public docket for this notice. Comments and material received from the public, as well as documents mentioned in this notice as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL–401 (Plaza level), 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at *http://dms.dot.gov.*

Copies of the complete ICRs are available for inspection and copying in public dockets. They are available in docket USCG 2002–13766 of the Docket Management Facility between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays; for inspection and printing on the internet at *http://dms.dot.gov*; and for inspection from the Commandant (G–CIM–2), U.S. Coast Guard, room 6106, 2100 Second Street SW., Washington, DC, between 10 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, Office of Information Management, 202–267–2326, for questions on this document; Dorothy Beard, Chief, Documentary Services Division, U.S. Department of Transportation, 202–366–5149, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Regulatory History

This request constitutes the 30-day notice required by OIRA. The Coast Guard has already published [67 FR 69808 (November 19, 2002)] the 60-day notice required by OIRA. That notice elicited no comments.

Request for Comments

The Coast Guard invites comments on the proposed collection of information to determine whether the collection is necessary for the proper performance of the functions of the Department. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collection; (2) the accuracy of the Department's estimated burden of the collection; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of the collection; and (4) ways to minimize the burden of collection on respondents, including the use of automated collection techniques or other forms of information technology.

Comments, to DMS or OIRA, must contain the OMB Control Number of the ICR addressed. Comments to DMS must contain the docket number of this request, USCG 2002–13766. Comments to OIRA are best assured of having their full effect if OIRA receives them 30 or fewer days after the publication of this request.

Information Collection Request

1. *Title:* Approval of Plans and Records for Marine Engineering Systems—46 CFR Subchapter F.

OMB Control Number: 2115–0142.

Type of Request: Extension of a currently approved collection.

Affected Public: Owners and builders of commercial vessels.

Form: This collection of information does not require the public to fill out forms, but does require the information to be in written format to the Coast Guard.

Abstract: This collection of information requires an owner or builder of a commercial vessel to submit to the U.S. Coast Guard, for review and approval, plans pertaining to marine-engineering systems to ensure that the vessel will meet regulatory standards.

Annual Estimated Burden Hours: The estimated burden is 3,090 hours a year.

2. *Title:* Ships Carrying Bulk Hazardous Liquids.

OMB Control Number: 2115–0089.

Type of Request: Extension of a currently approved collection.

Affected Public: Owners and operators of chemical tank vessels.

Forms: CG–4602B, CG–5148, CG–4148A, CG–5148B and CG–5461.

Abstract: This information is needed to ensure the safe transport of bulk hazardous liquids on chemical tank vessels and to protect the environment from pollution.

Annual Estimated Burden Hours: The estimated burden is 738 hours a year.

3. *Title:* Report of Discharge of Oil or Hazardous Substance.

OMB Control Number: 2115–0137.

Type of Request: Extension of a currently approved collection.

Affected Public: Persons in charge of vessels or onshore or offshore facilities.

Form: This collection of information does not require the public to fill out forms, but does require them to report, by phone using a toll-free number, any pollution discharge to the National Response Center (NRC).

Abstract: The collection of information requires any person in charge of a vessel or an onshore or offshore facility to report to the NRC, as soon as he or she knows of any discharge of oil or a hazardous substance.

Annual Estimated Burden Hours: The estimated burden is 8,667 hours a year.

4. *Title:* Records Relating to Citizenship of Personnel on Units Engaged in Activities on Outer Continental Shelf (OCS).

OMB Control Number: 2115–0143.

Type of Request: Extension of a currently approved collection.

Affected Public: Operators of vessels and units engaged in activities on the OCS.

Form: This collection of information does not require the public to fill out forms, but does require employers to ascertain citizenship of their employees on the OCS.

Abstract: Vessels and units engaged in activities on the OCS (exploration and exploitation of offshore resources such as gas and oil) must be manned and crewed by U.S. citizens or permanent resident aliens (43 U.S.C. 1356). Employers must, by 33 CFR 141.35, maintain records demonstrating compliance.

Annual Estimated Burden Hours: The estimated burden is 442 hours a year.

5. *Title:* Barges Carrying Bulk Hazardous Materials.

OMB Control Number: 2115–0541.

Type of Request: Extension of a currently approved collection.

Affected Public: Owners and operators of tank barges.

Form: This collection of information does not require the public to fill out forms, but does require the information to be in written format to the Coast Guard.

Abstract: This information is needed to ensure the safe shipment of bulk hazardous liquids in barges. In particular, it is needed to ensure that barges meet safety standards and to ensure that barges' crewmembers have the information necessary to operate barges safely.

Annual Estimated Burden Hours: The estimated burden is 10,903 hours a year.

Dated: February 4, 2003.

Clifford I. Pearson,

Rear Admiral, U.S. Coast Guard, Director of Information and Technology.

[FR Doc. 03–3603 Filed 2–13–03; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2002–13767]

Information Collection Under Review by the Office of Management and Budget (OMB): OMB Control Numbers 2115–0606, 2115–0077, 2115–0096, 2115–0549, 2115–0603 and 2115–0640

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this request for comments announces that the Coast Guard has forwarded the six Information Collection Reports (ICRs) abstracted below to the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB) for review and comment. Our ICRs describe the information we seek to collect from the public. Review and comment by OIRA ensures that we impose only paperwork burdens commensurate with our performance of duties.

DATES: Please submit comments on or before March 17, 2003.

ADDRESSES: To make sure that your comments and related material do not enter the docket (USCG 2002–13767) more than once, please submit them by only one of the following means:

(1)(a) By mail to the Docket Management Facility, U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001. (b) By mail to OIRA, 725 17th Street NW., Washington, DC 20503, to the attention of the Desk Officer for the Coast Guard. Caution: Because of recent delays in the delivery of mail, your comments may reach the Facility more quickly if you choose one of the other means described below.

(2)(a) By delivery to room PL–401 at the address given in paragraph (1)(a) above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329. (b) By delivery to OIRA, at the address given in paragraph (1)(b) above, to the attention of the Desk Officer for the Coast Guard.

(3) By fax to (a) the Facility at 202–493–2251 and (b) OIRA at 202–395–5806, or e-mail to OIRA at *oira_docket@omb.eop.gov* attention: Desk Officer for the Coast Guard.

(4)(a) Electronically through the Web Site for the Docket Management System at *http://dms.dot.gov.* (b) OIRA does not have a website on which you can post your comments.

The Facility maintains the public docket for this notice. Comments and material received from the public, as well as documents mentioned in this notice as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL–401 (Plaza level), 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at *http://dms.dot.gov.*

Copies of the complete ICRs are available for inspection and copying in public dockets. They are available in docket USCG 2002–13767 of the Docket Management Facility between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays; for inspection and printing on the Internet at *http://dms.dot.gov;* and for inspection from the Commandant (G–CIM–2), U.S. Coast Guard, room 6106, 2100 Second Street SW., Washington, DC, between 10 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, Office of Information Management, 202–267–2326, for questions on this document; Dorothy Beard, Chief, Documentary Services Division, U.S. Department of Transportation, 202–366–5149, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Regulatory History

This request constitutes the 30-day notice required by OIRA. The Coast Guard has already published [67 FR 69806 (November 19, 2002)] the 60-day notice required by OIRA. That notice elicited no comments.

Request for Comments

The Coast Guard invites comments on the proposed collection of information to determine whether the collection is necessary for the proper performance of the functions of the Department. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collection; (2) the accuracy of the Department's estimated burden of the collection; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of the collection; and (4) ways to minimize the burden of collection on

respondents, including the use of automated collection techniques or other forms of information technology.

Comments, to DMS or OIRA, must contain the OMB Control Number of the ICR addressed. Comments to DMS must contain the docket number of this request, USCG 2002–13767. Comments to OIRA are best assured of having their full effect if OIRA receives them 30 or fewer days after the publication of this request.

Information Collection Request

1. *Title:* National Response Resource Inventory.

OMB Control Number: 2115–0606.

Type of Request: Extension of a currently approved collection.

Affected Public: Organizations that remove oil spills.

Form: This collection of information does not require the public to fill out forms, but the information is submitted in a electronic format.

Abstract: The information is needed to improve the effectiveness of deploying response equipment in the event of an oil spill. It may also be used in the development of contingency plans.

Annual Estimated Burden Hours: The estimated burden is 1,224 hours a year.

2. *Title:* Facilities Transferring Oil or Hazardous Materials in Bulk—Letter of Intent and Operations Manual (OM).

OMB Control Number: 2115–0077.

Type of Request: Extension of a currently approved collection.

Affected Public: Operators of facilities that transfer oil or hazardous materials in bulk.

Form: This collection of information does not require the public to fill out forms, but does require the information to be in written format to the Coast Guard.

Abstract: A Letter of Intent is a notice to the Coast Guard Captain of the Port that an operator intends to operate a facility that will transfer bulk oil or hazardous materials to or from vessels. An OM establishes procedures to follow when conducting the transfer and in the event of a spill.

Annual Estimated Burden Hours: The estimated burden is 27,819 hours a year.

3. Title: Records on Oil and Hazardous Material Pollution Prevention and Safety: Equivalents, Alternatives, and Exemptions.

OMB Control Number: 2115–0096.

Type of Request: Extension of a currently approved collection.

Affected Public: Operators of facilities and vessels transferring oil and hazardous materials in bulk.

Form: CG–4602B.

Abstract: This information is needed to minimize the number and impact of pollution discharges and accidents occurring during transfer of oil or hazardous materials. It also helps to evaluate proposed alternatives and requests for exemptions.

Annual Estimated Burden Hours: The estimated burden is 1,440 hours a year.

4. *Title:* Requirements for the Use of Liquefied Petroleum Gas and Compressed Natural Gas as Cooking Fuel on Passenger Vessels.

OMB Control Number: 2115–0549.

Type of Request: Extension of a currently approved collection.

Affected Public: Owners and operators of passenger vessels.

Form: This collection of information does not require the public to fill out forms, but does require the posting of two placards on passenger vessels.

Abstract: The collection of information requires passenger vessels to have posted two placards that contain safety and operating instructions on the use of cooking appliances that employ liquefied gas or compressed natural gas.

Annual Estimated Burden Hours: The estimated burden is 2,680 hours a year.

5. *Title:* Periodic Gauging and Engineering Analyses for Certain Tank Vessels Over 30 Years Old.

OMB Control Number: 2115–0603.

Type of Request: Extension of a currently approved collection.

Affected Public: Owners and operators of certain tank vessels.

Form: This collection of information does not require the public to fill out forms, but does require the information to be in written format to the Coast Guard.

Abstract: OPA 1990 requires the issuance of rules for the structural integrity of tank vessels, including periodic gauging of the plating thickness of tank vessels over 30 years old. This also helps to verify the structural integrity of older such vessels.

Annual Estimated Burden Hours: The estimated burden is 13,688 hours a year.

6. *Title:* Mandatory Ship Reporting System for the Northeast and Southeast Coasts of the United States.

OMB Control Number: 2115–0640.

Type of Request: Extension of a currently approved collection.

Affected Public: Operators of certain vessels.

Form: This collection of information does not require the public to fill out forms, but does require the information to be reported electronically.

Abstract: The information is needed to reduce the number of ship collisions with endangered northern right whales. The rules establish two mandatory ship-reporting systems off the northeast and southeast coasts of the United States.

Annual Estimated Burden Hours: The estimated burden is 88 hours a year.

Dated: February 4, 2003.

Clifford I. Pearson,

Rear Admiral, Coast Guard, Director of Information and Technology.

[FR Doc. 03–3604 Filed 2–13–03; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice; Receipt of Noise Compatibility Program and Request for Review; Toledo Express Airport, Toledo, OH

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the Toledo-Lucas County Port Authority for the Toledo Express Airport under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for Toledo Express Airport under Part 150 in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before July 22, 2003.

EFFECTIVE DATES: The effective date of the FAA's determination on the noise exposure maps and the start of its review of the associated noise compatibility program is January 24, 2003. The public comment period ends March 24, 2003.

FOR FURTHER INFORMATION CONTACT: Katherine Jones, Federal Aviation Administration, Great Lakes Region, Detroit Airports District Office, DET ADO–670.7, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111, (734) 487–7298. Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Toledo Express Airport are in compliance with applicable requirements of part 150, effective January 24, 2003. Further, the FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before July 22, 2003. This notice also announces the availability of this program for public review and comment.

Under section 103 of Title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as ''the Act''), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by the FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing non-compatible uses and for the prevention of the introduction of additional non-compatible uses.

Toledo-Lucas County Port Authority submitted to the FAA on January 21, 2003 noise exposure maps, descriptions, and other documentation which were produced during the Supplemental Part 150 Study to the Final 1999 part 150 Noise Compatibility Study, January 2003. It was requested that the FAA review this material as the noise exposure maps, as described in section 103(a)(1) of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise computability program under section 104(b) of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by Toledo-Lucas County Port Authority. The specific maps under consideration are NEM–1, ''Existing (2002) Conditions, Noise Exposure Map,'' and NEM–2, ''Future (2007) NEM/NCP Conditions,'' on pages NEM–7 and NCP–6, respectively,] in the submission. The FAA has determined that these maps for Toledo Express Airport are in compliance with applicable requirements. This determination is effective on January 24, 2003. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through the FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for the Toledo Express Airport, also effective on January 24, 2003. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of a 180 days, will be completed on or before July 22, 2003.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing non-compatible land uses and preventing the introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., Room 617, Washington, DC 20591.

Federal Aviation Administration, Great Lakes Region, Airports Division Office, 2300 East Devon Avenue, Room 315, Des Plaines, Illinois 60018.

Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111.

Mr. Paul Toth, Jr. Airport Director, Toledo Express Airport, Swanton, Ohio 43558.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Dated: Issued in Belleville, Michigan, January 24, 2003.

Irene R. Porter,

Manager, Detroit Airports District Office, Great Lakes Region.

[FR Doc. 03–3600 Filed 2–13–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Provide an O'Hare International Airport Environmental Impact Statement Public Information Meeting in Schiller Park, IL

AGENCY: Federal Aviation Administration, DOT.

ACTION: The Federal Aviation Administration (FAA) Issuance of a Notice of Intent (NOI) to Conduct an Informational Meeting with Regard to the Ongoing Environmental Impact Statement for the Proposed Modernization Program for O'Hare International Airport.

SUMMARY: This NOI announces the FAA's intention to conduct a Public Information Meeting on behalf of the FAA's ongoing Environmental Impact Statement (EIS) for the proposed Modernization Program for O'Hare International Airport. The Airport is located in Chicago, Illinois. Due both to the anticipated high level of interest in matters pertaining to O'Hare International Airport, and FAA's desire to more fully involve and accommodate potentially interested persons, agencies, and other entities, the FAA has decided to conduct a Public Information Meeting focused on the status of the ongoing EIS, with special emphasis on project purpose and need matters. The information meeting will be co-hosted

with the Chicago Department of Aviation (DOA), and it will be conducted as follows: Wednesday, March 19, 2003 from 4 p.m. to 8 p.m. at the Mirage Banquets facility at the Four Points Sheraton O'Hare hotel located at 10249 West Irving Park Road in Schiller Park, Illinois. A number of display boards illustrating the current status of the ongoing EIS and describing FAA's conceptualization of key project purpose and need criteria (as well as a number of the Airport's key present and projected operational problems) will be available for inspection. Staff of FAA and its Third Party EIS Contractor will be available at the Public Information Meeting to answer questions. Forms for providing written comments to FAA by interested parties on the matters presented by FAA in the Public Information Meeting will also be provided. FAA is requesting that comments be submitted by the close of business on Monday, April 21, 2003.

Representatives of the DOA will be available to offer information on its Airport Layout Plan (ALP), on its analysis of runway options, on its facility requirements, and on its concept for development of the Airport.

FOR FURTHER INFORMATION CONTACT: Michael W. MacMullen, Airports Environmental Program Manager, Federal Aviation Adminstration, Chicago Airports District Office, 2300 East Devon Avenue, Des Plaines, Illinois 60018. Mr. MacMullen can be contacted by phone at (847) 294–7522 (voice) and at (847) 294–7046 (facsimile).

SUPPLEMENTARY INFORMATION: The FAA previously decided to prepare an Environmental Impact Statement (EIS) addressing specific improvements at and adjacent to O'Hare International Airport. As presently conceived, the runway construction component of the O'Hare Modernization Program would involve: a new North Runway 9–27, a relocation of existing Runway 18–36 (Arrival Runway 9R–27L), a relocation of existing Runway 14L–32R (arrival Runway 9L–27R), a relocation of existing Runway 14R–32L (South Runway 9–27), an extension of existing Runway 9R–27L, and an extension of existing Runway 9L–27R. Overall, the proposed project as presently conceived would result in O'Hare International Airport ultimately having a total of eight runways: six parallel east-west runways, and two parallel runways oriented in the northeast-southwest direction. In addition, the O'Hare Modernization Program could also potentially involve relocation of some or all existing navigation aids, placement of new navigation aids, revision to existing air traffic control procedures, provision of a new western access to the Airport, additional terminal facilities, and various roadway and rail line relocations. Finally, the potential acquisition of approximately 539 housing units, 109 businesses, and 433 acres of property outside of the Airport's present boundaries is also envisioned. The purpose and need for the above-identified improvements will be presented and reviewed in detail within FAA's forthcoming EIS. In addition, reasonable alternatives, including the ''no-build,'' will be considered, as appropriate.

Interested parties are invited to attend the Public Information Meeting and also to provide written comments to FAA. The FAA informational contact person identified above should receive any written comments by no later than the close of business on Monday, April 21, 2003.

Issued in Des Plaines, Illinois on February 6, 2003.

Philip M. Smithmeyer,

Manager, Chicago Airports District Office, Great Lakes Region.

[FR Doc. 03–3599 Filed 2–13–03; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2003–04]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 6, 2003.

ADDRESSES: Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–200X–XXXX at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to *http://dms.dot.gov.* You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1–800–647–5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Vanessa Wilkins, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. Tel. (202) 267–8029.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on February 10, 2003.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: FAA–2002–12856.

Petitioner: The Lindbergh Corporation of America.

Section of 14 CFR Affected: 14 CFR 91.307(a)(1) and 105.43(a)(1).

Description of Relief Sought: To allow certain volunteer parachutists to maintain specific reserve parachutes under a program consisting of an inspection and repack every year and a detailed external inspection every 120 days. This program would allow Lindbergh to collect, compile, and publish data on the advisability of extending the 120-day repack requirement.

Docket No.: FAA–2002–13296.

Petitioner: Aircraft Investments, LLC.

Section of 14 CFR Affected: 14 CFR 21.191(g).

Description of Relief Sought: To allow Aircraft Investments to receive an amateur-built experimental airworthiness certificate under § 21.191(g) for its ''Spirit of St. Louis'' aircraft.

[FR Doc. 03–3601 Filed 2–13–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2003–05]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 6, 2003.

ADDRESSES: Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2000–XXXX at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to *http://dms.dot.gov.* You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1–800–647–5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Denise Emrick (202) 267–5174, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on February 10, 2003.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: FAA–2002–13209.

Petitioner: Kaman Aerospace Corporation.

Section of 14 CFR Affected: 14 CFR 141.39(d).

Description of Relief Sought: To permit Kaman Aerospace Corporation to conduct flight training under its part 141 pilot school certificate in Kaman K–1200 KMAX aircraft without at least two pilot stations with engine-power controls.

[FR Doc. 03–3602 Filed 2–13–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

February 5, 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 March 17, 2003 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1353.

Regulation Project Number: FI–189–84 Final.

Type of Review: Extension.

Title: Debt Instruments With Original Discount; Imputed Interest on Deferred Payment Sales or Exchanges of Property.

Description: These regulations provide definitions, reporting requirements, elections, and general rules relating to the tax treatment of debt instruments with original issue discount and the imputation of, and accounting for, interest on certain sales or exchanges of property.

Respondents: Business or other for-profit, Individuals or households, Farms, State, Local or Tribal Government.

Estimated Number of Respondents: 525,000.

Frequency of Response: Other (per issuance of debt instrument with original issue discount).

Estimated Burden Hours Per Respondent: 21 minutes.

Estimated Total Reporting Burden: 185,500 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.

Mary A. Able,

Departmental Reports, Management Officer.

[FR Doc. 03–3632 Filed 2–13–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2003–1 and Revenue Procedure 2003–3

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 2003–1 and Revenue Procedure 2003–3, 26 CFR 601.201 Rulings and Determination Letters.

DATES: Written comments should be received on or before April 15, 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 revenue procedures 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: 26 CFR 601.201—Rulings and Determination Letters.

OMB Number: 1545–1522.

Revenue Procedure Number: Revenue Procedure 2003–1 and Revenue Procedure 2003–3.

Abstract: The information requested in Revenue Procedure 2003–1 and Revenue Procedure 2003–3 is required to enable the Internal Revenue Service to give advice on filing letter rulings and determination letter requests and to process such requests.

Current Actions: There are no changes being made to the revenue procedures at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals, farms, and Federal, state, local, or tribal governments.

Estimated Number of Respondents: 3,800.

Estimated Time Per Respondent: 80 hours, 19 minutes

Estimated Total Annual Burden Hours: 305,230.

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: February 7, 2003.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 03–3752 Filed 2–13–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 97–19 and Notice 98–34

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 Notice 97–19 and Notice 98–34, Guidance for Expatriates under Internal Revenue Code sections 877, 2501, 2107 and 6039F.

DATES: Written comments should be received on or before April 15, 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 these notices 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: Guidance for Expatriates under Internal Revenue Code sections 877, 2501, 2107 and 6039F.

OMB Number: 1545–1531.

Notice Number: Notice 97–19 and Notice 98–34.

Abstract: Notice 97–19 and Notice 98–34 provide guidance regarding the federal tax consequences for certain individuals who lose U.S. citizenship, cease to be taxed as U.S. lawful permanent residents, or are otherwise subject to tax under Code section 877. The information required by these notices will be used to help make a determination as to whether these taxpayers expatriated with a principal purpose to avoid tax.

Current Actions: There are no changes being made to these notices at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals.

Estimated Number of Respondents: 12,350.

Estimated Time Per Respondent: 32 minutes.

Estimated Total Annual Burden Hours: 6,525.

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: February 7, 2003.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 03–3753 Filed 2–13–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[INTL–15–91]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing notice of proposed rulemaking, INTL–15–91, Taxation of Gain or Loss from Certain Nonfunctional Currency Transactions (Section 988 Transactions) (§ 1.988–5).

DATES: Written comments should be received on or before April 15, 2003 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Larnice Mack (202) 622–3179, or through the Internet *(Larnice.Mack@irs.gov),* Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION: *Title:* Taxation of Gain or Loss from Certain Nonfunctional Currency Transactions (Section 988 Transactions).

OMB Number: 1545–1312.

Regulation Project Number: INTL–15–91.

Abstract: This regulation provides that if a taxpayer identifies a hedge and dividend, rent, or royalty payment as a hedged qualified payment, then the taxpayer may integrate such transactions. The regulation also allows taxpayers to elect a mark to market method of accounting for foreign currency gains and losses.

Current Actions: There is no change to these existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, and business or other for-profit organizations.

Estimated Number of Respondents: 1,500.

Estimated Time Per Respondent: 40 minutes.

Estimated Total Annual Burden Hours: 1,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 6, 2003.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 03–3754 Filed 2–13–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Ad Hoc Issue Committee of the Taxpayer Advocacy Panel

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Ad Hoc Issue Committee of the Taxpayer Advocacy Panel will be conducted (via teleconference).

DATES: The meeting will be held Monday, March 3, 2003.

FOR FURTHER INFORMATION CONTACT: Anne Gruber at 1–888–912–1227, or 206–220–6095.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Ad Hoc Issue Committee of the Taxpayer Advocacy Panel will be held Monday, March 3, 2003 from 1 pm PST to 3 pm PST via a telephone conference call. The public is invited to make oral comments. Individual comments will be limited to 5 minutes. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 206–220–6095, or write Anne Gruber, TAP Office, 915 2nd Ave, Seattle, WA 98174. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made in advance with Anne Gruber. Ms. Gruber can be reached at 1–888–912–1227 or 206–220–6095.

The agenda will include the following: Various IRS issues.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: February 3, 2003.

Deryle J. Temple,

Director, Taxpayer Advocacy Panel.

[FR Doc. 03–3756 Filed 2–13–03; 8:45 am]

BILLING CODE 4830–01–P

Corrections

Federal Register
Vol. 68, No. 31
Friday, February 14, 2003

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7449–7]

Proposed National Pollutant Discharge Elimination System (NPDES) General Permits for Storm Water Discharges from Construction Activities—Extension of Comment Period

Correction

In notice document 03–3240 beginning on page 6451 in the issue of Friday, February 7, 2003, make the following correction:

On page 6451, in the second column, under **SUMMARY**, in the eighth line, ''February 13, 2003'' should read, ''February 3, 2003''.

[FR Doc. C3–3240 Filed 2–13–03; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–CE–07–AD; Amendment 39–13043; AD 2003–03–18]

RIN 2120–AA64

Airworthiness Directives; Raytheon Aircraft Company Beech Models 1900, 1900C, and 1900D Airplanes

Correction

In rule document 03–2784 beginning on page 5822 in the issue of Wednesday, February 5, 2003, make the following correction:

§ 39.13 [Corrected]

On page 5823, in § 39.13, in the table, in the second column, under the heading ''Compliance'', in the last line, ''AC'' should read, ''AD''.

[FR Doc. C3–2784 Filed 2–13–03; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2003–14347; Airspace Docket No. 03–ACE–4]

Modification of Class D Airspace; and Modification of Class E Airspace; Topeka, Philip Billard Municipal Airport, KS

Correction

In rule document 03–3266 beginning on page 6606 in the issue of Monday, February 10, 2003 make the following correction:

On page 6606, in the second column, under the heading **Comments Invited**, in the eighth line, after ''reasoned'' add the following text: ''regulatory decisions on the proposal. Comments are specifically invited on the overall''.

[FR Doc. C3–3266 Filed 2–13–03; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Friday,
February 14, 2003

Part II

Department of Housing and Urban Development

Federal Property Suitable as Facilities To Assist the Homeless; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4809–N–07]

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 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–1234; TDD 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 reviewed in 2002 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.

In accordance with 24 CFR part 581.3(b) landholding agencies are required to notify HUD by December 31, 2002, the current availability status and classification of each property controlled by the Agencies that were published by HUD as suitable and available which remain available for application for use by the homeless.

Pursuant to 24 CFR part 581.8(d) and (e) HUD is required to publish a list of those properties reported by the Agencies and a list of suitable/unavailable properties including the reasons why they are not available.

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 expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

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: U.S. Army: Julie Jones-Conte, Headquarters, Department of the Army, Office of the Assistant Chief of Staff for Installation Management, Attn: DAIM–MD, Room 1E677, 600 Army Pentagon, Washington, DC 20310–0600; (703) 692–9223; Corps of Engineers: Shirley Middleswarth, Army Corps of Engineers, Civil Division, Directorate of Real Estate, 441 G Street, Washington, DC 20314–1000; (202) 761–7425; U.S. Navy: Charles C. Cocks, Dept. of 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; U.S. Air Force: Albert F. Lowas, Jr., Air Force Real Property Agency, 1700 North Moore St., Suite 2300, Arlington, VA 22209–2802; (703) 696–5501; GSA: Brian K. Polly, Office of Property Disposal, GSA, 18th and F Streets NW., Washington, DC 20405; (202) 501–0386; Dept. of Veterans Affairs: Amelia McLellan, Real Property Service, Dept. of Veterans Affairs, room 419, 810 Vermont Ave. NW., Washington, DC 20420; (202) 565–5941; Dept. of Energy: Andy Duran, Office of Engineering & Construction Management, ME–90, Washington, DC 20585; (202) 586–4548; Dept. of Transportation: Rugene Spruill, Space Management, Transportation Administrative Service Center, DOT, 400 Seventh St. SW., room 10314, Washington, DC 20590; (202) 366–4246; Dept. of Interior: Linda Tribby, Acquisition & Property Management, Dept. of Interior, 1849 C St. NW., MS 5512, Washington, DC 20240; (202) 219–0728; (These are not toll-free numbers).

Dated: February 6, 2003.

John D. Garrity,

Director, Office of Special Needs Assistance Programs.

TITLE V PROPERTIES REPORTED IN YEAR 2002 WHICH ARE SUITABLE AND AVAILABLE

Agriculture

Kentucky

Building

Residence
420 Willow Street
Morehead Co: KY 40351–
Property No.: 15200210004
Status: Excess
Comment: 1300 sq. ft., brick

Ranger's Residence
125 Cherry Road
Berea Co: KY
Property No.: 15200210005
Status: Excess
Comment: 1680 sq. ft., brick, needs repair

Montana

Building

Ranger Residence Garage
401 Manix Street
Augusta Co: Lewis & Clark MT 59422–
Property No.: 15200210001
Status: Excess
Comment: 372 sq. ft., needs repair, most recent use—bunkhouse, off-site use only

Ranger Residence
401 Manix Street
Augusta Co: Lewis & Clark MT
Property No.: 15200210002
Status: Excess
Comment: 856/700 sq. ft., needs repair, most recent use—bunkhouse, off-site use only

Choteau Bunkhouse
4236 Hwy 89
Choteau Co: Teton MT 59422–
Property No.: 15200210003
Status: Excess
Comment: 1209 sq. ft., needs repair, presence of asbestos, most recent use—bunkhouse, off-site use only

Air Force

Alaska

Building

Bldg. 6165
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Property No.: 18200230007
Status: Unutilized
Comment: 15,970 sq. ft., possible asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. 6173
Elmendorf AFB
Elmendorf Co: AK 99506—
Property No.: 18200230008
Status: Unutilized
Comment: 16,290 sq. ft., possible asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. 7525
Elmendorf AFB

Elmendorf AFB Co: AK 99506–
Property No.: 18200230009
Status: Unutilized
Comment: 26,226 sq. ft., need rehab, possible asbestos/lead paint, most recent use—dormitory, off-site use only

Florida

Land

Homestead Communications Annex
Homestead Co: Dare FL 33033–
Property No.: 18200210015
Status: Excess
Comment: 20 acres w/concrete bldg., consist of wetlands/100 year floodplain, most recent use—high frequency regional broadcasting system

Missouri

Building

Bldgs. 90A/B, 91A/B, 92A/B
Jefferson Barracks Housing
St. Louis Co: MO 63125–
Property No.: 18200220002
Status: Excess
Comment: 6450 sq. ft., needs repair, includes 2 acres

Nebraska

Land

Hastings Radar Bomb Scoring
Hastings Co: Adams NE 68901–
Property No.: 18199810027
Status: Unutilized
Comment: 11 acres

New York

Building

Lockport Comm. Facility
Shawnee Road
Lockport Co: Niagara NY
Property No.: 18200040004
Status: Excess
Comment: 2 concrete block bldgs., (415/2929 sq. ft.) on 7.68 acres

South Dakota

Building

West Communications Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Property No.: 18199340051
Status: Unutilized
Comment: 2 bldgs. on 2.37 acres, remote area, lacks infrastructure, road hazardous during winter storms, most recent use—industrial storage

Land

S. Nike Ed. Annex Land
Ellsworth AFB
Pennington Co: SD 57706–
Property No.: 18200220010
Status: Unutilized
Comment: 7 acres w/five foundations from demolished bldgs. remain on site; with a road and a parking lot

Army

Alaska

Building

Bldgs. 09100, 09104–09106
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property No.: 21200020158
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only.

5 Bldgs.
Fort Richardson
09108, 09110–09112, 09114
Ft. Richardson Co: AK 99505–6500
Property No.: 21200020159
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only

Bldgs. 09128, 09129
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property No.: 21200020160
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only

Bldgs. 09151, 09155, 09156
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property No.: 21200020161
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only

Bldg. 09158
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property No.: 21200020162
Status: Unutilized
Comment: 672 sq. ft., most recent use—storage shed, off-site use only

Bldgs. 09160–09162
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property No.: 21200020163
Status: Unutilized
Comment: 11,520 sq. ft., concrete, most recent use—NCO-ENL FH, off-site use only

Bldgs. 09164, 09165
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property No.: 21200020164
Status: Unutilized
Comment: 2304/2880 sq. ft., most recent use—storage, off-site use only

Bldg. 10100
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property No.: 21200020165
Status: Unutilized
Comment: 4688 sq. ft., concrete, most recent use—hazard bldg., off-site use only

Bldg. 00390
Fort Richardson
Ft. Richardson Co: AK 99505–
Property No.: 21200030067
Status: Excess
Comment: 13,632 sq. ft., off-site use only

Bldgs. 01200, 01202
Fort Richardson
Ft. Richardson Co: AK 99505–
Property No.: 21200030068
Status: Excess
Comment: 4508/6366 sq. ft., most recent use—hazard bldg., off-site use only

Bldg. 01204
Fort Richardson
Ft. Richardson Co: AK 99505–
Property No.: 21200030069
Status: Excess
Comment: 5578 sq. ft., most recent use—VOQ transient, off-site use only

Bldgs. 01205–01207
Fort Richardson
Ft. Richardson Co: AK 99505–
Property No.: 21200030070
Status: Excess
Comment: various sq. ft., most recent use—hazard bldg., off-site use only

Bldgs. 01208, 01210, 01212
Fort Richardson
Ft. Richardson Co: AK 99505–
Property No.: 21200030071
Status: Excess
Comment: various sq. ft., most recent use—hazard bldg., off-site use only

Bldgs. 01213, 01214
Fort Richardson
Ft. Richardson Co: AK 99505–
Property No.: 21200030072
Status: Excess
Comment: 11964/13740 sq. ft., most recent use—transient UPH, off-site use only

Bldgs. 01218, 01230
Fort Richardson
Ft. Richardson Co: AK 99505–
Property No.: 21200030073
Status: Excess
Comment: 480/188 sq. ft., most recent use—hazard bldgs., off-site use only

Bldgs. 01231, 01232
Fort Richardson
Ft. Richardson Co: AK 99505–
Property No.: 21200030074
Status: Excess
Comment: 458/4260 sq. ft., most recent use—hazard bldgs., off-site use only

Bldg. 01234
Fort Richardson
Ft. Richardson Co: AK 99505–
Property No.: 21200030075
Status: Excess
Comment: 615 sq. ft., most recent use—admin., off-site use only

Bldg. 01237
Fort Richardson
Ft. Richardson Co: AK 99505–
Property No.: 21200030076
Status: Excess
Comment: 408 sq. ft., most recent use—fuel/pol bldg., off-site use only

Bldg. 01272
Fort Richardson
Ft. Richardson Co: AK 99505–
Property No.: 21200030077
Status: Excess
Comment: 308 sq. ft., most recent use—storage, off-site use only

Bldg. 08109
Fort Richardson
Ft. Richardson Co: AK 99505–
Property No.: 21200030080
Status: Excess
Comment: 1920 sq. ft., most recent use—storage, off-site use only

Bldg. 21001
Fort Richardson
Ft. Richardson Co: AK 99505–
Property No.: 21200030081
Status: Excess
Comment: 3200 sq. ft., most recent use—family housing, off-site use only

Bldg. 22001
Fort Richardson
Ft. Richardson Co: AK 99505–
Property No.: 21200030082
Status: Excess

Comment: 1448 sq. ft., most recent use—family housing, off-site use only

Bldg. 22002
Fort Richardson
Ft. Richardson Co: AK 99505–
Property No.: 21200030083
Status: Excess
Comment: 1508 sq. ft., most recent use—family housing, off-site use only

Armory
NG Noorvik
Noorvik Co: AK 99763–
Property No.: 21200110075
Status: Unutilized
Comment: 1200 sq. ft., most recent use—armory, off-site use only

Bldg. 00229
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property No.: 21200120085
Status: Excess
Comment: 13,056 sq. ft., off-site use only

Arizona

Building

Bldg. 30012, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Property No.: 21199310298
Status: Excess
Comment: 237 sq. ft., 1-story block, most recent use—storage

Bldg. S–306
Yuma Proving Ground
Yuma Co: Yuma/La Paz AZ 85365–9104
Property No.: 21199420346
Status: Unutilized
Comment: 4103 sq. ft., 2-story, needs major rehab, off-site use only

Bldg. 503, Yuma Proving Ground
Yuma Co: Yuma AZ 85365–9104
Property No.: 21199520073
Status: Underutilized
Comment: 3789 sq. ft., 2-story, major structural changes required to meet floor loading & fire code requirements, presence of asbestos, off-site use only

2 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Property No.: 21200010082
Location: 15542, 15546
Status: Unutilized
Comment: 552 & 400 sq. ft., presence of asbestos/lead paint, most recent use—restrooms, off-site use only

2 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Property No.: 21200010083
Location: 15544, 15552
Status: Unutilized
Comment: 9713 & 2895 sq. ft., presence of asbestos/lead paint, most recent use—classrooms, off-site use only

Bldg. 15543
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Property No.: 21200010084
Status: Unutilized
Comment: 416 sq. ft., presence of asbestos/lead paint, most recent use—rec. shelter, off-site use only

California

Building

Bldgs. 204–207, 517
Presidio of Monterey
Monterey Co: CA 93944–5006
Property No.: 21200020167
Status: Unutilized
Comment: 4780/10,950 sq. ft., presence of asbestos/lead paint, most recent use—classroom/admin/storage, off-site use only

Bldgs. 18026, 18028
Camp Roberts
Monterey Co: CA 93451–5000
Property No.: 21200130081
Status: Excess
Comment: 2024/487 sq. ft., concrete, poor condition, off-site use only

Colorado

Building

Bldg. F–107
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200130082
Status: Unutilized
Comment: 10,126 sq. ft., poor condition, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–108
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200130083
Status: Unutilized
Comment: 9000 sq. ft., poor condition, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–209
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200130084
Status: Unutilized
Comment: 400 sq. ft., poor condition, possible asbestos/lead paint, most recent use—maint. shop, off-site use only

Bldg. T–217
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200130085
Status: Unutilized
Comment: 9000 sq. ft., poor condition, possible asbestos/lead paint, most recent use—maint., off-site use only

Bldg. T–218
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200130086
Status: Unutilized
Comment: 9000 sq. ft., poor condition, possible asbestos/lead paint, most recent use—maint., off-site use only

Bldg. T–220
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200130087
Status: Unutilized
Comment: 690 sq. ft., poor condition, possible asbestos/lead paint, most recent use—heat plant, off-site use only

Bldg. T–6001
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200130088
Status: Unutilized
Comment: 4372 sq. ft., poor condition, possible asbestos/lead paint, most recent use—vet clinic, off-site use only

Georgia

Building

Bldg. 2285
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Property No.: 21199011704
Status: Unutilized
Comment: 4574 sq. ft.; most recent use—clinic; needs substantial rehabilitation; 1 floor

Bldg. 1252, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220694
Status: Unutilized
Comment: 583 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only

Bldg. 4881, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220707
Status: Unutilized
Comment: 2449 sq. ft., 1 story, most recent use—storehouse, need repairs, off-site removal only

Bldg. 4963, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220710
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storehouse, need repairs, off-site removal only

Bldg. 2396, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220712
Status: Unutilized
Comment: 9786 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only

Bldg. 4882, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220727
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storage, need repairs, off-site removal only

Bldg. 4967, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220728
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storage, need repairs, off-site removal only

Bldg. 4977, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220736
Status: Unutilized
Comment: 192 sq. ft., 1 story, most recent use—offices, need repairs, off-site removal only

Bldg. 4944, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220747
Status: Unutilized
Comment: 6400 sq. ft., 1 story, most recent use—vehicle maintenance shop, need repairs, off-site removal only

Bldg. 4960, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220752
Status: Unutilized

Comment: 3335 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only

Bldg. 4969, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220753
Status: Unutilized
Comment: 8416 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only

Bldg. 4884, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220762
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only

Bldg. 4964, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220763
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only

Bldg. 4966, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220764
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only

Bldg. 4965, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220769
Status: Unutilized
Comment: 7713 sq. ft., 1 story, most recent use—supply bldg., need repairs, off-site removal only

Bldg. 4945, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220779
Status: Unutilized
Comment: 220 sq. ft., 1 story, most recent use—gas station, needs major rehab, off-site removal only

Bldg. 4979, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199220780
Status: Unutilized
Comment: 400 sq. ft., 1 story, most recent use—oil house, need repairs, off-site removal only

Bldg. 4023, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199310461
Status: Unutilized
Comment: 2269 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only

Bldg. 4024, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199310462
Status: Unutilized
Comment: 3281 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only

Bldg. 11813
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Property No.: 21199410269
Status: Unutilized
Comment: 70 sq. ft.; 1 story; metal; needs rehab.; most recent use—storage; off-site use only

Bldg. 21314
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Property No.: 21199410270
Status: Unutilized
Comment: 85 sq. ft.; 1 story; needs rehab.; most recent use—storage; off-site use only

Bldg. 12809
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Property No.: 21199410272
Status: Unutilized
Comment: 2788 sq. ft.; 1 story; wood; needs rehab.; most recent use—maintenance shop; off-site use only

Bldg. 10306
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Property No.: 21199410273
Status: Unutilized
Comment: 195 sq. ft.; 1 story; wood; most recent use—oil storage shed; off-site use only

Bldg 4051, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199520175
Status: Unutilized
Comment: 967 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only

Bldg. 322
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199720156
Status: Unutilized
Comment: 9600 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. 1737
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199720161
Status: Unutilized
Comment: 1500 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 2593
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199720167
Status: Unutilized
Comment: 13,644 sq. ft., needs rehab, most recent use—parachute shop, off-site use only

Bldg. 2595
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199720168
Status: Unutilized
Comment: 3356 sq. ft., needs rehab, most recent use—chapel, off-site use only

Bldgs. 2865, 2869, 2872
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199720169
Status: Unutilized
Comment: approx. 1100 sq. ft. each, needs rehab, most recent use—shower fac., off-site use only

Bldg. 4476
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199720184
Status: Unutilized
Comment: 3148 sq. ft., needs rehab, most recent use—vehicle maint. shop, off-site use only

8 Bldgs.
Fort Benning 4700–4701, 4704–4707, 4710–4711
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199720189
Status: Unutilized
Comment: 6433 sq. ft. each, needs rehab, most recent use—unaccompanied personnel housing, off-site use only

Bldg. 4714
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199720191
Status: Unutilized
Comment: 1983 sq. ft., needs rehab, most recent use—battalion headquarters bldg., off-site use only

Bldg. 4702
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199720192
Status: Unutilized
Comment: 3690 sq. ft., needs rehab, most recent use—dining facility off-site use only

Bldgs. 4712–4713
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199720193
Status: Unutilized
Comment: 1983/10,270 sq. ft., needs rehab, most recent use—company headquarters bldg., off-site use only

Bldg. 305
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199810268
Status: Unutilized
Comment: 4083 sq. ft., most recent use—recreation center, off-site use only

Bldg. 318
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199810269
Status: Unutilized
Comment: 374 sq. ft., poor condition, most recent use—maint. shop, off-site use only

Bldg. 1792
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199810274
Status: Unutilized
Comment: 10,200 sq. ft., most recent use—storage, off-site use only

Bldg. 1836
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199810276
Status: Unutilized
Comment: 2998 sq. ft., most recent use—admin., off-site use only

Bldg. 4373
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199810286
Status: Unutilized
Comment: 409 sq. ft., poor condition, most recent use—station bldg. off-site use only

Bldg. 4628
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199810287
Status: Unutilized
Comment: 5483 sq. ft., most recent use—admin., off-site use only

Bldg. 92
Fort Benning
Co: Muscogee GA 31905–
Property No.: 21199830278
Status: Unutilized
Comment: 637 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. 2445
Fort Benning
Co: Muscogee GA 31905–
Property No.: 21199830279
Status: Unutilized
Comment: 2385 sq. ft., needs rehab, most recent use—fire station, off-site use only

Bldg. 4232
Fort Benning
Co: Muscogee GA 31905–
Property No.: 21199830291
Status: Unutilized
Comment: 3720 sq. ft., needs rehab, most recent use—maint. bay, off-site use only

Bldg. 39720
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Bldg. No.: 21199930119
Status: Unutilized
Comment: 1520 sq. ft., concrete block, possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. 492
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930120
Status: Unutilized
Comment: 720 sq. ft., most recent use—admin/maint, off-site use only

Bldg. 880
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930121
Status: Unutilized
Comment: 57,110 sq. ft., most recent use—instruction, off-site use only

Bldg. 1370
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930122
Status: Unutilized
Comment: 5204 sq. ft., most recent use—hdqts. bldg., off-site use only

Bldg. 2288
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930123
Status: Unutilized
Comment: 2481 sq. ft., most recent use—admin., off-site use only

Bldg. 2290
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930124
Status: Unutilized
Comment: 455 sq. ft., most recent use—storage, off-site use only

Bldg. 2293
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930125
Status: Unutilized
Comment: 2600 sq. ft., most recent use—hdqts. bldg., off-site use only

Bldg. 2297
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930126
Status: Unutilized
Comment: 5156 sq. ft., most recent use—admin.

Bldg. 2505
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930127
Status: Unutilized
Comment: 10,257 sq. ft., most recent use—repair shop, off-site use only

Bldg. 2508
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930128
Status: Unutilized
Comment: 2434 sq. ft., most recent use—storage, off-site use only

Bldg. 2815
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930129
Status: Unutilized
Comment: 2578 sq. ft., most recent use—hdqts. bldg., off-site use only

Bldg. 3815
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930130
Status: Unutilized
Comment: 7575 sq. ft., most recent use—storage, off-site use only

Bldg. 3816
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930131
Status: Unutilized
Comment: 7514 sq. ft., most recent use—storage, off-site use only

Bldg. 5886
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930134
Status: Unutilized
Comment: 67 sq. ft., most recent use—maint/storage, off-site use only

Bldgs. 5974–5978
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930135
Status: Unutilized
Comment: 400 sq. ft., most recent use—storage, off-site use only

Bldg. 5993
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930136
Status: Unutilized
Comment: 960 sq. ft., most recent use—storage, off-site use only

Bldg. 5994
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199930137
Status: Unutilized
Comment: 2016 sq. ft., most recent use—storage, off-site use only

Bldg. T–1003
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property No.: 21200030085
Status: Excess
Comment: 9267 sq. ft., poor condition, most recent use—admin., off-site use only

Bldgs. T–1005, T–1006, T–1007
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property No.: 21200030086
Status: Excess
Comment: 9267 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1015, T–1016, T–1017
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property No.: 21200030087
Status: Excess
Comment: 7496 sq ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1018, T–1019
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property No.: 21200030088
Status: Excess
Comment: 9267 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1020, T–1021
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property No.: 21200030089
Status: Excess
Comment: 9267 sq. ft., poor condition, most recent use—storage, off-site use only

Bldg. T–1022
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property No.: 21200030090
Status: Excess
Comment: 9267 sq. ft., poor condition, most recent use—supply center, off-site use only

Bldg. T–1027
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property No.: 21200030091
Status: Excess
Comment: 9024 sq ft., poor condition, most recent use—storage, off-site use only

Bldg. T–1028
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property No.: 21200030092
Status: Excess
Comment: 7496 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1035, T–1036, T–1037
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property No.: 21200030093
Status: Excess
Comment: 1626 sq ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1038, T–1039
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property No.: 21200030094
Status: Excess
Comment: 1626 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1040, T–1042
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property No.: 21200030095
Status: Excess
Comment: 1626 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1086, T–1087, T–1088
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property No.: 21200030096

Status: Excess
Comment: 7680 sq. ft., poor condition, most recent use—storage, off-site use only

Bldg. 223
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21200040044
Status: Unutilized
Comment: 21,556 sq. ft., most recent use—gen. purpose

Bldg. 228
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21200040045
Status: Unutilized
Comment: 20,220 sq. ft., most recent use—gen. purpose

Bldg. 2051
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21200040046

Status: Unutilized
Comment: 6077 sq. ft., most recent use—storage

Bldg. 2053
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21200040047
Status: Unutilized
Comment: 14,520 sq. ft., most recent use—storage

Bldg. 2677
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21200040048
Status: Unutilized
Comment: 19,326 sq. ft., most recent use—maint. shop

Bldg. 02301
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Property No.: 21200140075
Status: Unutilized
Comment: 8484 sq. ft., needs major rehab, potential asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T0130
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Property No.: 21200230041
Status: Excess
Comment: 10,813 sq. ft., off-site use only

Bldg. T0157
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Property No.: 21200230042
Status: Excess
Comment: 1440 sq. ft., off-site use only

Bldg. T0251
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Property No.: 21200230043
Status: Excess
Comment: 27,254 sq. ft., off-site use only

Bldgs. T291, T292
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Property No.: 21200230044
Status: Excess
Comment: 5220 sq. ft. each, off-site use only

Bldg. T0295
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Property No.: 21200230045
Status: Excess
Comment: 5220 sq. ft., off-site use only

Bldg. T0470
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Property No.: 21200230046
Status: Excess
Comment: 27,254 sq. ft., off-site use only

Bldg. T1191
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Property No.: 21200230047
Status: Excess
Comment: 9386 sq. ft., off-site use only

Bldg. T1192
Fort Stewart
Hinesville Co: Liberty GA 31314–5136
Property No.: 21200230048
Status: Excess
Comment: 3992 sq. ft., off-site use only

Land

Land (Railbed)
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199440440
Status: Unutilized
Comment: 17.3 acres extending 1.24 miles, no known utilities potential

Hawaii

Building

P–88
Aliamanu Military Reservation
Honolulu Co: Honolulu HI 96818–
Property No.: 21199030324
Location: Approximately 600 feet from Main Gate on Aliamanu Drive
Status: Unutilized
Comment: 45,216 sq. ft. underground tunnel complex, pres. of asbestos clean-up required of contamination, use of respirator required by those entering property, use limitations

Bldg. T–337
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Property No.: 21199640203
Status: Unutilized
Comment: 132 sq. ft., most recent use—storage, off-site use only

Bldg. 01227
Schofield Barracks
Wahiawa Co: HI 96786–
Property No.: 21200220104
Status: Unutilized
Comment: 525 sq. ft., poor condition, most recent use—storage, off-site use only

Bldg. 4334
Schofield Barracks
Wahiawa Co: HI 96786–
Property No.: 21200220105
Status: Unutilized
Comment: 7402 sq. ft., concrete, needs repair, most recent use—housing, off-site use only

Bldg. 06508
Schofield Barracks
Wahiawa Co: HI 96786–
Property No.: 21200220106
Status: Unutilized
Comment: 1140 sq. ft., most recent use—office, off-site use only

Illinois

Building

Bldg. 54
Rock Island Arsenal
Rock Island Co: Rock Island IL 61299–
Property No.: 21199620666
Status: Unutilized
Comment: 2000 sq. ft., most recent use—oil storage, needs repair, off-site use only

Bldg. AR112
Sheridan Reserve
Arlington Heights Co: IL 60052–2475
Property No.: 21200110081
Status: Unutilized
Comment: 1000 sq. ft., off-site use only

Kansas

Building

Bldg. S–830
Fort Leavenworth
Leavenworth KS 66027–
Property No.: 21199820161
Status: Unutilized
Comment: 5789 sq. ft., most recent use—underground storage, off-site use only

Bldg. S–831
Fort Leavenworth
Leavenworth KS 66027–
Property No.: 21199820162
Status: Unutilized
Comment: 5789 sq. ft., most recent use—underground storage, off-site use only

Bldg. P–243
Fort Leavenworth
Leavenworth KS 66027–
Property No.: 21199830321
Status: Unutilized
Comment: 242 sq. ft., most recent use—industrial, off-site use only

Bldg. P–469
Fort Leavenworth
Leavenworth Co: KS 66027–
Property No.: 21200210031
Status: Unutilized
Comment: 625 sq. ft., most recent use—storage, off-site use only

Bldg. S–471
Fort Leavenworth
Leavenworth Co: KS 66027–
Property No.: 21200210032
Status: Unutilized
Comment: 4535 sq. ft., most recent use—repair shop, off-site use only

Bldg. P–485
Fort Leavenworth
Leavenworth Co: KS 66027–
Property No.: 21200210033
Status: Unutilized
Comment: 2006 sq. ft., most recent use—instructional, off-site use only

Bldg. S–486
Fort Leavenworth
Leavenworth Co: KS 66027–
Property No.: 21200210034
Status: Unutilized
Comment: 960 sq. ft., most recent use—instructional, off-site use only

Bldg. S–496
Fort Leavenworth
Leavenworth Co: KS 66027–
Property No.: 21200210035
Status: Unutilized
Comment: 7134 sq. ft., most recent use—vocational, off-site use only

Bldg. 00493
Fort Leavenworth
Ft. Leavenworth Co: KS 66027–
Property No.: 21200230049
Status: Unutilized
Comment: 1020 sq. ft., most recent use—storage, off-site use only

Bldg. 00498
Fort Leavenworth
Ft. Leavenworth Co: KS 66027–
Property No.: 21200230050
Status: Unutilized
Comment: 208 sq. ft., most recent use—shed, off-site use only

Louisiana

Building

Bldg. 8423,
Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property No.: 21199640528
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8449,
Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property No.: 21199640539
Status: Underutilized
Comment: 2093 sq. ft., most recent use—office

Maryland

Building

Bldg. 907
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property No.: 21200120092
Status: Unutilized
Comment: 2306 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 930
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property No.: 21200120097
Status: Unutilized
Comment: 3108 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 938
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property No.: 21200120098
Status: Unutilized
Comment: 1676 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 2837
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property No.: 21200120101
Status: Unutilized
Comment: 7670 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 0310A
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property No.: 21200120103
Status: Unutilized
Comment: 120 sq. ft., poor condition, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 00313
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property No.: 21200120104
Status: Unutilized
Comment: 983 sq. ft., most recent use—storage, off-site use only

Bldg. 00340
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property No.: 21200120105
Status: Unutilized
Comment: 384 sq. ft., most recent use—storage, off-site use only

Bldg. 0459B
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property No.: 21200120106
Status: Unutilized
Comment: 225 sq. ft., poor condition, most recent use—equipment bldg., off-site use only

Bldg. 00785
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property No.: 21200120107
Status: Unutilized
Comment: 160 sq. ft., poor condition, most recent use—shelter, off-site use only

Bldg. E3728
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property No.: 21200120109
Status: Unutilized
Comment: 2596 sq. ft., presence of asbestos/lead paint, most recent use—testing facility, off-site use only

Bldg. 05213
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property No.: 21200120112
Status: Unutilized
Comment: 200 sq .ft., poor condition, most recent use—storage, off-site use only

Bldg. E5239
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property No.: 21200120113
Status: Unutilized
Comment: 230 sq. ft., most recent use—storage, off-site use only

Bldg. E5317
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property No.: 21200120114
Status: Unutilized
Comment: 3158 sq. ft., presence of asbestos/lead paint, most recent use—lab, off-site use only

Bldg. E5637
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property No.: 21200120115
Status: Unutilized
Comment: 312 sq. ft., presence of asbestos/lead paint, most recent use—lab, off-site use only

Bldg. 503
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property No.: 21200130092
Status: Unutilized
Comment: 14,244 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—training, off-site use only

Bldg. 2478
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property No.: 21200130097
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—medical clinic, off-site use only

Bldg. 8481
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property No.: 21200130098
Status: Unutilized
Comment: 7718 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—heat plant, off-site use only

Bldg. 219
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200140078
Status: Unutilized
Comment: 8142 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 229
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200140079
Status: Unutilized
Comment: 2250 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 287
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200140080
Status: Unutilized
Comment: 2892 sq. ft., presence of asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 294
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200140081
Status: Unutilized
Comment: 3148 sq. ft., presence of asbestos/lead paint, most recent use—entomology facility, off-site use only

Bldg. 949
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200140083
Status: Unutilized
Comment: 2441 sq. ft., presence of asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 979
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200140084
Status: Unutilized
Comment: 2331 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1007
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200140085
Status: Unutilized
Comment: 3108 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 2212
Ft. George G. Meade

Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200140086
Status: Unutilized
Comment: 9092 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 3000
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200140087
Status: Unutilized
Comment: 10,663 sq. ft., presence of asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 00546
Fort Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200220109
Status: Unutilized
Comment: 5659 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 00939
Fort Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200220110
Status: Unutilized
Comment: 8185 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 02206
Fort Meade
Ft. Meade Co: Anne Arundel MD 29755–
Property No.: 21200220111
Status: Unutilized
Comment: 3075 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 02207
Fort Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200220112
Status: Unutilized
Comment: 6855 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 02271
Fort Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200220114
Status: Unutilized
Comment: 10,080 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 04675
Fort Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200220115
Status: Unutilized
Comment: 1710 sq. ft., possible asbestos/lead paint, most recent use—rental store, off-site use only

Bldg. 2050A
Fort George G. Meade
Fort Meade Co: Anne Arundel MD 20755–
Property No.: 21200230051
Status: Unutilized
Comment: 200 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldgs. 2211, 2213
Fort George G. Meade
Fort Meade Co: Anne Arundel MD 29755–
Property No.: 21200230053
Status: Unutilized
Comment: 6936 & 8386 sq ft., needs rehab, possible asbestos/lead paint, most recent use—maint. shop, off-site use only

Bldg. 2214
Fort George G. Meade
Fort Meade Co: Anne Arundel MD 20755–
Property No.: 21200230054
Status: Unutilized
Comment: 7740 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 2217
Fort George G. Meade
Fort Meade Co: Anne Arundel MD 20755–
Property No.: 21200230055
Status: Unutilized
Comment: 7710 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—admin/warehouse, off-site use only

Bldg. 2253
Fort George G. Meade
Fort Meade Co: Anne Arundel MD 20755–
Property No.: 21200230056
Status: Unutilized
Comment: 18,912 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—vehicle maint. shop, off-site use only

Bldg. 2275
Fort George G. Meade
Fort Meade Co: Anne Arundel MD 20755–
Property No.: 21200230057
Status: Unutilized
Comment: 10,080 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. 2276
Fort George G. Meade
Fort Meade Co: Anne Arundel MD 20755–
Property No.: 21200230058
Status: Unutilized
Comment: 10,080 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. 8880
Fort George G. Meade
Fort Meade Co: Anne Arundel MD 20755–
Property No.: 21200230060
Status: Unutilized
Comment: 2500 sq. ft., needs rehab, most recent use—storehouse/maint. shop, off-site use only

Massachusetts

Building

Bldg. 76
Army Soldier Systems Center
Natick Co: Middlesex MA 01760–
Property No.: 21200210037
Status: Unutilized
Comment: 1000 sq. ft., most recent use—storage, off-site use only

Missouri

Building

Bldg. T2171
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property No.: 21199340212
Status: Unutilized
Comment: 1296 sq. ft., 1-story wood frame, most recent use—administrative, no handicap fixtures, lead base paint, off-site use only

Bldg. T1497
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property No.: 21199420441
Status: Underutilized
Comment: 4720 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T2139
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property No.: 21199420446
Status: Underutilized
Comment: 3663 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T–2191
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property No.: 21199440334
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T–2197
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property No.: 21199440335
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T2385
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–
Property No.: 21199510115
Status: Excess
Comment: 3158 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. 1650
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property No.: 21199810311
Status: Unutilized
Comment: 1676 sq. ft., presence of asbestos/lead paint, most recent use—union hall, off-site use only

Bldg. 2170
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property No.: 21199810313
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 2167
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property No.: 21199820179
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. 2169, 2181, 2182, 2183

Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property No.: 21199820180
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. 2186
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property No.: 21199820181
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 2187
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property No.: 21199820182
Status: Unutilized
Comment: 2892 sq. ft., presence of asbestos/lead paint, most recent use—dayroom, off-site use only

Bldgs. 2192, 2196, 2198
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property No.: 21199820183
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Montana

Building

Bldg. 00405
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636–
Property No.: 21200130099
Status: Unutilized
Comment: 3467 sq. ft., most recent use—storage, security limitations

Bldg. T0066
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636–
Property No.: 21200130100
Status: Unutilized
Comment: 528 sq. ft., needs rehab, presence of asbestos, security limitations

New Hampshire

Building

Bldg. KG001
Grenier Field USARC
Manchester Co: Rockingham NH 03103–7474
Property No.: 21200030104
Status: Excess
Comment: 18,994 sq ft., presence of asbestos, most recent use—classroom, off-site use only

Bldg. KG002
Grenier Field USARC
Manchester Co: Rockingham NH 03103–7474
Property No.: 21200030105
Status: Excess
Comment: 20,014 sq. ft., presence of asbestos, most recent use—storage/store, off-site use only

Bldg. KG003
Grenier Field USARC
Manchester Co: Rockingham NH 03103–7474
Property No.: 21200030106
Status: Excess
Comment: 3458 sq. ft., presence of asbestos, most recent use—veh. maint., off-site use only

New Jersey

Building

Bldg. 178
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Property No.: 21199740312
Status: Unutilized
Comment: 2067 sq. ft., most recent use—research, off-site use only

Bldg. 732
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Property No.: 21199740315
Status: Unutilized
Comment: 9077 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 816C
Armament R, D, & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Property No.: 21200130103
Status: Unutilized
Comment: 144 sq. ft., most recent use—storage, off-site use only

New Mexico

Building

Bldg. 34198
White Sands Missile Range
Dona Ana Co: NM 88002–
Property No.: 21200230062
Status: Excess
Comment: 107 sq. ft., most recent use—security, off-site use only

New York

Building

Bldg. T–181
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200130129
Status: Unutilized
Comment: 3151 sq. ft., needs rehab, most recent use—housing mnt., off-site use only

Bldg. T–201
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200130131
Status: Unutilized
Comment: 2305 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. T–203
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200130132
Status: Unutilized
Comment: 2284 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. T–252
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200130133
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, most recent use—housing, off-site use only

Bldgs. T–253, T–256, T–257
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200130134
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, most recent use—housing, off-site use only

Bldgs. T–271, T–272, T–273
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200130135
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, most recent use—housing, off-site use only

Bldg. T–274
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200130136
Status: Unutilized
Comment: 2750 sq. ft., needs rehab, most recent use—BN HQ, off-site use only

Bldgs. T–276, T–277, T–278
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200130137
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, most recent use—housing, off-site use only

Bldg. T–1030
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200130139
Status: Unutilized
Comment: 15,606 sq. ft., needs rehab, most recent use—simulator bldg., off-site use only

Bldg. P–2159
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200130140
Status: Unutilized
Comment: 1948 sq. ft., needs rehab, most recent use—waste/water treatment, off-site use only

Bldg. T–2443
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200130142
Status: Unutilized
Comment: 793 sq. ft., needs rehab, most recent use—vet facility, off-site use only

Bldgs. T–401, T–403
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210042
Status: Unutilized
Comment: 2305/2284 sq. ft., needs repair, most recent use—battalion hq bldg., off-site use only

Bldgs. T–404, T–406, T–407
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210043
Status: Unutilized
Comment: 2000/1144 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

Bldg. T–430
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210044
Status: Unutilized
Comment: 2731 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

4 Bldgs.
Fort Drum
T–431, T–432, T–433, T–434
Ft. Drum Co: Jefferson NY 13602–

Property No.: 21200210045
Status: Unutilized
Comment: 1144 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

Bldg. T–435
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210046
Status: Unutilized
Comment: 2731 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

Bldgs. T–437, T–438
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210047
Status: Unutilized
Comment: 1144 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

Bldgs. T–439, T–460
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210048
Status: Unutilized
Comment: 2588/2734 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

4 Bldgs.
Fort Drum
T–461, T–462, T–463, T–464
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210049
Status: Unutilized
Comment: 1144 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

Bldg. T–465
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210050
Status: Unutilized
Comment: 2734 sq. ft., needs repair, most recent use—Co Hq Bldg., off-site use only

Bldgs. T–405, T–408
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210051
Status: Unutilized
Comment: 1296 sq. ft., needs repair, most recent use—storage, off-site use only

6 Bldgs.
Fort Drum
T–410, T–411, T–412, T–416, T–417, T–418
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210052
Status: Unutilized
Comment: 4720 sq. ft., needs repair, most recent use—enlisted barracks AN TR, off-site use only

Bldgs. T–421, T–422
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210053
Status: Unutilized
Comment: 2510 sq. ft., needs repair, most recent use—enlisted barracks AN TR, off-site use only

Bldgs. T–423, T–424
Fort Drum
Ft. Drum Co: Jefferson NY 13602—
Property No.: 21200210054
Status: Unutilized
Comment: 4720 sq. ft., needs repair, most recent use—enlisted barracks AN TR, off-site use only

7 Bldgs.
Fort Drum
T–441, T–442, T–443, T–444, T–446—T–448
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210055
Status: Unutilized
Comment: 4720 sq. ft., needs repair, most recent use—enlisted barracks AN TR, off-site use only

6 Bldgs.
Fort Drum
T–451, T–452, T–453, T–454, T–456, T–458
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210056
Status: Unutilized
Comment: 4720 sq. ft., needs repair, most recent use—enlisted barracks AN TR, off-site use only

5 Bldgs.
Fort Drum
T–471, T–472, T–473, T–474, T–477
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210057
Status: Unutilized
Comment: 4720 sq. ft., needs repair, most recent use—enlisted barracks AN TR, off-site use only

Bldgs. T–420, T–445, T–470
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210058
Status: Unutilized
Comment: 2510 sq. ft., needs repair, most recent use—dining facility, off-site use only

Bldgs. T–440, T–450
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210059
Status: Unutilized
Comment: 2360 sq. ft., needs repair, most recent use—dining facility, off-site use only

Bldg. T–478
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property No.: 21200210060
Status: Unutilized
Comment: 4720 sq. ft., needs repair, most recent use—classroom, off-site use only

North Carolina

Building

Bldg. C5536
Fort Bragg
Ft. Bragg Co: Cumberland NC 28310–5000
Property No.: 21200130150
Status: Unutilized
Comment: 600 sq. ft., single wide trailer w/ metal storage shed, needs major repair, presence of asbestos/lead paint, off-site use only

Oklahoma

Building

Bldg. T–838,
Fort Sill
838 Macomb Road
Lawton Co: Comanche OK 73503–5100
Property No.: 21199220609
Status: Unutilized
Comment: 151 sq. ft., wood frame, 1 story, off-site removal only, most recent use—vet facility (quarantine stable)

Bldg. T–954,
Fort Sill
954 Quinette Road
Lawton Co: Comanche OK 73503–5100
Property No.: 21199240659
Status: Unutilized
Comment: 3571 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—motor repair shop

Bldg. T–3325,
Fort Sill
3325 Naylor Road
Lawton Co: Comanche OK 73503–5100
Property No.: 21199240681
Status: Unutilized
Comment: 8832 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—warehouse

Bldg. T1652
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199330380
Status: Unutilized
Comment: 1505 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T–4226
Fort Sill
Lawton Co: Comanche OK 73503–
Property No.: 21199440384
Status: Unutilized
Comment: 114 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—storage, off-site use only

Bldg. P–1015
Fort Sill
Lawton Co: Comanche OK 73501–5100
Property No.: 21199520197
Status: Unutilized
Comment: 15,402 sq. ft., 1-story, most recent use—storage, off-site use only

Bldg. P–366
Fort Sill
Lawton Co: Comanche OK 73503–
Property No.: 21199610740
Status: Unutilized
Comment: 482 sq. ft., possible asbestos, most recent use—storage, off-site use only

Building T–2952
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199710047
Status: Unutilized
Comment: 4327 sq. ft., possible asbestos and leadpaint, most recent use—motor repair shop, off-site use only

Building P–5042
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199710066
Status: Unutilized
Comment: 119 sq. ft., possible asbestos and leadpaint, most recent use—heatplant, off-site use only

4 Buildings
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199710086
Location: T–6465, T–6466, T–6467, T–6468
Status: Unutilized
Comment: various sq. ft., possible asbestos and leadpaint, most recent use—range support, off-site use only

Bldg. T–810
Fort Sill

Lawton Co: Comanche OK 73503–5100
Property No.: 21199730350
Status: Unutilized
Comment: 7205 sq. ft., possible asbestos/lead paint, most recent use—hay storage, off-site use only

Bldgs. T–837, T–839
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730351
Status: Unutilized
Comment: approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–934
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730353
Status: Unutilized
Comment: 402 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–1177
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730356
Status: Unutilized
Comment: 183 sq. ft., possible asbestos/lead paint, most recent use—snack bar, off-site use only

Bldgs. T–1468, T–1469
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730357
Status: Unutilized
Comment: 114 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–1470
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730358
Status: Unutilized
Comment: 3120 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–1940
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730360
Status: Unutilized
Comment: 1400 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–1954, T–2022
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730362
Status: Unutilized
Comment: approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–2184
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730364
Status: Unutilized
Comment: 454 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–2186, T–2188, T–2189
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730366
Status: Unutilized
Comment: 1656–3583 sq. ft., possible asbestos/lead paint, most recent use—vehicle maint. shop, off-site use only

Bldg. T–2187
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730367
Status: Unutilized
Comment: 1673 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–2209
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730368
Status: Unutilized
Comment: 1257 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–2291 thru T–2296
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730372
Status: Unutilized
Comment: 400 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–3001, T–3006
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730383
Status: Unutilized
Comment: approx. 9300 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–3314
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730385
Status: Unutilized
Comment: 229 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldgs. T–4401, T–4402
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730393
Status: Unutilized
Comment: 2260 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. T–5041
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730409
Status: Unutilized
Comment: 763 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–5420
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730414
Status: Unutilized
Comment: 189 sq. ft., possible asbestos/lead paint, most recent use—fuel storage, off-site use only

Bldgs. T–7290, T–7291
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730417
Status: Unutilized
Comment: 224/840 sq. ft., possible asbestos/lead paint, most recent use—kennel, off-site use only

Bldg. T–7775
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199730419
Status: Unutilized
Comment: 1452 sq. ft., possible asbestos/lead paint, most recent use—private club, off-site use only

4 Bldgs.
Fort Sill
P–617, P–1114, P–1386, P–1608
Lawton Co: Comanche OK 73503–5100
Property No.: 21199910133
Status: Unutilized
Comment: 106 sq. ft., possible asbestos/lead paint, most recent use—utility plant, off-site use only

Bldg. P–746
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199910135
Status: Unutilized
Comment: 6299 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. P–2581, P–2773
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199910140
Status: Unutilized
Comment: 4093/4129 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. P–2582
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199910141
Status: Unutilized
Comment: 3672 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. P–2912, P–2921, P–2944
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199910144
Status: Unutilized
Comment: 1390 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. P–2914
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199910146
Status: Unutilized
Comment: 1236 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–5101
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199910153
Status: Unutilized
Comment: 82 sq. ft., possible asbestos/lead paint, most recent use—gas station, off-site use only

Bldg. S–6430
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199910156
Status: Unutilized

Comment: 2080 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only

Bldg. T–6461
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199910157
Status: Unutilized
Comment: 200 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only

Bldg. T–6462
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199910158
Status: Unutilized
Comment: 64 sq. ft., possible asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. P–7230
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21199910159
Status: Unutilized
Comment: 160 sq. ft., possible asbestos/lead paint, most recent use—transmitter bldg., off-site use only

Bldg. S–4023
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21200010128
Status: Unutilized
Comment: 1200 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–747
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21200120120
Status: Unutilized
Comment: 9232 sq. ft., possible asbestos/lead paint, most recent use—lab, off-site use only

Bldg. P–842
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21200120123
Status: Unutilized
Comment: 192 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–911
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21200120124
Status: Unutilized
Comment: 3080 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. P–1672
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21200120126
Status: Unutilized
Comment: 1056 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. S–2362
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21200120127
Status: Unutilized
Comment: 64 sq. ft., possible asbestos/lead paint, most recent use—gatehouse, off-site use only

Bldg. P–2589
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21200120129
Status: Unutilized
Comment: 3672 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–3043
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21200120130
Status: Unutilized
Comment: 80 sq. ft., possible asbestos/lead paint, most recent use—guard shack, off-site use only

Bldg. S–4749
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property No.: 21200130152
Status: Unutilized
Comment: 1438 sq. ft., possible asbestos/lead paint, most recent use—weather station, off-site use only

Pennsylvania

Building

Bldg. 00634
Carlisle Barracks
Carlisle Co: Cumberland PA 17013–
Property No.: 21200240089
Status: Unutilized
Comment: 113 sq. ft., presence of asbestos, most recent use—plant/utility bldg., off-site use only

South Carolina

Building

Bldg. 3499
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Property No.: 21199730310
Status: Unutilized
Comment: 3724 sq. ft., needs repair, most recent use—admin.

Bldg. 2441
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Property No.: 21199820187
Status: Unutilized
Comment: 2160 sq. ft., needs repair, most recent use—admin.

Bldg. 3605
Fort Jackson
Ft. Jackson Co: Richland SC 29202–
Property No.: 21199820188
Status: Unutilized
Comment: 711 sq. ft., needs repair, most recent use—storage

Bldg. 1765
Fort Jackson
Ft. Jackson Co: Richland SC 29202–
Property No.: 21200030109
Status: Unutilized
Comment: 1700 sq. ft., need repairs, presence of asbestos/lead paint, most recent use—training bldg., off-site use only

Land

One Acre
Fort Jackson
Columbia Co: Richland SC 29202–
Property No.: 21200110089
Status: Underutilized
Comment: approx. 1 acre

Texas

Building

Bldg. 7137
Fort Bliss
El Paso Co: El Paso TX 79916–
Property No.: 21199640564
Status: Unutilized
Comment: 35,736 sq. ft., 3-story, most recent use—housing, off-site use only

Bldg. 919
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Property No.: 21199920212
Status: Unutilized
Comment: 11,800 sq. ft., needs repair, most recent use—Bde. Hq. Bldg., off-site use only

Bldg. 92043
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200020206
Status: Unutilized
Comment: 450 sq. ft., most recent use—storage, off-site use only

Bldg. 92044
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200020207
Status: Unutilized
Comment: 1920 sq. ft., most recent use—admin., off-site use only

Bldg. 92045
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200020208
Status: Unutilized
Comment: 2108 sq. ft., most recent use—maint., off-site use only

Bldg. 4469
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200030116
Status: Unutilized
Comment: 5310 sq. ft., most recent use—barracks, off-site use only

Bldg. 1281
Fort Bliss
El Paso Co: TX 79916–
Property No.: 21200110091
Status: Unutilized
Comment: 25,027 sq. ft., most recent use—cold storage, off-site use only

Bldg. 3656
Fort Bliss
El Paso Co: TX 79916–
Property No.: 21200110093
Status: Unutilized
Comment: 1806 sq. ft., most recent use—igloo str. inst., off-site use only

Bldg. 7113
Fort Bliss
El Paso Co: TX 79916–
Property No.: 21200110094
Status: Unutilized
Comment: 14,807 sq. ft., most recent use—nursery school, off-site use only

Bldg. 7133
Fort Bliss
El Paso Co: TX 79916–
Property No.: 21200110095
Status: Unutilized
Comment: 11,650 sq. ft., most recent use—storage, off-site use only

Bldg. 7136

Fort Bliss
El Paso Co: TX 79916–
Property No.: 21200110096
Status: Unutilized
Comment: 11,755 sq. ft., most recent use—vet facility, off-site use only

Bldg. 7146
Fort Bliss
El Paso Co: TX 79916–
Property No.: 21200110097
Status: Unutilized
Comment: most recent use—oil storage, off-site use only

Bldg. 7147
Fort Bliss
El Paso Co: TX 79916–
Property No.: 21200110098
Status: Unutilized
Comment: most recent use—oil storage, off-site use only

Bldg. 7153
Fort Bliss
El Paso Co: TX 79916–
Property No.: 21200110099
Status: Unutilized
Comment: 11,924 sq. ft., most recent use—bowling center, off-site use only

Bldg. 7162
Fort Bliss
El Paso Co: TX 79916–
Property No.: 21200110100
Status: Unutilized
Comment: 3956 sq. ft., most recent use—development center, off-site use only

Bldg. 11116
Fort Bliss
El Paso Co: TX 79916–
Property No.: 21200110101
Status: Unutilized
Comment: 20,100 sq. ft., most recent use—storage, off-site use only

Bldg. 7113
Fort Bliss
El Paso Co: TX 79916–
Property No.: 21200220132
Status: Unutilized
Comment: 8855 sq. ft., presence of asbestos/lead paint, most recent use—child development center, off-site use only

Bldg. T5900
Camp Bullis
San Antonio Co: Bexar TX 78257–
Property No.: 21200220133
Status: Excess
Comment: 9876 sq. ft., possible lead paint, most recent use—theater/training bldg., off-site use only

Bldg. T6111
Camp Bullis
San Antonio Co: Bexar TX 78257–
Property No.: 21200220134
Status: Excess
Comment: 521 sq. ft., possible lead paint, most recent use—gas station, off-site use only

Bldg. T5002
Camp Bullis
San Antonio Co: Bexar TX 78257–
Property No.: 21200220135
Status: Excess
Comment: 370 sq. ft., presence of lead paint, off-site use only

Bldgs. 107, 108
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220136
Status: Unutilized
Comment: 13,319/28,051 sq. ft., most recent use—admin., off-site use only

Bldg. 120
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220137
Status: Unutilized
Comment: 1450 sq. ft., most recent use—dental clinic, off-site use only

Bldg. 134
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220138
Status: Unutilized
Comment: 16,114 sq. ft., most recent use—auditorium, off-site use only

Bldg. 56305
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220143
Status: Unutilized
Comment: 2160 sq. ft., most recent use—admin., off-site use only

Bldg. 56402
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220144
Status: Unutilized
Comment: 2680 sq. ft., most recent use—recreation center, off-site use only

Bldgs. 56403, 56405
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220145
Status: Unutilized
Comment: 480 sq. ft., most recent use—shower, off-site use only

Bldgs. 56620, 56621
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220146
Status: Unutilized
Comment: 1120 sq. ft., most recent use—shower, off-site use only

Bldgs. 56626, 56627
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220147
Status: Unutilized
Comment: 1120 sq. ft., most recent use—shower, off-site use only

Bldg. 56628
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220148
Status: Unutilized
Comment: 1133 sq. ft., most recent use—shower, off-site use only

Bldgs. 56630, 56631
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220149
Status: Unutilized
Comment: 1120 sq. ft., most recent use—shower, off-site use only

Bldgs. 56636, 56637
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220150
Status: Unutilized
Comment: 1120 sq. ft., most recent use—shower, off-site use only

Bldg. 56638
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220151
Status: Unutilized
Comment: 1133 sq. ft., most recent use—shower, off-site use only

Bldgs. 56703, 56708
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220152
Status: Unutilized
Comment: 1306 sq. ft., most recent use—shower, off-site use only

Bldgs. 56750, 56751
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220153
Status: Unutilized
Comment: 1120 sq. ft., most recent use—shower, off-site use only

Bldg. 56758
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220154
Status: Unutilized
Comment: 1133 sq. ft., most recent use—shower, off-site use only

Bldg. P2789
Fort Sam Houston
San Antonio Co: Bexar TX 78234–
Property No.: 21200220155
Status: Excess
Comment: 25,784 sq. ft., presence of asbestos/lead paint, provider responsible for hazard abatement, most recent use—dining, Historic Preservation requirement, off-site use only

Bldg. P6202
Fort Sam Houston
San Antonio Co: Bexar TX 78234–
Property No.: 21200220156
Status: Excess
Comment: 1479 sq. ft., presence of asbestos/lead paint, provider responsible for hazard abatement, most recent use—officer's family quarters, off-site use only

Bldg. P6203
Fort Sam Houston
San Antonio Co: Bexar TX 78234–
Property No.: 21200220157
Status: Excess
Comment: 1381 sq. ft., presence of asbestos/lead paint, provider responsible for hazard abatement, most recent use—military family quarters, off-site use only

Bldg. P6204
Fort Sam Houston
San Antonio Co: Bexar TX 78234–
Property No.: 21200220158
Status: Excess
Comment: 1454 sq. ft., presence of asbestos/lead paint, provider responsible for hazard abatement, most recent use—military family quarters, off-site use only

Virginia

Building

Bldg. T246
Fort Monroe
Ft. Monroe Co: VA 23651–
Property No.: 21199940047
Status: Unutilized

Comment: 756 sq. ft., needs repair, possible lead paint, most recent use—scout meetings, off-site use only

Bldgs. 1516, 1517, 1552, 1567
Fort Eustis Ft. Eustis Co: VA 23604–
Property No.: 21200130154
Status: Unutilized
Comment: 2892 & 4720 sq. ft., most recent use—dining/barracks/admin, off-site use only

Bldg. 1559
Fort Eustis
Ft. Eustis Co: VA 23604–
Property No.: 21200130156
Status: Unutilized
Comment: 2892 sq. ft., most recent use—storage, off-site use only

Washington

Building

Bldg. CO909
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property No.: 21199630205
Status: Unutilized
Comment: 1984 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1164
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property No.: 21199630213
Status: Unutilized
Comment: 230 sq. ft., possible asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 1307
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property No.: 21199630216
Status: Unutilized
Comment: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1309
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property No.: 21199630217
Status: Unutilized
Comment: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 2167
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property No.: 21199630218
Status: Unutilized
Comment: 288 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. 4078
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property No.: 21199630219
Status: Unutilized
Comment: 10,200 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. 9599
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property No.: 21199630220
Status: Unutilized
Comment: 12,366 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. A1404, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199640570
Status: Unutilized
Comment: 557 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. A1419, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199640571
Status: Unutilized
Comment: 1307 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. EO347
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199710156
Status: Unutilized
Comment: 1800 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. B1008
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199720216
Status: Unutilized
Comment: 7387 sq. ft., 2-story, needs rehab, possible asbestos/lead paint, most recent use—medical clinic, off-site use only

Bldgs. B1011–B1012
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199720217
Status: Unutilized
Comment: 992 sq. ft./1144 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—office, off-site use only

Bldgs. CO509, CO709, CO720
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199810372
Status: Unutilized
Comment: 1984 sq. ft., possible asbestos/lead paint, needs rehab, most recent use—storage, off-site use only

Bldg. 5162
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199830419
Status: Unutilized
Comment: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 5224
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199830433
Status: Unutilized
Comment: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—educ. fac., off-site use only

Bldg. U001B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920237
Status: Excess
Comment: 54 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U001C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920238
Status: Unutilized
Comment: 960 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—supply, off-site use only

10 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920239
Location: U002B, U002C, U005C, U015I, U016E, U019C, U022A, U028B, 0091A, U093C
Status: Excess
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

6 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920240
Location: U003A, U004B, U006C, U015B, U016B, U019B
Status: Unutilized
Comment: 54 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U004D
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920241
Status: Unutilized
Comment: 960 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—supply, off-site use only

Bldg. U005A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920242
Status: Unutilized
Comment: 360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

7 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920245
Location: U014A, U022B, U023A, U043B, U059B, U060A, U101A
Status: Excess
Comment: needs repair, presence of asbestos/lead paint, most recent use—ofc/tower/support, off-site use only

Bldg. U015J
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920246
Status: Excess
Comment: 144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only

Bldg. U018B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920247
Status: Unutilized
Comment: 121 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldg. U018C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920248
Status: Unutilized
Comment: 48 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. U024D
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920250
Status: Unutilized
Comment: 120 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—ammo bldg., off-site use only

Bldg. U027A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920251
Status: Excess
Comment: 64 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tire house, off-site use only

Bldg. U031A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920253
Status: Excess
Comment: 3456 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—line shed, off-site use only

Bldg. U031C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920254
Status: Unutilized
Comment: 32 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. U040D
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920255
Status: Excess
Comment: 800 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldgs. U052C, U052H
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920256
Status: Excess
Comment: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldgs. U035A, U035B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920257
Status: Excess
Comment: 192 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only

Bldg. U035C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920258
Status: Excess
Comment: 242 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldg. U039A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920259
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U039B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920260
Status: Excess
Comment: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—grandstand/bleachers, off-site use only

Bldg. U039C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920261
Status: Excess
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only

Bldg. U043A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920262
Status: Excess
Comment: 132 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldg. U052A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920263
Status: Excess
Comment: 69 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only

Bldg. U052E
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920264
Status: Excess
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. U052G
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920265
Status: Excess
Comment: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only

3 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920266
Location: U058A, U103A, U018A
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U059A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920267
Status: Excess
Comment: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only

Bldg. U093B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920268
Status: Excess
Comment: 680 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

4 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920269
Location: U101B, U101C, U507B, U557A
Status: Excess
Comment: 400 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. U110B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920272
Status: Excess
Comment: 138 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only

6 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920273
Location: U111A, U015A, U024E, U052F, U109A, U110A
Status: Excess
Comment: 1000 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support/shelter/mess, off-site use only

Bldg. U112A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920274
Status: Excess
Comment: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use-shelter, off-site use only

Bldg. U115A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920275
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only

Bldg. U507A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920276
Status: Excess
Comment: 400 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only

Bldg. C0120
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920281
Status: Excess
Comment: 384 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—scale house, off-site use only

Bldg. A0334
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920284
Status: Excess
Comment: 1092 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only

Bldg. 01205
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920290
Status: Excess
Comment: 87 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 01259
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920291

Status: Excess
Comment: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 01266
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920292
Status: Excess
Comment: 45 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only

Bldg. 1445
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920294
Status: Excess
Comment: 144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—generator bldg., off-site use only

Bldgs. 03091, 03099
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920296
Status: Excess
Comment: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only

Bldg. 4040
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920298
Status: Excess
Comment: 8326 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shed, off-site use only

Bldgs. 4072, 5104
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920299
Status: Excess
Comment: 24/36 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. 4295
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920300
Status: Excess
Comment: 48 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 5170
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920301
Status: Excess
Comment: 19,411 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—store, off-site use only

Bldg. 6191
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920303
Status: Excess
Comment: 3663 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—exchange branch, off-site use only

Bldgs. 08076, 08080
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920304
Status: Excess
Comment: 3660/412 sq .ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. 08093
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920305
Status: Excess
Comment: 289 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—boat storage, off-site use only

Bldg. 8279
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920306
Status: Excess
Comment: 210 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—fuel disp. fac., off-site use only

Bldgs. 8280, 8291
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920307
Status: Excess
Comment: 800/464 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 8956
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920308
Status: Excess
Comment: 100 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 9530
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920309
Status: Excess
Comment: 64 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only

Bldg. 9574
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920310
Status: Excess
Comment: 6005 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—veh. shop., off-site use only

Bldg. 9596
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920311
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—gas station, off-site use only

COE

Arkansas

Land

Parcel 01
DeGray Lake
Section 12
Arkadelphia Co: Clark AR 71923–9361
Property No.: 31199010071
Status: Unutilized
Comment: 77.6 acres

Parcel 02
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Property No.: 31199010072
Status: Unutilized
Comment: 198.5 acres

Parcel 03
DeGray Lake
Section 18
Arkadelphia Co: Clark AR 71923–9361
Property No.: 31199010073
Status: Unutilized
Comment: 50.46 acres

Parcel 04
DeGray Lake
Section 24, 25, 30 and 31
Arkadelphia Co: Clark AR 71923–9361
Property No.: 31199010074
Status: Unutilized
Comment: 236.37 acres

Parcel 05
DeGray Lake
Section 16
Arkadelphia Co: Clark AR 71923–9361
Property No.: 31199010075
Status: Unutilized
Comment: 187.30 acres

Parcel 06
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Property No.: 31199010076
Status: Unutilized
Comment: 13.0 acres

Parcel 07
DeGray Lake
Section 34
Arkadelphia Co: Hot Spring AR 71923–9361
Property No.: 31199010077
Status: Unutilized
Comment: 0.27 acres

Parcel 08
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Property No.: 31199010078
Status: Unutilized
Comment: 14.6 acres

Parcel 09
DeGray Lake
Section 12
Arkadelphia Co: Hot Spring AR 71923–9361
Property No.: 31199010079
Status: Unutilized
Comment: 6.60 acres

Parcel 10
DeGray Lake
Section 12
Arkadelphia Co: Hot Spring AR 71923–9361
Property No.: 31199010080
Status: Unutilized
Comment: 4.5 acres

Parcel 11
DeGray Lake
Section 19
Arkadelphia Co: Hot Spring AR 71923–9361
Property No.: 31199010081
Status: Unutilized
Comment: 19.50 acres

Lake Greeson
Section 7, 8 and 18
Murfreesboro Co: Pike AR 71958–9720
Property No.: 31199010083
Status: Unutilized
Comment: 46 acres

Kansas

Land

Parcel 1
El Dorado Lake
Section 13, 24, and 18
(See County) Co: Butler KS
Property No.: 31199010064
Status: Unutilized
Comment: 61 acres; most recent use—recreation

Kentucky

Building

Green River Lock & Dam #3
Rochester Co: Butler KY 42273–
Property No.: 31199010022
Location: SR 70 west from Morgantown, KY., approximately 7 miles to site.
Status: Unutilized
Comment: 980 sq. ft.; 2 story wood frame; two story residence; potential utilities; needs major rehab

Land

Tract 2625
Barkley Lake, Kentucky, and Tennessee
Cadiz Co: Trigg KY 42211–
Property No.: 31199010025
Location: Adjoining the village of Rockcastle
Status: Excess
Comment: 2.57 acres; rolling and wooded

Tract 2709–10 and 2710–2
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Property No.: 31199010026
Location: 2½ miles in a southerly direction from the village of Rockcastle
Status: Excess
Comment: 2.00 acres; steep and wooded

Tract 2708–1 and 2709–1
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Property No.: 31199010027
Location: 2½ miles in a southerly direction from the village of Rockcastle
Status: Excess
Comment: 3.59 acres; rolling and wooded; no utilities

Tract 2800
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Property No.: 31199010028
Location: 4½ miles in a southeasterly direction from the village of Rockcastle
Status: Excess
Comment: 5.44 acres; steep and wooded

Tract 2915
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Property No.: 31199010029
Location: 6½ miles west of Cadiz
Status: Excess
Comment: 5.76 acres; steep and wooded; no utilities

Tract 2702
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Property No.: 31199010031
Location: 1 mile in a southerly direction from the village of Rockcastle
Status: Excess
Comment: 4.90 acres; wooded; no utilities

Tract 4318
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Property No.: 31199010032
Location: Trigg Co. adjoining the city of Canton, KY. on the waters of Hopson Creek
Status: Excess
Comment: 8.24 acres; steep and wooded

Tract 4502
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Property No.: 31199010033
Location: 3½ miles in a southerly direction from Canton, KY
Status: Excess
Comment: 4.26 acres; steep and wooded

Tract 4611
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Property No.: 31199010034
Location: 5 miles south of Canton, KY
Status: Excess
Comment: 10.51 acres; steep and wooded; no utilities

Tract 4619
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Property No.: 31199010035
Location: 4½ miles south from Canton, KY
Status: Excess
Comment: 2.02 acres; steep and wooded; no utilities

Tract 4817
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Property No.: 31199010036
Location: 6½ miles south of Canton, KY
Status: Excess
Comment: 1.75 acres; wooded

Tract 1217
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Property No.: 31199010042
Location: On the north side of the Illinois Central Railroad
Status: Excess
Comment: 5.80 acres; steep and wooded

Tract 1906
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Property No.: 31199010044
Location: Approximately 4 miles east of Eddyville, KY
Status: Excess
Comment: 25.86 acres; rolling steep and partially wooded; no utilities

Tract 1907
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038–
Property No.: 31199010045
Location: On the waters of Pilfen Creek, 4 miles east of Eddyville, KY
Status: Excess
Comment: 8.71 acres; rolling steep and wooded; no utilities

Tract 2001 #1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Property No.: 31199010046
Location: Approximately 4½ miles east of Eddyville, KY
Status: Excess
Comment: 47.42 acres; steep and wooded; no utilities

Tract 2001 #2
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Property No.: 31199010047
Location: Approximately 4½ miles east of Eddyville, KY
Status: Excess
Comment: 8.64 acres; steep and wooded; no utilities

Tract 2005
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Property No.: 31199010048
Location: Approximately 5½miles east of Eddyville, KY
Status: Excess
Comment: 4.62 acres; steep and wooded; no utilities

Tract 2307
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Property No.: 31199010049
Location: Approximately 7½ miles southeasterly of Eddyville, KY
Status: Excess
Comment: 11.43 acres; steep; rolling and wooded; no utilities

Tract 2403
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Property No.: 31199010050
Location: 7 miles southeasterly of Eddyville, KY
Status: Excess
Comment: 1.56 acres; steep and wooded; no utilities

Tract 2504
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Property No.: 31199010051
Location: 9 miles southeasterly of Eddyville, KY
Status: Excess
Comment: 24.46 acres; steep and wooded; no utilities

Tract 214
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Property No.: 31199010052
Location: South of the Illinois Central Railroad, 1 mile east of the Cumberland River
Status: Excess
Comment: 5.5 acres; wooded; no utilities

Tract 215
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Property No.: 31199010053
Location: 5 miles southwest of Kuttawa
Status: Excess
Comment: 1.40 acres; wooded; no utilities

Tract 241
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Property No.: 31199010054
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY
Status: Excess
Comment: 1.26 acres; steep and wooded; no utilities

Tracts 306, 311, 315 and 325
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Property No.: 31199010055
Location: 2.5 miles southwest of Kuttawa, KY on the waters of Cypress Creek

Status: Excess
Comment: 38.77 acres; steep and wooded; no utilities

Tracts 2305, 2306, and 2400–1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Property No.: 31199010056
Location: 6½ miles southeasterly of Eddyville, KY
Status: Excess
Comment: 97.66 acres; steep, rolling and wooded; no utilities

Tracts 5203 and 5204
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212–
Property No.: 31199010058
Location: Village of Linton, KY state highway 1254
Status: Excess
Comment: 0.93 acres; rolling, partially wooded; no utilities

Tract 5240
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212–
Property No.: 31199010059
Location: 1 mile northwest of Linton, KY
Status: Excess
Comment: 2.26 acres; steep and wooded; no utilities

Tract 4628
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Property No.: 31199011621
Location: 4½miles south from Canton, KY
Status: Excess
Comment: 3.71 acres; steep and wooded; subject to utility easements

Tract 4619–B
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Property No.: 31199011622
Location: 4½ miles south from Canton, KY
Status: Excess
Comment: 1.73 acres; steep and wooded; subject to utility easements

Tract 2403–B
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038–
Property No.: 31199011623
Location: 7 miles southeasterly from Eddyville, KY
Status: Unutilized
Comment: 0.70 acres; wooded; subject to utility easements

Tract 241–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Property No.: 31199011624
Location: South of Old Henson Ferry Road, 6 miles west of Kuttawa, KY
Status: Excess
Comment: 11.16 acres; steep and wooded; subject to utility easements

Tracts 212 and 237
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Property No.: 31199011625
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY
Status: Excess
Comment: 2.44 acres; steep and wooded; subject to utility easements

Tract 215–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Property No.: 31199011626
Location: 5 miles southwest of Kuttawa
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements

Tract 233
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Property No.: 31199011627
Location: 5 miles southwest of Kuttawa
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements

Tract N–819
Dale Hollow Lake & Dam Project
Illwill Creek, Hwy 90
Hobart Co: Clinton KY 42601–
Property No.: 31199140009
Status: Underutilized
Comment: 91 acres, most recent use–hunting, subject to existing easements

Portion of Lock & Dam No. 1
Kentucky River
Carrolton Co: Carroll KY 41008–0305
Property No.: 31199320003
Status: Unutilized
Comment: approx. 3.5 acres (sloping), access monitored

Tract No. F–610
Buckhorn Lake Project
Buckhorn Co: KY 41721–
Property No.: 31200240001
Status: Unutilized
Comment: 0.64 acres, encroachments, most recent use—flood control purposes

Louisiana

Land

Wallace Lake Dam and Reservoir
Shreveport Co: Caddo LA 71103–
Property No.: 31199011009
Status: Unutilized
Comment: 10.81 acres; wildlife/forestry; no utilities

Bayou Bodcau Dam and Reservoir
Haughton Co: Caddo LA 71037–9707
Property No.: 31199011010
Location: 35 miles Northeast of Shreveport, LA
Status: Unutilized
Comment: 203 acres; wildlife/forestry; no utilities

Massachusetts

Building

Storage Bldg.
Knightville Dam Road
Huntington Co: Hampshire MA 01050–
Property No.: 31200030005
Status: Unutilized
Comment: 480 sq. ft., needs rehab, off-site use only

Mississippi

Building

Quonset Bldg.
Greenville Casting Plant
Greenville Co: Washington MS 38701—
Property No.: 31200220010
Status: Unutilized
Comment: 26,250 sq. ft., presence of asbestos/lead paint, most recent use—storage/office, off-site use only

Storage Bldg. #1
Greenville Casting Plant
Greenville Co: Washington MS 38701–
Property No.: 31200220011
Status: Unutilized
Comment: 32,502 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Storage Bldg. #2
Greenville Casting Plant
Greenville Co: Washington MS 38701–
Property No.: 31200220012
Status: Unutilized
Comment: 16,170 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Yellow Office Bldg.
Greenville Casting Plant
Greenville Co: Washington MS 38701–
Property No.: 31200220013
Status: Unutilized
Comment: 1820 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only

Storage Bldg.
Greenville Casting Plant
Greenville Co: Washington MS 38701–
Property No.: 31200220014
Status: Unutilized
Comment: 1820 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only

Container Bldg.
Greenville Casting Plant
Greenville Co: Washington MS 38701–
Property No.: 31200220015
Status: Unutilized
Comment: 270 sq. ft. presence of lead paint, most recent use—storage, off-site use only

Land

Parcel 7
Grenada Lake
Sections 22, 23, T24N
Grenada Co: Yalobusha MS 38901–0903
Property No.: 31199011019
Status: Underutilized
Comment: 100 acres; no utilities; intermittently used under lease—expires 1994

Parcel 8
Grenada Lake
Section 20, T24N
Grenada Co: Yalobusha MS 38901–0903
Property No.: 31199011020
Status: Underutilized
Comment: 30 acres; no utilities; intermittently used under lease—expires 1994

Parcel 9
Grenada Lake
Section 20, T24N, R7E
Grenada Co: Yalobusha MS 38901–0903
Property No.: 31199011021
Status: Underutilized
Comment: 23 acres; no utilities; intermittently used under lease—expires 1994

Parcel 10
Grenada Lake
Sections 16, 17, 18 T24N R8E
Grenada Co: Calhoun MS 38901–0903
Property No.: 31199011022
Status: Underutilized

Comment: 490 acres; no utilities; intermittently used under lease—expires 1994

Parcel 2
Grenada Lake
Section 20 and T23N, R5E
Grenada Co: Grenada MS 38901–0903
Property No.: 31199011023
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management

Parcel 3
Grenada Lake
Section 4, T23N, R5E
Grenada Co: Yalobusha MS 38901–0903
Property No.: 31199011024
Status: Underutilized
Comment: 120 acres; no utilities; most recent use—wildlife and forestry management; (13.5 acres/agriculture lease)

Parcel 4
Grenada Lake
Section 2 and 3, T23N, R5E
Grenada Co: Yalobusha MS 38901–0903
Property No.: 31199011025
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management

Parcel 5
Grenada Lake
Section 7, T24N, R6E
Grenada Co: Yalobusha MS 38901–0903
Property No.: 31199011026
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management; (14 acres/agriculture lease)

Parcel 6
Grenada Lake
Section 9, T24N, R6E
Grenada Co: Yalobusha MS 38903–0903
Property No.: 31199011027
Status: Underutilized
Comment: 80 acres; no utilities; most recent use—wildlife and forestry management

Parcel 11
Grenada Lake
Section 20, T24N, R8E
Grenada Co: Calhoun MS 38901–0903
Property No.: 31199011028
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management

Parcel 12
Grenada Lake
Section 25, T24N, R7E
Grenada Co: Yalobusha MS 38390–10903
Property No.: 31199011029
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management

Parcel 13
Grenada Lake
Section 34, T24N, R7E
Grenada Co: Yalobusha MS 38903–0903
Property No.: 31199011030
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management; (11 acres/agriculture lease)

Parcel 14
Grenada Lake
Section 3, T23N, R6E
Grenada Co: Yalobusha MS 38901–0903
Property No.: 31199011031
Status: Underutilized
Comment: 15 acres; no utilities; most recent use—wildlife and forestry management

Parcel 15
Grenada Lake
Section 4, T24N, R6E
Grenada Co: Yalobusha MS 38901–0903
Property No.: 31199011032
Status: Underutilized
Comment: 40 acres; no utilities; most recent use—wildlife and forestry management

Parcel 16
Grenada Lake
Section 9, T23N, R6E
Grenada Co: Yalobusha MS 38901–0903
Property No.: 31199011033
Status: Underutilized
Comment: 70 acres; no utilities; most recent use—wildlife and forestry management

Parcel 17
Grenada Lake
Section 17, T23N, R7E
Grenada Co: Grenada MS 28901–0903
Property No.: 31199011034
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management

Parcel 18
Grenada Lake
Section 22, T23N, R7E
Grenada Co: Grenada MS 28902–0903
Property No.: 31199011035
Status: Underutilized
Comment: 10 acres; no utilities; most recent use—wildlife and forestry management

Parcel 19
Grenada Lake
Section 9, T22N, R7E
Grenada Co: Grenada MS 38901–0903
Property No.: 31199011036
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management

Missouri

Land

Harry S Truman Dam & Reservoir
Warsaw Co: Benton MO 65355–
Property No.: 31199030014
Location: Triangular shaped parcel southwest of access road ''B'', part of Bledsoe Ferry Park Tract 150
Status: Underutilized
Comment: 1.7 acres; potential utilities

Montana

Building

Bldg. 1
Butte Natl Guard
Butte Co: Silverbow MT 59701–
Property No.: 31200040010
Status: Unutilized
Comment: 22799 sq. ft., presence of asbestos, most recent use—cold storage, off-site use only

Bldg. 2
Butte Natl Guard
Butte Co: Silverbow MT 59701–
Property No.: 31200040011
Status: Unutilized
Comment: 3292 sq. ft., most recent use—cold storage, off-site use only

Bldg. 3
Butte Natl Guard
Butte Co: Silverbow MT 59701–
Property No.: 31200040012
Status: Unutilized
Comment: 964 sq. ft., most recent use—cold storage, off-site use only

Bldg. 4
Butte Natl Guard
Butte Co: Silverbow MT 59701–
Property No.: 31200040013
Status: Unutilized
Comment: 72 sq. ft., most recent use—cold storage, off-site use only

Bldg. 5
Butte Natl Guard
Butte Co: Silverbow MT 59701–
Property No.: 31200040014
Status: Unutilized
Comment: 1286 sq. ft., most recent use—cold storage, off-site use only

North Dakota

Building

Office Bldg.
Lake Oahe Project 3rd & Main
Ft. Yates Co: Sioux ND 58538–
Property No.: 31200020001
Status: Unutilized
Comment: 1200 sq. ft., 2-story wood, off-site use only

Ohio

Building

Barker Historic House
Willow Island Locks and Dam
Newport Co: Washington OH 45768–9801
Property No.: 31199120018
Location: Located at lock site, downstream of lock and dam structure
Status: Unutilized
Comment: 1600 sq. ft. bldg. with ½ acre of land, 2 story brick frame, needs rehab, on Natl Register of Historic Places, no utilities, off-site use only

Residence
506 Reservoir Rd.
Paint Creek Lake
Bainbridge Co: Highland OH 45612–
Property No.: 31200210008
Status: Unutilized
Comment: 1200 sq. ft., needs repair, off-site use only

Residence
4969 Dillon Dam Road
Dillon Lake
Zanesville Co: OH 43701–
Property No.: 31200210009
Status: Unutilized
Comment: 1800 sq. ft., off-site use only

Oklahoma

Land

Pine Creek Lake
Section 27
(See County) Co: McCurtain OK
Property No.: 31199010923
Status: Unutilized
Comment: 3 acres; no utilities; subject to right of way for Oklahoma State Highway 3

Pennsylvania

Building

Mahoning Creek Reservoir

New Bethlehem Co: Armstrong PA 16242–
Property No.: 31199210008
Status: Unutilized
Comment: 1015 sq. ft., 2 story brick residence, off-site use only

Dwelling
Lock & Dam 6, Allegheny River, 1260 River Rd
Freeport Co: Armstrong PA 16229–2023
Property No.: 31199620008
Status: Unutilized
Comment: 2652 sq. ft., 3-story brick house, in close proximity to Lock and Dam, available for interim use for nonresidential purposes

Govt. Dwelling
Youghiogheny River Lake
Confluence Co: Fayette PA 15424–9103
Property No.: 31199640002
Status: Unutilized
Comment: 1421 sq. ft., 2-story brick w/ basement, most recent use—residential

Dwelling
Lock & Dam 4, Allegheny River
Natrona Co: Allegheny PA 15065–2609
Property No.: 31199710009
Status: Unutilized
Comment: 1664 sq. ft., 2-story brick residence, needs repair, off-site use only

Dwelling #1
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Property No.: 31199740002
Status: Excess
Comment: 2030 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Property No.: 31199740003
Status: Excess
Comment: 3045 sq. ft., most recent use—residential, good condition, off-site use only

Govt Dwelling
East Branch Lake
Wilcox Co: Elk PA 15870–9709
Property No.: 31199740005
Status: Underutilized
Comment: approx. 5299 sq. ft., 1-story, most recent use—residence, off-site use only

Dwelling #1
Loyalhanna Lake
Saltsburg Co: Westmoreland PA 15681–9302
Property No.: 31199740006
Status: Excess
Comment: 1996 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2
Loyalhanna Lake
Saltsburg Co: Westmoreland PA 15681–9302
Property No.: 31199740007
Status: Excess
Comment: 1996 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #1
Woodcock Creek Lake
Saegertown Co: Crawford PA 16433–0629
Property No.: 31199740008
Status: Excess
Comment: 2106 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2
Lock & Dam 6, 1260 River Road
Freeport Co: Armstrong PA 16229–2023
Property No.: 31199740009
Status: Excess
Comment: 2652 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2
Youghiogheny River Lake
Confluence Co: Fayette PA 15424–9103
Property No.: 31199830003
Status: Excess
Comment: 1421 sq. ft., 2-story + basement, most recent use—residential

Land

Mahoning Creek Lake
New Bethlehem Co: Armstrong PA 16242–9603
Property No.: 31199010018
Location: Route 28 north to Belknap, Road #4
Status: Excess
Comment: 2.58 acres; steep and densely wooded

Tracts 610, 611, 612
Shenango River Lake
Sharpsville Co: Mercer PA 16150–
Property No.: 31199011001
Location: I–79 North, I–80 West, Exit Sharon. R18 North 4 miles, left on R518, right on Mercer Avenue.
Status: Excess
Comment: 24.09 acres; subject to flowage easement

Tracts L24, L26
Crooked Creek Lake
Co: Armstrong PA 03051–
Property No.: 31199011011
Location: Left bank—55 miles downstream of dam
Status: Unutilized
Comment: 7.59 acres; potential for utilities

Portion of Tract L–21A
Crooked Creek Lake, LR 03051
Ford City Co: Armstrong PA 16226–
Property No.: 31199430012
Status: Unutilized
Comment: Approximately 1.72 acres of undeveloped land, subject to gas rights

South Dakota

Building

Residence
Tract 109
Pierre Co: Hughes SD
Property No.: 31200240002
Status: Excess
Comment: 960 sq. ft., off-site use only

Residence
Tract 118
Pierre Co: Hughes SD
Property No.: 31200240003
Status: Excess
Comment: 912 sq. ft., off-site use only

Residence
Tract 131
Pierre Co: Hughes SD
Property No.: 31200240004
Status: Excess
Comment: 912 sq. ft., off-site use only

Residence
Tract 141
Pierre Co: Hughes SD
Property No.: 31200240005
Status: Excess
Comment: 936 sq. ft., off-site use only

Residence
Tract 514
Ft. Pierre Co: Stanley SD
Property No.: 31200240006
Status: Excess
Comment: 1426 sq. ft., off-site use only

Residence
Tract 516
Ft. Pierre Co: Stanley SD
Property No.: 31200240007
Status: Excess
Comment: 2264 sq. ft., off-site use only

Tennessee

Land

Tract 6827
Barkley Lake
Dover Co: Stewart TN 37058–
Property No.: 31199010927
Location: 2½ miles west of Dover, TN
Status: Excess
Comment: .57 acres; subject to existing easements

Tracts 6002–2 and 6010
Barkley Lake
Dover Co: Stewart TN 37058–
Property No.: 31199010928
Location: 3½ miles south of village of Tabaccoport
Status: Excess
Comment: 100.86 acres; subject to existing easements

Tract 11516
Barkley Lake
Ashland City Co: Dickson TN 37015–
Property No.: 31199010929
Location: ½ mile downstream from Cheatham Dam
Status: Excess
Comment: 26.25 acres; subject to existing easements

Tract 2319
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Property No.: 31199010930
Location: West of Buckeye Bottom Road
Status: Excess
Comment: 14.48 acres; subject to existing easements

Tract 2227
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Property No.: 31199010931
Location: Old Jefferson Pike
Status: Excess
Comment: 2.27 acres; subject to existing easements

Tract 2107
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Property No.: 31199010932
Location: Across Fall Creek near Fall Creek camping area
Status: Excess
Comment: 14.85 acres; subject to existing easements

Tracts 2601, 2602, 2603, 2604
Cordell Hull Lake and Dam Project
Doe Row Creek
Gainesboro Co: Jackson TN 38562–
Property No.: 31199010933
Location: TN Highway 56

Status: Unutilized
Comment: 11 acres; subject to existing easements

Tract 1911
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Property No.: 31199010934
Location: East of Lamar Road
Status: Excess
Comment: 6.92 acres; subject to existing easements

Tract 2321
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Property No.: 31199010935
Location: South of Old Jefferson Pike
Status: Excess
Comment: 12 acres; subject to existing easements

Tract 7206
Barkley Lake
Dover Co: Stewart TN 37058–
Property No.: 31199010936
Location: 2½ miles SE of Dover, TN
Status: Excess
Comment: 10.15 acres; subject to existing easements

Tracts 8813, 8814
Barkley Lake
Cumberland Co: Stewart TN 37050–
Property No.: 31199010937
Location: 1½ miles East of Cumberland City
Status: Excess
Comment: 96 acres; subject to existing easements

Tract 8911
Barkley Lake
Cumberland City Co: Montgomery TN 37050–
Property No.: 31199010938
Location: 4 miles east of Cumberland City
Status: Excess
Comment: 7.7 acres; subject to existing easements

Tract 11503
Barkley Lake
Ashland City Co: Cheatham TN 37015–
Property No.: 31199010939
Location: 2 miles downstream from Cheatham Dam
Status: Excess
Comment: 1.1 acres; subject to existing easements

Tracts 11523, 11524
Barkley Lake
Ashland City Co: Cheatham TN 37015–
Property No.: 31199010940
Location: 2½ miles downstream from Cheatham Dam
Status: Excess
Comment: 19.5 acres; subject to existing easements

Tract 6410
Barkley Lake
Bumpus Mills Co: Stewart TN 37028–
Property No.: 31199010941
Location: 4½ miles SW of Bumpus Mills
Status: Excess
Comment: 17 acres; subject to existing easements

Tract 9707
Barkley Lake
Palmyer Co: Montgomery TN 37142–
Property No.: 31199010943
Location: 3 miles NE of Palmyer, TN. Highway 149
Status: Excess
Comment: 6.6 acres; subject to existing easements

Tract 6949
Barkley Lake
Dover Co: Stewart TN 37058–
Property No.: 31199010944
Location: 1½ miles SE of Dover, TN
Status: Excess
Comment: 29.67 acres; subject to existing easements

Tracts 6005 and 6017
Barkley Lake
Dover Co: Stewart TN 37058–
Property No.: 31199011173
Location: 3 miles south of Village of Tobaccoport.
Status: Excess
Comment: 5 acres; subject to existing easements

Tracts K–1191, K–1135
Old Hickory Lock and Dam
Hartsville Co: Trousdale TN 37074–
Property No.: 31199130007
Status: Underutilized
Comment: 54 acres, (portion in floodway), most recent use—recreation

Tract A–102
Dale Hollow Lake & Dam Project
Canoe Ridge, State Hwy 52
Celina Co: Clay TN 38551–
Property No.: 31199140006
Status: Underutilized
Comment: 351 acres, most recent use—hunting, subject to existing easements

Tract A–120
Dale Hollow Lake & Dam Project
Swann Ridge, State Hwy No. 53
Celina Co: Clay TN 38551–
Property No.: 31199140007
Status: Underutilized
Comment: 883 acres, most recent use—hunting, subject to existing easements

Tract D–185
Dale Hollow Lake & Dam Project
Ashburn Creek, Hwy No. 53
Livingston Co: Clay TN 38570–
Property No.: 31199140010
Status: Underutilized
Comment: 97 acres, most recent use—hunting, subject to existing easements

Virginia

Building

Metal Bldg.
John H. Kerr Dam & Reservoir
Co: Boydton VA
Property No.: 31199620009
Status: Excess
Comment: 800 sq. ft., most recent use—storage, off-site use only

Wisconsin

Building

Former Lockmaster's Dwelling
Cedar Locks
4527 East Wisconsin Road
Appleton Co: Outagamie WI 54911–
Property No.: 31199011524
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab; secured area with alternate access

Former Lockmaster's Dwelling
Appleton 4th Lock
905 South Lowe Street
Appleton Co: Outagamie WI 54911–
Property No.: 31199011525
Status: Unutilized
Comment: 908 sq. ft.; 2 story wood frame residence; needs rehab

Former Lockmaster's Dwelling
Kaukauna 1st Lock
301 Canal Street
Kaukauna Co: Outagamie WI 54131–
Property No.: 31199011527
Status: Unutilized
Comment: 1290 sq. ft.; 2 story wood frame residence; needs rehab; secured area with alternate access

Former Lockmaster's Dwelling
Appleton 1st Lock
905 South Oneida Street
Appleton Co: Outagamie WI 54911–
Property No.: 31199011531
Status: Unutilized
Comment: 1300 sq. ft.; potential utilities; 2 story wood frame residence; needs rehab; secured area with alternate access

Former Lockmaster's Dwelling
Rapid Croche Lock
Lock Road
Wrightstown Co: Outagamie WI 54180–
Property No.: 31199011533
Location: 3 miles southwest of intersection State 96 and Canal Road
Status: Unutilized
Comment: 1952 sq. ft.; 2 story wood frame residence; potential utilities; needs rehab

Former Lockmaster's Dwelling
Little Kaukauna Lock
Little Kaukauna
Lawrence Co: Brown WI 54130–
Property No.: 31199011535
Location: 2 miles southeasterly from intersection of Lost Dauphin Road (County Trunk Highway "D") and River Street
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab

Former Lockmaster's Dwelling
Little Chute, 2nd Lock
214 Mill Street
Little Chute Co: Outagamie WI 54140–
Property No.: 31199011536
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; potential utilities; needs rehab; secured area with alternate access

Energy

Idaho

Building

Bldg. CF603
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Property No.: 41200020004
Status: Excess
Comment: 15,005 sq. ft. cinder block, presence of asbestos/lead paint, major rehab, off-site use only

GSA

Arkansas

Building

Social Sec. Administration
225 Hazel Street

Hot Springs Co: Garland AR 71901–
Property No.: 54200210016
Status: Surplus
Comment: 7437 sq. ft. office building
GSA Number: 7–G–AR–0560

Blytheville Fed. Ofc. Bldg.
120 North Broadway
Blytheville Co: Mississippi AR 72316–
Property No.: 54200210017
Status: Surplus
Comment: 7921 sq. ft. office building, good condition
GSA Number: 7–G–AR–0559

Post Antenna Tower Site
1.5 west of USHwy 165
Gillette Co: AR 72055–
Property No.: 54200230008
Status: Surplus
Comment: Radio repeater tower, presence of asbestos/lead paint, on 2.06 acres
GSA Number: 7–D–AR–563

Joy Antenna Tower Site
Range 9 West
Searcy Co: White AR 72143–
Property No.: 54200230011
Status: Surplus
Comment: Radio repeater tower, presence of asbestos/lead paint, subject to existing easements, on 1.75 acres
GSA Number: 7–D–AR–564

Jamestown Antenna Tower Site
Jamestown Co: Independence AR 7250–
Property No.: 54200240001
Status: Surplus
Comment: Radio repeater tower on 1.05 acres, subject to existing easements
GSA Number: 7–D–AR–0562

Ash Flat Comm. Site
Gillette Co: AR 72055–
Property No.: 54200240002
Status: Surplus
Comment: radio repeater tower on 2.06 acres, subject to existing easements
GSA Number: 7–D–AR–0565

Hawaii

Land

Parcels 9, 2, 4
Loran Station Upolu Point
Hawi Co: Hawaii HI
Property No.: 54200220002
Location: Resubmitted to Federal Register for publication
Status: Surplus
Comment: Parcel 9 = 6.242 acres/encumbered by utility and road access easements; parcel 2 = 1.007 acres; parcel 4 = 5.239 acres
GSA Number: 9–U–HI–0572

Louisiana

Building

Federal Building
200 South Union Street
Opelousas Co: St. Landry Pr LA 70570–
Property No.: 54200230014
Status: Surplus
Comment: 41,886 sq. ft., most recent use—courthouse/post office/federal building, portion occupied
GSA Number: 7–G–LA–0566

Massachusetts

Building

Aircraft Hanger
Hanscom Air Force Base
Concord Co: MA
Property No.: 54200140007
Status: Excess
Comment: 40,000 sq. ft., off-site use only, relocating property may not be feasible
GSA Number: 1–D–MA–0857679

Michigan

Building

Detroit Job Corp Center
10401 E. Jefferson 1265 St. Clair
Detroit Co: Wayne MI
Property No.: 54200230012
Status: Surplus
Comment: Parcel One = 80,590 sq. ft.bldg., needs repair, presence of asbestos; Parcel Two = 5140 sq. ft. bldg.
GSA Number: 2–L–MI–757

Mississippi

Building

Post Office/Courthouse 820 Crawford Street
Vicksburg Co: Warren MS 39180–
Property No.: 54200240006
Status: Surplus
Comment: 14,000 sq. ft., 34% of space occupied by Federal tenants, needs rehab, access restrictions, historic preservation covenant required
GSA Number: 4–G–MS–0559

Missouri

Building

Columbia Federal Ofc. Bldg.
608 Cherry Street
Columbia Co: Boone MO 65201–7712
Property No.: 54200230016
Status: Surplus
Comment: 30,609 sq. ft., needs rehab, most recent use—office
GSA Number : 7–C–MO–633

Old Custom House/P.O.
815 Olive Street
St. Louis Co: MO 63101–
Property No.: 54200240016
Status: Surplus
Comment: 6-story office building, restrictive use due to Historical Landmark status
GSA Number: 7–G–MO–074

Land

Improved Land
St. Louis Army Ammunition Plant 4800 Goodfellow Blvd.
St. Louis Co: MO 63120–1798
Property No.: 54200110007
Status: Surplus
Comment: 21 acres w/2 large bldgs. and numerous small bldgs. situated on 13 acres, 5 acres = parking lot and streets, presence of asbestos/lead paint, clean-up required to state regulator standards
GSA Number: 000000

Montana

Land

Canyon Ferry Reservoir
Portion
Tracts FS–1, FS–2, FS–3, FS–4
Lewis & Clark Co: MT 59602–
Property No.: 54200240010
Status: Surplus
Comment: 8.47 acres, subject to existing easements, buffer zone
GSA Number: 7–I–MT–0409

New Jersey

Building

Chapel Hill Front Range Light
N. Lenard Ave.
Middletown Co: Monmouth NJ
Property No.: 54200240011
Status: Excess
Comment: steel tower on 0.40 acres, possible flood hazard, wetlands & possible endangered species
GSA Number: 1–U–NJ–0627

Land

Belle Mead Depot
Rt. 206/Mountain View Rd.
Hillsborough Co: Somerset NJ 08502–
Property No.: 54200210014
Status: Excess
Comment: approx. 400 acres, property will not be subdivided, contaminants of concern present, lease restriction on 7 acres, 44 miles of railroad track, remediation activity, potential restriction of property f
GSA Number : 1–G–NJ–0642

New York

Building

Social Sec. Admin. Bldg.
517 N. Barry St.
Olean Co: NY 10278–0004
Property No.: 54200230009
Status: Excess
Comment: 9174 sq. ft., poor condition, most recent use—office
GSA Number: 1–G–NY–0895

Puerto Rico

Land

Bahia Rear Range Light
Ocean Drive
Catano Co: PR 00632–
Property No.: 54199940003
Status: Excess
Comment: 0.167 w/skeletal tower, fenced, aid to navigation
GSA Number: 1–T–PR–508

Navy

California

Building

Bldg. 371
Naval Warfare Systems Center
San Diego Co: CA 92152–
Property No.: 77200020080
Status: Unutilized
Comment: 29,800 sq. ft., needs rehab, presence of asbestos/lead paint, off-site use only

Bldg. 402
Naval Warfare Systems Center
San Diego Co: CA 92152–
Property No.: 77200020081
Status: Unutilized
Comment: presence of lead paint, most recent use—storage, off-site use only

Bldg. 417
Naval Warfare Systems Center
San Diego Co: CA 92152–
Property No.: 77200020082
Status: Unutilized
Comment: 110 TR, needs rehab, presence of asbestos/lead paint, off-site use only

Bldg. 418
Naval Warfare Systems Center
San Diego Co: CA 92152–
Property No.: 77200020083
Status: Unutilized
Comment: 288 sq. ft., presence of lead paint, most recent use—storage, off-site use only

Bldg. 426
Naval Warfare Systems Center
San Diego Co: CA 92152–
Property No.: 77200020084
Status: Unutilized
Comment: presence of asbestos/lead paint, off-site use only

Bldg. 434
Naval Warfare Systems Center
San Diego Co: CA 92152–
Property No.: 77200020085
Status: Unutilized
Comment: 11,440 sq. ft., needs rehab, presence of asbestos/lead paint, off-site use only

Bldg. 210
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Property No.: 77200020086
Status: Unutilized
Comment: 17,708 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—police station, off-site use only

Bldg. 541
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Property No.: 77200020087
Status: Unutilized
Comment: 3857 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—lab, off-site use only

Bldg. 804
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Property No.: 77200020088
Status: Unutilized
Comment: 3119 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 805
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Property No.: 77200020089
Status: Unutilized
Comment: 3732 sq ft., needs rehab, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 806
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Property No.: 77200020090
Status: Unutilized
Comment: 3110 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 807
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Property No.: 77200020091
Status: Unutilized
Comment: 3110 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—office, off-site use only

Bldgs. 23027, 23025
Marine Corps Air Station
Miramar Co: San Diego CA 92132–
Property No.: 77200040023
Status: Unutilized
Comment: 400 sq. ft., metal siding, most recent use—loading facility, off-site use only

Bldg. 01290
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Property No.: 77200120090
Status: Excess
Comment: 460 sq. ft., most recent use—garage, off-site use only

Bldg. 02453
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Property No.: 77200120110
Status: Excess
Comment: 48 sq. ft., most recent use—storage locker, off-site use only

Bldg. 32027
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Property No.: 77200120111
Status: Excess
Comment: 331 sq. ft., off-site use only

Bldg. 32534
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Property No.: 77200120112
Status: Excess
Comment: 2252 sq. ft., most recent use—repair shop, off-site use only

Bldg. 32537
Naval Air Weapons Station
China Lake Co: CA 93444–6001
Property No.: 77200120113
Status: Excess
Comment: most recent use—instrument bldg., off-site use only

Playgrounds
Marine Corps Logistics Base
Desert View
Barstow Co: San Bernardino CA 92311–
Property No.: 77200230018
Status: Underutilized
Comment: 2 playgrounds with personnel shelter, off-site use only

Garages

Marine Corps Logistics Base
Desert View
Barstow Co: San Bernardino CA 92311–
Property No.: 77200230019
Status: Underutilized
Comment: sq. ft. varies, needs rehab, possible asbestos/lead paint, off-site use only

76 Structures
Marine Corps Logistics Base
Desert View
Barstow Co: San Bernardino CA 92311–
Property No.: 77200230020
Status: Underutilized
Comment: sq. ft. varies, needs rehab, possible asbestos/lead paint, most recent use—housing, off-site use only

Land

Portion of Land
Naval Base, Point Loma
Murphy Canyon
San Diego Co: CA 92124–
Property No.: 77200140012
Status: Unutilized
Comment: 24,350 sq. ft. of parking lot, adjacent to environmentally sensitive area

Connecticut

Building

Bldgs. 2, 108, 440
Naval Submarine Base
Groton Co: New London CT 06349–
Property No.: 77200210095
Status: Unutilized
Comment: various sq. ft., need rehab, presence of asbestos/lead paint, most recent use—office/store/club, off-site use only

Bldg. 516
Naval Submarine Base
Groton Co: New London CT 06349–
Property No.: 77200230037
Status: Excess
Comment: 1450 sq. ft., needs rehab, possible asbestos, off-site use only

Hawaii

Building

Bldg. 442, Naval Station
Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Property No.: 77199630088
Status: Excess
Comment: 192 sq. ft., most recent use—storage, off-site use only

Bldg. S180
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Property No.: 77199640039
Status: Unutilized
Comment: 3412 sq. ft., 2-story, most recent use—bomb shelter, off-site use only, relocation may not be feasible

Bldg. S181
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Property No.: 77199640040
Status: Unutilized
Comment: 4258 sq. ft., 1-story, most recent use—bomb shelter, off-site use only, relocation may not be feasible

Bldg. 219
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Property No.: 77199640041
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible

Bldg. 220
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Property No.: 77199640042
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible

Maryland

Building

Bldg. 139
Naval Surface Warfare Center
Carderock Division
West Bethesda Co: Montgomery MD 20817–5700

Property No.: 77200010032
Status: Unutilized
Comment: 4950 sq. ft., possible asbestos/lead paint, most recent use—wind tunnel, off-site use only

Bldg. 104

Naval Surface Warfare
Carderock Division
West Bethesda Co: Montgomery MD 20817–5700
Property No.: 77200120079
Status: Unutilized
Comment: 8050 sq. ft., most recent use—garage, off-site use only

Bldg. 109
Naval Surface Warfare
West Bethesda Co: Montgomery MD 20817–5000
Property No.: 77200120080
Status: Unutilized
Comment: 9650 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 110
Naval Surface Warfare
West Bethesda Co: Montgomery MD 20817–5700
Property No.: 77200120081
Status: Unutilized
Comment: 10,750 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 111
Naval Surface Warfare
West Bethesda Co: Montgomery MD 20817–5700
Property No.: 77200120082
Status: Unutilized
Comment: 4220 sq. ft., most recent use—office, off-site use only

Bldg. 112
Naval Surface Warfare
West Bethesda Co: Montgomery MD 20817–5700
Property No.: 77200120083
Status: Unutilized
Comment: 2440 sq. ft., most recent use—printing bldg., off-site use only

Bldg. 113
Naval Surface Warfare
West Bethesda Co: Montgomery MD 20817–5700
Property No.: 77200120084
Status: Unutilized
Comment: 2440 sq. ft., most recent use—lab, off-site use only

Bldg. 143
Naval Surface Warfare
West Bethesda Co: MD 20817–5700
Property No.: 77200120085
Status: Unutilized
Comment: 16,950 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 152
Naval Surface Warfare
West Bethesda Co: Montgomery MD 20817–5700
Property No.: 77200120086
Status: Unutilized
Comment: 1400 sq. ft., most recent use—fire house annex, off-site use only

Bldg. 159
Naval Surface Warfare
West Bethesda Co: Montgomery MD 20817–5700
Property No.: 77200120087
Status: Unutilized
Comment: 605 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—hazardous waste storage, off-site use only

Bldg. 187
Naval Surface Warfare
West Bethesda Co: Montgomery MD 20817–5700
Property No.: 77200120088
Status: Unutilized
Comment: 768 sq. ft., most recent use—pump house, off-site use only

Bldg. 117
Naval Surface Warfare Center
Carderock Division
West Bethesda Co: Montgomery MD 20817–5700
Property No.: 77200120102
Status: Unutilized
Comment: 400 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 196
Naval Surface Warfare Center
Carderock Division
West Bethesda Co: Montgomery MD 20817–5700
Property No.: 77200120106
Status: Unutilized
Comment: 456 sq. ft., needs rehab, most recent use—destructor bldg., off-site use only

9 Housing Units
U.S. Naval Station
Annapolis Co: Anne Arundel MD 21402–
Property No.: 77200240005
Status: Excess
Comment: size varies, brick veneer wood frame on slab, off-site use only

New Hampshire

Building

Bldg. 239
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Property No.: 77200030019
Status: Excess
Comment: 897 sq. ft., presence of asbestos/lead paint, off-site use only

Pennsylvania

Building

Bldg. 216
Naval Support Activity
Mechanicsburg Co: Cumberland PA 17055–0788
Property No.: 77200220008
Status: Excess
Comment: 121,604 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 504B
Naval Support Activity
Mechanicsburg Co: Cumberland PA 17055–0788
Property No.: 77200220009
Status: Excess
Comment: 4824 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—training, off-site use only

Bldg. 608D
Naval Support Activity
Mechanicsburg Co: Cumberland PA 17055–0788
Property No.: 77200220010
Status: Excess
Comment: 8400 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 609B
Naval Support Activity
Mechanicsburg Co: Cumberland PA 17055–0788
Property No.: 77200220011
Status: Excess
Comment: 2100 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 611
Naval Support Activity
Mechanicsburg Co: Cumberland PA 17055–0788
Property No.: 77200220012
Status: Excess
Comment: 425 sq. ft. concrete, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 616
Naval Support Activity
Mechanicsburg Co: Cumberland PA 17055–0788
Property No.: 77200220013
Status: Excess
Comment: 216 sq .ft., needs rehab, presence of asbestos/lead paint, most recent use—storage, off-site use only

Rhode Island

Building

Bldg. 8
Naval Ambulatory Care
Newport Co: RI 02841–
Property No.: 77200220017
Status: Unutilized
Comment: 2800 sq. ft., poor condition, possible asbestos/lead paint, most recent use—storage, meets Nat. Register criterion, off-site use only

Bldg. 30
Naval Ambulatory Care
Newport Co: RI 02841–
Property No.: 77200220018
Status: Unutilized
Comment: 150 sq. ft., poor condition, most recent use—switch house, off-site use only

Bldg. 46
Naval Ambulatory Care
Newport Co: RI 02841–
Property No.: 77200220019
Status: Unutilized
Comment: 3690 sq. ft., poor condition, possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. 53
Naval Ambulatory Care
Newport Co: RI 02841–
Property No.: 77200220020
Status: Unutilized
Comment: 2691 sq. ft., poor condition, possible asbestos/lead paint, most recent use—garage/office, off-site use only

Bldg. 55
Naval Ambulatory Care
Newport Co: RI 02841–
Property No.: 77200220021
Status: Unutilized
Comment: 135 sq. ft., poor condition, most recent use—storage, off-site use only

Virginia

Building

Structure SP–129
Naval Station
Norfolk Co: VA 23511–

Property No.: 77200110136
Status: Excess
Comment: 3564 sq. ft., presence of asbestos/lead, most recent use—office, off-site use only

Bldg. 106(G)
Naval Station
Lafayette River Annex
Norfolk Co: VA
Property No.: 77200220046
Status: Excess
Comment: 2767 sq. ft. garage, most recent use—storage, off-site use only

Bldg. CEP–184
Naval Station
Norfolk Co: VA
Property No.: 77200220047
Status: Excess
Comment: 200 sq. ft., most recent use—gate/sentry house, off-site use only

Land

Land
Marine Corps Base
Quantico Co: VA 22134–
Property No.: 77200040034
Status: Unutilized
Comment: 4900 sq. ft. open space

VA

Alabama

Land

VA Medical Center
VAMC
Tuskegee Co: Macon AL 36083–
Property No.: 97199010053
Status: Underutilized
Comment: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped.

California

Land

4150 Clement Street
San Francisco Co: San Francisco CA 94121–
Property No.: 97199240001
Status: Underutilized
Comment: 4 acres; landslide area.

Indiana

Building

Bldg. 105, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Property No.: 97199230006
Status: Excess
Comment: 310 sq. ft., 1 story stone structure, no sanitary or heating facilities, Natl Register of Historic Places

Bldg. 140, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Property No.: 97199230007
Status: Excess
Comment: 60 sq. ft., concrete block bldg., most recent use—trash house

Bldg. 7
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Property No.: 97199810001
Status: Underutilized
Comment: 16,864 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 10
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Property No.: 97199810002
Status: Underutilized
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 11
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Property No.: 97199810003
Status: Underutilized
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 18
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Property No.: 97199810004
Status: Underutilized
Comment: 13,802 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 25
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Property No.: 97199810005
Status: Unutilized
Comment: 32,892 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Iowa

Land

40.66 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138–
Property No.: 97199740002
Status: Unutilized
Comment: Golf course, easement requirements

Maryland

Land

VA Medical Center
9600 North Point Road
Fort Howard Co: Baltimore MD 21052–
Property No.: 97199010020
Status: Underutilized
Comment: Approx. 10 acres, wetland and periodically floods, most recent use—dump site for leaves

Pennsylvania

Building

Bldg. 3, VAMC
1700 South Lincoln Avenue
Lebanon Co: Lebanon PA 17042–
Property No.: 97199230012
Status: Underutilized
Comment: Portion of bldg. (4046 sq. ft.), most recent use—storage, second floor—lacks elevator access

Texas

Land

Land
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504–
Property No.: 97199010079
Status: Underutilized
Comment: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities

Wisconsin

Building

Bldg. 8
VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Property No.: 97199010056
Status: Underutilized
Comment: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab

Land

VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Property No.: 97199010054
Status: Underutilized
Comment: 12.4 acres, serves as buffer between center and private property, no utilities

Title V Properties Reported in Year 2002 Which Are Suitable and Unavailable

Air Force

Colorado

Building

Bldg. 100
La Junta Strategic Range
La Junta Co: Otero CO 81050–9501
Property No.: 18200230001
Status: Excess
Reason: Interest expressed

Bldg. 101
La Junta Strategic Range
La Junta Co: Otero CO 81050–9501
Property No.: 18200230002
Status: Excess
Reason: Interest expressed

Bldg. 102
La Junta Strategic Range
La Junta Co: Otero CO 81050–9501
Property No.: 18200230003
Status: Excess
Reason: Interest expressed

Bldg. 103
La Junta Strategic Range
La Junta Co: Otero CO 81050–9501
Property No.: 18200230004
Status: Excess
Reason: Interest expressed

Bldg. 104
La Junta Strategic Range
La Junta Co: Otero CO 81050–9501
Property No.: 18200230005
Status: Excess
Reason: Interest expressed

Bldg. 106
La Junta Strategic Range
La Junta Co: Otero CO 81050–9501
Property No.: 18200230006
Status: Excess
Reason: Interest expressed

Idaho

Building

Bldg. 224

Mountain Home Air Force
Co: Elmore ID 83648–
Property No.: 18199840008
Status: Unutilized
Reason: Extension of runway

Iowa

Building

Bldg. 00669
Sioux Gateway Airport
Sioux City Co: Woodbury IA 51110–
Property No.: 18199310002
Status: Unutilized
Reason: Will be transferred to Sioux City

New York

Building

Bldg. 1225
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220014
Status: Unutilized
Reason: Held in trust

Bldg. 1226
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220015
Status: Unutilized
Reason: Held in trust

Bldg. 1227
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220016
Status: Unutilized
Reason: Held in trust

Bldg. 1231
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220017
Status: Unutilized
Reason: Held in trust

Bldg. 1233
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220018
Status: Unutilized
Reason: Held in trust

Bldgs. 1235, 1239
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220019
Status: Unutilized
Reason: Held in trust

Bldg. 1241
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220020
Status: Unutilized
Reason: Held in trust

Bldg. 1243
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220021
Status: Unutilized
Reason: Held in trust

Bldg. 1245
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220022
Status: Unutilized
Reason: Held in trust

Bldg. 1247
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220023
Status: Unutilized
Reason: Held in trust

Bldg. 1250 + land
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220024
Status: Unutilized
Reason: Held in trust

Bldg. 1253
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220025
Status: Unutilized
Reason: Held in trust

Bldg. 1255
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220026
Status: Unutilized
Reason: Held in trust

Bldg. 1261
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220027
Status: Unutilized
Reason: Held in trust

Bldg. 1263
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220028
Status: Unutilized
Reason: Held in trust

Bldgs. 1266, 1269
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220029
Status: Unutilized
Reason: Held in trust

Bldg. 1271
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220030
Status: Unutilized
Reason: Held in trust

Bldg. 1273
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220031
Status: Unutilized
Reason: Held in trust

Bldg. 1277
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220032
Status: Unutilized
Reason: Held in trust

Bldg. 1279
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220033
Status: Unutilized
Reason: Held in trust

Bldg. 1285
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220034
Status: Unutilized
Reason: Held in trust

Bldg. 1287
Verona Test Annex
Verona Co: Oneida NY 13478–
Property No.: 18200220035
Status: Unutilized
Reason: Held in trust

Pennsylvania

Building

Bldg. 201
Pittsburgh IAP
Corapolis Co: Allegheny PA 15108–
Property No.: 18200240014
Status: Excess
Reason: mission use

Bldg. 203
Pittsburgh IAP
Corapolis Co: Allegheny PA 15108–
Property No.: 18200240015
Status: Excess
Reason: mission use

Bldg. 208
Pittsburgh IAP
Corapolis Co: Allegheny PA 15108–
Property No.: 18200240016
Status: Excess
Reason: mission use

Bldg. 210
Pittsburgh IAP
Corapolis Co: Allegheny PA 15108–
Property No.: 18200240017
Status: Excess
Reason: mission use

Bldg. 211
Pittsburgh IAP
Corapolis Co: Allegheny PA 15108–
Property No.: 18200240018
Status: Excess
Reason: mission use

Army

Alabama

Building

Bldgs. 1001–1006, 1106–1107
Fort Rucker
Ft. Rucker Co: Dale AL 36362–5138
Property No.: 21200210027
Status: Unutilized
Reason: utilized

Bldg. 01433
Fort Rucker
Ft. Rucker Co: Dale AL 36362–
Property No.: 21200220098
Status: Excess
Reason: being utilized

Georgia

Building

Bldg. 4090
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property No.: 21199630007
Status: Underutilized
Reason: Plan to utilize as a museum

Bldg. 2410
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Property No.: 21200140076
Status: Unutilized
Reason: change in mission requirement

Bldg. 20802
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Property No.: 21200210078
Status: Unutilized
Reason: utilized

Bldg. T–920
Fort Stewart

Hinesville Co: Liberty GA 31314–
Property No.: 21200240083
Status: Excess
Reason: mission use

Maryland

Building

Bldg. 2282C
Fort George G. Meade
Fort Meade Co: Anne Arundel MD 20755–
Property No.: 21200230059
Status: Unutilized
Reason: secured

Missouri

Building

Bldg. 2172
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–8994
Property No.: 21200040059
Status: Unutilized
Reason: reutilized

North Carolina

Building

Bldgs. A2245, A2345
Fort Bragg
Ft. Bragg Co: Cumberland NC 28310–
Property No.: 21200240084
Status: Excess
Reason: mission use

Bldg. A2544
Fort Bragg
Ft. Bragg Co: Cumberland NC
Property No.: 21200240085
Status: Excess
Reason: mission use

Bldg. D2826
Fort Bragg
Ft. Bragg Co: Cumberland NC 28310–
Property No.: 21200240086
Status: Excess
Reason: mission use

Bldg. N4116
Fort Bragg
Ft. Bragg Co: Cumberland NC 28310–
Property No.: 21200240087
Status: Excess
Reason: mission use

103 Bldgs.
Fort Bragg
Ft. Bragg Co: Cumberland NC 28310–5000
Property No.: 21200240088
Status: Excess
Reason: mission use

Land

.92 Acre—Land
Military Ocean Terminal, Sunny Point
Southport Co: Brunswick NC 28461–5000
Property No.: 21199610728
Status: Underutilized
Reason: contains well owned by Town; within an explosive buffer zone

10 Acre—Land
Military Ocean Terminal, Sunny Point
Southport Co: Brunswick NC 28461–5000
Property No.: 21199610729
Status: Underutilized
Reason: within an explosives buffer zone

257 Acre—Land
Military Ocean Terminal, Sunny Point
Southport Co: Brunswick NC 28461–5000
Property No.: 21199610730
Status: Underutilized
Reason: within an explosives buffer zone

24.83 acres—Tract of Land
Military Ocean Terminal, Sunny Point
Southport Co: Brunswick NC 28461–5000
Property No.: 21199620685
Status: Underutilized
Reason: Explosive Buffer Zone

Tennessee

Building

Bldgs. 01551, 01552
Fort Campbell
Ft. Campbell Co: Montgomery TN 42223–
Property No.: 21200230076
Status: Unutilized
Reason: utilized

Texas

Building

Bldgs. 4219, 4227
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220139
Status: Unutilized
Reason: admin use

Bldgs. 4229, 4230, 4231
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220140
Status: Unutilized
Reason: admin use

Bldgs. 4244, 4246
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220141
Status: Unutilized
Reason: admin use

Bldgs. 4260, 4261, 4262
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220142
Status: Unutilized
Reason: admin use

Washington

Building

Bldg. 03272
Fort Lewis
Tacoma Co: Pierce WA 98335–
Property No.: 21200220160
Status: Unutilized
Reason: utilized

Bldg. 04180
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property No.: 21200240091
Status: Excess
Reason: mission use

Bldg. 05904
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property No.: 21200240092
Status: Excess
Reason: mission use

Bldgs. 9003, 9517
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property No.: 21200240093
Status: Excess
Reason: mission use

COE

Illinois

Building

Bldg. 7
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property No.: 31199010001
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 6
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property No.: 31199010002
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 5
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property No.: 31199010003
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 4
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property No.: 31199010004
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 3
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property No.: 31199010005
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 2
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property No.: 31199010006
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 1
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property No.: 31199010007
Status: Unutilized
Reason: Project integrity and security; safety liability

Land

Lake Shelbyville
Shelbyville Co: Shelby & Moultrie IL 62565–9804
Property No.: 31199240004
Status: Unutilized
Reason: Disposal action initiated

Ohio

Building

Bldg.—Berlin Lake
7400 Bedell Road
Berlin Center Co: Mahoning OH 44401–9797
Property No.: 31199640001
Status: Unutilized
Reason: utilized as construction office

Pennsylvania

Building

Tract 353

Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Property No.: 31199430019
Status: Unutilized
Reason: To be transferred to Borough

Tract 403A
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Property No.: 31199430021
Status: Unutilized
Reason: To be transferred to Borough

Tract 403B
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Property No.: 31199430022
Status: Unutilized
Reason: To be transferred to Borough

Tract 403C
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Property No.: 31199430023
Status: Unutilized
Reason: To be transferred to Borough

Tract 434
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Property No.: 31199430024
Status: Unutilized
Reason: To be transferred to Borough

Tract No. 224
Grays Landing Lock & Dam Project
Greensboro Co: Green PA 15338–
Property No.: 31199440001
Status: Unutilized
Reason: Disposal action initiated

Land

East Branch Clarion River Lake
Wilcox Co: Elk PA
Property No.: 31199011012
Status: Underutilized
Reason: Location near damsite

Dashields Locks and Dam
(Glenwillard, PA)
Crescent Twp. Co: Allegheny PA 15046–0475
Property No.: 31199210009
Status: Unutilized
Reason: Leased to Township

Wisconsin

Building

Former Lockmaster's Dwelling
DePere Lock
100 James Street
DePere Co: Brown WI 54115–
Property No.: 31199011526
Status: Unutilized
Reason: In negotiation for transfer to the State

Energy

Idaho

Building

Bldg. CFA–613
Central Facilities Area
Idaho National Engineering Lab
Scoville Co: Butte ID 83415–
Property No.: 41199630001
Status: Unutilized
Reason: Historical issues

GSA

Alabama

Building

Coosa River Storage Annex
Anniston Army Depot
Talladega Co: q AL 35161–
Property No.: 54200230001
Status: Excess
GSA Number: 4–J–AL–541
Reason: Interest expressed

California

Building

Merced Federal Bldg.
415 W. 18th St.
Merced Co: CA 95340–
Property No.: 54200220012
Status: Surplus
GSA Number: 9–G–CA–1567
Reason: Federal interest

Illinois

Building

Radar Communication Link ½ mi east of 116th St.
Co: Will IL
Property No.: 54199820013
Status: Excess
GSA Number: 2–U–IL–696
Reason: Negotiated sale

LaSalle Comm. Tower Site
1600 NE 8th St.
Richland Co: LaSalle IL 61370–
Property No.: 54200020019
Status: Excess
GSA Number: 1–D–IL–724
Reason: Conveyance to State

Maryland

Building

29 Bldgs.
Walter Reed Army Medical Center
Forest Glen Annex, Linden Lane
Silver Spring Co: Montgomery MD 20910–1246
Property No.: 54200130012
Status: Excess
GSA Number: 4–D–MD–558–B
Reason: Written expression of interest

Michigan

Building

Pontiac Federal Bldg.
142 Auburn Ave.
Pontiac Co: Oakland MI
Property No.: 54200220005
Status: Surplus
GSA Number: 1–G–MI–809
Reason: Negotiated sale

Minnesota

Building

GAP Filler Radar Site
St. Paul Co: Rice MN 55101–
Property No.: 54199910009
Status: Excess
GSA Number: 1–GR(1)–MN–475
Reason: Homeless conveyance
MG Clement Trott Mem. USARC
Walker Co: Cass MN 56484–
Property No.: 54199930003
Status: Excess
GSA Number: 1–D–MN–575
Reason: Federal interest

Mississippi

Building

Post Office/Courthouse
820 Crawford Street
Vicksburg Co: Warren MS 39180–
Property No.: 54200240013
Status: Surplus
GSA Number: 4–G–MS–0559
Reason: Expression of interest by city for hist. monument

Missouri

Building

Hardesty Federal Complex
607 Hardesty Avenue
Kansas City Co: Jackson MO 64124–3032
Property No.: 54199940001
Status: Excess
GSA Number: 7–G–MO–637
Reason: Continuation

New York

Building

Army Reserve Center
205 Oak Street
Batavia Co: NY 14020–
Property No.: 54200240004
Status: Excess
GSA Number: 1–D–NY–890
Reason: Federal interest

Fed. Bldg. #2
850 Third Ave.
Brooklyn Co: NY 11232–
Property No.: 54200240005
Status: Surplus
GSA Number: 1–G–NY–0872
Reason: Pending resubmission

North Carolina

Building

Tarheel Army Missile Plant
Burlington Co: Alamance NC 27215–
Property No.: 54199820002
Status: Excess
GSA Number: 4–D–NC–593
Reason: Advertised

Vehicle Maint. Facility
310 New Bern Ave.
Raleigh Co: Wake NC 27601–
Property No.: 54200020012
Status: Excess
GSA Number: NC076AB
Reason: Federal need

Pennsylvania

Building

Bristol Social Security Bldg.
1776 Farragut St.
Bristol Co: Bucks PA 19007–
Property No.: 54200230002
Status: Surplus
GSA Number: 4–G–PA–792
Reason: interest expressed

Puerto Rico

Building

7.5 Naval Reservation
Munoz Rivera Ave.
San Juan Co: PR
Property No.: 54200240012
Status: Excess
GSA Number: 1–N–PR–497
Reason: Federal interest

Tennessee

Building

3 Facilities, Guard Posts
Volunteer Army Ammunition Plant

Chattanooga Co: Hamilton TN 37421–
Property No.: 54199930011
Status: Surplus
GSA Number: 4–D–TN–594F
Reason: negotiated sale
4 Bldgs.
Volunteer Army Ammunition Plant
Railroad System Facilities
Chattanooga Co: Hamilton TN 37421–
Property No.: 54199930012
Status: Surplus
GSA Number: 4–D–TN–594F
Reason: negotiated sale 200 bunkers
Volunteer Army Ammunition Plant
Storage Magazines
Chattanooga Co: Hamilton TN 37421–
Property No.: 54199930014
Status: Surplus
GSA Number: 4–D–TN–594F
Reason: negotiated sale
Bldg. 232
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37421–
Property No.: 54199930020
Status: Surplus
GSA Number: 4–D–TN–594F
Reason: negotiated sale 2 Laboratories
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37421–
Property No.: 54199930021
Status: Surplus
GSA Number: 4–D–TN–594F
Reason: negotiated sale 3 Facilities
Volunteer Army Ammunition Plant
Water Distribution Facilities
Chattanooga Co: Hamilton TN 37421–
Property No.: 54199930022
Status: Surplus
GSA Number: 4–D–TN–594F
Reason: negotiated sale
Federal Bldg. 118 East Locust Street
Lafayette Co: Macon TN 37083–
Property No.: 54200220010
Status: Excess
GSA Number: 4–G–TN–656
Reason: homeless interest expressed

Land

1500 acres
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37421–
Property No.: 54199930015
Status: Surplus
GSA Number: 4–D–TN–594F
Reason: negotiated sale

Washington

Land

Richland Rail R/W
East of 1335 Lee Blvd.
Richland Co: Benton WA
Property No.: 54200210005
Status: Excess
GSA Number: 9–B–WA–1197
Reason: Awarded

Wisconsin

Building

Wausau Federal Building 317 First Street
Wausau Co: Marathon WI 54401–
Property No.: 54199820016
Status: Excess
GSA Number: 1–G–WI–593
Reason: advertised

NAVY

Virginia

Building

Naval Medical Clinic 6500 Hampton Blvd.
Norfolk Co: Norfolk VA 23508–
Property No.: 77199010109
Status: Unutilized
Reason: Planned for expansion space.

Land

Naval Base
Norfolk Co: Norfolk VA 23508–
Property No.: 77199010156
Status: Unutilized
Reason: Identified for use in developing admin. office space.

2.6 Acres
Naval Station
Norfolk Co: VA 23508–1273
Property No.: 77200120131
Status: Underutilized
Reason: pending construction 1.15 acres
Naval Amphibious Base Little Creek
Norfolk Co: VA 23508–
Property No.: 77200120132
Status: Unutilized
Reason: pending construction

VA

Iowa

Land

38 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138–
Property No.: 97199740001
Status: Unutilized
Reason: Enhanced-Use Legislation potential

Michigan

Land
VA Medical Center
5500 Armstrong Road
Battle Creek Co: Calhoun MI 49016–
Property No.: 97199010015
Status: Underutilized
Reason: Being used for patient and program activities

Montana

Building

VA MT Healthcare
210 S. Winchester
Miles City Co: Custer MT 59301–
Property No.: 97200030001
Status: Underutilized
Reason: transfer to Custer County

New York

Land

VA Medical Center
Fort Hill Avenue
Canandaigua Co: Ontario NY 14424–
Property No.: 97199010017
Status: Underutilized
Reason: Portion leased; portion landlocked

Pennsylvania

Land

VA Medical Center
New Castle Road
Butler Co: Butler PA 16001–
Property No.: 97199010016
Status: Underutilized
Reason: Used as natural drainage for facility property

Land No. 645
VA. Medical Center
Highland Drive
Pittsburgh Co: Allegheny PA 15206–
Property No.: 97199010080
Status: Unutilized
Reason: Property is essential to security and safety of patients

Land—34.16 acres
VA Medical Center
1400 Black Horse Hill Road
Coatesville Co: Chester PA 19320–
Property No.: 97199340001
Status: Underutilized
Reason: needed for mission related functions

Wisconsin

Building

Bldg. 2
VA Medical Center
5000 West National Ave.
Milwaukee WI 53295–
Property No.: 97199830002
Status: Underutilized
Reason: Subject of leasing negotiations

[FR Doc. 03–3428 Filed 2–13–03; 8:45 am]

BILLING CODE 4210–29–P

Federal Register

Friday,
February 14, 2003

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 91

Enhanced Security Procedures for Operations at Certain Airports in the Washington, DC Metropolitan Area Special Flight Rules Area; SFAR 94; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. FAA–2002–11580; SFAR 94]

RIN 2120–AH62

Enhanced Security Procedures for Operations at Certain Airports in the Washington, DC Metropolitan Area Special Flight Rules Area; SFAR 94

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action extends, for 2 years, the expiration date for SFAR 94, which requires any person operating an aircraft to or from College Park Airport, Potomac Airfield, and Washington Executive/Hyde Field to conduct those operations in accordance with security procedures approved by the Administrator. This extension will allow the FAA, along with other Federal agencies, sufficient time to review current security threats and associated contingency plans and procedures and to determine future rulemaking efforts, if any.

DATES: This final rule is effective February 12, 2003 and SFAR 94 published at 67 FR 7538 (February 19, 2002) as amended in this rule shall remain in effect until February 13, 2005.

FOR FURTHER INFORMATION CONTACT: Reginald C. Matthews, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591, telephone (202) 267–8783; e-mail *reginald.matthews@faa.gov.*

SUPPLEMENTARY INFORMATION:

Availability of This Action

You can get an electronic copy using the Internet by taking the following steps:

(1) Go to search function of the Department of Transportation's electronic Docket Management System (DMS) Web page (*http://dms.dot.gov/search*).

(2) On the search page type in the last five digits of the docket number shown at the beginning of this document. Click on ''search.''

(3) On the next page, which contains the docket summary information for the Docket you selected, click on the final rule.

You can also get an electronic copy using the Internet through FAA's Web page at *http://www.faa.gov/avr/armhome.htm* or the Government Printing Office's Web page at *http://www.access.gpo.gov/su_docs/aces/aces140html.*

You can also get a copy by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–9680. Be sure to identify the amendment number or docket number of this final rule.

Privacy Act Statement: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.*

Small Entity Inquiries

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires the FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within the FAA's jurisdiction. Therefore, any small entity that has a question regarding this document may contact its local FAA official. Internet users can find additional information on SBREFA on the FAA's Web page at *http://www.faa.gov/avr/arm/sbrefa.htm* and send electronic inquiries to the following Internet address: 9-AWA-SBREFA@faa.gov.

Background

In the aftermath of the September 11, 2001, terrorist attacks which resulted in the tragic loss of human life at the World Trade Center, the Pentagon, and in southwest Pennsylvania, the FAA prohibited all aircraft operations within the National Airspace System, with the exception of certain military, law enforcement, and emergency related aircraft operations. This general prohibition was lifted in part on September 13, 2001. In the Washington, DC Metropolitan area, however, aircraft operations remained prohibited at all civil airports within a 25-nautical mile radius of the Washington (DCA) Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME). This action was accomplished via the United States Notice to airmen (NOTAM) system. Specifically, several NOTAMs were issued according to title 14 Code of Federal Regulations (14 CFR) 91.139, Emergency Air Traffic Rules, and the implementation of temporary flight restrictions (TFRs) issued according to 14 CFR 91.137, Temporary Flight Restrictions in the Vicinity of Disaster/Hazard Areas.

On October 4, 2001, limited air carrier operations were permitted to resume at Ronald Reagan Washington National Airport.

On October 5, 2001, the FAA issued NOTAM 1/0989, which authorized instrument flight rules (IFR) operations and limited visual flight rules (VFR) operations within an 18 to 25 nautical mile radius from the DCA VOR/DME in accordance with emergency air traffic rules issued under 14 CFR 91.139. Exceptions to the restrictions affecting part 91 operations in the Washington, DC area issued since September 11th were made to permit the repositioning of aircraft from airports within the area of the TFR and to permit certain operations conducted under waivers issued by the FAA.

On December 19, 2001, the FAA canceled NOTAM 1/0989 and issued NOTAM 1/3354 that, in part, set forth special security instructions under 14 CFR 99.7 and created a new TFR for the Washington, DC area. The NOTAM also created TFRs in the Boston and New York City areas. That action significantly decreased the size of the area subject to the earlier prohibitions on part 91 operations in the Washington, DC area and permitted operations at Freeway (W00), Maryland (2W5), and Suburban (W18) airports. At the same time, the FAA eliminated all ''enhanced Class B airspace flight restrictions.'' The Enhanced Class B airspace area consisted of that airspace underlying and overlying Class B airspace from the surface to flight level 180.

As security concerns were resolved, most general aviation operations resumed with varying degrees of restriction. However, due to their proximity to important national Capitol area assets, three airports in Maryland (College Park Airport, Potomac Airfield, and Washington Executive/Hyde field) remained closed for a sustained period following the September 11 attacks because of the restrictions on aircraft operations in the airspace that overlies those airports.

Although many of the restrictions on operations in the Washington, DC area were eliminated, NOTAM 1/3354 continued to prohibit aircraft operations under part 91 in airspace that overlies College Park Airport, Potomac Airfield, and Washington Executive/Hyde Field. On February 19, 2002, the FAA cancelled NOTAM 1/3354 and issued NOTAM 2/1369. NOTAM 2/1369 (updated and reissued as 2/2263, on November 27, 2002) contained the description of the Washington

Metropolitan Area Special Flight Rules Area, as published in SFAR 94, and prohibited flight by part 91 and certain other aircraft within the Special Flight Rules Area.

On February 14, 2002, the FAA issued NOTAM 2/1257 which provided flight plan filing procedures and ATC arrival and departure procedures for pilots operating from the three airports in accordance with SFAR 94. The FAA updated and reissued NOTAM 2/1257 as 2/2720 on December 10, 2002. NOTAM 2/2720 permits pilots vetted at any one of the three Maryland airports to fly into any of the three airports.

Discussion of Comments

As previously stated, on February 19, 2002, the FAA published SFAR 94 as a final rule (67 FR 7538), and requested public comments regarding this action. The SFAR defined the Washington, DC Metropolitan Area Special Flight Rules Area and allowed operations over, to, and from the three Maryland airports that were closed for security reasons after September 11, 2001. However, the SFAR imposed new security procedures for pilots and aircraft operations at these airports.

In response to the SFAR, the FAA received 30 comments. Among the commenters were pilots and business operators based at these airports, transient pilots who regularly used these airports prior to September 11, and the Aircraft Owners and Pilots Association (AOPA).

Since this action merely extends the expiration date of the SFAR in order to give concerned government agencies enough time to assess security requirements and determine appropriate regulatory action, the FAA is unable to fully address all of the comments received at this time. However, all comments will be considered prior to taking any permanent action regarding these airports. With this in mind, the FAA offers the following responses regarding the comments received.

Comment: Many commenters stated that they did not see a compelling reason for this SFAR, as it is their opinion that general aviation aircraft, and general aviation pilots operating at these airports do not pose a threat to the nation. Commenters cited incidents in Miami, FL, and Washington, DC as evidence of the inability of general aviation aircraft to cause significant damage.

FAA Response: The incidents identified above all involved very small aircraft and were all determined not to be associated with terrorism. These incidents are not representative of the potential threat posed by general aviation aircraft. FAA and TSA understand that the enhanced security measures implemented at these airports impact operations at these airports. However, based on information provided by Federal security and intelligence agencies, the measures addressed by this SFAR are necessary to ensure the protection of key assets and critical infrastructure in the Washington area from airborne attack.

Initially, the restrictions included six local general aviation airports. The FAA and TSA, in coordination with other government agencies, reevaluated the threat and diminished the size of the TFR. Three airports were completely removed from the TFR restrictions. The other three airports remain under varying levels of restrictions because of the ongoing security threats to the government.

The Federal Government does not currently regulate security at general aviation airports. With over 19,000 airports, heliports, and landing strips across the United States, the FAA is exploring alternate methods to enhance the security of general aviation airports. In the meantime, however, the Federal Government has determined that the three specific airports require additional security measures due to their proximity to the Washington, DC Metropolitan area.

Comment: Several commenters believe that the SFAR should be rescinded and airports allowed to return to pre-September 11, 2001, operations.

FAA Response: We do not agree with these commenters. The FAA has met with Federal security and intelligence officials, and has been advised that, at this time, the threat level is such that the FAA cannot rescind the SFAR. This extension is temporary and expires on February 13, 2005. The FAA is keeping the action temporary, because it is working with the agencies that will make up the Homeland Security Department to determine whether the SFAR and the airspace restrictions in the current Washington, DC, NOTAM should be adopted as a permanent rule.

Aviation is still viewed as a target and potential weapon by terrorist organizations. After the events of September 11, 2001, security at commercial airports has been enhanced. Thus, terrorists may be looking to alternative methods to conduct terrorist acts. Consistent with this concern, the Federal Bureau of Investigation (FBI) issued alerts indicating that, based on threat reporting, the use of ''small aircraft'' and charters may be of interest to terrorists seeking to carry out suicide attacks.

Comment: Numerous commenters would like to see the TFR boundaries adjusted, or minimized, and others stated that security, as well as air traffic procedures at these airports should be revised. Specifically, AOPA commented that the northeast boundary of the SFAR area overlaps a charted VFR waypoint used by VFR pilots in navigating along a charted VFR flyway through the Baltimore-Washington Class B airspace area. This conflict could result in pilots unintentionally violating the SFAR airspace. In addition, some commenters suggested that the TFR airspace be defined by the DCA VOR, in lieu of the Washington Monument.

FAA Response: The TFR of concern to this commenter (NOTAM 1/3354) is not a part of the SFAR. The TFR issued through NOTAM 2/2263 imposes restrictions for security purposes. The TFR boundaries coincide with the Washington, DC Metropolitan Area Special Flight Rules Area that is described in SFAR 94. The current TFR over the Washington, DC metropolitan area serves to protect an area containing key assets and critical government infrastructure. The size of the TFR around Washington has been agreed to by all the Federal agencies that have responsibility for ensuring the security of key assets and critical infrastructure in the area. No changes are being made to the NOTAM at this time.

However, the FAA notes that the VFR waypoint that was located on the northeast boundary of the TFR has been relocated so that it is no longer within the TFR boundary. In addition, the FAA issued a special edition of the Baltimore-Washington VFR Terminal Area chart, which depicts both the relocated waypoint, and the boundaries of the Washington DC, Metropolitan Area Special Flight Rules Area. Regarding the definition of the TFR area, originally, NOTAM 1/3354 described the area with reference to the Washington Monument. However, that NOTAM also included a detailed description of the TFR area using a combination of radials and DME from the DCA VOR/DME and latitude/longitude coordinates for each point. SFAR 94 did not describe the area with reference to the Monument. Any reference to the Washington Monument has been deleted from subsequent NOTAMs.

Comment: Several commenters submitted alternative proposals to the TFR, such as placing all of the airports under enhanced Class B airspace, developing an elevated response level that is commensurate with the National Security level as determined by

Homeland Security, or upgrading Hyde Field as DCA alternative.

FAA Response: The FAA finds that under existing circumstances, SFAR 94 continues to provide adequate security for the National Capitol Area. These comments will be addressed as part of any final decision regarding the three Maryland airports in question.

Petition for Rulemaking

On October 16, 2002, the FAA received a petition for rulemaking from the Aircraft Owners and Pilots Association (AOPA). The petition seeks relief from the security requirement for pilots at the three affected airports. Specifically, the petition requests that the FAA amend SFAR 94 to allow security vetted pilots at the three airports to conduct flights to any of the other three airports (College Park Airport, Washington Executive/Hyde Field, Potomac Airport), allow traffic pattern work at these three airports, and allow transient pilots to operate at these airports, subject to the security provisions of this rule. On December 23, 2002, the FAA notified AOPA that the petition would be considered a comment and placed in the docket for this SFAR.

FAA Response: Since SFAR 94 was published, the FAA has issued NOTAM 2/2720 under the Administrator's authority in SFAR 94 to permit operators based at one of the three Maryland airports to fly into, out of or between any of the three airports, provided they do the following:

1. File an IFR or VFR flight plan with Leesburg Automated Flight Service Station;
2. Obtain an Air Traffic Control clearance with a discrete transponder code; and
3. Follow arrival/departure procedures contained in the NOTAM.

Justification for Immediate Adoption

Because the circumstances described herein warrant immediate action, the Administrator finds that notice and public comment under 5 U.S.C. 553(b) is impracticable and contrary to the public interest. Further, the Administrator finds that good cause exists under 5 U.S.C. 553(d) for making this rule effective less than 30 days after publication in the **Federal Register**. The Washington, DC area has a number of critical governmental and national assets. The U.S. government believes that terrorists still are looking to use general aviation aircraft to conduct terrorist activity. General aviation is an attractive means for terrorism because the training period for learning to fly many of the smaller aircraft is shorter, and security at most general aviation airports is not as tight as security at commercial airports. In fact, the FBI issued terrorist alerts in May and July of 2002 regarding small airports. By extending the effective period of this SFAR, critical national assets will continue to be protected against an airborne threat while permitting operations at these airports.

This action is taken in accordance with the Administrator's statutory mandate found in section 44701(a)(5) of Title 49, United States Code (49 U.S.C.) to promote the safe flight of civil aircraft in air commerce by proscribing regulations and minimum standards necessary for safety in air commerce and national security. This action is necessary to permit aircraft operations to resume at the affected airports while preventing possible hazardous actions directed against aircraft, persons, and property within the United States. This action is also being taken pursuant to the statutory authority in 49 U.S.C. section 40103(b)(3).

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA determined that there are no ICAO Standards and Recommended Practices that correspond to this SFAR.

Paperwork Reduction Act

This final rule contains information collection activities subject to the Paperwork Reduction Act (44 U.S.C. 3507(d)). In accordance with the Paperwork Reduction Act, documentation describing the information collection activities was submitted to the Office of Management and Budget (OMB) for review and approval, and assigned control number 2120–0677.

This rule constitutes a recordkeeping and third party disclosure burden on persons conducting operations at specific airports in the Washington, DC area. The respondents are three airports, the State of Maryland, and persons flying to or from these airports.

A protection provided by the Paperwork Reduction Act states that an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. As stated above, the OMB control number is 2120–0677.

Economic Analyses

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (19 U.S.C. sections 2531–2533) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act requires agencies to consider international standards and, where appropriate, to be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation.)

In conducting these analyses, FAA has determined this rule: (1) Has benefits that justify its costs, is a ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866, and is ''significant'' as defined in DOT's Regulatory Policies and Procedures; (2) will have a significant economic impact on a substantial number of small entities; (3) will have no effect on international trade; and does not impose an unfunded mandate on state, local, or tribal governments, or on the private sector. These analyses, available in the docket, are summarized below.

Costs

The FAA has performed an analysis of the expected costs and benefits of this SFAR; specific parts of the SFAR resulted in costs only during its first year, and this analysis will mention them in the course of discussing the different cost elements. The TSA performed the analysis for the SFAR's first year; a copy of their final regulatory evaluation of the economic impacts has been placed in Docket No. FAA–2002–11580; SFAR 94.

The FAA was able to obtain limited historical financial and operational data for College Park and Potomac Field Airports and was also able to obtain this data for part of their first year under the SFAR. Additional data restrictions,

however, limited the analysis of the rule's impact on the Washington Executive Airport/Hyde Field. Thus, as will be seen below, FAA was required to make additional assumptions in doing the analysis for this airport.

In 2000, approximately 89,000 part 91 operations were conducted from these airports. The 2001–2002 flight restrictions have caused significant economic hardship for these airport operators, aircraft owners and operators based at the airports, and businesses located on, or dependent upon, the continued operation of the airports.

To provide a basis for comparison, the operational and financial data provided by the three airports has been adjusted to reflect full years of operation. The projected cost of compliance for all three airports is estimated to be $12.51 million ($11.22 million, discounted) over the 2 years that the SFAR is in effect. In addition, the cost to the Federal and state governments sums to approximately $245,800 ($220,500, discounted), so that the total cost of this final rule is $12.76 million ($11.44 million, discounted).

College Park Airport

The College Park Airport was opened in 1909 and is the oldest continuously operating airport in the world. With the exception of about 100 annual air taxi operations, the College Park Airport serves a combination of private pilots and fliers who use their aircraft to conduct business. This annualized revenue loss was increased by a factor of 20% to account for revenues losses not included in the analysis. Thus, the estimate of losses to College Park Airport associated with complying with the operational restrictions in SFAR 94 is $1.62 million for each of the 2 years examined by this analysis. In doing these analyses, the FAA assumes no change in annual revenue per year.

The cost to the College Park Airport and its pilots of complying with the security provisions of this rule will be approximately $347,700 per year. Security costs, which include airport security program maintenance, airport security program modification, and airport physical security provision, sum to $181,500. Security costs for pilots sum to $166,200 and are based on the ground and in-flight delays.

Potomac Airfield

The Potomac Airfield is a small privately owned airport located in Fort Washington, Maryland. Based on information from the first 8 months of 2002, and assuming that these revenues derived during the period stay the same for the 2 years examined by this analysis, the FAA estimates annual revenue loss to be $1.36 million. This annualized revenue loss was increased by a factor of 20% to account for revenue losses not included in the analysis. Thus the FAA estimates losses of $1.63 million for each of the 2 years examined by this analysis.

The estimated cost to Potomac Airfield Airport and its pilots of complying with the security provisions of this rule will be approximately $411,000 over each year that SFAR 94 is in effect. Security costs, which include airport security program maintenance, airport security program modification, and airport physical security provision, sum to $63,100. Security costs for pilots sum to $347,900 and are based on the ground and in-flight delays.

Washington Executive/Hyde Field Airport

Washington Executive/Hyde Field Airport is a small privately owned airport located in Clinton, Maryland. The airport largely serves the needs of private fliers and pilots who occasionally fly for business reasons. This airport was closed longer than the other two; operations resumed at Hyde Field on March 2, 2002. However, on May 17, 2002, the airport was closed again because of a security violation. The airport reopened on September 28, 2002. For costing purposes, the FAA assumes that this airport will remain open for the 2 years of the SFAR 94 extension.

Because the airport had been closed for much of 2002, revenue data is very sketchy. The FAA was able to obtain information on some components, such as fuel sales, aircraft storage fees, landing fees, and miscellaneous sales, but was unable to obtain information on other components, such as aircraft maintenance, aircraft rental, and avionic services. Accordingly, the cost of compliance for the Washington Executive Airport has been adjusted to compensate for the lack of financial data. To offset this shortcoming, the average of the estimated costs of the operational restrictions incurred by the two other airports has been added to the cost of compliance for the Washington Executive Airport. The similarities in size, operations, and geographic location of these airports add credibility to the extrapolation of financial losses. This resulted in the estimate of losses associated with complying with the operational restrictions of SFAR 94 for this airport to be $1.52 million for each of the 2 years examined by this analysis. The FAA does not have historical data on revenue growth at this airport. Accordingly, the FAA will assume no annual change in revenue from either the base period or the contrast period.

The estimated cost to this airport and its pilots of complying with the security provisions of this rule will be approximately $641,900 over each year that SFAR 94 is in effect. Security costs, which include airport security program maintenance, airport security program modification, and airport physical security provision, sum to $78,600 annually. Security costs for pilots sum to $563,300 annually and are based on the ground and in-flight delays.

Other Costs

This rule will impose costs on both Federal and state governmental agencies, totaling $122,900 per year, which is made up of:

- A security specialist at TSA will mandate periodic modifications to each airport's security procedures as well as check each airport's compliance with these mandates.
- Flight service station specialists will need to file the flight plans.
- An airport inspector at TSA will inspect each airport on a monthly basis. This inspector will need to liaison with the state government law enforcement agency involved in the program and will need to fill out airport inspection forms for each airport inspection.

Benefits

This final rule is intended to provide an increased level of safety and security against the threat of airborne terrorist attacks. The primary benefit of the rule will be enhanced protection for the vulnerability of a significant number of vital government assets in the National Capital Region. The temporary security provisions and flight restrictions contained in this rule are an integral part of the effort to identify and defeat the threat posed by terrorists.

For the past two decades, the major goal of aviation security has been the prevention of in-flight bombings and acts of sabotage. Thus, the major line of defense against an aviation-related criminal or terrorist act has been the prevention of an explosive or incendiary device from getting on board an airplane. The February 1993 attack on the World Trade Center (WTC) raised public awareness that the scope of the foreign terrorist threat in the U.S. was more serious and technically more sophisticated than previously thought. The ensuing investigation revealed that foreign terrorists operating in the U.S. are capable of building sophisticated explosive devices and covertly carrying out their plans. The attacks of September 11, 2001, introduced the

specter of terrorists using civil aviation aircraft as a missile against civilian targets, government control centers, political targets, and economic, and/or socially prominent assets. This raises concern regarding the vulnerability of critical government and military facilities to the threat of terrorism. National security demands that a terrorist strike within the National Capital Region must be taken into consideration.

The experience of the past 30 years combating acts of air piracy confirms that the losses associated with aircraft bombings and hijackings are identifiable, measurable, and confined. The cost of a catastrophic terrorist act against a civilian aircraft can be estimated in terms of lives lost, property damage, decreased public utilization of air transportation, etc. A terrorist attack using a weapon of mass destruction on an urban area would inflict casualties and property damage on a far greater scale than any act perpetrated against a commercial aircraft. If successful, the economic impact would be enormous and in many ways incalculable as demonstrated by the September 11, 2001, attacks, for which the economic costs will not be fully realized for several years. However, even if such an attack failed, there would be a direct economic cost of reduced travel and tourism due to individuals' perceptions of safety and security.

The rule's objective is to reduce the risk that an airborne terrorist attack initiated from an airport moments away from vital national assets will occur. The cost of a major act of terrorism against a nationally prominent target or critical government infrastructure is extremely difficult to quantify. Dependent upon the target and extent of damages, etc., this type of terrorist act would have far reaching economic consequences and long lasting social and/or political implications. As such, losses associated with such an act are virtually impossible to estimate.

The following analysis describes an attempt at quantifying some of the elements involved with the impact of a small general aviation aircraft within the National Capital Region. This is intended to allow the reader to judge the likelihood of benefits of the rule equaling or exceeding its cost. The FAA recognizes that such an impact may not cause substantial damage to property or a large structure; however, it could potentially result in an undetermined number of fatalities and injuries and reduced tourism.

The FAA is unable to predict which target or location such an aircraft would crash into. In a worst-case scenario, a general aviation aircraft could be flown into the dome of the Capitol Building. While the destruction of the aircraft is almost certain, it is not known to what extent the dome or the building would be damaged. Fatalities and casualties could number into the thousands in the case of a direct attack. According to the Capitol Visitor Center website, as many as 18,000 individuals visited the Capitol Building each day during peak season, and this does not take into account those who work or do business in the Capitol Building on a daily basis when Congress is in session. Due to the number of unknowns involved in a terrorist attack in the National Capital Region, the economic cost due to fatalities, casualties and property damage are inestimable.

In addition to casualties and property damage, which are difficult to quantify, there would be the potential loss of revenue from a decrease in travel and tourism resulting from a terrorist incident in the nation's capital. This negative impact that a terrorist attack, successful or not, would have on tourism is quantifiable. The heightened state of alert that follows a terrorist strike is typified by halted public tours, obstructed streets, off limits public buildings, closed down landmarks, and increased public apprehension. After the September 11th attacks, tours at the Capitol Building were curtailed and tourism as a whole declined. A terrorist attack specifically against the nation's capital would draw significant national and international media attention. The adverse publicity would weaken consumer confidence and further discourage travel and tourism to the Washington, DC Metropolitan area. The U.S. National Park Service and the District of Columbia Government's Office of Planning and Economic Development cite that tourism is the number one private sector Industry in the region. An estimated 22 million visitors come to the Washington Region each year, and spent, on average, about $116.00 per person.

Assuming that each person spends $116 per visit, multiplying this times 22,000,000 tourist yields $2.552 billion as the annual contribution visitors make to the Washington, DC economy. Based on the experience of September 11, 2001, the FAA believes that a decline of three percent is a conservative estimation as to the decline in overall tourism. Three percent of the $2.552 billion would result in a $76.56 million decline in revenues to the District of Columbia economy. The FAA believes that the casualty and property loss added to the estimated $76.56 million revenue decline from reduced tourism could easily be in the hundreds of millions of dollars.

This SFAR was promulgated on February 13, 2002 and will last for 3 years. Accordingly, these benefits need to be applied over this 3-year period. This analysis looks at the costs and benefits of the SFAR extension, for the final 2 years of this SFAR, so the benefits calculations need to be examined for this 2-year period, meaning that only two-thirds of the $76.56 million can be applied to this rule; benefits sum to $51.04 million ($45.78 million, discounted); these benefits assume an equally likely chance that this incident will be avoided during any time over the 3-year period. The TSA regulatory evaluation will analyze the benefits for the first year of the SFAR.

The cost of this rule is estimated to be $12.76 million ($11.44 million, discounted). This cost needs to be compared to the possible unfortunate consequences that could occur if a terrorist attack using a small general aviation aircraft is carried out against a public facility or congested public assembly area located within National Capital Region. Using conservative assumptions, the FAA estimates that the costs of an airborne attack could equal $76.56 million in terms of fatalities, injuries, the destruction of the airplane, and reduced tourism. Two-thirds of these costs can be counted as the benefits for this SFAR extension, and they need to be contrasted with the cost of implementing SFAR 94 for all three airports. The FAA concludes that the benefits vastly outweigh the costs.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation.'' To achieve that principle, the RFA requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the Act. However, if an

agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the 1980 RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

The FAA is not required to provide a regulatory flexibility analysis for this rulemaking action, because there was not a previous Notice of Proposed Rulemaking (NPRM). (*See* ''Justification for Immediate Adoption,'' above.) The FAA has provided one, however, because it believes that it is important to show the potential impact on these entities for completeness.

For this SFAR, the small entity group is considered to be small general aviation airports (Standard Industrial Classification Code [SIC] 4581—Airports, Flying Fields, and Airport Terminal Services). The small entity size standards criteria used by the FAA in past analyses involving airports defines a small airport as one with annual revenues of less than $5 million. In addition, all privately owned, public-use airports are considered small.

Three airports are affected by this rule. The College Park Airport is owned and partially funded by two Maryland Counties, Montgomery and Prince Georges. The 2000 census discloses that the combined population of the two counties is approximately 1.7 million. As such, the College Park Airport is not a small entity. Both the Potomac Airfield Airport and Washington Executive Airport/Hyde Field are privately owned and considered small in this analysis.

As a basis for comparison among small airports, the FAA examined the revenue base for all Part 139 small airports. Small general aviation airports are not required to have security programs; only those airports that have scheduled service are required to have such a program. Air carrier airports are funded from tax revenues and generally have greater aviation traffic activity than general aviation airports and airports without scheduled service. The two small airports subject to SFAR 94 are not supported from tax revenues, as the revenues that sustain the two airports are derived solely from the pilots who use the airports. The estimated annual cost of compliance, based on known costs and revenues for the Washington Executive Airport is $290,700 and the burden on the Potomac Airfield Airport is $220,700; they increase to $333,100 and $252,200 when the anticipated airport revenue losses are increased by 20%, as discussed above. These costs are considered burdensome because they are well in excess of one percent of the median annual revenue of small airport operators (one percent of the annual median revenue for small operators is $28,000). Therefore, the FAA has determined that the rule will have a significant economic impact on a substantial number of small entities.

Regulatory Flexibility Analysis

Under section 603 (b) of the RFA (as amended), each final regulatory flexibility analysis is required to address the following points: (1) Reasons why the FAA considered the rule, (2) the objectives and legal basis of the rule, (3) the kind and number of small entities to which the rule will apply, (4) the reporting, record keeping, and other compliance requirements of the rule, and (5) all Federal rules that may duplicate, overlap, or conflict with the rule. The FAAA will perform an analysis for the two small airports impacted by this rule.

Reasons why the FAA considered the rule—The catastrophic events of September 11, 2001, introduced the awareness that terrorists will use civil aviation aircraft as a missile or possible carriers of biological, chemical, radioactive and/or conventional weaponry against civilian targets. The airports affected by this rule are located within a few minutes flight from vital civilian and military control centers. This final rule recognizes that the terrorist threat is changing and growing and that extraordinary steps must be taken to safeguard vulnerable critical national assets and counter the increased threat level.

The objectives and legal basis for the rule—The objective of the rule is to restore operations at the affected airports while attempting to counter the threat of a possible terrorist airborne attack carried out against vital national assets located within the National Capital Region. The Legal basis for the rule is found in 49 U.S.C. 44901 *et seq.* Both the FAA and the TSA must consider, as a matter of policy, maintaining and enhancing safety and security in air commerce as its highest priorities (49 U.S.C. 40101(d)).

The kind and number of small entities to which the rule will apply—The rule applies to two small general aviation airports subject to SFAR 94. Private fliers and some pilots who occasionally operate their aircraft for business reasons use the two airports.

The reporting, record keeping, and other compliance requirements of the rule—As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the FAA has submitted a copy of these sections to the Office of Management and Budget (OMB) for its review:

Paragraph 4.—Airport Security procedures, Subparagraph (a) requires the two airports to modify or submit the security procedures program at the request of the TSA as well as maintain their security program. The cost and time required for these activities is estimated to be $672 at Potomac, taking 16 hours, and $600 at Washington Executive/Hyde, taking 15 hours for a total of $1,272, taking 31 hours.

All Federal rules that may duplicate, overlap, or conflict with the rule—The FAA is unaware of any Federal rules that duplicate, overlap, or conflict with this rule.

Other Considerations

Affordability analysis—The extent to which a small airport can ''afford'' the cost of compliance is directly related on the availability of income and earnings. The small airports subject to this rule generate income to sustain their operations from landing fees, tie-down charges, rent and other compensation paid by airport tenants, fuel sales, flight school instruction, sightseeing rides, aircraft rentals, and miscellaneous local sales. All of these sources of income are influenced directly by the number of operations at the airport. The reduction in operations experienced by the airports as a consequence of the flight restrictions in place before and after this rule became effective is significant.

The decrease in operations corresponds directly to the decline in working capital at the airports. Working capital is defined as the excess of current assets over current liabilities. The financial strength and viability of a business entity's financial strength is substantially influenced by its working capital position and its ability to meet its short-term liabilities. As fixed-base operator and pilots have relocated to other airfield, revenues have continued to decline. Besides laying-off staff, without other sources of revenue, the airports are unable to implement offsetting cost-saving efficiencies that could ameliorate the loss of income.

At this time, there is no comprehensive source of information available that would account for a total financial picture of these airports. There is also no information about the airports' ability to obtain credit. The only evidence is limited to the fact that the airport and its tenants generated revenues in previous years and were able to pay their taxes. As such, it can

be assumed that these small entities were generating sufficient revenues to meet tax and other obligations; however, the costs of complying with SFAR 94 are very high relative to the current revenues reported by the airports. As discussed in more detail in the full analysis, the security costs alone are more than 20 percent of the projected revenues, $63,100 out of total airport revenue of $259,000 at Potomac and $78,600 out of total airport revenue of $291,300 at Washington Executive Airport/Hyde Field.

The financial impact of the flight restrictions in place before the effective date of SFAR 94 is significant relative to the size of these airports. The reopening of the airports has not improved the financial posture of the airports. The May 17, 2002 temporary closing again of Washington Executive Airport/Hyde Field imperiled the survival of this airport. The complex and burdensome flight restrictions now in place are intimidating and have caused many private pilots to relocate to other airports. On the basis of the above, the FAA considers that the rule will threaten the viability of the impacted airports.

Competitiveness analysis—Airports located further away from the DCA VOR/DME are not subject to the security provisions and air traffic restrictions now in effect for College Park Airport, Potomac Airfield Airport, and Washington Executive Airport/Hyde Field. These airports offer a convenient alternative location for pilots seeking to avoid costly operational restrictions and security requirements. The availability of these airports has contributed to reducing the competitiveness of the affected airports. Pilots flying into the airports covered by this SFAR face additional costs in filing flight plans which they would not have at alternative airport; these costs sum to $347,900 annually ($33.13 per operation) at Potomac and $563,300 annually ($33.14 per operation) at Washington Executive Airport/Hyde Field.

Business Closure—The FAA is unable to determine with certainty whether the two small airports significantly impacted by this rule will remain open. On the basis of the Affordability Analysis provided above, the FAA considers that the rule will threaten the viability of the impacted airports.

Alternatives

This rule was brought about by the need to restore operations at the affected airports while providing increased protection against the threat of a terrorist strike to the Nation's capital. The FAA found that the urgent need to provide relief made the use of advance notice impractical and contrary to public interests. The fact that the rule is in effect reduces the number of options to be examined in this analysis; meanwhile, the FAA and the TSA are considering all comments and reviewing other alternatives. Moreover, both agencies believe that any change to the security requirements or air traffic restrictions would be the equivalent of revoking the rule and increasing the vulnerability of the National Capital Region. Thus, the FAA has examined the following three alternatives.

Alternative 1—Rescind the rule immediately—This alternative would provide immediate relief to the airports by removing security provisions and restoring former air traffic control procedures and air space configurations. Implementation of this alternative would facilitate the return of pilots who, for the sake of operating simplicity and reduced flying costs, relocated to other airports. This would be the least costly option. The FAA believes that the threat of terrorists using aircraft as missiles must be guarded against. This makes this regulation necessary until such time that this threat is neutralized.

Conclusion: Rescinding the rule would increase the vulnerability and diminish the level of protection now in place to safeguard vital national assets located within the National Capital Region. This alternative is rejected because it would compromise the security of vital national assets and increase their vulnerability.

Alternative 2—Status Quo—Under this alternative, the FAA and TSA would maintain the present security and air traffic operational restrictions. The annual cost of compliance for the affected airports totals $511,400; they increase to $585,400 when the anticipated airport revenue losses are increased by 20% The rule ensures that any aircraft operating to and from the affected airports and transiting the restricted area specified in the SFAR has been properly identified and cleared.

Conclusion: This alternative is preferred because it balances the security concerns against the impact on the three airports and related businesses.

Alternative 3—Close Airports Permanently—Under this alternative, the FAA would completely close the three airports to all aviation operations. This would effectively close all aviation-related businesses at or near the affected airports. They would be forced to move to other airports or close their businesses permanently. All pilots who have aircraft permanently based at the airports would also be forced to move their aircraft to other locations, thereby imposing moving costs, including new hanger, tie-down, storage fees, etc. Workers at the airports would be forced to seek employment at one of the other general aviation airports in the Washington Metro area. This is the most costly option.

Conclusion: This alternative is not preferred because it causes the greatest financial burden on the airports, their tenants and aviation-related businesses, and individuals who work or store aircraft at the three affected airports.

International Trade Impact Statement

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and where appropriate, that they be the basis for U.S. standards. In addition, consistent with the Administration's belief in the general superiority and desirability of free trade, it is the policy of the Administration to remove or diminish to the extent feasible, barriers to international trade, including both barriers affecting the export of American goods and services to foreign countries and barriers affecting the import of foreign goods and services into the United States.

In accordance with the above statute and policy, the FAA has assessed the potential effect of this final rule and has determined that it will have only a domestic impact and therefore no affect on any trade-sensitive activity.

Executive Order 13132, Federalism

The FAA has analyzed this rule under the principles and criteria of Executive Order 13132, Federalism. The FAA has determined that this action will not have a substantial direct effect on the States, or the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, we have determined that this final rule does not have Federalism implications.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (the Act), enacted as Pub. L. 104–4 on March 22, 1995 is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments. Title II of the Act requires each Federal

agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in a $100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.''

This rule does not contain such a mandate. Additionally, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply when no notice of proposed rulemaking has first been published. Accordingly, the FAA has not prepared a statement under the Act.

Environmental Analysis

FAA Order 1050.1D defines FAA actions that may be categorically excluded from preparation of a National Environmental Policy Act (NEPA) environmental impact statement. In accordance with FAA Order 1050.1D, appendix 4, paragraph 4(j) this rulemaking action qualifies for a categorical exclusion.

Energy Impact

The energy impact of this SFAR has been assessed in accordance with the Energy Policy and Conservation Act (EPCA), Pub. L. 94–163, as amended (42 U.S.C. 6362) and FAA Order 1053.1. It has been determined that this SFAR is not a major regulatory action under the provisions of the EPCA.

List of Subjects in 14 CFR Part 91

Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Security.

The Amendment

For the reasons stated in the preamble, the Federal Aviation Administration amends 14 CFR chapter I 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, 40101, 44111, 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. Amend Special Federal Aviation Regulation (SFAR) No. 94 by revising section 7 to read as follows:

SFAR NO. 94—ENHANCED SECURITY PROCEDURES FOR OPERATIONS AT CERTAIN AIRPORTS IN THE WASHINGTON, DC METROPOLITAN AREA SPECIAL FLIGHT RULES AREA

* * * * *

7. *Expiration.* This Special Federal Aviation Regulation shall remain in effect until February 13, 2005.

Issued in Washington, DC on February 11, 2003.

Marion C. Blakey,

Administrator.

[FR Doc. 03–3777 Filed 2–12–03; 9:25 am]

BILLING CODE 4910–13–P

Reader Aids

Federal Register

Vol. 68, No. 31

Friday, February 14, 2003

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
TTY for the deaf-and-hard-of-hearing	**741–6086**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **http://www.access.gpo.gov/nara**

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access are located at: **http://www.archives.gov/federal__register/**

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **http://listserv.access.gpo.gov** and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings);* then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list* (or change settings); then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **info@fedreg.nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, FEBRUARY

5203–5528 3
5529–5784 4
5785–6060 5
6061–6338 6
6339–6602 7
6603–6814 10
6815–7062 11
7063–7300 12
7301–7410 13
7411–7692 14

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
7644 6055
7645 6057
7646 6059
7647 7053

Executive Orders:
13285 5203

Presidential Determinations:
No. 2003-13 of January 29, 2003 5785
No. 2003-14 of January 30, 2003 5787

5 CFR

576 5529
875 5530
890 5470

Proposed Rules:
890 6649

7 CFR

1 39
15f 7411
301 ..... 5793, 5794, 6603
318 ..... 5796, 5800
319 6544
330 6341
354 6341
1000 7063
1001 7063
1005 7063
1006 7063
1007 7063
1030 7063
1032 ..... 7063, 7070
1033 7063
1124 7063
1126 7063
1131 7063
1135 7063
1413 5205

Proposed Rules:
319 6352
360 6653
1466 6655

9 CFR

4 6341
11 6341
12 6341
49 6341
50 6341
51 6341
52 6341
53 6341
54 6341
70 6341
71 6341
72 6341
73 6341
74 6341
75 6341
77 6341
78 6341
79 6341
80 6341
82 7412
85 6341
89 6341
91 6341
92 6341
93 ..... 6341, 7414
94 ..... 5802, 6341
95 6341
96 6341
97 6341
98 6341
99 6341
122 6341
123 6341
124 6341
130 6341
145 6341
147 6341
160 6341
161 6341
162 6341
166 ..... 6341, 7415

Proposed Rules:
94 6673

11 CFR

110 6346

12 CFR

272 6061
303 7301
1750 7309
1805 5704
1806 5717

Proposed Rules:
3 6363
5 6363
6 6363
7 6363
9 6363
28 6363
34 6363
609 5595
611 5587
612 5587
614 ..... 5587, 5595
615 5595
617 ..... 5587, 5595

13 CFR

Proposed Rules:
120 5234
121 5234

14 CFR

23 5538
25 5208
39 ..... 5541, 5805, 5808, 5810,

5812, 5815, 5818, 5819, 5822, 6347, 6815, 7652
71 .....6606, 6607, 7652
91.....7684
97.....6816, 6818
119.....5782
121.....5782
129.....5782
135.....5782
150.....6608
183.....5782
Proposed Rules:
1.....6802
39 .....5610, 5856, 6376, 6379, 6380, 6382, 6383, 7081, 7084, 7449, 7451
71.....5613, 6677
91.....6802
121.....6802
125.....5488, 6802
135.....5488, 6802
255.....7325

15 CFR

2016.....5542

16 CFR

1512.....7072

17 CFR

1.....5545
30.....5545
190.....5545
205.....6296
210.....6006
228.....5982
229.....5982
239.....6564
240.....5348, 6006
249 .....5348, 5982, 6006, 6564
270.....5348, 6564
274 .....5348, 6006, 6564
275.....6585
Proposed Rules:
205.....6324
240.....6324
249.....6324
270.....7038
275.....7038

18 CFR

375.....6608
390.....7416

20 CFR

260.....6820
320.....6820
404.....5210
416.....5210

21 CFR

58.....6609
73.....7416
201.....6062
529.....5562
558.....6820
866.....5825
Proposed Rules:
1.....5378, 5428

22 CFR

120.....7417
123.....6609
Proposed Rules:
307.....5857

23 CFR

450.....7418
Proposed Rules:
1225.....6091

24 CFR

234.....6396
Proposed Rules:
902.....6262
3500.....6385

26 CFR

1 .....5346, 6081, 6350
Proposed Rules:
1.....7453, 7454
41.....7454
48.....7454
145.....7454

27 CFR

Proposed Rules:
55.....7410

28 CFR

105.....7313
522.....5563

29 CFR

4022.....7419
4044.....7419
Proposed Rules:
4000.....7454
4003.....7454
4007.....7454
4010.....7454
4011.....7454
4022.....7454
4041.....7454
4041a.....7454
4043.....7454
4050.....7454
4062.....7454
4203.....7454
4204.....7454
4207.....7454
4208.....7454
4211.....7454
4219.....7454
4220.....7454
4221.....7454
4231.....7454
4245.....7454
4281.....7454
4901.....7454
4902.....7454
4903.....7454
4907.....7454

30 CFR

100.....6609
250.....7421
Proposed Rules:
206.....7085, 7086
917.....6838
934.....6842

31 CFR

103.....6613
321.....7427
351.....7427
352.....7427
353.....7427
359.....7427
360.....7427
501.....6820

32 CFR

199.....6617
254.....6082
706 .....5827, 5828, 5829, 5830, 5831

33 CFR

117 .....5832, 6621, 7427
165 .....5833, 7073, 7075, 7078
Proposed Rules:
117 .....5858, 6100, 7087
165 .....5614, 6844, 7093, 7471, 7473
179.....7096
181.....7096
183.....7096
385.....5860

36 CFR

242.....7276, 7298
Proposed Rules:
242.....7294

37 CFR

Proposed Rules:
201.....6678

38 CFR

19.....6621
36.....6625
Proposed Rules:
3.....6679, 6998
4.....6998

40 CFR

9.....7176
52 .....5221, 5228, 6627, 6629, 7174, 7321, 7428
61.....6082
62.....6630, 6633
63.....6635
81.....7174, 7410
122.....7176
123.....7176
180 .....5835, 5839, 5847, 7428
412.....7176
Proposed Rules:
52 .....5246, 5263, 6681, 7327, 7330, 7476
62.....6681, 6682
180.....7097

42 CFR

405.....6636
419.....6636
Proposed Rules:
413.....6682

44 CFR

64.....5852
65 .....6644, 6823, 6826
67.....6828, 6830
Proposed Rules:
61.....5264
67.....6847, 6861

45 CFR

1602.....7433

46 CFR

356.....5564
Proposed Rules:
401.....7489

47 CFR

32.....6351
52.....7323
53.....6351
54.....6646, 6832
64.....6351, 6352
73 .....5583, 5584, 5854, 5855, 6082
Proposed Rules:
0.....6689
43.....6689
63.....6689
64.....6689
73 .....5616, 5617, 5860, 5861, 5862
90.....6687, 6688

48 CFR

201.....7438
202.....7438
204.....7438
206.....7438
209.....7438
212.....7438
214.....7438
217.....7438
219.....7438
225.....7441
230.....7438
231.....7438
232.....7438
236.....7438
237.....7443
239.....7438
242.....7438
249.....7438
250.....7438
252.....7441
253.....7438
923.....6355
936.....6355
970.....6355
1804.....5230
1827.....5230
1835.....5230
1852.....5230
Proposed Rules:
2.....5774
31.....5774
52.....5778
228.....7490
252.....7491

49 CFR

571.....6359
1540.....7444
1570.....6083
1572.....6083
Proposed Rules:
173.....6689
192.....6385
571.....5863, 7100
1180.....6695

50 CFR

100.....7276, 7298
223.....7080
622.....6360
648.....6088
679 .....5585, 6833, 7323, 7448

Proposed Rules:

17.....6863
20.....6697
21.....6697
92.....6697
100.....7294
300.....6103
600.....6863, 7492
679.....6386, 6865

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT FEBRUARY 14, 2003

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Exportation and improtation of animals and animal products:

Horses from contagious equine metritis (CEM)-affected countries—

Texas; Stallions and mares; removal from approved States list; published 2-14-03

Swine health protection:

Kansas and Oregon; States permitting swine to be fed treated garbage; removal from list; published 2-14-03

AGRICULTURE DEPARTMENT

Administrative practice and procedure:

Adjudications under Section 741; administrative civil rights; nondiscrimination; published 2-14-03

DEFENSE DEPARTMENT

Federal Acquisition Regulation (FAR):

Emergency acquisitions; regions subject to economic sanctions; published 2-14-03

Fish, shellfish, and seafood products; published 2-14-03

Security-guard functions; contractor performance; published 2-14-03

Technical amendments; published 2-14-03

ENVIRONMENTAL PROTECTION AGENCY

Air pollution control:

State operating permits programs—

Maryland; published 1-15-03

Air quality implementation plans; approval and promulgation; various States:

Louisiana; published 2-14-03

Virginia; published 12-16-02

Hazardous waste program authorizations:

New Jersey; published 12-16-02

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Imazamox; published 2-14-03

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Univair Aircraft Corp.; published 1-2-03

TRANSPORTATION DEPARTMENT

Research and Special Programs Administration

Hazardous materials:

Infectious substances transportation requirements; standards revision

Correction; published 8-27-02

TRANSPORTATION DEPARTMENT

Transportation Security Administration

Civil aviation security:

Prohibited items in passenger aircraft cabins, sterile areas, and in passenger's checked baggage; published 2-14-03

RULES GOING INTO EFFECT FEBRUARY 16, 2003

TRANSPORTATION DEPARTMENT

Coast Guard

Ports and waterways safety:

Palm Beach, Port Everglades, Fort Lauderdale, Miami, and Key West, FL; security zones; published 1-23-03

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Plant-related quarantine, foreign:

Hot water dip treatment for mangoes; comments due by 2-18-03; published 1-2-03 [FR 02-33049]

Ya pears from China; comments due by 2-18-03; published 12-20-02 [FR 02-32056]

Plant related quarantine; domestic:

Mexican fruit fly; comments due by 2-21-03; published 12-23-02 [FR 02-32178]

AGRICULTURE DEPARTMENT

Forest Service

National Forest System lands; projects and activities; notice, comment, and appeal procedures; comments due by 2-18-03; published 12-18-02 [FR 02-31681]

AGRICULTURE DEPARTMENT

Farm Service Agency

Program regulations:

Rural Business Enterprise and Television Demonstration Grant Programs; rural area definition, etc.; comments due by 2-18-03; published 12-20-02 [FR 02-32050]

AGRICULTURE DEPARTMENT

Food Safety and Inspection Service

Meetings:

Listeria risk assessment; comments due by 2-21-03; published 2-6-03 [FR 03-02942]

AGRICULTURE DEPARTMENT

Natural Resources Conservation Service

Support activities:

Technical service provider assistance; comments due by 2-19-03; published 11-21-02 [FR 02-29301]

AGRICULTURE DEPARTMENT

Rural Business-Cooperative Service

Program regulations:

Rural Business Enterprise and Television Demonstration Grant Programs; rural area definition, etc.; comments due by 2-18-03; published 12-20-02 [FR 02-32050]

AGRICULTURE DEPARTMENT

Rural Housing Service

Program regulations:

Rural Business Enterprise and Television Demonstration Grant Programs; rural area definition, etc.; comments due by 2-18-03; published 12-20-02 [FR 02-32050]

AGRICULTURE DEPARTMENT

Rural Utilities Service

Program regulations:

Rural Business Enterprise and Television Demonstration Grant Programs; rural area definition, etc.; comments due by 2-18-03; published 12-20-02 [FR 02-32050]

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Atlantic highly migratory species—

Atlantic tunas, swordfish, and sharks; comments due by 2-17-03; published 1-27-03 [FR 03-01786]

International fisheries regulations:

Pacific halibut—

Catch sharing plan and sport fishing management; comments due by 2-18-03; published 2-6-03 [FR 03-02806]

DEFENSE DEPARTMENT

Acquisition regulations:

Governmentwide commercial purchase card internal controls; comments due by 2-18-03; published 12-20-02 [FR 02-31948]

ENVIRONMENTAL PROTECTION AGENCY

Air pollutants, hazardous; national emission standards:

Iron and steel foundries; comments due by 2-21-03; published 12-23-02 [FR 02-31234]

Lime manufacturing plants; comments due by 2-18-03; published 12-20-02 [FR 02-31233]

Primary magnesium refining facilities; comments due by 2-21-03; published 1-22-03 [FR 03-00089]

Taconite iron ore processing plants; comments due by 2-18-03; published 12-18-02 [FR 02-31231]

Air quality implementation plans; approval and promulgation; various States:

Florida; comments due by 2-18-03; published 1-16-03 [FR 03-00857]

Maryland; comments due by 2-18-03; published 1-16-03 [FR 03-00854]

Nevada; comments due by 2-21-03; published 1-22-03 [FR 03-01145]

Ohio; comments due by 2-18-03; published 1-16-03 [FR 03-00961]

Oregon; comments due by 2-21-03; published 1-22-03 [FR 03-00852]

Pennsylvania; comments due by 2-18-03; published 1-17-03 [FR 03-00731]
Superfund program:
National oil and hazardous substances contingency plan—
National priorities list update; comments due by 2-18-03; published 1-16-03 [FR 03-00733]
National priorities list update; comments due by 2-18-03; published 1-16-03 [FR 03-00734]
National priorities list update; comments due by 2-20-03; published 1-21-03 [FR 03-01144]

FEDERAL COMMUNICATIONS COMMISSION
Common carrier services:
International Settlements Policy reform and international settlement rates; comments due by 2-18-03; published 2-10-03 [FR 03-03137]
Radio services, special:
Private land mobile radio services —
Public safety communications in the 800 MHz band, etc.; supplemental comments; comments due by 2-18-03; published 2-10-03 [FR 03-03276]

HEALTH AND HUMAN SERVICES DEPARTMENT
Children and Families Administration
Grants and cooperative agreements; availability, etc.:
Community Services Block Grants; charitable choice provisions; comments due by 2-18-03; published 12-17-02 [FR 02-31675]
Temporary Assistance for Needy Families Program:
Charitable Choice provisions; comments due by 2-18-03; published 12-17-02 [FR 02-31674]

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration
Food for human consumption:
Food labeling—
D-tagatose and dental caries; health claims; comments due by 2-18-03; published 12-2-02 [FR 02-30474]

HEALTH AND HUMAN SERVICES DEPARTMENT
Grants:
Substance Abuse Prevention and Treatment Block Grant and Projects for Assistance in Transition from Homelessness Programs; charitable choice provisions; comments due by 2-18-03; published 12-17-02 [FR 02-31673]

INTERIOR DEPARTMENT
Surface Mining Reclamation and Enforcement Office
Permanent program and abandoned mine land reclamation plan submissions:
Alabama; comments due by 2-18-03; published 1-16-03 [FR 03-00975]
Maryland; comments due by 2-18-03; published 1-16-03 [FR 03-00979]

JUSTICE DEPARTMENT
Prisons Bureau
Inmate control, custody, care, etc.:
Inmate discipline respecting violations of telephone and smoking policies; code number changes for agency tracking purposes only; comments due by 2-18-03; published 12-18-02 [FR 02-31661]

LABOR DEPARTMENT
Mine Safety and Health Administration
Mining products; testing, evaluation, and approval:
Mobile battery-powered machines; plug and receptacle-type connectors; alternate locking devices; comments due by 2-21-03; published 1-22-03 [FR 03-01305]

RAILROAD RETIREMENT BOARD
Railroad Retirement Act:
Account benefits ratio; comments due by 2-18-03; published 12-18-02 [FR 02-31776]
Annuity or lump sum application; Internet filing; comments due by 2-18-03; published 12-18-02 [FR 02-31775]

SECURITIES AND EXCHANGE COMMISSION
Securities:
Issuer repurchases; safe harbor provisions; amendments; comments due by 2-18-03; published 12-18-02 [FR 02-31656]
Sarbanes-Oxley Act of 2002; implementation—
Disclosure requirements; comments due by 2-18-03; published 1-31-03 [FR 03-02018]
Listed company audit committees; standards; comments due by 2-18-03; published 1-17-03 [FR 03-00690]

SOCIAL SECURITY ADMINISTRATION
Administrative regulations:
Federal Tort Claims Act and Military Personnel and Civilian Employees Claims Act; claims; comments due by 2-18-03; published 12-20-02 [FR 02-32051]
Social security benefits and supplemental security income:
Federal old-age, survivors, and disability benefits, and aged, blind, and disabled—
Multiple body system impairments; medical criteria evaluation; comments due by 2-21-03; published 12-23-02 [FR 02-32217]

STATE DEPARTMENT
Visas; immigrant and nonimmigrant documentation:
Uncertified foreign health-care workers; comments due by 2-18-03; published 12-17-02 [FR 02-31603]

TRANSPORTATION DEPARTMENT
Federal Aviation Administration
Airworthiness directives:
Boeing; comments due by 2-18-03; published 1-3-03 [FR 03-00048]
Eurocopter France; comments due by 2-18-03; published 12-18-02 [FR 02-31751]
McDonnell Douglas; comments due by 2-18-03; published 1-3-03 [FR 03-00047]
Raytheon; comments due by 2-18-03; published 1-3-03 [FR 03-00049]
Stemme GmbH & Co. KG; comments due by 2-21-03; published 1-14-03 [FR 03-00673]
Airworthiness standards:
Special conditions—
Pratt & Whitney Canada PT6-67D turbine engine; comments due by 2-18-03; published 1-16-03 [FR 03-01010]

TREASURY DEPARTMENT
Internal Revenue Service
Agency information collection activities:
Proposed collection; comment request; comments due by 2-21-03; published 12-23-02 [FR 02-32154]
Income taxes:
Outbound liquidations to foreign corporations; anti-abuse rule guidance; comments due by 2-18-03; published 11-20-02 [FR 02-29508]
Rents and royalties; advance rentals inclusion in gross income; comments due by 2-18-03; published 12-18-02 [FR 02-31858]
Taxable stock transactions; information reporting requirement; cross-reference; comments due by 2-18-03; published 11-18-02 [FR 02-29200]

TREASURY DEPARTMENT
Practice and procedure:
Practice before Internal Revenue Service; comments due by 2-18-03; published 12-19-02 [FR 02-31989]

VETERANS AFFAIRS DEPARTMENT
Privacy Act; implementation; comments due by 2-18-03; published 12-19-02 [FR 02-31708]

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.J. Res. 18/P.L. 108–5
Making further continuing appropriations for the fiscal year 2003, and for other purposes. (Feb. 7, 2003; 117 Stat. 9)

Last List February 4, 2003

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.