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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–NM–41–AD; Amendment 39–13054; AD 2003–04–06]

RIN 2120–AA64

Airworthiness Directives; Various Aircraft Equipped With Honeywell Primus II RNZ–850/–851 Integrated Navigation Units

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to various aircraft equipped with a certain Honeywell Primus II RNZ–850/–851 Integrated Navigation Unit. As one alternative for compliance, this action provides for a one-time inspection to determine whether a certain modification has been installed on the Honeywell Primus II NV850 Navigation Receiver Module, which is part of the Integrated Navigation Unit. In lieu of accomplishing this inspection, and for aircraft found to have an affected navigation receiver module, this action provides for revising the aircraft flight manual to include new limitations for instrument landing system (ILS) approaches. This action is necessary to ensure that the flightcrew has an accurate glideslope deviation indication. An erroneous glideslope deviation indication could lead to the aircraft making an approach off the glideslope, which could result in impact with an obstacle or terrain. This action is intended to address the identified unsafe condition.

DATES: Effective March 11, 2003.

Comments for inclusion in the Rules Docket must be received on or before April 25, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2003–NM–41–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain “Docket No. 2003–NM–41–AD” in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The information referenced in this AD may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: George Mabuni, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5341; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: The FAA has received reports indicating that erroneous glideslope indications have occurred on certain Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 series airplanes. In these incidents, the glideslope deviation indicator unexpectedly changed from a centered position to a hard-fly-down or hard-fly-up indication during an instrument landing system (ILS) approach. These incidents have been attributed to discrepancies of certain Honeywell Primus II NV–850 Navigation Receiver Modules that are part of the Honeywell Primus II RNZ–850/–851 Integrated Navigation Units installed on the affected airplanes. An affected navigation receiver module may produce an erroneous glideslope deviation indication when operating in a narrow range of cold temperatures

with the glideslope receiver tuned to certain frequencies. An erroneous glideslope deviation indication could lead to the aircraft making an approach off the glideslope, which could result in impact with an obstacle or terrain.

Affected Honeywell Primus II RNZ–850/–851 Integrated Navigation Units are installed on numerous aircraft models. Affected aircraft models include, but are not limited to, BAE Systems (Operations) Limited (Jetstream) Model 4101 airplanes; Bombardier BD–700–1A10 series airplanes; Bombardier CL–215–6B11 (CL415 variant) series airplanes; Cessna Model 560, 560XL, and 650 airplanes; Dassault Model Mystere-Falcon 50 series airplanes; Dornier Model 328–100 and –300 series airplanes; EMBRAER Model EMB–135 series airplanes; Learjet Model 45 airplanes; Raytheon Model Hawker 800XP and Hawker 1000 airplanes; and Sikorsky Model S–76A, S–76B, and S–76C aircraft. All aircraft models equipped with affected integrated navigation units may be subject to the same unsafe condition revealed on the EMBRAER Model EMB–145 series airplanes.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD is being issued to ensure that the flightcrew has an accurate glideslope deviation indication. An erroneous glideslope deviation indication could lead to the aircraft making an approach off the glideslope, which could result in impact with an obstacle or terrain. As one alternative for compliance, this AD provides for a one-time inspection to determine whether an affected navigation receiver module is installed. In lieu of this inspection, and for aircraft with an affected navigation receiver module, the AD also requires revising the Limitations section of the aircraft flight manual to include new limitations for ILS approaches.

Relevant Technical Discussions

During the development of this AD, the FAA received information demonstrating that the planned AD would present significant operational difficulties for affected operators. First, we learned that accomplishing the inspection specified in paragraph (b) of

this AD within the specified compliance time could result in service delays and out-of-service time for affected aircraft. We also received information that the revision to the Limitations section that we were considering was too restrictive for certain airplanes and would have an adverse impact on operations. Further, because a majority of the fleet of affected aircraft is expected to be equipped with an affected navigation receiver module, we found that the adverse impact of this AD would be widespread.

In light of this information, we held further discussions with the manufacturer of the subject parts and representatives of industry. Data presented during these discussions led us to reconsider the degree of urgency of the identified unsafe condition and the requirements of this AD.

Interim Action

This is considered to be interim action. The manufacturer has advised that it currently is developing a modification that will address the unsafe condition addressed by this AD. Once this modification is developed, approved, and available, the FAA may consider additional rulemaking.

Determination of Rule's Effective Date

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

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.

- For each issue, state what specific change to the AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2003-NM-41-AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will 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 final rule does not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2003-04-06 Various Aircraft: Amendment 39-13054. Docket 2003-NM-41-AD.

Applicability: Aircraft, certificated in any category, equipped with a Honeywell Primus II RNZ-850/-851 Integrated Navigation Unit having a part number identified in Table 1 of this AD; including, but not limited to BAE Systems (Operations) Limited (Jetstream) Model 4101 airplanes; Bombardier BD-700-1A10 series airplanes; Bombardier CL-215-6B11 (CL415 variant) series airplanes; Cessna Model 560, 560XL, and 650 airplanes; Dassault Model Mystere-Falcon 50 series airplanes; Dornier Model 328-100 and -300 series airplanes; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 series airplanes; Learjet Model 45 airplanes; Raytheon Model Hawker 800XP and Hawker 1000 airplanes; and Sikorsky Model S-76A, S-76B, and S-76C aircraft. Table 1 of this AD follows:

TABLE 1.—INTEGRATED NAVIGATION UNIT PART NUMBERS

Part numbers
7510100-811 through 7510100-814 inclusive
7510100-831 through 7510100-834 inclusive
7510100-901 through 7510100-904 inclusive
7510100-911 through 7510100-914 inclusive
7510100-921 through 7510100-924 inclusive
7510100-931 through 7510100-934 inclusive

Note 1: This AD applies to Honeywell Primus II RNZ-850/-851 Integrated Navigation Units installed on any aircraft, regardless of whether the aircraft has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For aircraft 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 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 ensure that the flightcrew has an accurate glideslope deviation indication, accomplish the following:

Compliance Time for Action

(a) Within 5 days after the effective date of this AD, accomplish the requirements of either paragraph (b) or (c) of this AD.

Inspection To Determine Part Number

(b) Perform a one-time general visual inspection of the modification plate for the Honeywell Primus II NV-850 Navigation Receiver Module; part number 7510134-811, -831, -901, or -931; which is part of the Honeywell Primus II RNZ-850/-851 Integrated Navigation Unit; to determine if Mod "L" has been installed. The modification plate is located on the bottom of the Honeywell Primus II RNZ-850/-851 Integrated Navigation Unit, is labeled NV-850, and contains the part number and serial number for the Honeywell Primus II NV-850 Navigation Receiver Module. If Mod "L" is installed, the letter "L" will be blacked out.

(1) If Mod "L" is installed, before further flight, do paragraph (c) of this AD.

(2) If Mod "L" is not installed, no further action is required by this paragraph.

Note 2: For the purposes of this AD, a general visual inspection is defined as: "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to enhance visual access to all exposed surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

Note 3: For more information on the inspection specified in paragraph (b) of this AD, refer to Honeywell Technical Newsletter A23-3850-001, Revision 1, dated January 21, 2003.

Aircraft Flight Manual Revision

(c) Revise the Limitations section of the aircraft flight manual (AFM) to include the following statements (which may be accomplished by inserting a copy of the AD into the AFM):

Flight Limitations

When crossing the Outer Marker on glideslope, the altitude must be verified with the value on the published procedure.

For aircraft with a single operating glideslope receiver, the approach may be flown using normal procedures no lower than Localizer Only Minimum Descent Altitude (MDA).

For aircraft with two operating glideslope receivers, the aircraft may be flown to the published minimums for the approach using normal procedures if both glideslope receivers are tuned to the approach and both crew members are monitoring the approach using independent data and displays.

Parts Installation

(d) As of the effective date of this AD, no person may install a Honeywell Primus II NV-850 Navigation Receiver Module on which Mod "L" has been installed, on the Honeywell Primus II RNZ-850/-851 Integrated Navigation Unit of any airplane, unless paragraph (c) of this AD is accomplished.

Alternative Methods of Compliance

(e) 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, Los Angeles Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance or Operations Inspector, as applicable, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

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

Effective Date

(g) This amendment becomes effective on March 11, 2003.

Issued in Renton, Washington, on February 14, 2003.

Vi L. Lipski,

*Manager, Transport Airplane Directorate,
Aircraft Certification Service.*

[FR Doc. 03-4238 Filed 2-21-03; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 14

RIN 2900-AI93

Recognition of Organizations and Accreditation of Representatives, Attorneys, and Agents

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document revises the Department of Veterans Affairs' (VA) existing procedures and requirements regarding recognition of service organizations and accreditation of their representatives and of agents, attorneys, and individuals seeking to represent claimants for benefits administered by VA. These amendments are necessary to improve clarity and to enhance VA's ability to assure high quality representation of claimants.

DATES: *Effective Date:* February 24, 2003.

FOR FURTHER INFORMATION CONTACT: Martin Sendek or Y. Ken Lee, Staff Attorneys, Office of the General Counsel (022), Department of Veterans Affairs, 810 Vermont Ave., NW., Washington, DC 20420, (202) 273-6315.

SUPPLEMENTARY INFORMATION: On November 4, 1998, VA published a notice of proposed rulemaking in the **Federal Register**. 63 FR 59495. We proposed to make numerous minor changes in the provisions governing recognition of organizations and accreditation of representatives, agents, attorneys, and individuals for purposes of updating, clarification, and conformity to governing statutes and to enhance VA's ability to protect the interests of claimants.

The public comment period ended on January 4, 1999. VA received sixteen comments: six from veterans service organizations, six from State departments of veterans affairs, and four from private attorneys. These comments are discussed below.

Based on the rationale set forth in the proposed rule and in this document, we adopt the provisions of the proposed rule as a final rule with changes explained below.

Section 14.627 Definitions

One commenter stated that the language "intends to file" in the definition of "claimant" in proposed § 14.627(g) is confusing and should be modified because there is no way for the organization to ascertain an individual's future intentions. We believe that the definition appropriately includes individuals who intend to file an application for benefits because representation necessarily includes preliminary development and preparation of the application. However, in order to alleviate concern that a representative may not be able to identify claimants based on their intention, we have amended § 14.627(g) to provide that a claimant is one who has filed or has expressed to a representative, agent, or attorney his or her intention to file an application for benefits.

One commenter requested clarification of the definition of "facilities" under proposed § 14.627(j), but provided no explanation of what may be unclear about the proposed definition. We find the definition clear in encompassing office equipment and furniture that promote efficient office operations, and adjacent accommodations, such as parking space,

needed to facilitate access to office space.

Section 14.628 Recognition of Organizations

One commenter recommended clarification of the term “region” in proposed § 14.628(a)(2)(v), for purposes of determining whether an organization is sufficiently diversified geographically to qualify as a national organization. To clarify this provision and to provide objective standards, we changed the “Geographic diversification” requirement to require either one or more posts, chapters, or offices in at least ten states, or one or more members in at least twenty states.

Three commenters expressed concerns regarding the phrase “funded by a State government” for purposes of determining whether an organization qualifies as a State organization as described in proposed § 14.628(b). Two commenters asked about the extent to which an organization must be funded by a State in order to meet this requirement and one also asked whether a local group that receives some State funding could qualify. Another commenter suggested that a State agency should not be disqualified under this section if it shares facilities with a private organization that shares the cost of the facilities. To address the stated concerns, we have amended § 14.628(b) to specify that an organization must be “primarily” funded by a State in order to qualify under that section.

In proposed § 14.628(d)(1)(i), we are maintaining the existing requirement that an organization requesting recognition demonstrate that recognition would benefit veterans. This requirement was inadvertently omitted in the proposed amendment to § 14.628.

One commenter suggested that proposed § 14.628(d)(1)(iv)(A) state that State organizations not be required to provide representation before the Board of Veterans’ Appeals in Washington, DC, if claimants are properly notified in writing of this limitation in service. We believe that this situation is adequately covered in § 14.628(d)(1)(iv) as proposed and therefore make no change based on this comment.

One commenter expressed concern that proposed §§ 14.627(h) and 14.628(d)(1)(iv)(B) could be interpreted as precluding a service organization from declining representation in a frivolous claim, a claim where a proper representative-client relationship cannot be maintained, or a claim where a conflict of interest exists on the part of the organization, unless the organization had previously submitted a statement of policy pursuant to proposed

§ 14.628(d)(1)(iv)(B) stating its intention with respect to such claims. The commenter stated that service organizations should be given the same discretion to decline representation as private attorneys have in such instances.

Another commenter requested clarification of whether, under the definition of “complete claims service” in proposed § 14.627(h), a representative can elect not to join in an administrative appeal. A third commenter requested clarification of whether an organization or an individual representative may determine whether to provide representation in a particular case.

Pursuant to proposed § 14.628(d)(1)(iv), in order to be recognized, an organization must provide complete claims service or give written notice of any limitation in its claims service. “Complete claims service” is defined in § 14.627(h) as including representation through completion of an administrative appeal.

These provisions are intended to ensure that a recognized organization maintains a policy and capability of providing each claimant with representation throughout the course of a claim and administrative appeal or provide written notice of limitations in service and advice concerning alternative service. They are not intended to limit the organization’s discretion to determine whether an appeal is appropriate in a particular claim or to decline representation in an individual case where the circumstances of the case made representation by the organization impracticable or inappropriate. So long as an organization has a policy and capability of providing complete claims service, the requirement for recognition will be met regardless of whether the organization or an individual representative of the organization determines that an administrative appeal is not appropriate based on the facts and law in an individual case and chooses not to participate in the appeal or that based on the circumstances of a particular case representation is rendered impracticable or inappropriate due to the frivolous nature of the claim, the inability to maintain an appropriate representative-claimant relationship, or the potential for a conflict of interest on the part of the organization if representation is provided. A note has been added following

§ 14.628(d)(1)(iv)(B) to clarify this point.

One commenter suggested that it may be impossible to adequately monitor individual representatives to “ensure proper handling of claims” as required by proposed § 14.628(d)(1)(v) if claimants are permitted under proposed

§ 14.631(c) to designate a specific individual service organization representative as their sole representative. The commenter expressed concern that in such a case the organization would lack access to records needed to properly monitor the claim. Regardless of whether a claimant designates an individual or a service organization in a power of attorney, it is a fundamental responsibility of an organization to ensure that its representative provides appropriate assistance to claimants. Although the option for a claimant to designate an individual representative as his or her sole representative may present some difficulty to an organization in monitoring its representatives, this difficulty could be addressed by the organization requiring specific reports from its representatives regarding their activities or by the organization requiring its representatives to decline individual appointments.

One commenter asserted that proposed § 14.628(e) creates an inequitable if not unlawful situation by providing that only the Secretary is authorized to recognize service organizations but that the General Counsel is authorized to deny recognition to service organizations. The commenter suggested that both powers should reside with either the Secretary or the General Counsel. In light of this comment, we have determined that the authority to grant or deny recognition to an organization should reside with the Secretary and have amended § 14.628(e) accordingly.

We also note that electronic filing, via electronic mail or facsimile, of information provided to VA under § 14.628 is acceptable.

Section 14.629 Requirements for Accreditation of Service Organization Representatives; Agents; and Attorneys

One commenter argued that the current introductory text of § 14.629 permitting an “appropriate” VA official to appeal a regional counsel’s determination regarding the qualifications of a service organization representative should not be revised by substitution of reference to a “concerned” VA official, as proposed. The commenter suggested that a “concerned” official could include one motivated by purely personal interests. This change was intended to provide greater specificity in the regulation. Further, it cannot be presumed that VA officials will take official actions based on improper motives. However, to further enhance the specificity of the provision, we have revised the introductory text of § 14.629 to refer to

an appeal by an Adjudication Officer or Service Center Manager.

Several commenters addressed aspects of the testing requirements in proposed §§ 14.629(a)(2)(ii) and 14.629(b)(2). These comments evidenced a misconception that the examination requirements would apply to all service organization representatives. In fact, these requirements, which already exist in current regulations, apply respectively only to county veterans service officers recommended for accreditation by State organizations and to applicants for accreditation as claims agents. In light of this misunderstanding, we make no change based on these comments.

One commenter expressed the view that the claims-agent testing requirement should be applied to all applicants for accreditation. Veterans service organizations generally conduct their own training and testing programs or contract for training and testing of the representatives in order to assure proper handling of claims. VA is aware of no evidence that this system is not working adequately. Accordingly, we see no need for imposition of a requirement that all applicants for accreditation be tested by VA.

To promote consistency with regulations and practices governing access to Veterans Benefits Administration automated claims records, we are adding a note at the end of § 14.629 to clarify that persons working under the supervision of a claimant's designated representative may qualify for read-only access to the claimant's Veterans Benefits Administration automated claims records.

Section 14.631 Powers of Attorney

One commenter questioned the proposal in proposed § 14.631(a)(2) to require the submission of a power of attorney to the VA "regional office that has jurisdiction over the claim." That section currently requires that the power of attorney be submitted to the "appropriate" VA office. The commenter argued that the change is inconsistent with VA's practice of accepting claims at facilities other than regional offices and would require claimants, in certain instances, to submit powers of attorney and claims to different offices. Based on this comment, we have determined to retain the current wording of § 14.631(a)(2).

The same commenter stated that an additional provision should be added to § 14.631(c) permitting a service organization to file with VA a notice that it will not allow the appointment of an individual accredited representative

of the organization as the sole representative of a claimant. The commenter stated that the appointment of specific representatives would impair the ability of the organization to exercise management control over its operations. Two other commenters expressed the belief that a claimant should not be permitted to appoint an individual representative in a power of attorney, as would be permitted under proposed § 14.631(c). Proposed § 14.631(c) is intended to reflect the amendment to 38 U.S.C. 5902(c) made by Public Law 104-275. That statute clearly reflects Congress' judgment that a claimant may under certain circumstances choose to appoint an individual accredited service organization representative as his or her sole representative. We note, however, that, notwithstanding the referenced statute, service organizations retain management authority over their representatives, may direct them not to accept individual appointments, and may request cancellation of their accreditation if they fail to follow organization policy in this regard. Such matters involve issues of internal service organization operations that need not be addressed in the regulations.

One commenter suggested that, in light of proposed § 14.631(d), which permits a service organization or individual named in a claimant's power of attorney to decline appointment as a claimant's representative, the power-of-attorney form should incorporate an acceptance space that must be signed by the accredited representative to make the appointment operative. Because recognized service organizations are generally expected to provide representation to each claimant requesting assistance, we believe it is not unreasonable to require service organizations and their representatives to decline an appointment by written notification to the claimant and VA. Written notification to VA may be submitted via hand delivery, mail, electronic mail, or facsimile. Accordingly, we have adopted proposed § 14.631(d) without change, but have added a note to that provision clarifying the acceptable means of submission of notification to VA.

Section 14.633 Termination of Accreditation of Agents, Attorneys, and Representatives

We received numerous comments on various aspects of our proposed amendments to § 14.633, governing termination of accreditation. In light of these comments, we are undertaking a full reevaluation of that section of the

regulation and plan to publish a revised proposal concerning that provision in the future. Accordingly, we are not adopting any changes to § 14.633 at this time.

Section 14.635 Office Space and Facilities

One commenter stated the belief that an appeal process is needed to prevent arbitrary and capricious decisions from being made by VA facility directors, who have discretion under proposed § 14.635 to withdraw office space and facilities previously granted to an organization and to reassign the space to another organization. As stated in proposed § 14.635(b), final decisions regarding allocation of office space and facilities will be made by the Under Secretary for Benefits in the case of a facility under the control of the Veterans Benefits Administration. Thus, if any organization feels that space has been withdrawn by a facility director in an arbitrary manner, the organization may appeal the matter to the Under Secretary. This should provide a sufficient safeguard against arbitrary decisionmaking. We have added a reference to the regulation to provide for final decision by the Under Secretary for Health in the case of a facility under the control of the Veterans Health Administration.

Another commenter suggested that office space currently assigned to accredited representatives should not be subject to withdrawal. Under 38 U.S.C. 5902(a)(2), VA may, on a discretionary basis, furnish space and facilities, if available, to organizations engaged in claim representation. Guaranteeing space to representatives currently occupying such space would interfere with VA's ability to accomplish its mission by using its facilities in the most efficient manner. Accordingly, we have not adopted this suggestion.

Applicability of Regulations

Three commenters asked whether the proposed amendments would apply to organizations and representatives already recognized or accredited. As to organizations, current regulations at 38 CFR 14.628(a)(1) and (f), which would not be changed by these amendments, reflect VA's understanding that organizations must continue to meet regulatory requirements for recognition in order to retain that recognition. Existing organizations would be expected to meet the amended requirements subsequent to their effective date. However, VA has no plans to conduct a review of already-recognized organizations to assure compliance with the revised

requirements. As to individual representatives, those already accredited need not reapply for accreditation under the amended regulations, nor must new powers of attorney be submitted to replace powers of attorney currently in force.

Unfunded Mandates

The Unfunded Mandates Reform Act requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector of \$100 million or more in any given year. This final rule would have no consequential effect on State, local, or tribal governments.

Paperwork Reduction Act

This document contains provisions constituting a collection of information at 38 CFR 14.629(b) under the Paperwork Reduction Act (44 U.S.C. 3501–3521). Accordingly, the Office of Management and Budget (OMB) has approved the information collection requirements for § 14.629(b) and has assigned an OMB control number 2900–0605.

Executive Order 12866

This document has been reviewed by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

The Secretary hereby certifies that adoption of these amendments will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Because this action merely clarifies VA's procedures concerning the accreditation and recognition of claimant representatives, it will not require significant changes in operations for those affected by the rule. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

List of Subjects in 38 CFR Part 14

Administrative practice and procedure, Claims, Courts, Foreign relations, Government employees, Lawyers, Legal services, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Surety bonds, Trusts and trustees, Veterans.

Approved: November 18, 2002.

Anthony J. Principi,
Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 14 is amended as follows:

**PART 14—LEGAL SERVICES,
GENERAL COUNSEL**

1. The authority citation for part 14 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 2671–2680; 38 U.S.C. 501(a), 512, 515, 5502, 5902–5905; 28 CFR part 14, appendix to part 14, unless otherwise noted.

2. Section 14.626 is revised to read as follows:

§ 14.626 Purpose.

The purpose of the regulation of representatives is to ensure that claimants for Department of Veterans Affairs benefits have responsible, qualified representation in the preparation, presentation, and prosecution of claims for veterans' benefits.

(Authority: 38 U.S.C. 501(a), 5902, 5903, 5904)

3. Section 14.627 is amended by:

- A. Redesignating paragraphs (h), (i), (j), and (k) as paragraphs (k), (l), (m), and (n), respectively.
- B. Revising paragraph (g).
- C. Adding new paragraphs (h), (i), and (j).

D. Adding an authority citation at the end of the section.

The revision and additions read as follows:

§ 14.627 Definitions.

* * * * *

(g) *Claimant* means a person who has filed or has expressed to a representative, agent, or attorney an intention to file a written application for determination of entitlement to benefits provided under title 38, United States Code, and implementing directives.

(h) *Complete claims service* means representation of each claimant requesting assistance, from the initiation of a claim until the completion of any potential administrative appeal.

(i) *Cross-accreditation* means an accreditation based on the status of a representative as an accredited and functioning representative of another organization.

(j) *Facilities* means equipment and furnishings that promote the efficient operation of an office, and adjacent accommodations, which are needed to facilitate access to office space.

* * * * *

(Authority: 38 U.S.C. 501(a), 5902, 5903, 5904)

4. Section 14.628 is amended by:
A. Revising the paragraph heading in paragraph (c).

B. Removing paragraph (e).

C. Redesignating paragraphs (f) and (g) as paragraphs (e) and (f), respectively.

D. Revising paragraphs (a)(2), (b), (d), and newly redesignated paragraph (e).

E. Revising the information collection parenthetical at the end of the section.

The revisions read as follows:

§ 14.628 Recognition of organizations.

* * * * *

(a) * * *

(2) It satisfies the following requirements:

(i) Requirements set forth in paragraph (d) of this section, including information required to be submitted under that paragraph;

(ii) In the case of a membership organization, membership of 2,000 or more persons, as certified by the head of the organization;

(iii) Capability and resources to provide representation to a sizable number of claimants;

(iv) Capability to represent claimants before the Board of Veterans' Appeals in Washington, D.C.; and

(v) Geographic diversification, i.e., either one or more posts, chapters, or offices in at least ten states, or one or more members in at least twenty states.

(b) *State organization.* An organization created and primarily funded by a State government for the purpose of serving the needs of veterans of that State may be recognized. Only one such organization may be recognized in each State.

(c) *Regional or local organization.*

* * *

(d) *Requirements for recognition.* (1) In order to be recognized under this section, an organization shall meet the following requirements:

(i) Have as a primary purpose serving veterans. In establishing that it meets this requirement, an organization requesting recognition shall submit a statement establishing the purpose of the organization and that veterans would benefit by recognition of the organization.

(ii) Demonstrate a substantial service commitment to veterans either by showing a sizable organizational membership or by showing performance of veterans' services to a sizable number of veterans. In establishing that it meets this requirement, an organization requesting recognition shall submit:

(A) The number of members and number of posts, chapters, or offices and their addresses;

(B) A copy of the articles of incorporation, constitution, charter, and

bylaws of the organization, as appropriate;

(C) A description of the services performed or to be performed in connection with programs administered by the Department of Veterans Affairs, with an approximation of the number of veterans, survivors, and dependents served or to be served by the organization in each type of service designated; and

(D) A description of the type of services, if any, performed in connection with other Federal and State programs which are designed to assist former Armed Forces personnel and their dependents, with an approximation of the number of veterans, survivors, and dependents served by the organization under each program designated.

(iii) Commit a significant portion of its assets to veterans' services and have adequate funding to properly perform those services. In establishing that it meets this requirement, an organization requesting recognition shall submit:

(A) A copy of the last financial statement of the organization indicating the amount of funds allocated for conducting particular veterans' services (VA may, in cases where it deems necessary, require an audited financial statement); and

(B) A statement indicating that use of the organization's funding is not subject to limitations imposed under any Federal grant or law which would prevent it from representing claimants before the Department of Veterans Affairs.

(iv) Maintain a policy and capability of providing complete claims service to each claimant requesting representation or give written notice of any limitation in its claims service with advice concerning the availability of alternative sources of claims service. Except as provided in paragraphs (d)(1)(iv)(A) and (B) of this section, in establishing that it meets this requirement, an organization requesting recognition shall submit evidence of its capability to represent claimants before Department of Veterans Affairs regional offices and before the Board of Veterans' Appeals.

(A) If an organization does not intend to represent claimants before the Board of Veterans' Appeals, the organization shall submit evidence of an association or agreement with a recognized service organization for the purpose of representation before the Board of Veterans' Appeals, or the proposed method of informing claimants of the limitations in service that can be provided, with advice concerning the availability of alternative sources of claims service.

(B) If an organization does not intend to represent each claimant requesting assistance, the organization shall submit a statement of its policy concerning the selection of claimants and the proposed method of informing claimants of this policy, with advice concerning the availability of alternative sources of claims service.

Note to Paragraph (d)(1)(iv): An organization may be considered to provide complete claims service notwithstanding the exercise of discretion to determine that provision of representation in a particular case is impracticable or inappropriate because, under the circumstances, the facts or law do not support the filing of a claim or appeal, an appropriate representative-claimant relationship cannot be maintained, or representation would give rise to a conflict of interest on the part of the organization.

(v) Take affirmative action, including training and monitoring of accredited representatives, to ensure proper handling of claims. In establishing that it meets this requirement, an organization requesting recognition shall submit:

(A) A statement of the skills, training, and other qualifications of current paid or volunteer staff personnel for handling veterans' claims; and

(B) A plan for recruiting and training qualified claim representatives, including the number of hours of formal classroom instruction, the subjects to be taught, the period of on-the-job training, a schedule or timetable for training, the projected number of trainees for the first year, and the name(s) and qualifications of the individual(s) primarily responsible for the training.

(2) In addition, the organization requesting recognition shall supply:

(i) A statement that neither the organization nor its accredited representatives will charge or accept a fee or gratuity for service to a claimant and that the organization will not represent to the public that Department of Veterans Affairs recognition of the organization is for any purpose other than claimant representation; and

(ii) The names, titles, and addresses of officers and the official(s) authorized to certify representatives.

(e) *Recognition or denial.* Only the Secretary is authorized to recognize organizations. Notice of the Secretary's determination on a request for recognition will be sent to an organization within 90 days of receipt of all information to be supplied.

* * * * *

(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900-0439.)

5. Section 14.629 is amended by:

A. Revising the section heading and introductory text.

B. Removing paragraphs (a)(1)(i) through (a)(1)(iii).

C. Revising paragraph (a) introductory text, paragraph (a)(1), paragraph (a)(2)(ii), and the authority citation at the end of paragraph (a).

D. Revising paragraphs (b) and (c).

E. Revising the information collection parenthetical at the end of the section.

The revisions read as follows:

§ 14.629 Requirements for accreditation of service organization representatives; agents; and attorneys.

The Regional Counsel of jurisdiction will resolve any question of current qualifications of a service organization representative, agent, or attorney. The claimant, the service organization representative, agent, or attorney, or an official of the organization for which such person acts, or a Department of Veterans Affairs Adjudication Officer or Service Center Manager may appeal such determination to the General Counsel.

(a) *Service Organization Representatives.* A recognized organization shall file with the Office of the General Counsel VA Form 21 (Application for Accreditation as Service Organization Representative) for each person it desires accredited as a representative of that organization. In recommending a person, the organization shall certify that the designee:

(1) Is of good character and reputation and has demonstrated an ability to represent claimants before the Department of Veterans Affairs;

(2) * * *

(ii) Has successfully completed a course of training and an examination which have been approved by a Regional Counsel with jurisdiction for the State; and

* * * * *

(Authority: 38 U.S.C. 501(a), 5902)

(b) *Agents.* (1) An individual desiring accreditation as an agent must establish that he or she is of good character and reputation and is qualified to render assistance to claimants in the presentation of their claim(s). An individual desiring accreditation as an agent must file a completed application with the Office of the General Counsel on VA Form 21a on which the applicant submits the following:

(i) His or her full name and business address;

(ii) Information concerning the applicant's military and civilian employment history (including character of military discharge, if applicable);

(iii) Information concerning representation provided by the applicant before any department, agency, or bureau of the Federal government;

(iv) Information concerning any criminal background of the applicant;

(v) Information concerning whether the applicant has ever been determined mentally incompetent or hospitalized as a result of a mental disease or disability, or is currently under treatment for a mental disease or disability;

(vi) Information concerning whether the applicant was previously accredited as a representative of a veterans service organization and, if so, whether that accreditation was terminated or suspended by or at the request of that organization;

(vii) The names, addresses, and phone numbers of three character references; and

(viii) Information relevant to whether or not the applicant has any physical limitations which would interfere with the completion of a comprehensive written examination administered under the supervision of a VA Regional Counsel.

(2) Applicants must achieve a score of 75 percent or more on a written examination administered by VA as a prerequisite to accreditation. No applicant shall be allowed to sit for the examination more than twice in any 6-month period.

(Authority: 38 U.S.C. 501(a), 5904)

(c) *Attorneys.* (1) An attorney may represent a claimant upon submission of authorization as described in § 14.631(a) or (b).

(2) If the claimant consents in writing, an attorney associated or affiliated with the claimant's attorney of record or employed by the same legal services office as the attorney of record may assist in the representation of the claimant.

(3) A legal intern, law student, or paralegal may not be independently accredited to represent claimants under this paragraph. A legal intern, law student, or certified paralegal may assist in the preparation, presentation, or prosecution of a claim, under the direct supervision of an attorney of record designated under § 14.631(a) or (b), if the claimant's written consent is furnished to the Department of Veterans Affairs. Such consent must specifically state that participation in all aspects of the claim by a legal intern, law student, or paralegal furnishing written authorization from the attorney of record is authorized. In addition, suitable authorization for access to the claimant's records must be provided in

order for such an individual to participate. The supervising attorney must be present at any hearing in which a legal intern, law student, or paralegal participates. (See § 20.606).

(4) Unless revoked by the claimant, consent provided under paragraph (c)(2) or paragraph (c)(3) of this section shall remain effective in the event the claimant's original attorney is replaced as attorney of record by another member of the same law firm or an attorney employed by the same legal services office.

Note to § 14.629: A legal intern, law student, paralegal, or veterans service organization support-staff person, working under the supervision of an individual designated under § 14.631(a) as the claimant's representative, attorney, or agent, may qualify for read-only access to pertinent Veterans Benefits Administration automated claims records.

(Authority: 38 U.S.C. 501(a), 5904)

(The Office of Management and Budget has approved the information collection requirements in this section under control numbers 2900-0018 and 2900-0605.)

6. Section 14.630 is revised to read as follows:

§ 14.630 Authorization for a particular claim.

(a) Any person may be authorized to prepare, present, and prosecute one claim. A proper power of attorney, and a statement signed by the person and the claimant that no compensation will be charged or paid for the services, shall be filed with the office where the claim is presented. A signed writing, which may be in letter form, identifying the claimant and the type of benefit or relief sought, specifically authorizing a named individual to act as the claimant's representative, and further authorizing direct access to records pertinent to the claim, will be accepted as a power of attorney.

(b) Representation may be provided by an individual pursuant to this section one time only. An exception to this limitation may be granted by the General Counsel in unusual circumstances. Among the factors which may be considered in determining whether an exception will be granted are:

(1) The number of accredited representatives and claims agents operating in the claimant's geographic region;

(2) Whether the claimant has unsuccessfully sought representation from other sources;

(3) The nature and status of the claim; and

(4) Whether there exists unique circumstances which would render alternative representation inadequate.

(Authority: 38 U.S.C. 501(a), 5903)

7. Sections 14.631 is amended by:

A. Revising paragraph (a) introductory text.

B. Removing paragraphs (c)(3) and (e).

C. Redesignating paragraphs (b), (c), and (d) as paragraphs (e), (f), and (g), respectively.

D. Revising newly redesignated paragraphs (e), (f)(1), and (g).

E. Adding paragraphs (b), (c), and (d).

F. Revising the authority citation at the end of the section.

The revisions and additions read as follows:

§ 14.631 Powers of attorney.

(a) A power of attorney, executed on either Department of Veterans Affairs Form 21-22 (Appointment of Veterans Service Organization as Claimant's Representative) or Department of Veterans Affairs Form 22a (Appointment of Attorney or Agent as Claimant's Representative), is required to represent a claimant, except when representation is by an attorney who complies with paragraph (b) of this section or when representation by an individual is authorized under § 14.630. The power of attorney shall meet the following requirements:

* * * * *

(b) An attorney engaged by a client may state in a signed writing on his or her letterhead that the attorney is authorized to represent the claimant. This evidence of authorization shall be equivalent to an executed power of attorney and shall be presented to the Department of Veterans Affairs regional office that has jurisdiction over the claim for filing the claimant's claims folder.

(c) The Secretary may, for any purpose, treat a power of attorney naming as a claimant's representative an organization recognized under § 14.628, a particular office of such an organization, or an individual representative of such an organization as an appointment of the entire organization as the claimant's representative, unless the claimant specifically indicates in the power of attorney a desire to appoint only the individual representative. Such specific indication must be made in the space on the power-of-attorney form for designation of the representative and must use the word "only" with reference to the individual representative.

(d) An organization, representative, agent, or attorney named in a power of

attorney executed pursuant to paragraph (a) of this section may decline to accept appointment as a claimant's representative by so notifying the claimant and the agency of original jurisdiction in writing prior to taking any action on the claimant's behalf before the Department of Veterans Affairs after execution of the power of attorney by the claimant.

Note to § 14.631(d): Written notification to VA may be submitted via hand delivery, mail, electronic mail, or facsimile.

(e) Questions concerning the validity or effect of powers of attorney shall be referred to the Regional Counsel of jurisdiction for initial determination. This determination may be appealed to the General Counsel.

(f)(1) Only one organization, representative, agent, or attorney will be recognized at one time in the prosecution of a particular claim. Except as provided in § 14.629(c) and paragraph (f)(2) of this section, all transactions concerning the claim will be conducted exclusively with the recognized organization, representative, agent, or attorney of record until notice of a change, if any, is received by the appropriate office of the Department of Veterans Affairs.

* * * * *

(g)(1) A power of attorney may be revoked at any time, and an attorney may be discharged at any time. Unless a claimant specifically indicates otherwise, the receipt of a new power of attorney shall constitute a revocation of an existing power of attorney.

(2) If an attorney submits a letter concerning representation under paragraph (b) of this section regarding a particular claim, or a claimant authorizes a person to provide representation in a particular claim under § 14.630, such specific authority shall constitute a revocation of an existing general power of attorney filed under paragraph (a) of this section only as it pertains to, and during the pendency of, that particular claim. Following the final determination of such claim, the general power of attorney shall remain in effect as to any new or reopened claim.

(Authority: 38 U.S.C. 501(a), 5902, 5903, 5904)

8. Section 14.632 is revised to read as follows:

§ 14.632 Determination of qualifications.

If challenged, the qualifications of prospective representatives or agents shall be verified by the Regional Counsel of jurisdiction. The report of the Regional Counsel, if any, including

any recommendation of the Department of Veterans Affairs facility director, and the application shall be transmitted to the General Counsel for final action. If the designee is disapproved by the General Counsel, the reasons will be stated and an opportunity will be given to submit additional information. If the designee is approved, notification of accreditation will be issued by the General Counsel or the General Counsel's designee and will constitute authority to prepare, present, and prosecute claims in all Department of Veterans Affairs installations.

(Authority: 38 U.S.C. 501(a), 5902, 5904)

§ 14.634 [Amended]

9. Section 14.634 is amended by removing the Cross References paragraph at the end of the section.

10. Section § 14.635 is amended by:

A. Revising the introductory text.

B. Revising paragraph (b), and the authority citation at the end of the section.

C. Removing the Cross References paragraph at the end of the section.

The revisions read as follows:

§ 14.635 Office space and facilities.

The Secretary may furnish office space and facilities, if available, in buildings owned or occupied by the Department of Veterans Affairs, for the use of paid full-time representatives of recognized national organizations, and for employees of recognized State organizations who are accredited to national organizations, for purposes of assisting claimants in the preparation, presentation, and prosecution of claims for Department of Veterans Affairs benefits.

* * * * *

(b) When in the judgment of the Director office space and facilities previously granted could be better used by the Department of Veterans Affairs, or would receive more effective use or serve more claimants if allocated to another recognized national organization, the Director may withdraw such space or reassign such space to another organization. In the case of a facility under the control of the Veterans Benefits Administration or the Veterans Health Administration, the final decision on such matters will be made by the Under Secretary for Benefits or the Under Secretary for Health, respectively.

(Authority: 38 U.S.C. 501(a), 5902)

[FR Doc. 03-4203 Filed 2-21-03; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 60

RIN 2900-AL13

Fisher Houses and Other Temporary Lodging

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document establishes requirements regarding the use of Fisher Houses and other temporary lodging by veterans receiving VA medical care or Compensation and Pension (C&P) examinations and by family members or other persons accompanying veterans to provide the equivalent of familial support. This is necessary to implement provisions of the Veterans Benefits and Health Care Improvement Act of 2000.

DATES: *Effective Date:* March 26, 2003.

FOR FURTHER INFORMATION CONTACT: Jill E. Manske, Social Work Services (110B), Veterans Health Administration, 202-273-8549 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: This document sets forth requirements regarding the use of temporary lodging by veterans receiving VA medical care or C&P examinations and by family members or other persons accompanying veterans to provide the equivalent of familial support. VA is mandated to establish a program for providing such temporary lodging under section 221(a) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106-419). These statutory provisions regarding temporary lodging have been codified at 38 U.S.C. 1708 and are administered by the Veterans Health Administration (VHA) of VA.

In a document published in the **Federal Register** on April 30, 2002 (67 FR 21191), VA proposed to provide for temporary lodging at Fisher Houses, VA health care facilities (generally referred to as "hoptels"), and at temporary non-VA lodging facilities, such as hotels or motels, provided by a VA health care facility. These are the facilities that may be used for temporary lodging under 38 U.S.C. 1708.

The public comment period ended on July 1, 2002. We received one comment asking VA to change the text in paragraph 60.2 (1) to add the words "or Fisher House Foundation" after "Zachary and Elizabeth M. Fisher Armed Services Foundation." We agree. This change will accurately reflect the name of this organization.

Based on the rationale set forth in the proposed rule and this document, we

are adopting the provisions of the changed rule as a final rule with the change mentioned above.

Under 38 U.S.C. 1708(c), a Fisher House is a housing facility that is located at or near a VA health care facility, that is available for residential use on a temporary basis by eligible persons, and that was constructed by and donated to VA by the Zachary and Elizabeth M. Fisher Armed Services Foundation or Fisher House Foundation.

Consistent with the limits of statutory authority in 38 U.S.C. 1708(b) and subject to the conditions discussed in this document, this final rule provides that the following are eligible to stay in temporary lodging:

(a) A veteran with an appointment at a VA health care facility for the purpose of receiving health care or a C&P examination; and

(b) A member of the family of such veteran or another person who accompanies such veteran to provide the equivalent of familial support.

This final rule provides that to obtain temporary lodging, a veteran must make an application to the person responsible for coordinating the temporary lodging program at the VA health care facility of jurisdiction. This may be done by letter, electronic means (including telephone, e-mail, or facsimile), or in person at the VA health care facility of jurisdiction. Under the final rule, the veteran must provide the following information:

(a) Veteran's name;

(b) Beginning date and time and duration of scheduled care;

(c) Type of scheduled care;

(d) Name, gender, and relationship to the veteran of person accompanying veteran;

(e) Requested dates for temporary lodging;

(f) Distance, time, and means of travel from the veteran's home to VA health care facility;

(g) Circumstances that may affect the time of travel from the veteran's home to VA health care facility; and

(h) A statement that the veteran is medically stable and capable of self-care or will be accompanied by a caregiver able to provide the necessary care. This will allow for ease of application and provide VA with information necessary to determine whether the veteran is eligible for temporary lodging.

This final rule provides that, as a condition for receiving temporary lodging, a veteran must be required to travel either 50 or more miles, or at least two hours from their home to the VA health care facility, except that the facility Director at the VA health care facility of jurisdiction may make an

exception to distance or time provisions based on exceptional circumstances, such as condition of the veteran, inclement weather, road conditions, or the mode of transportation used by the veteran. We believe this a reasonable interpretation of the requirement at 38 U.S.C. 1708(b)(1) which provides that a veteran must travel a "significant distance" for the veteran and other person to be eligible for temporary housing.

The final rule also provides that, as a condition for receiving temporary lodging, the veteran must be medically stable and must be capable of self-care or be accompanied by a caregiver able to provide the necessary care. This is necessary because VA does not provide nursing or other medical care for temporary lodging beds.

This final rule establishes criteria for determining when temporary lodging will be made available. Consistent with VHA's health care mission, the rule provides that temporary lodging may be furnished in connection with care or C&P examinations provided at a VA health care facility. The rule provides that if the veteran is undergoing extensive treatment or procedures, such as an organ transplant or chemotherapy, eligible persons may be furnished temporary lodging for the duration of the episode of care. The rule also provides that temporary lodging may be available the night before the day of the scheduled care, if the veteran leaving home by 8 a.m., would be unable to arrive at the health care facility by the time of the scheduled care. Further, the rule provides that temporary lodging may be available the night of the scheduled care if, after the completion of the care, the veteran would be unable to return home by 7 p.m. These provisions are designed to allow temporary lodging during the times it would be reasonably needed.

Fisher Houses are available solely for temporary lodging. The final rule provides that non-utilized beds and rooms at a VA health care facility will be made available if not barred by law and if the Director of the VA health care facility determines that such action would not have a negative impact on patient care. The rule also provides that temporary lodging facilities, such as hotels or motels, will be utilized based on availability of local funding as determined by the Director of the health care facility. In addition, temporary lodging will be provided on a first-come first-serve basis. We believe that these provisions constitute an appropriate use of VA facilities and establish a reasonable method for determining priority.

Except for certain medically-related decisions that are left to health care personnel, the final rule provides that decisions concerning temporary lodging are to be made by the person responsible for coordinating the temporary lodging program at the VA health care facility of jurisdiction. We believe these are appropriate delegations of authority.

VA has authority under 38 U.S.C. 1708 to establish charges for temporary lodging. We believe that if we were to charge, we would need to establish exemptions for those who lack the means to pay for lodging accommodations. Further, based on our experience, we believe that the vast majority of veterans who seek temporary lodging fall into this category. Moreover, we believe that administrative costs for determining need and the additional billing costs would exceed amounts we could reasonably expect to collect based on any reasonable charge amount. Accordingly, the final rule provides that costs for temporary lodging shall be borne by VA.

Paperwork Reduction Act

This document contains provisions constituting collections of information under the Paperwork Reduction Act (44 U.S.C. 3501–3521) approved by the Office of Management and Budget under control number 2900–0630.

Executive Order 12866

This document has been reviewed by the Office of Management and Budget under Executive Order 12866.

Unfunded Mandates

The Unfunded Mandates Reform Act requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector of \$100 million or more in any given year. This rule would have no consequential effect on State, local, or tribal governments.

Regulatory Flexibility Act

The Secretary hereby certifies that the adoption of this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The adoption of the final rule will not have an effect on small entities other than possibly the lodging industry. However, any effect would be minuscule. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial

and final regulatory flexibility analysis requirement of sections 603 and 604.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs-health, Government programs-veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing home care, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: November 27, 2002.

Anthony J. Principi,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR chapter I is amended by adding a new part 60 to read as follows:

PART 60—FISHER HOUSES AND OTHER TEMPORARY LODGING

Sec.

- 60.1 Purpose.
- 60.2 Definitions.
- 60.3 Eligible persons.
- 60.4 Application.
- 60.5 Travel.
- 60.6 Condition of veteran.
- 60.7 Duration of temporary lodging.
- 60.8 Lodging availability.
- 60.9 Decisionmaker.
- 60.10 Costs.

Authority: 38 U.S.C. 501, 1708.

§ 60.1 Purpose.

This part sets forth requirements regarding the use of Fisher Houses and other temporary lodging by veterans receiving VA medical care or C&P examinations and a family member or other person accompanying the veteran to provide the equivalent of familial support.

(Authority: 38 U.S.C. 501, 1708)

§ 60.2 Definitions.

For the purposes of this part:

C&P examination means an examination requested by VA's Compensation and Pension Service to be conducted at a VA health care facility for the purpose of evaluating claims by veterans.

Temporary lodging means:

(1) Lodging at a Fisher House which is a housing facility that is located at or near a VA health care facility, that is available for residential use on a temporary basis by eligible persons, and that was constructed by and donated to

VA by the Zachary and Elizabeth M. Fisher Armed Services Foundation or Fisher House Foundation; or

(2) Lodging at a temporary lodging facility located at a VA health care facility (generally referred to as a "hoptel"), or a temporary non-VA lodging facility, such as a hotel or motel, provided by a VA health care facility.

VA means the Department of Veterans Affairs.

(Authority: 38 U.S.C. 501, 1708)

§ 60.3 Eligible persons.

The following are eligible to stay in temporary lodging subject to the conditions of this part:

(a) A veteran with an appointment at a VA health care facility for the purpose of receiving health care or a C&P examination; and

(b) A member of the family of such veteran or another person who accompanies such veteran to provide the equivalent of familial support.

(Authority: 38 U.S.C. 501, 1708)

§ 60.4 Application.

To obtain temporary lodging under this part, a veteran must make an application to the person responsible for coordinating the temporary lodging program at the VA health care facility of jurisdiction. This may be done by letter, electronic means (including telephone, e-mail, or facsimile), or in person at the VA health care facility of jurisdiction. The veteran shall provide the following information:

- (a) Veteran's name;
- (b) Beginning date and time and duration of scheduled care;
- (c) Type of scheduled care;
- (d) Name, gender, and relationship to the veteran of person accompanying veteran;
- (e) Requested dates for temporary lodging;
- (f) Distance, time, and means of travel from the veteran's home to VA health care facility;
- (g) Circumstances that may affect the time of travel from the veteran's home to VA health care facility; and
- (h) A statement that the veteran is medically stable and capable of self-care or will be accompanied by a caregiver able to provide the necessary care.

(Authority: 38 U.S.C. 501, 1708)

(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900-0630.)

(Authority: 38 U.S.C. 501, 1708)

§ 60.5 Travel.

As a condition for receiving temporary lodging under this part, a veteran must be required to travel either 50 or more miles, or at least two hours

from his or her home to the VA health care facility, except that the facility Director at the VA health care facility of jurisdiction may make an exception to distance or time provisions based on exceptional circumstances, such as condition of the veteran, inclement weather, road conditions, or the mode of transportation used by the veteran.

(Authority: 38 U.S.C. 501, 1708)

§ 60.6 Condition of veteran.

As a condition for receiving temporary lodging under this part, the veteran must be medically stable and must be capable of self-care or be accompanied by a caregiver able to provide the necessary care. Questions regarding these issues will be resolved by an appropriate health care provider at the VA health care facility of jurisdiction.

(Authority: 38 U.S.C. 501, 1708)

§ 60.7 Duration of temporary lodging.

Temporary lodging may be furnished to eligible persons in connection with care or C&P examinations provided at a VA health care facility. When a veteran is undergoing extensive treatment or procedures, such as an organ transplant or chemotherapy, eligible persons may be furnished temporary lodging for the duration of the episode of care subject to limitations described in this section. Temporary lodging may be available the night before the day of the scheduled care, if the veteran leaving home by 8 a.m., would be unable to arrive at the health care facility by the time of the scheduled care. Temporary lodging may be available the night of the scheduled care if, after the completion of the care, the veteran would be unable to return home by 7 p.m.

(Authority: 38 U.S.C. 501, 1708)

§ 60.8 Lodging availability.

Fisher Houses are available solely for temporary lodging under this part. Non-utilized beds and rooms at a VA health care facility will be made available if not barred by law and if the Director of the VA health care facility determines that such action would not have a negative impact on patient care. Temporary lodging facilities, such as hotels or motels, will be utilized based on availability of local funding as determined by the Director of the health care facility of jurisdiction. Temporary lodging will be provided on a first-come first-serve basis.

(Authority: 38 U.S.C. 501, 1708)

§ 60.9 Decisionmaker.

Except as otherwise provided in this part, the person responsible for

coordinating the temporary lodging program at the VA health care facility of jurisdiction is responsible for making decisions under this part.

(Authority: 38 U.S.C. 501, 1708)

§ 60.10 Costs.

Costs for temporary lodging under this part shall be borne by VA.

(Authority: 38 U.S.C. 501, 1708)

[FR Doc. 03-4204 Filed 2-21-03; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MI80-01-7289a, FRL-7442-9]

Approval and Promulgation of Air Quality Implementation Plans; Michigan; Excess Emissions During Startup, Shutdown or Malfunction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving several rule revisions for incorporation into Michigan's State Implementation Plan (SIP). The Michigan Department of Environmental Quality (MDEQ) submitted these revisions to EPA on September 23, 2002. They include rules to address excess emissions occurring during startup, shutdown or malfunction, as well as revisions to related definitions.

DATES: This rule is effective on April 25, 2003, unless EPA receives adverse written comments by March 26, 2003. If EPA receives adverse comments, EPA will publish a timely withdrawal of the rule in the *Federal Register* and inform the public that the rule will not take effect.

ADDRESSES: Send written comments to: Carlton Nash, Chief, Regulation Development Section, Air Programs Branch, (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

You may inspect copies of the documents relevant to this action during normal business hours at the following location: Regulation Development Section, Air Programs Branch, (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Please contact Kathleen D'Agostino at (312) 886-1767 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Kathleen D'Agostino, Environmental

Engineer, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. (312) 886-1767.

SUPPLEMENTARY INFORMATION:

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- I. What Did Michigan Submit?
- II. What Action Is EPA Taking?
- III. What Criteria Is EPA Using in Reviewing the State's Submission?
- IV. Are the State's Rules Consistent with the Clean Air Act?
- V. Is This Action Final, or May I Still Submit Comments?
- VI. Statutory and Executive Order Reviews.

I. What Did Michigan Submit?

On September 23, 2002, the MDEQ submitted a revision to its SIP containing rules to address excess emissions occurring during startup, shutdown or malfunction, as well as revisions to related definitions. MDEQ submitted the following rules:

- R 336.1102 Definitions; B
- R 336.1104 Definitions; D
- R 336.1105 Definitions; E
- R 336.1107 Definitions; G
- R 336.1108 Definitions; H
- R 336.1113 Definitions; M
- R 336.1118 Definitions; R
- R 336.1120 Definitions; T
- R 336.1915 Enforcement discretion in instances of excess emissions resulting from malfunction, start-up or shutdown.
- R 336.1916 Affirmative defense for excess emissions during start-up or shutdown.

II. What Action Is EPA Taking?

EPA is approving all of these rules for incorporation into Michigan's SIP.

III. What Criteria Is EPA Using in Reviewing the State's Submission?

In determining the approvability of a rule for incorporation into a state SIP, EPA must evaluate the rule for consistency with the requirements of the Clean Air Act (Act), EPA regulations and the EPA's interpretation of these requirements as expressed in EPA policy documents. The EPA's policy on excess emissions occurring during startup, shutdown or malfunction is set forth in the following documents: a memorandum dated September 28, 1982, from Kathleen M. Bennett, Assistant Administrator for Air, Noise, and Radiation, entitled "Policy on Excess Emissions During Startup, Shutdown, Maintenance, and Malfunctions;" EPA's clarification to the above policy memorandum dated February 15, 1983, from Kathleen M.

Bennett, Assistant Administrator for Air, Noise, and Radiation; EPA's policy memorandum reaffirming and supplementing the above policy, dated September 20, 1999, from Steven A. Herman, Assistant Administrator for Enforcement and Compliance Assurance and Robert Perciasepe, Assistant Administrator for Air and Radiation, entitled "State Implementation Plans: Policy Regarding Excess Emissions During Malfunctions, Startup, and Shutdown;" and EPA's final rule for Utah's sulfur dioxide control strategy (Kennecott Copper), 42 FR 21472 (April 27, 1977).

The policy documents referenced above note that, because excess emissions might aggravate air quality so as to prevent attainment or interfere with maintenance of the ambient air quality standards, EPA views all excess emissions as violations of the applicable emission limitation. Nevertheless, EPA recognizes that imposition of a penalty for sudden and unavoidable malfunctions caused by circumstances entirely beyond the control of the owner or operator may not be appropriate. With respect to startup and shutdown of process equipment, EPA also recognizes that this is part of the normal operation of a source and should be accounted for in the planning, design and implementation of operating procedures for the process and control equipment. Accordingly, it is reasonable to expect that careful and prudent planning and design will, in most cases, eliminate violations of emission limitations during such periods. However, EPA acknowledges that for a few sources there may exist infrequent short periods of excess emissions during startup and shutdown which cannot be avoided.

One way of addressing these situations is through an "enforcement discretion" approach. In this type of approach, a state or EPA can refrain from taking an enforcement action if appropriate criteria are met. A second way of addressing excess emissions occurring during startup and shutdown periods is through an "affirmative defense" approach. Under this approach, a SIP provision would, in the context of an enforcement action for excess emissions, excuse a source from penalties if the source can demonstrate that it meets certain objective criteria (an "affirmative defense"). See EPA's September 20, 1999 policy memorandum. Michigan's rules contain both enforcement discretion and affirmative defense provisions.

IV. Are Michigan's Rules Consistent With the Clean Air Act?

We have reviewed Michigan's submittal. For the reasons discussed below, we have found it to be consistent with the requirements of the Act, as set forth in the applicable EPA policy documents and rules. Therefore, we are approving Michigan's rule revisions for incorporation into the State's SIP.

Definitions

R 336.1102(a), R 336.1104(e), R 336.1107(g), R 336.1108(c), R 336.1118(f) and R 336.1120(i) contain minor administrative revisions, *e.g.* replacing commission with department. All of these revisions are acceptable.

R 336.1105(f) was revised to define "excess emissions" as "emissions of an air contaminant in excess of any applicable emission limitation." R 336.1113(d) was revised to read as follows:

"Malfunction" means any sudden, infrequent and not reasonably preventable failure of a source, process, process equipment, or air pollution control equipment to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

These definitions are consistent with the EPA policy documents listed above which pertain to excess emissions occurring during startup, shutdown and malfunctions.

Rules R 336.1915 and R 336.1916 address excess emissions occurring during startup, shutdown or malfunction. Rule R 336.1915 contains Michigan's procedure for utilizing enforcement discretion for excess emissions resulting from malfunction, startup or shutdown.

Enforcement Discretion Approach

EPA's February 15, 1983, policy sets forth the criteria that should be considered in determining whether enforcement discretion should be exercised in cases of malfunction. The criteria are listed below, as are the sections of Michigan's rule which address the criteria:

1. To the maximum extent practicable the air pollution control equipment, process equipment, or processes were maintained and operated in a manner consistent with good practice for minimizing emissions. (336.1915(3)(b))

2. Repairs were made in an expeditious fashion when the operator knew or should have known that applicable emission limitations were being exceeded. Off-shift labor and overtime must have been utilized, to the extent practicable, to ensure that such

repairs were made as expeditiously as practicable. (336.1915(3)(d))

3. The amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent practicable during periods of such emissions. (336.1915(3)(e))

4. All possible steps were taken to minimize the impact of the excess emissions on ambient air quality. (336.1915(3)(f))

5. The excess emissions are not part of a recurring pattern indicative of inadequate design, operation, or maintenance. (336.1915(3)(g))

In addition, Michigan's rule requires the following:

1. The excess emissions must be the result of a sudden and unavoidable breakdown of process or control equipment, beyond the reasonable control of the person operating the facility;

2. The excess emissions caused by a bypass of control equipment were unavoidable to prevent loss of life, personal injury, or severe property damage;

3. The malfunction was an infrequent event and was not reasonably preventable;

4. All emission monitoring systems were kept in operation if at all possible;

5. The source has a malfunction abatement plan as set forth in Michigan's rules;

6. The excess emissions were reported to MDEQ as specified in their rules and, if requested by the MDEQ, the source must submit a written report that includes known causes, corrective actions taken, and preventive measures to be taken to minimize or eliminate the chance of recurrence;

7. The actions during the period of excess emissions were documented by contemporaneous operating logs or other relevant evidence; and

8. Any information submitted to MDEQ under the rule must be properly certified.

All of these provisions are appropriate and consistent with the EPA policy documents listed above.

For excess emissions occurring during startup or shutdown of process equipment, EPA's February 15, 1983, policy requires that the excess emissions occur infrequently, over a short period; that the excess could not have been prevented through careful planning and design; and that bypassing of control equipment was unavoidable to prevent loss of life, personal injury, or severe property damage. Michigan includes these requirements under section 336.1915(4). In addition, sources must meet requirements comparable to those detailed above for malfunctions.

All of these provisions are appropriate and consistent with the EPA policy documents listed above.

It should be noted that Michigan's rule clearly states that emission units subject to section 111 or 112 of the Act are subject to the startup, shutdown, or malfunction provisions contained in section 111 or 112. The rule also emphasizes that nothing in the rule limits the authority of MDEQ to seek injunctive relief.

Affirmative Defense Approach

Rule R 336.1916 contains Michigan's affirmative defense provisions for excess emissions resulting from startup or shutdown. As stated in EPA's September 20, 1999, policy memorandum, an acceptable affirmative defense provision may only apply to actions for penalties, but not to actions for injunctive relief. This restriction insures that State and Federal authorities remain able to protect air quality standards and PSD increments. Michigan's rule contains these restrictions in R 336.1916(1) and (4). Furthermore, the affirmative defense approach is appropriate only when the respective contributions of individual sources to pollutant concentrations in ambient air are such that no single source or small group of sources has the potential to cause an exceedance of the NAAQS or PSD increments. Michigan addresses this requirement in R 336.1916(2).

In addition, for periods of excess emissions arising during startup and shutdown, EPA's September 20, 1999, policy sets forth criteria which are part of the defendant's burden of proof. The criteria are listed below as are the sections of Michigan's rule which address the criteria:

1. The periods of excess emissions that occurred during startup and shutdown were short and infrequent and could not have been prevented through careful planning and design. (336.1916(1)(a))

2. The excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance. (336.1916(1)(b))

3. If the excess emissions were caused by a bypass (an intentional diversion of control equipment), then the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage. (336.1916(1)(c))

4. At all times, the facility was operated in a manner consistent with good practice for minimizing emissions. (336.1916(1)(d))

5. The frequency and duration of operation in startup or shutdown mode

was minimized to the maximum extent practicable. (336.1916(1)(e))

6. All possible steps were taken to minimize the impact of the excess emissions on ambient air quality. (336.1916(1)(f))

7. All emission monitoring systems were kept in operation if at all possible. (336.1916(1)(g))

8. The owner or operator's actions during the period of excess emissions were documented by properly signed, contemporaneous operating logs, or other relevant evidence. (336.1916(1)(h) and (j))

9. The Owner or operator properly and promptly notified the appropriate regulatory authority. (336.1916(1)(i))

Both EPA policy and Michigan's rule note that if excess emissions occur during routine startup or shutdown periods due to a malfunction, then those instances should be treated as other malfunctions.

V. Is This Action Final, or May I Still Submit Comments?

EPA is publishing this action without prior proposal, because EPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision. Should EPA receive adverse written comments by March 26, 2003, we will withdraw this direct final and respond to any comments in a final action. If EPA does not receive adverse comments, this action will be effective without further notice. Any parties interested in commenting on this action should do so at this time. If we do not receive comments, this action will be effective on April 25, 2003.

VI. What Statutory and Executive Order Reviews Did EPA Conduct?

Under Executive Order 12866, "Regulatory Planning and Review" (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 nor does it significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified by Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 9, 2000). This action also does not have federalism implications because it will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, "Federalism" (64 FR 43255, August 10, 1999). This action merely approves a State rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the 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 a significant regulatory action under Executive Order 12866.

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTA), 15 U.S.C. 272, requires Federal agencies to use technical standards that are developed or adopted by voluntary consensus to carry out policy objectives, so long as such standards are not inconsistent with applicable law or otherwise impracticable. In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Act. Absent a prior existing requirement for the state to use voluntary consensus standards, EPA has no authority to disapprove a SIP submission for failure to use such standards, and it would thus be inconsistent with applicable law for EPA to use voluntary consensus standards in place of a SIP submission that otherwise satisfies the provisions of the Act. Therefore, the requirements of section 12(d) of the NTTA do not apply.

As required by section 3 of Executive Order 12988 (61 FR 4729, February 7,

1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order, and has determined that the rule's requirements do not constitute a taking. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 25, 2003. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: January 9, 2003.

Bharat Mathur,

Acting Regional Administrator, Region 5.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

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

Subpart X—Michigan

2. Section 52.1170 is amended by adding paragraph (c)(118) to read as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(118) The Michigan Department of Environmental Quality submitted revisions to Michigan's State Implementation Plan (SIP) on September 23, 2002. They include rules to address excess emissions occurring during startup, shutdown or malfunction as well as revisions to definitions.

(i) Incorporation by reference. The following sections of the Michigan Administrative Code are incorporated by reference.

(A) R 336.1102 Definitions; B, effective May 27, 2002.

(B) R 336.1104 Definitions; D, effective May 27, 2002.

(C) R 336.1105 Definitions; E, effective May 27, 2002.

(D) R 336.1107 Definitions; G, effective May 27, 2002.

(E) R 336.1108 Definitions; H, effective May 27, 2002.

(F) R 336.1113 Definitions; M, effective May 27, 2002.

(G) R 336.1118 Definitions; R, effective May 27, 2002.

(H) R 336.1120 Definitions; T, effective May 27, 2002.

(I) R 336.1915 Enforcement discretion in instances of excess emissions resulting from malfunction, start-up, or shutdown, effective May 27, 2002.

(J) R 336.1916 Affirmative defense for excess emissions during start-up or shutdown, effective May 27, 2002.

[FR Doc. 03-4260 Filed 2-21-03; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[FRL-7454-5]

RIN 2003-AA00

Regulatory Innovations: Pilot-Specific Rule for Electronic Materials in EPA Region III Mid-Atlantic States; Hazardous Waste Management System; Modification of the Hazardous Waste Program; Cathode Ray Tubes (CRT); Withdrawal of Direct Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Because EPA received adverse comment, we are withdrawing the direct final rule for Regulatory Innovations: Pilot-Specific Rule for Electronic Materials in EPA Region III Mid-Atlantic States; Hazardous Waste Management System; Modification of the Hazardous Waste Program; Cathode Ray Tubes (CRT). We published the direct final rule on December 26, 2002 date (67 FR 78718-78731), to exclude used CRTs and glass removed from CRTs from the definition of "solid waste" in the EPA Region III Mid-Atlantic States (which include the States of Delaware, Maryland, and West Virginia and the Commonwealths of Pennsylvania and Virginia, and the District of Columbia). We stated in the direct final rule that if we received adverse comment by January 27, 2003, we would publish a timely withdrawal in the **Federal Register**. We subsequently received adverse comment on the direct final rule. We will address those comments in a subsequent final action on the parallel proposal also published on December 26, 2002, 67 FR 78761-78763. As stated in the parallel proposal, we will not institute a second comment period on this action.

DATES: As of February 24, 2003, EPA withdraws the direct final rule published at 67 FR 78718-78731, on December 26, 2002.

FOR FURTHER INFORMATION CONTACT: Marie Holman (3EI00), U.S. EPA Region III, Office of Environmental Innovation, 1650 Arch Street, Philadelphia, PA 19103-2029 or holman.marie@epa.gov.

SUPPLEMENTARY INFORMATION: EPA published a direct final rule on December 26, 2002, to exclude (in specified circumstances) used CRTs and glass removed from CRTs from the definition of "solid waste" in the EPA Region III Mid-Atlantic States (which include the States of Delaware, Maryland, and West Virginia and the

Commonwealths of Pennsylvania and Virginia, and the District of Columbia). EPA published a companion proposed rule (67 FR 78761-78763) on the same date as the direct final rule.

The companion proposed rule invited comment on the substance of the direct final rule and stated that if adverse comment was received by January 27, 2003, the direct final rule would not become effective and a document would be published in the **Federal Register** to withdraw the direct final rule before the February 24, 2003, effective date. The EPA subsequently received adverse comments on the final rule. EPA plans to address those comments in a subsequent action. Today's action withdraws the direct final rule; the Regulatory Innovations: Pilot-Specific Rule for Electronic Materials in the EPA Region III Mid-Atlantic States; Hazardous Waste Management System; Modification of the Hazardous Waste Program; Cathode Ray Tubes (conditional exclusion for CRTs is not approved under 40 CFR part 261).

List of Subjects in 40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, Reporting and recordkeeping requirements, Waste treatment and disposal.

Dated: February 13, 2003.

Donald S. Welsh, Regional Administrator, Region III.

[FR Doc. 03-4371 Filed 2-21-03; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 98-67; FCC 02-269]

Telecommunications Relay Services and the Americans With Disabilities Act of 1990; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: On February 7, 2003 (68 FR 6352), the Commission published final rules in the **Federal Register**, which amended the rules for coin sent-paid. This document contains a correction to the **DATES** section which was published inadvertently.

DATES: Effective March 10, 2003.

FOR FURTHER INFORMATION CONTACT: Janet Sievert, of the Consumer & Governmental Affairs Bureau at (202) 418-1362 (voice), (202) 418-1398 (TTY), or e-mail jsievert@fcc.gov.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission published a document amending part 64 in the **Federal Register** of February 7, 2003, (68 FR 6352). This document corrects the **DATES** section of the **Federal Register** summary as it appeared.

In rule FR Doc. 03-3069 published on February 7, 2003 (68 FR 6352) make the following correction:

On page 6352, in the third column, it incorrectly reads: **DATES:** Effective [INSERT 30 DAYS AFTER PUBLICATION IN THE **Federal Register**] except § 64.604(c)(3) of the Commission's rules which contain information collection(s) requirement shall become effective following approval by the Office of Management and Budget. The Federal

Communications Commission will publish a document in the **Federal Register** announcing the effective date." Correct to read as follows: **DATES:** Effective March 10, 2003."

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 03-4174 Filed 2-21-03; 8:45 am]

BILLING CODE 6712-01-P

Proposed Rules

Federal Register

Vol. 68, No. 36

Monday, February 24, 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. 2001-NM-306-AD]

RIN 2120-AA64

Airworthiness Directives; Aerospatiale Model ATR42-200, -300, -320, and -500 Series Airplanes; and Model ATR72 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the superseding of an existing airworthiness directive (AD), applicable to all Aerospatiale Model ATR42-200, -300, -320, and -500 series airplanes; and all Model ATR72 series airplanes; that currently requires revising the Airplane Flight Manual (AFM) to modify procedures for calculating takeoff performance when Type II or IV de-icing or anti-icing fluids have been used. This action would require revising the existing AFM revision to correct the performance values for Model ATR-72 series airplanes and to provide an additional method of compliance for all airplanes. This proposal is prompted by issuance of mandatory continuing airworthiness information by a civil airworthiness authority. The actions specified by the proposed AD are intended to ensure that the flightcrew is advised of the potential effects of Type II or IV de-icing or anti-icing fluids on the airplane's performance during takeoff, and to ensure that the flightcrew is advised of the revised performance calculations for takeoff to address these effects.

DATES: Comments must be received by March 26, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2001-NM-

306-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov*. Comments sent via fax or the Internet must contain "Docket No. 2001-NM-306-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (425) 227-1175; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact

concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2001-NM-306-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2001-NM-306-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On August 15, 2001, the FAA issued AD 2001-16-10, amendment 39-12379 (66 FR 44032, August 22, 2001), applicable to all Aerospatiale Model ATR42-200, -300, -320, and -500 series airplanes; and all Model ATR72 series airplanes; to require revising the Airplane Flight Manual (AFM) to modify procedures for calculating takeoff performance when Type II or IV de-icing or anti-icing fluids have been used. That action was prompted by reports that use of these fluids may result in an increase in the pitch forces necessary to rotate the airplane during takeoff. This condition could result in a delayed takeoff or late aborted takeoff. The requirements of that AD are intended to ensure that the flightcrew is advised of the potential effects of Type II or IV de-icing or anti-icing fluids on the airplane's performance during takeoff, and to ensure that the flightcrew is advised of the revised performance calculations for takeoff to address these effects.

Actions Since Issuance of Previous Rule

Since the issuance of AD 2001-16-10, the Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, advises that the existing AFM revision includes incorrect percentages for increasing takeoff run (TOR), takeoff distance (TOD), and accelerate-stop distance (ASD) on Model ATR72 series airplanes. The DGAC had required an increase in TOR, TOD, and ASD in French airworthiness directives 2000-449-082(B) and 2000-448-053(B), both

dated October 31, 2000. (The identical requirements to revise the AFM were also specified in the FAA's AD 2001-16-10.)

Subsequently, the DGAC has reviewed flight simulations performed by the manufacturer of Model ATR42-200, -300, -320, and -500 series airplanes, and Model ATR72 series airplanes, and consequently approved an additional compliance method. The additional compliance method allows an "assisted rotation at takeoff." This is a procedure executed by the captain and the non-flying pilot when the flightcrew encounters increased pitch control forces, leading to difficulties in rotating. However, this method can only be applied if the flightcrew has been properly trained. The DGAC has determined that the procedure for assisted rotation at takeoff provides a level of safety equivalent to the requirements to revise the AFM specified in previously issued French airworthiness directives 2000-449-082(B) and 2000-448-053(B).

The DGAC has issued airworthiness directives 2000-448-053(B) R2 and 2000-449-082(B) R2, both dated September 19, 2001, in order to assure the continued airworthiness of these airplanes in France. These French airworthiness directives correct the incorrect percentages for TOR, TOD, and ASD, and specify the additional compliance method described previously.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 2001-16-10 to continue to require revising the AFM to modify procedures for calculating takeoff performance when Type II or IV de-

icing or anti-icing fluids have been used. The proposed AD also would require revising the existing AFM revision to correct the performance values (for Model ATR-72 series airplanes) and to provide an optional method of compliance (for all affected models).

Cost Impact

There are approximately 159 airplanes of U.S. registry that would be affected by this proposed AD.

The AFM revision currently required by AD 2001-16-10 takes approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the currently required revision of the AFM on U.S. operators is estimated to be \$9,540, or \$60 per airplane.

The new AFM revision that is proposed in this AD action would take approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the new proposed requirements of this AD on U.S. operators is estimated to be \$9,540, or \$60 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-12379 (66 FR 44032, August 22, 2001), and by adding a new airworthiness directive (AD), to read as follows:

Aerospatiale: Docket 2001-NM-306-AD. Supersedes AD 2001-16-10, Amendment 39-12379.

Applicability: All Model ATR42-200, -300, -320, and -500 series airplanes; and all Model ATR72 series airplanes; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that the flightcrew is advised of the potential effects of Type II or IV de-icing or anti-icing fluids on the airplane's performance during takeoff, and to ensure that the flightcrew is advised of the revised performance calculations for takeoff to address these effects, accomplish the following:

Restatement of Requirements of AD 2001-16-10

Revision of the Airplane Flight Manual (AFM)

(a) Within 15 days after September 26, 2001 (the effective date of AD 2001-16-10, amendment 39-12379), revise the Appendices and Supplements chapter of the FAA-approved AFM by including either the following manufacturer's Appendix "Takeoff after use of Fluid Type II or IV" or a copy of this AD in the AFM.

"Takeoff After Use of Fluid Type II or IV"

This appendix applies only to aircraft de-iced or anti-iced before takeoff, using fluid Type II or IV.

These types of fluid may lead to an increase in control forces necessary to rotate, and then to a modification of takeoff performance.

Therefore, this flight manual must be modified as follows:

1. General

The general information in Section 1 is applicable.

2. Limitations

The limitations in Section 2 are applicable.

3. Normal Procedures

The normal procedures in Section 3 are applicable.

4. Emergency Procedures

The emergency procedures in Section 4 are applicable.

5. Procedures Following Failures

The procedures following failures in Section 5 are applicable.

6. Performances

The performances in Section 6 for dry runways and in Section 7.03 for non-dry runways (advisory materials) are applicable with the addition of the following for takeoff computations:

- Determine VR for the lowest available V2,
- Assume V1=VR,
- Increase TOR, TOD, ASD by 20%.

7. Appendices and Supplements

Data of Section 7 are applicable by adding what follows:

For the dispatch cases:

- Apply takeoff penalties due to the system failure,
- Then apply takeoff penalties due to the use of fluids Type II or IV.

Dispatch is not authorized in the following cases:

- Ferry flight with pitch elevators disconnected,
- Takeoff with flaps retracted.”

New Requirements of This AD

AFM Revision: Model ATR 42–200, –300, –320, and –500 Series Airplanes

(b) For Model ATR42–200, –300, –320, and –500 series airplanes: Within 15 days after the effective date of this AD, revise the Appendices and Supplements chapter of the AFM by removing the AFM revision required by paragraph (a) of this AD and inserting the following procedures in the AFM (this may be accomplished by inserting a copy of this AD into the AFM):

“Takeoff After Use of Fluid Type II or IV

This appendix applies only to aircraft de-iced or anti-iced before takeoff, using fluid Type II or IV.

These types of fluid may lead to an increase in control forces necessary to rotate, and then to a modification of takeoff performance.

Therefore, this flight manual must be modified as follows:

Compliance Method Number 1

1. General

The general information in Section 1 is applicable.

2. Limitations

The limitations in Section 2 are applicable.

3. Normal Procedures

The normal procedures in Section 3 are applicable.

4. Emergency Procedures

The emergency procedures in Section 4 are applicable.

5. Procedures Following Failures

The procedures following failures in Section 5 are applicable.

6. Performances

The performances in Section 6 for dry runways and in Section 7.03 for non-dry runways (advisory materials) are applicable with the addition of the following for takeoff computations:

- Determine VR for the lowest available V2,
- Assume V1=VR,
- Increase TOR, TOD, ASD by 20%.

7. Appendices and Supplements

Data of Section 7 are applicable by adding what follows:

For the dispatch cases:

- Apply takeoff penalties due to the system failure,
- Then apply takeoff penalties due to the use of fluid Type II or IV.

Dispatch is not authorized in the following cases:

- Ferry flight with pitch elevators disconnected,
- Take-off with flaps retracted.

Compliance Method Number 2

Crew Training Required

1. General

The general information in Section 1 is applicable.

2. Limitations

The limitations in Section 2 are applicable.

3. Normal Procedures

The normal procedures in Section 3 are applicable with the addition of the following:

The Captain must be the pilot flying and the pre-takeoff briefing must include the following takeoff procedure (refer to point 5).

4. Emergency Procedures

The emergency procedures in Section 4 are applicable.

5. Procedures Following Failures

The procedures following failures in Section 5 are applicable with the addition of the following:

TAKEOFF SEQUENCE

In case of difficulties to rotate, the Captain (CPT) should request the non-flying pilot's (NFP's) assistance. In that case, on CPT order, NFP pulls the control column until 5 pitch attitude is reached, then NFP releases the controls.

PERFORMANCES

The performances in Section 6 for dry runways and in Section 7.03 for non-dry runways (advisory materials) are applicable with the addition of the following for takeoff computations:

- Increase TOD by 70 m for ATR 42–300
- Increase TOD by 80 m for ATR–42–400/–500

6. Appendices and Supplements

Data of Section 7 are applicable with the addition of the following:

For the dispatch cases:

- Apply takeoff penalties due to the system failure,
- Then apply takeoff penalties due to the use of fluid Type II or IV.

Dispatch is not authorized in the following cases:

- Ferry flight with pitch elevators disconnected,
- Take-off with flaps retracted.”

AFM Revision: Model ATR 72 Series Airplanes

(c) For Model ATR72 series airplanes: Within 15 days after the effective date of this AD, revise the Appendices and Supplements chapter of the AFM by removing the AFM revision required by paragraph (a) of this AD and inserting the following procedures in the AFM (this may be accomplished by inserting a copy of this AD into the AFM):

“Takeoff After Use of Fluid Type II or IV

This appendix applies only to aircraft de-iced or anti-iced before takeoff, using fluid Type II or IV.

These types of fluid may lead to an increase in control forces necessary to rotate, and then to a modification of takeoff performance.

Therefore, this flight manual must be modified as follows:

Compliance Method Number 1

1. General

The general information in Section 1 is applicable.

2. Limitations

The limitations in Section 2 are applicable.

3. Normal Procedures

The normal procedures in Section 3 are applicable.

4. Emergency Procedures

The emergency procedures in Section 4 are applicable.

5. Procedures Following Failures

The procedures following failures in Section 5 are applicable.

6. Performances

The performances in Section 6 for dry runways and in Section 7.03 for non-dry runways (advisory materials) are applicable with the addition of the following for takeoff computations:

- Determine VR for the lowest available V2,
- Assume V1=VR,
- Increase TOR, TOD, ASD by 25%.

7. Appendices and Supplements

Data of Section 7 are applicable by adding what follows:

For the dispatch cases:

- Apply takeoff penalties due to the system failure,
- Then apply takeoff penalties due to the use of fluid Type II or IV.

Dispatch is not authorized in the following cases:

- Ferry flight with pitch elevators disconnected,
- Take-off with flaps retracted.

Compliance Method Number 2

Crew Training Required

1. General

The general information in Section 1 is applicable.

2. Limitations

The limitations in Section 2 are applicable.

3. Normal Procedures

The normal procedures in Section 3 are applicable with the addition of the following:

The Captain must be the pilot flying and the pre-takeoff briefing must include the following takeoff procedure (refer to point 5).

4. Emergency Procedures

The emergency procedures in Section 4 are applicable.

5. Procedures Following Failures

The procedures following failures in Section 5 are applicable with the addition of the following:

TAKEOFF SEQUENCE

In case of difficulties to rotate, the Captain (CPT) should request the non-flying pilot's (NFP's) assistance. In that case, on CPT order, NFP pulls the control column until 5° pitch attitude is reached, then NFP releases the controls.

PERFORMANCES

The performances in Section 6 for dry runways and in Section 7.03 for non-dry runways (advisory materials) are applicable with the addition of the following for takeoff computations:

Increase TOD by 70 m.

6. Appendices and Supplements

Data of Section 7 are applicable with the addition of the following:

For the dispatch cases:

- Apply takeoff penalties due to the system failure,
- Then apply takeoff penalties due to the use of fluid Type II or IV.

Dispatch is not authorized in the following cases:

- Ferry flight with pitch elevators disconnected,
- Take-off with flaps retracted."

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA. Operators shall submit their requests through an appropriate FAA Principal Operations Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

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

Special Flight Permits

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

Note 3: The subject of this AD is addressed in French airworthiness directives 2000-448-053(B) R2 and 2000-449-082(B) R2, both dated September 19, 2001.

Issued in Renton, Washington, on February 14, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03-4243 Filed 2-21-03; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001-NM-245-AD]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model 717-200 airplanes. This proposal would require modification of the longeron-to-frame installation of the upper center fuselage. This action is necessary to prevent fatigue cracking of the longerons of the upper center fuselage, which could result in reduced structural integrity of the fuselage. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 10, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2001-NM-245-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain

"Docket No. 2001-NM-245-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT:

Maureen Moreland, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5238; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2001-NM-245-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2001-NM-245-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The FAA has received a report indicating that Boeing Stress Engineering has found that the material thickness for longerons L-5L to L-5R, located in the upper center fuselage of Boeing Model 717-200 airplanes, is undersized. Investigation revealed that this could cause fatigue cracking of the longerons of the upper center fuselage after the accumulation of 30,000 total flight cycles on the airplane. Such fatigue cracking could result in reduced structural integrity of the fuselage.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin 717-53-0001, including Evaluation Form, dated March 20, 2001, which describes procedures for modification of the longeron-to-frame installation of the main frame of the upper center fuselage between stations Y=655.000 and Y=813.000, at longerons L-5L to L-5R. The modification includes fabricating the angles and installing support angles and doublers. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Difference Between Proposed Rule and Service Bulletin

Operators should note that, although the service bulletin recommends accomplishing the modification "at a scheduled heavy maintenance period when manpower, materials, and

facilities are available," the FAA has determined that such an imprecise compliance time would not address the identified unsafe condition in a timely manner. In developing an appropriate compliance time for this AD, the FAA considered not only the manufacturer's recommendation, but the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the modification. In light of all of these factors, the FAA finds a compliance time of "Before the accumulation of 30,000 total flight cycles or within 10 years after the effective date of the AD, whichever is first," for completing the required actions to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

Cost Impact

There are approximately 56 airplanes of the affected design in the worldwide fleet. The FAA estimates that 38 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 108 work hours per airplane to accomplish the proposed modification, and that the average labor rate is \$60 per work hour. Required parts cost would be minimal. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$246,240, or \$6,480 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions. The manufacturer may cover the cost of replacement parts associated with this proposed AD, subject to warranty conditions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal

would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 2001-NM-245-AD.

Applicability: Model 717-200 airplanes, manufacturer's fuselage numbers 5001 through 5056 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 fatigue cracking of the longerons of the upper center fuselage, which

could result in reduced structural integrity of the fuselage, accomplish the following:

(a) Before the accumulation of 30,000 total flight cycles or within 10 years after the effective date of this AD, whichever is first: Modify the longeron-to-frame installation of the upper center fuselage between stations Y=655.000 and Y=813.000, at longerons L-5L to L-5R (includes fabrication of the angles and installation of support angles and doublers), per Boeing Service Bulletin 717-53-0001, excluding Evaluation Form, dated March 20, 2001.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permit

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

Issued in Renton, Washington, on February 14, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 03-4242 Filed 2-21-03; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002-NM-282-AD]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 737-600, 737-700, 737-700C, 737-800, 737-900, 757, and 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Boeing Model 737-600, 737-700, 737-700C, 737-800, 737-900, 757, and 767 series airplanes. This proposal would require revising the Airplane Flight Manual (AFM) to advise the flightcrew

to don oxygen masks as a first and immediate step when a cabin altitude warning occurs. This action is necessary to prevent incapacitation of the flightcrew due to lack of oxygen, which could result in loss of control of the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 10, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2002-NM-282-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov*. Comments sent via fax or the Internet must contain "Docket No. 2002-NM-282-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. **FOR FURTHER INFORMATION CONTACT:** Donald Eiford, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 917-6465; fax (425) 917-6590.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to

change the compliance time and a request to change the service bulletin reference as two separate issues.

- For each issue, state what specific change to the proposed AD is being requested.

- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2002-NM-282-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2002-NM-282-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On October 25, 1999, a Learjet Model 35 airplane operating under part 135 of the Federal Aviation Regulations (14 CFR part 135) departed Orlando International Airport en route to Dallas, Texas. Air traffic control lost communication with the airplane near Gainesville, Florida. Air Force and National Guard airplanes intercepted the airplane, but the flightcrews of the chase airplanes indicated that the windows of the Model 35 airplane were apparently frosted over, which prevented the flightcrews of the chase airplanes from observing the interior of the Model 35 airplane. The flightcrews of the chase airplanes reported that they did not observe any damage to the airplane. Subsequently, the Model 35 airplane ran out of fuel and crashed in South Dakota. To date, causal factors of the accident have not been determined. However, lack of the Learjet flightcrew's response to air traffic control poses the possibility of flightcrew incapacitation and raises concerns with the pressurization and oxygen systems.

Recognizing these concerns, the FAA initiated a special certification review (SCR) to determine if pressurization and

oxygen systems on Model 35 airplanes were certificated properly, and to determine if any unsafe design features exist in the pressurization and oxygen systems.

The SCR team found that there have been several accidents and incidents that may have involved incapacitation of the flightcrews during flight. In one case, the airplane flightcrew did not activate the pressurization system or don their oxygen masks and the airplane flew in excess of 35,000 feet altitude. In another case, the airplane flightcrews did not don their oxygen masks when the cabin altitude aural warning was activated. Further review by the SCR team indicates that the Airplane Flight Manual (AFM) of Learjet Model 35 and 36 airplanes does not have an emergency procedure that requires donning the flightcrew oxygen masks when the cabin altitude aural warning is activated. Additional review has found that the AFMs of Learjet Model 35A and 36A airplanes also do not contain appropriate flightcrew actions when the cabin altitude aural warning is activated. However, the AFMs do contain an abnormal procedure that allows the flightcrew to troubleshoot the pressurization system prior to donning the oxygen masks after the cabin altitude aural warning sounds. Troubleshooting may delay donning of the oxygen masks to the point that flightcrews may become incapable of donning their oxygen masks.

The SCR findings indicated that the most likely cause for incapacitation was hypoxia (lack of oxygen). The only other plausible cause of incapacitation is exposure to toxic substances. However, no evidence was found to support the existence of toxic substances.

Delayed response of the flightcrew in donning oxygen masks as a first and immediate action upon the activation of the cabin altitude warning could lead to incapacitation of the flightcrew and loss of control of the airplane.

Explanation of Applicability of Proposed AD

We have previously issued AD 2003-03-15, amendment 13039 (68 FR 4892, January 31, 2003). That AD revises the AFM for various Boeing and McDonnell Douglas transport category airplanes to advise the flightcrew to don oxygen masks as a first and immediate step when the cabin altitude aural warning sounds. Boeing Model 737-600, 737-700, 737-700C, 737-800, 737-900, 757, and 767 series airplanes were not included in the applicability of that AD because we determined that appropriate instructions for donning oxygen masks

were included in the Airplane Operations Manual for those airplanes.

After the issuance of the NPRM for AD 2003-03-15, we repeated the review of the AFMs for Boeing Model 737-600, 737-700, 737-700C, 737-800, 737-900, 757, and 767 series airplanes. Based on the results of this second review, we have determined that further rulemaking is necessary to ensure that the AFMs for those airplanes contain appropriate instructions for the flightcrew to immediately don emergency oxygen masks when a cabin altitude aural warning occurs. This proposed AD follows from that determination.

Other Related Rulemaking

We have previously issued AD 2000-23-10, amendment 39-11980 (65 FR 70294, November 22, 2000), which applies to all Lockheed Model 188A and 188C series airplanes. That AD requires a revision of the AFM to add procedures for donning the flightcrew oxygen masks when the cabin altitude aural warning sounds. The requirements of that AD are intended to prevent incapacitation of the flightcrew as a result of lack of oxygen and consequent loss of control of the airplane.

We have also previously issued AD 2001-22-10, amendment 39-12489 (66 FR 54425, October 29, 2001), which applies to all Dassault Model Mystere-Falcon 50, Mystere-Falcon 900, and Falcon 900EX series airplanes. That AD requires revising the Emergency Procedures and Abnormal Procedures sections of the AFM to advise the flightcrew to immediately don oxygen masks in the event of significant pressurization or oxygen level changes. The requirements of that AD are intended to prevent incapacitation of the flightcrew due to lack of oxygen, which could result in their inability to continue to control the airplane.

We are continuing to review emergency procedures in the AFMs for other airplane models to ensure that the AFMs contain appropriate instructions for donning the flightcrew oxygen masks. We may consider further rulemaking based on the results of these reviews.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require revising the Emergency Procedures or Non-Normal Procedures section of the AFM, as applicable, to advise the flightcrew to don oxygen masks as a first and immediate step

when the cabin altitude aural warning sounds.

Cost Impact

There are approximately 3,107 airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,599 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed AFM revision, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$95,940, or \$60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 2002–NM–282–AD.

Applicability: All Model 737–600, 737–700, 737–700C, 737–800, 737–900, 757, and 767 series airplanes; certificated in any category.

Note 1: The requirements of this AD are similar to those in AD 2003–03–15, amendment 39–13039, which applies to various Boeing and McDonnell Douglas transport category airplanes.

Compliance: Required as indicated, unless accomplished previously.

To prevent incapacitation of the flightcrew due to lack of oxygen, which could result in loss of control of the airplane, accomplish the following:

Revision to the Airplane Flight Manual

(a) Within 90 days after the effective date of this AD: For the applicable airplane

models listed in the “For—” column of Table 1 of this AD, revise the procedures regarding donning oxygen masks in the event of rapid depressurization, as contained in the Emergency Procedures or Non-Normal Procedures section of the Airplane Flight Manual (AFM), as applicable, by replacing the text in the “Replace—” column of Table 1 of this AD with the information in the applicable figure referenced in the “With the Information In—” column of Table 1 of this AD. This may be accomplished by recording the AD number of this AD on the applicable figure and inserting it into the AFM. Table 1 and Figures 1 through 3 follow:

TABLE 1.—AFM REVISIONS

For—	Replace—	With the information in—
Boeing Model 737–600, –700, –700C, –800, and –900 series airplanes.	“Rapid Depressurization (With airplane altitude above 14,000 feet M.S.L.) Oxygen Masks & Regulators—ON, 100%”.	Figure 1 of this AD.
Boeing Model 757–200, –200PF, –200CB; and Boeing Model 767–200, –300, and –300F series airplanes.	“Rapid Depressurization Recall Oxygen Masks and Regulators—ON”.	Figure 2 of this AD.
Boeing Model 757–300 series airplanes	“Rapid Depressurization Put on oxygen masks, and establish crew communications.”.	Figure 3 of this AD.
Boeing Model 767–400ER series airplanes	“Rapid Depressurization Turn on oxygen masks, and establish crew communications.”.	Figure 3 of this AD.

Figure 1

For Boeing Model 737–600, –700, –700C, –800, and –900 Series Airplanes:

Insert the information in this figure into the “Non-Normal Procedures” section of the FAA-approved Airplane Flight Manual.

Cabin Altitude Warning or Rapid Depressurization

Condition: The CABIN ALT or CABIN ALTITUDE light illuminated indicates cabin altitude is excessive:

Oxygen Masks & Regulators ON, 100%

The rest of the steps under this heading in the AFM are unchanged.

Figure 2

For Boeing Model 757–200, –200PF, and –200CB; and Model 767–200, –300, and –300F Series Airplanes:

Insert the information in this figure into the “Emergency Procedures” section of the FAA-approved Airplane Flight Manual.

Cabin Altitude Warning or Rapid Depressurization

Condition: The CABIN ALT or CABIN ALTITUDE light illuminated indicates cabin altitude is excessive:

RECALL
Oxygen Masks & Regulators ON, 100%

The rest of the steps under this heading in the AFM are unchanged.

Figure 3

For Boeing Model 757–300 and 767–400ER Series Airplanes:

Insert the information in this figure into the “Non-Normal Procedures” section of the FAA-approved Airplane Flight Manual.

Cabin Altitude Warning or Rapid Depressurization

Condition: The CABIN ALT or CABIN ALTITUDE light illuminated indicates cabin altitude is excessive:

Put on oxygen masks and establish crew communications.”

The rest of the steps under this heading in the AFM are unchanged.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that

provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Operations Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

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

Issued in Renton, Washington, on February 13, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 03–4236 Filed 2–21–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 2001–NM–335–AD]

RIN 2120–AA64

Airworthiness Directives; Raytheon Model Beech 400A and 400T Series Airplanes**AGENCY:** Federal Aviation Administration, DOT.**ACTION:** Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Raytheon Model Beech 400A and 400T series airplanes. This proposal would require replacement of the low-pressure oxygen tubing located in the forward fuselage (nose avionics bay), lower forward flight deck, and lower forward cabin areas, as applicable, with new low-pressure oxygen tubing. This action is necessary to prevent leakage of oxygen from scored low-pressure oxygen tubing, which could result in lack of available oxygen for the flightcrew, or possible explosion or fire. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 10, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–335–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov*. Comments sent via fax or the Internet must contain “Docket No. 2001–NM–335–AD” in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Raytheon Aircraft Company, Department 62, P.O. Box 85, Wichita, Kansas 67201–0085. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Wichita Aircraft Certification

Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas.

FOR FURTHER INFORMATION CONTACT:

David Ostrodka, Aerospace Engineer, Systems and Propulsion Branch, ACE–118W, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4129; fax (316) 946–4407.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: “Comments to Docket Number 2001–NM–335–AD.” The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–335–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report indicating that, during production, damaged low-pressure oxygen tubing was found on eight Raytheon Model Beech 400A airplanes. The damage was created during tubing installation when a knife used to remove portions of the heat shrink protective sleeving scored the tubing. The sleeving was removed to provide adequate electrical bonding/grounding surfaces for the electrical bonding/grounding jumper assemblies. Leakage of oxygen from scored low-pressure oxygen tubing could result in lack of available oxygen for the flightcrew, or possible explosion or fire.

Explanation of Relevant Service Information

The FAA has reviewed and approved Raytheon Service Bulletin SB 35–3406, dated March 2001, which describes procedures for replacing low-pressure oxygen tubing with new low-pressure oxygen tubing. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Difference Between Proposed Rule and Service Bulletin

The proposed AD would differ from the Raytheon service bulletin in that, for Raytheon Model Beech 400T series airplanes, the proposed AD would specify a compliance time of within 200 flight hours or 1 year from the effective date of the AD, whichever occurs first. The Raytheon service bulletin states that compliance time information for Model Beech 400T airplanes should be obtained from “the appropriate headquarters.” The FAA conducted a durability evaluation of the tubing material and concluded that, although the calculated stress remained below the endurance limit of the material, the vibratory nature of the installation was unknown. The conclusion was that a compliance time of within 200 flight hours or 1 year from the effective date of this AD would be a conservative estimate for the proposed replacement. The compliance time coincided with the next scheduled inspection for the majority of affected operators, providing minimal impact to the operators.

Operators should note that this compliance time for Model Beech 400T series airplanes is equivalent to the compliance time specified in the Raytheon service bulletin for the affected Raytheon Model Beech 400A series airplanes.

Cost Impact

There are approximately 34 airplanes of the affected design in the worldwide fleet. The FAA estimates that 27 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 25 work hours per airplane to accomplish the proposed replacement, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$1,052 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$68,904, or \$2,552 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the

location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Raytheon Aircraft Company (formerly **Beech**): Docket 2001-NM-335-AD.

Applicability: Model Beech 400A series airplanes, serial numbers RK-232 through RK-265 inclusive; and Model Beech 400T series airplane, serial number TX-10; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent leakage of oxygen from scored low-pressure oxygen tubing, which could result in lack of available oxygen for the flightcrew, possible explosion, or fire, accomplish the following:

Replacement of Oxygen Tubing

(a) For Model 400A series airplanes: Within 200 flight hours or 1 year from the effective date of this AD, whichever occurs first, replace the low-pressure oxygen tubing located in the forward fuselage (nose avionics bay), lower forward flight deck, and lower forward cabin areas, as applicable, with new low-pressure oxygen tubing, per Part I of the Accomplishment Instructions specified in Raytheon Service Bulletin SB 35-3406, dated March 2001.

(b) For Model 400T airplanes: Within 200 flight hours or 1 year from the effective date of this AD, whichever occurs first, replace

the low-pressure oxygen tubing located in the forward fuselage (nose avionics bay), lower forward flight deck, and lower forward cabin areas, as applicable, with new low-pressure oxygen tubing, per Part II of the Accomplishment Instructions specified in Raytheon Service Bulletin SB 35-3406, dated March 2001.

Alternative Methods of Compliance

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

Special Flight Permits

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

Issued in Renton, Washington, on February 14, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03-4234 Filed 2-21-03; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001-NM-309-AD]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model 717-200 airplanes. This proposal would require modification of certain attachment holes in the rear spar of the left and right wings. This action is necessary to prevent fatigue cracking of the rear spar of the wings, which could result in reduced structural integrity of the airplane. This action is intended to address the identified unsafe condition. **DATES:** Comments must be received by April 10, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2001-NM-309-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov*. Comments sent via fax or the Internet must contain "Docket No. 2001-NM-309-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Maureen Moreland, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5238; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.

- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2001-NM-309-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2001-NM-309-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The FAA has received a report from the manufacturer indicating the detection of 22 holes in the rear spar of the left and right wings of a Boeing Model 717-200 airplane with bolts installed in uncoined, clearance fit holes. This installation was not in accordance with the manufacturer's design, which specified stress-coining of all 22 holes. The design was intended to eliminate the possibility of fatigue cracking such as that previously detected on a McDonnell Douglas DC-9 airplane, which is the predecessor to the Model 717-200 airplane. The manufacturer also has determined that 9 out of the 22 holes in the rear spar must be cold-worked, followed by the installation of Hi-Lok fasteners in all 22 holes. Such conditions, if not corrected, may be a potential source of fatigue cracking of the rear spar of the wings, which could result in reduced structural integrity of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin 717-57-0001, Revision 01, including Evaluation Form, dated January 6, 2003, which describes procedures for modification of certain attachment holes in the rear spar of the

left and right wings. The modification includes cold working 9 uncoined attachment holes and replacing 22 bolts with Hi-Lok fasteners. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Difference Between Proposed Rule and Service Bulletin

Operators should note that, although the service bulletin recommends accomplishing the modification "Within 30,000 landings after the issue date of this service bulletin," the FAA has determined that such a compliance time would not address the identified unsafe condition in a timely manner. In developing an appropriate compliance time for this AD, the FAA considered not only the manufacturer's recommendation, but the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the modification. In light of all of these factors, the FAA finds a compliance time of "Before the accumulation of 30,000 total flight cycles or within 10 years after the effective date of the AD, whichever is first," for completing the required actions to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

Cost Impact

There are approximately 57 airplanes of the affected design in the worldwide fleet. The FAA estimates that 39 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 5 work hours per airplane to accomplish the proposed modification, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$955 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$48,945, or \$1,255 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would

accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions. The manufacturer may cover the cost of replacement parts associated with this proposed AD, subject to warranty conditions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 2001–NM–309–AD.

Applicability: Model 717–200 airplanes, manufacturer's fuselage numbers 5002 through 5058 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 fatigue cracking of the rear spar of the wings, which could result in reduced structural integrity of the airplane, accomplish the following:

Modification

(a) Before the accumulation of 30,000 total flight cycles or within 10 years after the effective date of this AD, whichever is first: Modify the attachment holes in the rear spar of the left and right wings (includes cold working 9 uncoined attachment holes and replacing 22 bolts with Hi-Lok fasteners), per Boeing Service Bulletin 717–57–0001, Revision 01, excluding Evaluation Form, dated January 6, 2003.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permit

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

Issued in Renton, Washington, on February 14, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–4233 Filed 2–21–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–NM–34–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767–200, –300, and –300F Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, that would have required replacement of the aileron control override quadrant with a modified unit. This new action revises the applicability of the proposed rule. The actions specified by this new proposed AD are intended to prevent corrosion of the input override mechanism bearings of the lateral central control actuator, which, in the event of a subsequent jam in the pilot's aileron control system, could result in failure of the aileron override system and consequent reduced lateral controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by March 21, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2002–NM–34–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2002–NM–34–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport

Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT:

Douglas Tsuji, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 917-6487; fax (425) 917-6590.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2002-NM-34-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2002-NM-34-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on August 23, 2002 (67 FR 54591). That NPRM would have required replacement of the aileron control override quadrant with a modified unit. That NPRM was prompted by a report of the seizing of the input override mechanism bearings of the lateral central control actuator on affected airplanes. The seizing was discovered during an inspection and has been attributed to corrosion on the steel bearings in the override mechanism. A failed override system is a latent failure and does not affect normal operation. However, if the pilot's control system were to subsequently jam, the seizing of the override bearings could have prevented the aileron control override system from operating properly. That condition, if not corrected, could result in reduced lateral control of the airplane.

Comments

Certain comments received in response to the original NPRM have resulted in changes that expanded its scope and gave rise to this supplemental NPRM.

Request To Revise Applicability

The manufacturer advises that the applicability was incorrectly identified in the original NPRM as Boeing Model 767 series airplanes, line numbers 1 through 811. The manufacturer reports that line numbers 812 through 836 are also subject to the identified unsafe condition; therefore, the affected inclusive line numbers should be 1 through 836. In addition, the manufacturer requests exclusion of Model 767-400ER series airplanes from the applicability because the installation of corrosion-resistant steel bearings during production on those airplanes adequately addresses the identified unsafe condition.

The FAA agrees and has revised the applicability accordingly in this supplemental NPRM. In addition, the Cost Impact section has been revised in this supplemental NPRM to reflect the increased number of affected airplanes.

Request To Revise Cost Estimate

One commenter, an operator, requests that the Cost Impact section of the original NPRM be revised to reflect additional work hours necessary to accomplish the proposed requirements.

According to the commenter, it would also be necessary to replace the bearings and perform corrective rigging of certain control cables. The commenter notes the service bulletin's failure to consider these tasks in the total work hour estimate.

The FAA partially concurs with the request. Although the proposed AD would require that operators "replace the aileron control override quadrant with a modified unit," the FAA recognizes that, to accomplish that task, operators must also incur the direct cost of replacing the bearings in the aileron override quadrant. Therefore, the Cost Impact section has been further revised in this supplemental NPRM to reflect an estimated 6 work hours necessary to replace the bearings and 4 work hours to replace the quadrant, for a total of approximately 10 work hours to accomplish the proposed requirements.

However, as stated in the original NPRM, the cost impact information is intended to provide only the "direct" costs of the proposed requirements; the total work hour figure represents the time necessary to perform only the AD's required actions. The cost analysis in AD rulemaking actions typically does not include incidental costs such as the time required for cable rigging and testing of the system, which would be necessary to ensure the functionality of the system after the required actions have been accomplished.

Additional Change to Original NPRM

The heading for paragraph (b) ("Spare Parts" in the original NPRM) has been changed to "Part Installation" in this supplemental NPRM.

Conclusion

Since these changes expand the scope of the original NPRM, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

Cost Impact

There are approximately 836 airplanes of the affected design in the worldwide fleet. The FAA estimates that 443 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 10 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$146 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$330,478, or \$746 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 2002–NM–34–AD.

Applicability: Model 767–200, –300, and –300F series airplanes; certificated in any category; line numbers 1 through 836 inclusive.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent corrosion of the input override mechanism bearings of the lateral central control actuator, which, in the event of a subsequent jam in the pilot's aileron control system, could result in failure of the aileron override system and consequent reduced lateral controllability of the airplane, accomplish the following:

Replacement

(a) Within 18 months after the effective date of this AD, replace the aileron control override quadrant with a modified unit, in accordance with Boeing Alert Service Bulletin 767–27A0175, dated October 25, 2001.

Note 2: This AD does not require accomplishment of the actions specified by Boeing Service Bulletin 767–27–0142.

Part Installation

(b) As of the effective date of this AD, no person may install, on any airplane, an aileron control override quadrant that has not been modified in accordance with the requirements of this AD.

Alternative Methods of Compliance

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

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

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

Issued in Renton, Washington, on February 14, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–4232 Filed 2–21–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

31 CFR Part 103

RINs 1506–AA28; and 1506–AA41

Financial Crimes Enforcement Network; Anti-Money Laundering Programs for Businesses Engaged in Vehicle Sales

AGENCY: Financial Crimes Enforcement Network (FinCEN), Treasury.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: FinCEN is in the process of implementing the requirements delegated to it under the USA PATRIOT Act of 2001, in particular the requirements of the Act that require financial institutions to establish anti-money laundering compliance and customer identification programs. The term "financial institution" is defined to include a "business engaged in vehicle sales, including automobile, airplane, and boat sales." FinCEN is issuing this advance notice of proposed rulemaking (ANPRM) to solicit public comments on a wide range of questions pertaining to these requirements, including the money laundering risks that are posed by these businesses, whether these businesses should be subject to these requirements, and if so, how the requirements should be structured.

DATES: Written comments may be submitted on or before April 10, 2003.

ADDRESSES: Because paper mail in the Washington, DC, area may be subject to delay, commenters are encouraged to e-mail comments. Comments may be submitted by electronic mail to regcomments@fincen.treas.gov with the caption in the body of the text, "ATTN: ANPRM—Sections 352 and 326—Vehicle Seller Regulations." Comments may be mailed to FinCEN, P.O. Box 39, Vienna, VA 22183, ATTN: ANPRM—Sections 352 and 326—Vehicle Seller Regulations. Comments should be sent by one method only. Comments may be inspected at FinCEN between 10 a.m. and 4 p.m., in the FinCEN Reading Room in Washington, DC. Persons wishing to inspect the comments submitted must request an appointment by telephoning (202) 354–6400 (not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Office of Chief Counsel, FinCEN, (703) 905-3590; the Office of the General Counsel, (202) 622-1927; or the Office of the Assistant General Counsel (Banking and Finance), (202) 622-0480 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

I. Background

On October 26, 2001, the President signed into law the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) Act of 2001 (Public Law 107-56) (the Act). Title III of the Act makes a number of amendments to the anti-money laundering provisions of the Bank Secrecy Act (BSA), which are codified in subchapter II of chapter 53 of title 31, United States Code. These amendments are intended to promote the prevention, detection, and prosecution of international money laundering and the financing of terrorism. Section 352(a) of the Act, which became effective on April 24, 2002, amended section 5318(h) of the BSA. As amended, section 5318(h)(1) requires every financial institution to establish an anti-money laundering program that includes, at a minimum: (i) The development of internal policies, procedures, and controls; (ii) the designation of a compliance officer; (iii) an ongoing employee training program; and (iv) an independent audit function to test programs. When prescribing minimum standards for anti-money laundering programs, section 352 directs the Treasury to consider the extent to which such standards are commensurate with the size, location, and activities of the financial institutions to which such regulations apply.

As a "business engaged in vehicle sales" (vehicle seller) is defined as a financial institution under the BSA, 31 U.S.C. 5312(a)(2)(T), it is subject to the anti-money laundering program requirement. On April 29, 2002, and again on November 6, 2002, FinCEN temporarily exempted certain financial institutions, including vehicle sellers, from the requirement to establish an anti-money laundering compliance program. The purpose of the deferral was to enable FinCEN to study the affected industries and consider the extent to which anti-money laundering program requirements should be applied to them, taking into account the specific characteristics of the various

entities defined as financial institutions by the BSA.¹

In addition, section 326 of the Act added new subsection (l) to 31 U.S.C. 5318, which requires Treasury to prescribe regulations setting forth minimum standards for financial institutions to identify customers applying to open accounts. Section 326 applies to all BSA financial institutions that open accounts for their customers.

The business of vehicle sellers encompasses various segments, including sellers of: (1) New land-based vehicles, such as automobiles, trucks, RVs, and motorcycles; (2) new aircraft, including fixed wing airplanes and helicopters; (3) new boats and ships; and (4) used vehicles (as well as those who broker the sale of used vehicles).²

Businesses engaged in the selling of vehicles comprise a significant percentage of the total gross domestic product of the United States, and the vehicles that they collectively sell account for a major portion of U.S. consumption, exports, and other important economic indicia.³ As such, because of both the economic significance of this industry, and the important and pervasive role that vehicles, and therefore vehicles sales, play in the United States, this ANPRM is intended to assist FinCEN in striking a balance between the important statutory requirements of the Act, and the important benefits that vehicle sellers provide to our country.

Some vehicle sellers are tied to the manufacturing of the vehicles, while others may not be. While some vehicle sellers are publicly traded companies, most are privately held or family owned. Some may be characterized as wholesale sellers of vehicles, while others are engaged in retail sales of the vehicles. In each segment, there is often substantial variety in function and practice.

Vehicle sellers range in size from very large entities that sell vehicles with a total value that is measured in billions of dollars annually, to very small entities (such as a neighborhood used

car dealer) that may only sell a few vehicles each year. Vehicle sellers may sell either new or used vehicles, and may sell to customers domestic or foreign, or both. Moreover, the characteristics of vehicle sellers often vary based on the type of vehicles sold. For example, retail sellers of large, multi-engine commercial aircraft are generally much larger businesses than sellers of small, general aviation aircraft, reflecting the capital and business risks needed to maintain inventory. In a like manner, sales of large marine ships in excess of 100,000 deadweight tons are conducted very differently than sales of pleasure watercraft, such as sail boats. Similarly, sellers of used vehicles often have different characteristics than sellers of new vehicles, reflecting the different relationships with vehicle manufacturers and the differences in these markets.

II. Issues for Comment

1. What Is the Potential Money Laundering Risk Posed by Vehicle Sellers? Do Money Laundering Risks Vary by (1) Vehicle Type (e.g., Boat, Airplane, Automobile); (2) Market (Wholesale vs. Retail); or (3) Business Line (International Sales, Sales to Governments)?

The threshold issue being addressed by this ANPRM is the extent to which vehicle sellers pose a significant risk of money laundering.⁴ For example, a money laundering risk is presented where a vehicle is purchased with cash.⁵ This is particularly true for the placement stage of money laundering; that is, where the money launderer seeks to cleanse illegal proceeds by introducing them into the financial system. A large cash purchase of an expensive vehicle could form the placement stage for a money laundering scheme.⁶ While the risk of money laundering is minimized, to some

⁴ For the purpose of this ANPRM, FinCEN is focusing on the money laundering risks associated with the sale of the vehicles themselves, and not with the financing of such sales. Although some vehicle sellers that provide financing for their products (generally through a finance subsidiary) perform a function similar to that of traditional financial institutions such as banks and loan companies, that function will be addressed separately by a proposed rule to be issued that will require loan and finance companies to have anti-money laundering programs.

⁵ Recently, in Operation Lightning Strike, manufacturers of illegal liquor were convicted of laundering the illegal proceeds of untaxed liquor sales by using cash transactions and purchasing a number of vehicles in the names of other family members.

⁶ See, e.g., *U.S. v. Cruz*, 993 F.2d 164 (8th Cir. 1993) (narcotics dealer laundered proceeds by purchasing three automobiles for cash in amount that greatly exceeded his stated income).

¹ See 31 CFR 103.170, as codified by interim final rule published at 67 FR 21110 (April 29, 2002), as amended at 67 FR 67547 (November 6, 2002) (as corrected at 67 FR 68935 (November 14, 2002)).

² FinCEN does not intend to impose anti-money laundering program obligations on individuals in connection with the sale of their own personal vehicle to others, whether as a "trade-in" with a retail vehicle dealer or by private sale with another party, unless an individual is engaged in the business of selling vehicles.

³ According to the Department of Transportation, in the year 2000 there were 8,847,000 new automobiles, 578,700 boats, and 3,285 civilian aircraft sold at retail. U.S. Dept. of Transportation Bureau of Transportation Statistics, National Transportation Statistics 2002 (GPO July 2002).

extent, by the existing obligation on all vehicle sellers to report, pursuant to 26 U.S.C. 6050I, 31 U.S.C. 5331, and 31 CFR 103.30, the receipt of cash or monetary instruments in excess of \$10,000,⁷ a rule that requires an anti-money laundering compliance or customer identification program may alleviate further the money laundering risk associated with large cash purchases. In response to documented instances of abuse, industry associations representing new car dealers have already taken steps to guard against the laundering of illicit proceeds through the purchase of automobiles with cash, providing their members with educational materials concerning their legal obligations and cash-related money laundering red flags.

The next stage of money laundering, the layering stage, involves the distancing of illegal funds from their criminal source through the creation of complex layers of financial transactions. Examples of layering through the vehicle sellers industry might include trading in vehicles for other vehicles and engaging in successive transactions of buying and selling both new and used vehicles.

Vehicle sales businesses also could be used for integrating illicit income into assets that appear legitimate. Integration occurs when illegal funds appear to have been derived from a legitimate source. This could occur, for instance, when the funds or vehicles received from the vehicle seller in the aftermath of the layering transactions are held out as coming from a legitimate source.

Vehicle sellers may need to have an understanding of the identity of customers who participate in transactions with money laundering risk. For purchases of vehicles involving large sums of cash, knowing the customer's identity may be an essential part of an effective anti-money laundering program. Customers may request complex invoicing arrangements or payment arrangements or may structure their cash payments to avoid BSA reports. While vehicle sellers may scrutinize non-cash transactions to manage fraud risk, they are undoubtedly less aware of possible money laundering risk with both cash and non-cash transactions.

FinCEN has received reports indicating that some vehicle sellers have

engaged in structuring⁸ sequential deposits of cash near the reporting threshold of \$10,000. FinCEN also has received reports of the purchase of automobiles with structured checks and money orders. Other instances of suspicious activity reported to FinCEN concerning this industry include consumer loan fraud and check fraud. These instances all involve the placement stage of money laundering.

Accordingly, FinCEN solicits comments on the existence of the above, and other, types of risks in the vehicle sellers business. Specifically, FinCEN is interested in identifying risks in the products that vehicle sellers provide that make them uniquely susceptible to money laundering, as opposed to the risks inherent in all businesses that sell products or services to the public that may be purchased with tainted funds. Such heightened risks include, for example, the payment of funds to the seller by third parties on behalf of customers, particularly from jurisdictions with lax money laundering controls, and the ability to pay funds to the vehicle seller and, in return, receive funds from the seller that have the appearance of legitimacy. FinCEN further seeks comment on whether differentiation should be made for lines of business that appear to have minimal money laundering risks, such as the sale of vehicles to federal, state, and local governments. Are there other functional distinctions that should be made?

2. Should Vehicle Sellers Be Exempt from Coverage Under Sections 352 and 326 of the Patriot Act?

Based on the determination of the extent of the risk of money laundering posed by vehicle sellers, the question arises as to whether the industry should be exempt under sections 352 and 326 of the Act. If the risk of money laundering in the vehicle sellers industry is determined to be minimal such that it does not justify the imposition of a regulatory burden, it might be reasonable to exempt the industry from coverage of these provisions. This judgment will be based on the existing risks of money laundering, the potential risks of money laundering, as well as the volume of possible illicit funds that may flow through vehicle sellers.

In light of these issues, FinCEN would like to solicit comments with regard to the issue of whether there should be an exemption from these provisions for vehicle sellers, or any category thereof.

These comments should be designed to enable FinCEN to decide whether or not to propose an appropriate regulation designed to provide protection for the vehicle seller industry from the risks of money laundering.

3. If Vehicle Sellers, or Some Subset of the Industry, Should Be Subject to the Anti-Money Laundering Program Requirements, How Should the Program Be Structured?

In applying section 352 of the Act to vehicle sellers, FinCEN must take into account which requirements are "commensurate with the size, location, and activities" of this industry. In undertaking this review, FinCEN recognizes that vehicle sellers likely have some programs already in place to meet existing legal obligations. For example, as a nonfinancial trade or business, vehicle sellers are required to report on Form 8300 the receipt of over \$10,000 in currency and certain monetary instruments. Vehicle sellers also may have procedures in place to protect themselves against fraud. Such procedures may be sufficient in themselves, given the money laundering risk in the industry, or they may serve as a foundation on which additional anti-money laundering program requirements could be based. FinCEN therefore seeks comment on the particular elements that should be included in any required anti-money laundering program, should it be determined that such a requirement should be imposed on this industry. In this regard, comment is requested regarding the types of programs vehicle sellers currently have in place to prevent fraud and illegal activities, and the applicability of such programs to the prevention of money laundering.

4. How Should a Vehicle Seller Be Defined? Should There Be a Minimum Threshold Value in the Definition? Should it Include Wholesale and Retail Sellers? Should Sellers of Used Vehicles Be Included?

In the event FinCEN determines to propose requirements on vehicle sellers under sections 352 and 326 of the Act, it will be necessary to define the term vehicle seller. Although the BSA identifies a vehicle seller as a financial institution, the statute contains no definition of the term, other than to state that it includes sellers of automobiles, airplanes, and boats. The legislative history of the BSA provides no insight into how Congress intended the term to be defined, nor has FinCEN had an occasion to define the term in a regulation.

⁷ Sellers of vehicles for personal consumption (as opposed to commercial sales) fall within the type of retail business required to report receipts of monetary instruments (cashier's checks, traveler's checks, money orders) that have face amounts of less than \$10,000 and which are used to make a purchase of greater than \$10,000. See 31 CFR 103.30.

⁸ Structuring refers to the breaking up of a transaction into multiple smaller transactions to evade recordkeeping or reporting requirements.

As discussed above, vehicle sellers form an extremely large and diverse industry, accounting for a major portion of American consumption as well as exports. Given this diversity in the vehicle sellers industry, the risks of money laundering and the costs of preventive programs can vary widely. Thus, FinCEN solicits comment on whether any proposed rule should limit the definition to sellers of particular types of vehicles, to retail or wholesale vehicle sellers, or sellers of new or used vehicles. In addition, FinCEN's regulations in the past have recognized that businesses that do not transact in sufficient dollar amounts or volume, or in cash or monetary instruments, may not present sufficient money laundering risk to require the imposition of federally mandated programs. For example, under the BSA, money services businesses other than money transmitters (currency exchangers, check cashers, and issuers, sellers, and redeemers of traveler's checks and money orders) are defined as financial institutions only if they transact over \$1,000 in covered transactions for any one person in any one day.⁹ This threshold reflects the judgment that businesses that never engage in transactions above that level fail to present a money laundering risk sufficient to justify the regulatory burden. FinCEN solicits comment on whether, if vehicle sellers are required to implement anti-money laundering programs, there should be a monetary threshold of some kind in defining a vehicle seller for purposes of the BSA. Commenters should address whether any such threshold should be transaction based, as with the money services business rules, or on an annual gross income, or some other basis.

5. Do Vehicle Sellers Maintain "Accounts" for Their Customers?

Section 326 requires the setting of minimum standards for identification of customers "in connection with the opening of an account at a financial institution." Section 311 of the Patriot Act provides a definition of "account" for banks, but requires the Secretary to promulgate a regulation defining "account" for non-bank financial institutions. Although such a regulation has yet to be issued, the definition for banks ("a formal banking or business relationship established to provide regular services, dealings, and other financial transactions") is a useful starting point. This definition incorporates two key concepts: (1) Formality of the business relationship,

and (2) regularity of dealings. In light of these concepts, FinCEN solicits comments as to whether (and to what extent) vehicle sellers maintain accounts for their customers, in addition to fleet accounts. What kinds of services do vehicle sellers provide to any such account holders (including fleet account holders)? Are these account relationships ongoing? Are accounts established to receive recurring payments from a customer, or are additional services provided to the account holder?

III. Conclusion

With this ANPRM, FinCEN is seeking input to assist it in determining how to implement the requirements of sections 352 and 326 of the Act with respect to vehicle sellers. FinCEN welcomes comments on all aspects of this potential regulation and encourages all interested parties to provide their views.

IV. Executive Order 12866

Because this is an ANPRM, FinCEN does not know whether or in what form it may issue a regulation pursuant to sections 352 and 326 of the Act affecting vehicle sellers. Accordingly, FinCEN does not know whether potential regulations will constitute a significant regulatory action under the Executive Order. This ANPRM neither establishes nor proposes any regulatory requirements. FinCEN has submitted a notice of planned regulatory action to OMB for review. Because this ANPRM does not contain a specific proposal, information is not available with which to prepare an economic analysis. FinCEN will prepare a preliminary analysis if it proceeds with a proposed rule that constitutes a significant regulatory action.

Accordingly, FinCEN solicits comments, information, and data on the potential effects of any potential regulation. FinCEN will carefully consider the costs and benefits associated with this rulemaking.

Dated: February 12, 2003.

James F. Sloan,

Director, Financial Crimes Enforcement Network.

[FR Doc. 03-4173 Filed 2-21-03; 8:45 am]

BILLING CODE 4810-02-P

DEPARTMENT OF THE TREASURY

31 CFR Part 103

RINs 1506-AA28 and 1506-AA38

Financial Crimes Enforcement Network; Anti-Money Laundering Programs for Travel Agencies

AGENCY: Financial Crimes Enforcement Network (FinCEN), Treasury.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: FinCEN is in the process of implementing the requirements delegated to it under the USA PATRIOT Act of 2001, in particular the requirements of the Act that require financial institutions to establish anti-money laundering compliance and customer identification programs. The term "financial institution" is defined to include a "travel agency." FinCEN is issuing this advance notice of proposed rulemaking (ANPRM) to solicit public comments on a wide range of questions pertaining to this requirement, including how to define the term travel agency.

DATES: Written comments may be submitted on or before April 10, 2003.

ADDRESSES: Because paper mail in the Washington area may be subject to delay, commenters are encouraged to e-mail comments. Comments may be submitted by electronic mail to regcomments@fincen.treas.gov with the caption in the body of the text, "ATTN: ANPRM—Section 352—Travel Agency Regulations." Comments may be mailed to FinCEN, P.O. Box 39, Vienna, VA 22183, ATTN: ANPRM—Section 352—Travel Agency Regulations. Comments should be sent by one method only. Comments may be inspected at FinCEN between 10 a.m. and 4 p.m., in the FinCEN Reading Room in Washington, DC. Persons wishing to inspect the comments submitted must request an appointment by telephoning (202) 354-6400 (not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Office of Chief Counsel, FinCEN, (703) 905-3590; the Office of the General Counsel, (202) 622-1927; or the Office of the Assistant General Counsel (Banking and Finance), (202) 622-0480 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

I. Background

On October 26, 2001, the President signed into law the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) Act of 2001 (Public Law 107-56)

⁹ 31 CFR 103.11(uu).

(the Act). Title III of the Act makes a number of amendments to the anti-money laundering provisions of the Bank Secrecy Act (BSA), which are codified in subchapter II of chapter 53 of title 31, United States Code. These amendments are intended to make it easier to prevent, detect, and prosecute international money laundering and the financing of terrorism. Section 352(a) of the Act, which became effective on April 24, 2002, amended section 5318(h) of the BSA. As amended, section 5318(h)(1) requires every financial institution to establish an anti-money laundering program that includes, at a minimum: (i) The development of internal policies, procedures, and controls; (ii) the designation of a compliance officer; (iii) an ongoing employee training program; and (iv) an independent audit function to test programs. When prescribing minimum standards for anti-money laundering programs, section 352 directs the Treasury to consider the extent to which such standards are commensurate with the size, location, and activities of the financial institutions to which such regulations apply.

As a "travel agency" is defined as a financial institution under the BSA, 31 U.S.C. 5312(a)(2)(Q), it is subject to the anti-money laundering program requirement. On April 29, 2002, FinCEN temporarily exempted certain financial institutions, including travel agencies, from the requirement to establish an anti-money laundering compliance program. The purpose of the deferral was to enable FinCEN to study the affected industries and consider to what extent anti-money laundering program requirements could best be applied, taking into account the specific characteristics of the various entities defined as financial institutions by the BSA.¹

In addition, section 326 of the Act added new subsection (l) to 31 U.S.C. 5318, which requires Treasury to prescribe regulations setting forth minimum standards for financial institutions to identify customers applying to open accounts. Section 326 applies to all BSA financial institutions that open accounts for their customers.

FinCEN is proceeding with this ANPRM because of questions about travel agencies and money laundering that make it difficult to assess the benefits and burdens associated with imposition of anti-money laundering

regulations on this industry. Through this process, FinCEN hopes to solicit sufficient information to enable it to determine whether to go forward with a Notice of Proposed Rulemaking, as well as the scope of entities and procedures that any such Notice should encompass.

II. Issues for Comment

1. How Should a Travel Agency Be Defined? Should There Be a Minimum Threshold Value in the Definition?

Although the BSA identifies a travel agency as a financial institution, the statute contains no definition of the term, nor has FinCEN had an occasion to define the term in a regulation. Thus, the first step in addressing the appropriateness of issuing anti-money laundering regulations is determining a functional definition of a travel agency. The legislative history of the BSA provides no insight into how Congress intended the term to be defined.

As the name implies, a travel agency offers its services in the capacity of an agent, and not as a principal. A travel agency offers travel and tourism related services to the public as a result of agency agreements with airlines, cruise lines, hotels, and other suppliers of travel-related services. It may contract directly with suppliers such as hotels, car rental companies, and tour operators, or may contract with a coordinating body such as the Airlines Reporting Corporation (ARC)² and the International Airlines Travel Agency Network (IATAN). Travel agencies also may provide financial services such as traveler's checks to their customers, and may offer travel-related insurance. Travel agencies that offer such financial services in conjunction with travel services are considered financial institutions for the purpose of consumer privacy regulations.³

For purposes of this ANPRM, FinCEN is using the following functional definition of travel agency: "Any person who sells, as an agent and not as a principal, the following travel services: airline tickets, rail tickets, hotel and motel reservations, and cruise reservations, or some combination of those services." This definition excludes direct sales by service providers such as hotels and tour buses. These principals are excluded because

² ARC provides a mechanism that carriers may use to appoint travel agents, and such agents are then entitled to use ARC standard ticket stock for participating carriers, which comprise the vast majority of domestic and international carriers. ARC requires travel agents to obtain and maintain an irrevocable letter of credit as bond.

³ See 16 CFR 313.3 (k)(2)(ix) (Federal Trade Commission regulations governing privacy of consumer information).

their inclusion appears to be at odds with the use of the term "agency" in the BSA definition (such entities are providers of travel-related services, rather than travel agents).

According to the Small Business Administration (SBA), most travel agencies are small businesses.⁴ Of the 22,687 travel agencies identified by the SBA operating out of 29,332 establishments, only 450 fall outside the SBA definition of a small business in this industry. These larger businesses generate 47% of all industry revenue.⁵ FinCEN's regulations in the past have recognized that businesses that do not transact in sufficient dollar amounts or volume may not present sufficient money laundering risk to require the imposition of federally mandated programs. For example, under the BSA, money services businesses other than money transmitters (currency exchangers and check cashers, as well as issuers, sellers, and redeemers of traveler's checks and money orders) are defined as financial institutions only if they transact over \$1,000 in covered transactions for any one person in any one day.⁶ This threshold reflects the judgment that businesses that never engage in transactions above that level fail to present a money laundering risk sufficient to justify the regulatory burden. FinCEN solicits comment on whether, if travel agencies are required to implement anti-money laundering programs, there should be a monetary threshold of some kind in defining a travel agency for purposes of the BSA. Commenters should address whether any such threshold should be transaction based, as with the money services business rules, or on an annual gross income, or some other basis.

2. What Is the Potential Money Laundering Risk Posed By Travel Agencies? Are There Different Kinds of Travel Agencies or Different Services Offered That Pose Different Money Laundering Risks?

Although some travel agencies perform some of the functions of traditional financial institutions, such as selling traveler's checks, such agencies, to the extent they meet the regulatory threshold, would be considered money services businesses under 31 CFR part 103.11(uu)(4). The focus of this ANPRM is on the risks unique to travel agencies' provision of travel-related services. Within this focus, the industry does

⁴ See 67 FR 38184 (May 31, 2002) (raising ceiling for defining a travel agency as a small business to \$3 million in total revenue, a definition encompassing 98% of travel agencies).

⁵ *Id.*

⁶ 31 CFR 103.11(uu)(1)-(4).

¹ See 31 CFR 103.170, as codified by interim final rule published at 67 FR 21110 (April 29, 2002), as amended at 67 FR 67547 (November 6, 2002) and corrected at 67 FR 68935 (November 14, 2002).

present some potential money laundering risks. For example, some travel agencies have a significant portion of their clients pay for the agencies' products and services in cash. While the risk of money laundering is minimized, to some extent, by the existing obligation on all travel agencies to report, pursuant to 26 U.S.C. 6050I, 31 U.S.C. 5331, and 31 CFR 103.30, the receipt of cash or monetary instruments in excess of \$10,000,⁷ a rule that requires an anti-money laundering compliance or customer identification program may alleviate further the money laundering risk associated with the cash intensive nature of some travel agencies. Moreover, some travel agencies are associated with ancillary businesses, including money services businesses offering money transfer and check cashing, that pose additional money laundering risk. To the extent customers wish to avoid the recordkeeping and reporting requirements applicable to the money services side of the business, they may try to route their transactions through the unregulated travel agency side of the business. Instead of obtaining a money order or traveler's check to make an illicit payment (which would be subject to FinCEN's recordkeeping rules if over \$3,000), a money launderer could buy an expensive airline ticket for another person, who could then exchange it for a legitimate-seeming refund.

FinCEN has received reports indicating that some travel agencies (or their customers) have engaged in structuring sequential deposits and withdrawals of cash near the reporting threshold of \$10,000. There have also been reports of some travel agencies structuring outgoing wire transfers in small amounts to avoid BSA recordkeeping requirements. Some travel agents have been observed receiving unusual wire transfers from foreign countries or wire transfers of unusually large amounts.

In addition, travel agencies reportedly have been used to transfer value through the provision of in-kind services. A travel agent sending groups to a foreign country, for example, can make an offsetting payment in a foreign entity's U.S. or other account and instruct that entity to cover the costs of the group during their trip. This method is one way that businesses involved in informal value transfer systems, such as

hawala,⁸ can transfer funds between entities in various countries.

Travel agencies may need to have an understanding of the identity of customers who participate in transactions with money laundering risk. For purchases of travel services involving large sums of cash, knowing the customer's identity may be an essential part of an effective anti-money laundering program. Customers may request complex invoicing arrangements or payment arrangements or may structure their cash payments to avoid BSA reports. While travel agencies may scrutinize non-cash transactions to manage fraud risk, they are undoubtedly less aware of possible money laundering risk with both cash and non-cash transactions.

Accordingly, FinCEN solicits comments on the existence of the above, and other, types of risks in the travel agency business. Specifically, FinCEN is interested in identifying risks in the products and services that travel agencies provide that make them uniquely susceptible to money laundering, as opposed to the risks inherent in all businesses that sell products or services to the public that may be purchased with tainted funds. Such heightened risks include, for example, the ability to transfer funds, even with a sizable penalty or cost, from one person to another; the ability to pay in funds and, in return, receive funds from the travel agency or related business that have the appearance of legitimacy and no ties to incoming funds. Furthermore, should regulatory distinctions based on money laundering risk be made between travel agencies that restrict their sales to domestic travel and those that handle international travel? Are there other functional distinctions that should be made?

3. Should Travel Agencies Be Exempt From Coverage Under Sections 352 and 326 of the Patriot Act?

Based on the determination of the extent of the risk of money laundering within the travel agency industry, the question arises as to whether the industry should be exempt under sections 352 and 326 of the Act. If the risk of money laundering in the travel agency industry is determined to be minimal such that it does not justify the imposition of a regulatory burden, it might be reasonable to exempt the industry from coverage of these

provisions. This judgment will be based on the existing risks of money laundering, the potential risks of money laundering, as well as the volume of possible illicit funds that may flow through travel agencies.

In light of these issues, FinCEN would like to solicit comments with regard to the issue of whether there should be an exemption from these provisions for travel agencies. These comments should be designed to enable FinCEN to decide whether or not to propose the promulgation of an appropriate regulation designed to provide protection for the travel agency industry with regard to the risk of money laundering.

4. If Travel Agencies, or Some Subset of the Industry, Should Be Subject to the Anti-Money Laundering Program Requirements, How Should the Program Be Structured?

In applying section 352 to travel agencies, FinCEN must take into account which requirements are "commensurate with the size, location, and activities" of this industry. In undertaking this review, FinCEN recognizes that travel agencies likely have some programs already in place to meet existing legal obligations. For example, as a nonfinancial trade or business, travel agencies are required to report on Form 8300 the receipt of over \$10,000 in currency and certain monetary instruments. Travel agencies also may have procedures in place to protect themselves against fraud. Such procedures may be sufficient in themselves given the money laundering risk in the industry, or they may serve as a foundation on which additional anti-money laundering program requirements could be built. FinCEN therefore seeks comment on what types of programs travel agencies have in place to prevent fraud and illegal activities, and the applicability of such programs to the prevention of money laundering.

5. Do Travel Agencies Maintain "Accounts" for Their Customers?

Section 326 requires the setting of minimum standards for identification of customers "in connection with the opening of an account at a financial institution." Section 311 of the Patriot Act provides a definition of "account" for banks, but requires the Secretary to promulgate a regulation defining "account" for non-bank financial institutions. Although such a regulation has yet to be issued, the definition for banks ("a formal banking or business relationship established to provide regular services, dealings, and other

⁷ Sellers of travel fall within the type of retail business required to report receipts of monetary instruments (cashier's checks, traveler's checks, money orders) that have face amounts of less than \$10,000 and which are used to make a purchase of greater than \$10,000. See 31 CFR 103.30.

⁸ See Report to Congress in Accordance with Section 359 of the USA Patriot Act (November 22, 2002), available on FinCEN's Web site at <http://www.fincen.gov> under Publications, Reports.

financial transactions”) is a useful starting point. This definition incorporates two key concepts: (1) Formality of the business relationship, and (2) regularity of dealings. In light of these concepts, FinCEN solicits comments as to whether (and to what extent) travel agencies maintain accounts for their customers. If so, what kinds of services do travel agencies provide to account holders? Are these account relationships ongoing? Are accounts established to receive recurring payments from a customer, or are additional services provided to the accountholder?

III. Conclusion

With this ANPRM, FinCEN is seeking input to assist it in determining how to implement the requirements of sections 352 and 326 of the Act with respect to travel agencies. FinCEN welcomes comments on all aspects of potential regulation and encourages all interested parties to provide their views.

IV. Executive Order 12866

Because this is an ANPRM, FinCEN does not know whether or in what form it may issue a regulation pursuant to sections 352 and 326 of the Act affecting travel agencies. Accordingly, FinCEN does not know whether potential regulations will constitute a significant regulatory action under the Executive Order. This ANPRM neither establishes nor proposes any regulatory requirements. FinCEN has submitted a notice of planned regulatory action to OMB for review. Because this ANPRM does not contain a specific proposal, information is not available with which to prepare an economic analysis. FinCEN will prepare a preliminary analysis if it proceeds with a proposed rule that constitutes a significant regulatory action.

Accordingly, FinCEN solicits comments, information, and data on the potential effects of any potential regulation. FinCEN will carefully consider the costs and benefits associated with this rulemaking.

Dated: February 12, 2003.

James F. Sloan,

Director, Financial Crimes Enforcement Network.

[FR Doc. 03-4172 Filed 2-21-03; 8:45 am]

BILLING CODE 4810-02-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[M180-01-7289b, FRL-7443-1]

Approval and Promulgation of Air Quality Implementation Plans; Michigan; Excess Emissions During Startup, Shutdown or Malfunction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve several rule revisions for incorporation into Michigan’s State Implementation Plan (SIP). The Michigan Department of Environmental Quality (MDEQ) submitted these revisions to EPA on September 23, 2002. They include rules to address excess emissions occurring during startup, shutdown or malfunction, as well as revisions to related definitions. In the Final Rules section of this **Federal Register**, EPA is approving the state’s SIP revision, as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If we receive no adverse comments in response to that direct final rule, we plan to take no further action in relation to this proposed rule. If we receive significant adverse comments, in writing, which we have not addressed, we will withdraw the direct final rule and address all public comments received in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document.

DATES: EPA must receive written comments on or before March 26, 2003.

ADDRESSES: Send written comments to: Carlton Nash, Chief, Regulation Development Section, Air Programs Branch, (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

You may inspect copies of the documents relevant to this action during normal business hours at the following location: Regulation Development Section, Air Programs Branch, (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

Please contact Kathleen D’Agostino at (312) 886-1767 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Kathleen D’Agostino, Environmental

Engineer, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-1767.

Where Can I Find More Information About This Proposal and the Corresponding Direct Final Rule?

For additional information see the direct final rule published in the rules section of this **Federal Register**.

Dated: January 9, 2003.

Bharat Mathur,

Acting Regional Administrator, Region 5.

[FR Doc. 03-4261 Filed 2-21-03; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL-7453-1; Docket ID No. OAR-2002-0046]

RIN 2060-AJ53

Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; amendments.

SUMMARY: On March 27, 2000, the EPA issued a memorandum which stated that process tanks are “storage vessels” under the definition in the Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984. On May 26, 2000, the American Forest and Paper Association (AF&PA) filed a petition for judicial review of the March 27, 2000 memorandum. The EPA is proposing to amend the standards to address the issues raised by AF&PA in its petition for review. The EPA is also proposing to amend the standards to exempt storage vessels that are subject to the National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production. **DATES:** The EPA will accept comments regarding this proposal on or before March 26, 2003.

ADDRESSES: *Mail.* Send your comments to: Air Docket, U.S. EPA, Mailcode: 6102T, Room B108, 1200 Pennsylvania Ave, NW., Washington, DC, 20460, Attention Docket ID No. OAR-2002-0046.

Hand Delivery or Courier. Deliver your comments to: Air Docket, U.S. EPA, 1301 Constitution Avenue, NW., Room B108, Mail Code: 6102T, Washington, DC 20004, Attention Docket ID No. OAR-2002-0046.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Morris, Organic Chemicals Group, Emission Standards Division (Mail Code C504-04), U.S. EPA, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5416, electronic mail address morris.mark@epa.gov.

SUPPLEMENTARY INFORMATION: *Regulated Entities.* The regulated category and entities affected by this action include:

Category	NAICS code	Examples of regulated entities
Industrial	325	Chemical manufacturing facilities.
	324	Petroleum and coal products manufacturing facilities
	424710	Petroleum bulk stations and terminals.

This table is not intended to be exhaustive, but rather provides a guide for readers likely to be interested in the revisions to the regulation affected by this action. To determine whether your facility, company, business, organization, *etc.*, is regulated by this action, you should carefully examine all of the applicability criteria in § 60.110b of the standards, as well as in the proposed amendments to the applicability sections contained in this proposal. If you have questions regarding the applicability of these amendments to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Docket. The EPA has established an official public docket for this action under Docket ID No. OAR-2002-0046. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Air and Radiation Docket in the EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket

Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket is (202) 566-1742.

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 the EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket identification number.

Certain types of information will not be placed in 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 the EPA's electronic public docket. The EPA's policy is that copyrighted material will not be placed in the 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 the 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 the 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. The EPA intends to work toward providing electronic access to all of the publicly available docket materials through the EPA's electronic public docket.

For public commenters, it is important to note that the EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in the EPA's electronic public docket as the EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When the EPA identifies a comment containing copyrighted material, the EPA will provide a reference to that material in the version of the comment that is

placed in the 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 the EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in the EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in the EPA's electronic public docket along with a brief description written by the docket staff.

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

Comments. You may submit comments electronically, by mail, by facsimile, or through hand delivery/courier. To ensure proper receipt by the EPA, include Docket ID No. OAR-2002-0046 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." The EPA is not required to consider these late comments.

Electronically. If you submit an electronic comment as prescribed below, the 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 the EPA to contact you in case the EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. The EPA's policy is that the 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 the EPA's electronic public docket. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment.

EPA Dockets. Your use of the EPA's electronic public docket to submit comments to the EPA electronically is the EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket/> and follow the online instructions for

submitting comments. To access the EPA's electronic public docket from the EPA Internet Home Page, select "Information Sources," "Dockets," and "EPA Dockets." Once in the system, select "search," and then key in Docket ID No. OAR-2002-0046. The system is an "anonymous access" system, which means the EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

E-mail. Comments may be sent by electronic mail (e-mail) to *a-and-r-docket@epa.gov*, Attention Docket ID No. OAR-2002-0046. In contrast to the EPA's electronic public docket, the 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 the EPA's electronic public docket, the EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by the EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in the EPA's electronic public docket.

Disk or CD ROM. You may submit comments on a disk or CD ROM to the mailing address in the **ADDRESSES** section. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

Facsimile. Fax your comments to: (202) 566-1741, Attention Docket ID No. OAR-2002-0046.

Confidential Business Information. Do not submit information that you consider to be CBI electronically through the EPA's electronic public docket or by e-mail. Send or deliver information identified as CBI only to the following address: Attention: Mr. Mark Morris, c/o OAQPS Document Control Officer (Mailcode C404-02), U.S. EPA, Research Triangle Park, NC, 27711, Attention Docket ID No. OAR-2002-0046. You may claim information that you submit to the 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 the 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 the EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

Outline. The information presented in this preamble is organized as follows:

- I. What standards are we proposing to amend and how does this action relate to the overall scope of the subpart Kb rule?
- II. Why are we proposing amendments to the standards and what amendments are we proposing?
- III. Statutory and Executive Order Reviews
 - A. Executive Order 12866: Regulatory Planning and Review
 - B. Paperwork Reduction Act
 - C. Regulatory Flexibility Act
 - D. Unfunded Mandates Reform Act
 - E. Executive Order 13132: Federalism
 - F. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments
 - G. Executive Order 13045: Protection of Children from Environmental Health & Safety Risks
 - H. Executive Order 13211: Actions that Significantly Affect Energy Supply, Distribution, or Use
 - I. National Technology Transfer Advancement Act

I. What Standards Are We Proposing to Amend and How Does This Action Relate to the Overall Scope of the Subpart Kb Rule?

We are proposing to amend various provisions in 40 CFR part 60, subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984. In doing so, we are indicating by necessary implication that subpart Kb applies to all industries where volatile organic liquid (VOL) (as defined in § 60.111b(k)) is stored, and thus applies to industries in addition to the petroleum and synthetic organic chemical manufacturing industries.

The EPA proposed the subpart Kb rules on July 23, 1984 (49 FR 29698) and promulgated them on April 8, 1987 (52 FR 11420). The standards implement section 111 of the Clean Air Act (CAA) and are based on the Administrator's determination that VOL storage vessels cause or contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. Section 111 of the CAA requires that the EPA publish a list of

major stationary sources of air pollution (priority list) and to establish standards reflecting the performance of the best system of emissions reductions (taking cost and non-air environmental impacts into account) which is adequately demonstrated for the new sources in that listed source category.

Subpart Kb indicates on its face that it applies to all industries where VOL storage vessels are located and is not limited to the petroleum industry and the synthetic organic chemical manufacturing industry (SOCMI). Thus, the applicability to affected sources is comprehensive (§ 60.110b(a)), except for enumerated exceptions, some of which are to non-SOCMI, non-petroleum sources (such as coke oven by-product plants). If the rule only applied to SOCMI and petroleum sources, of course, it would have been unnecessary for the EPA to have crafted the enumerated exceptions.

The history of the section 111 priority list with respect to VOL storage vessels likewise demonstrates that the scope of subpart Kb includes non-SOCMI, non-petroleum industries. The EPA listed the synthetic organic chemical manufacturing industry on August 21, 1979 (44 FR 49222), including a subcategory for SOCMI storage vessels and handling equipment. The EPA, however, formally amended the section 111 priority list at the same time (April 8, 1987) it promulgated subpart Kb to include storage vessels that are not in SOCMI service, renaming the subcategory Volatile Organic Liquid (VOL) Storage Vessels and Handling Equipment.

Regulatory history likewise confirms what is facially apparent: the subpart Kb rules apply to all storage vessels (subject to enumerated exceptions) storing VOL. For example, the preamble to the proposed subpart Kb stated that there are storage vessels emitting volatile organic compounds located at plants not in SOCMI, such as liquid bulk storage terminals, that store the same or similar liquids as those at SOCMI plants and that can be controlled with the same effectiveness, costs, and control technology as storage vessels located at SOCMI plants (49 FR 29700).

The EPA intended to achieve emissions reductions beyond those available from controlling emissions from SOCMI vessels by extending regulation to these non-SOCMI storage vessels (49 FR 29700). The EPA estimated that in 1977, volatile organic compound emissions from storage vessels not located at SOCMI plants were 13,230 megagrams per year (Mg/yr), compared to 24,570 Mg/yr from SOCMI storage vessels.

In sum, based on the text of the regulation, the history of the regulation, and the EPA's contemporaneous action to expand the priority list, the EPA interprets subpart Kb to apply to all storage vessels (subject to enumerated exceptions) including but not limited to those located at SOCOMI plants and those not located at SOCOMI plants.

II. Why Are We Proposing Amendments to the Standards and What Amendments Are We Proposing?

Background. In subpart Kb, "storage vessel" is defined as "each tank, reservoir, or container used for the storage of volatile organic liquids," excluding subsurface caverns and porous rock reservoirs, and components not directly involved in the containment of liquids or vapors, such as frames and auxiliary supports (40 CFR 60.111b). A specific issue presented for purposes of this proposal is whether the definition applies to process tanks, which are intermediate tanks within a process that are not used for the storage of raw materials or the product(s) of the process.

The EPA has issued two formal interpretations addressing this question. In an October 29, 1998 letter from the EPA's Office of Enforcement and Compliance Assurance (OECA) to the AF&PA, the EPA stated that the definition of "storage vessel" in subpart Kb does not include "flow-through process tanks," defined in the Underground Storage Tank Program (40 CFR 280.12) as tanks that form an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process, and that are not used for the storage of materials prior to their introduction into the production process or for the storage of finished products or by-products from the production process.

After further evaluation, however, the EPA determined (post-issuance) that the interpretation given in the letter to AF&PA was not the best reading of the rule and that the definition of "storage vessel" in subpart Kb does not exclude process tanks. This interpretation appears in a March 27, 2000 memorandum (2000 Memorandum) from OECA to EPA Region IV.

The EPA continues to believe, as a purely interpretive issue, that the 2000 Memorandum is the better reading of the current rule. For example, there is no mention of intermediate or process tanks in the regulatory text of subpart Kb. The definition of "storage vessel" in subpart Kb is broad and does not specify that only raw material and product

tanks are included. Aside from the exclusions specifically mentioned in the definition of "storage vessel," the only language that limits the applicability of subpart Kb is in § 60.110b(d), which lists vessels to which subpart Kb does not apply (for example, vessels at coke oven by-product plants and vessels located at gasoline service stations). The regulatory history also tends to support the 2000 Memorandum.

On May 26, 2000, the AF&PA filed a petition for judicial review of the 2000 Memorandum in the U.S. District Court of Appeals for the District of Columbia (*AF&PA v. EPA*, No. 00-1218). The petitioner felt that the EPA had inappropriately expanded the scope of "storage vessels" with the interpretation in the 2000 Memorandum.

On August 23, 2001 (66 FR 44342), AF&PA and the EPA signed a settlement agreement which provides that the EPA will propose to amend subpart Kb to exclude from its applicability storage vessels that have a capacity less than 75 cubic meters (m³) or that contain a liquid with a maximum true vapor pressure below 3.5 kilopascals (kPa), and take final action on that proposal within a reasonable time. Today's proposed amendments fulfill the agreement to propose these amendments to subpart Kb.

Today's proposed amendments also address concerns raised by parties other than the petitioner. One party commented that in addition to the proposed amendments required by the settlement agreement, the EPA should exempt process tanks from subpart Kb. Another party commented that the regulatory overlap between subpart Kb and the National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production (40 CFR part 63, subpart GGGG) should be addressed.

Proposal to Exempt Certain Storage Vessels by Capacity and Vapor Pressure. The EPA believes that limiting the rule's applicability by vessel size and vapor pressure is reasonable and does not undermine the rule's fundamental basis as reflecting the best system of emissions reductions for volatile organics in storage vessels, taking cost, non-air impacts, and energy into consideration. Presently, subpart Kb does not apply to storage vessels with a capacity less than 40 m³. However, the only requirements that apply to storage vessels with a capacity less than 75 m³, to storage vessels with a capacity between 75 and 151 m³ storing liquid with vapor pressure less than 15 kPa, and to storage vessels with a capacity equal to or greater than 151 m³ storing liquid with vapor pressure less than 3.5

kPa, is minimal recordkeeping (40 CFR 60.110b(b) and (c)). The EPA in essence is proposing to eliminate these recordkeeping requirements in today's proposal. Put another way, the EPA is proposing to exempt from subpart Kb those storage vessels presently subject to recordkeeping requirements only.

Today's proposed amendments to increase the vessel capacity applicability cutoff and to include vapor pressure applicability cutoffs, thus, reduce the burden on sources without sacrificing emissions reductions. As explained above, increasing the vessel capacity applicability cutoff from 40 m³ to 75 m³ would decrease the number of sources affected by subpart Kb, but no emissions reductions would be lost because emission control is required only on vessels larger than 75 m³. The proposed vapor pressure applicability cutoffs of 3.5 kPa and 15.0 kPa would also decrease the number of affected sources, but, again, no emissions reductions would be lost because emission control is required only for liquids with vapor pressures of at least 5.2 kPa and 27.6 kPa, respectively (40 CFR 60.112b(a)).

Proposal to Exempt Process Tanks. The EPA is also proposing to exempt process tanks from subpart Kb. If the EPA were writing on a blank slate, the EPA would take the view that the better reading of subpart Kb is that process tanks are within the scope of the regulation, as explained earlier. However, the EPA is not writing on a blank slate. The 1998 interpretation of the rule was definitive (in the sense that it was intended to set out the EPA's view and was written by an entity within the EPA with authority to do so), and as such, can only be changed after notice-and-comment rulemaking (see *Paralyzed Veterans of America v. D.C. Arena L.P.*, 117 F. 3d 579, 586-87 (D.C. Cir. 1997)). That interpretation thus sets out the current scope of the rule with respect to process tanks, the 2000 Memorandum notwithstanding. The question, therefore, becomes whether it is justified to amend subpart Kb to include process tanks within its scope. Moreover, such a rule would apply only to new sources, that is, only to those process tanks for which construction, reconstruction, or modification commenced after the date of proposal of the action (see CAA sections 111(a)(2) and (b)(1)(B)).

The data used in the initial development of subpart Kb indicate that if process tanks were exempted, then about 4 percent of new tanks may go uncontrolled that would otherwise have to be controlled. However, there are several reasons why the actual amount

of potentially foregone emissions reductions is less and possibly even zero. First, because process tanks are small, and tank emissions generally are proportional to tank size, emissions from these tanks will be correspondingly small. Further, process tanks are, in many cases, required to be controlled under the national emission standards for hazardous air pollutants that affect the industries with most of the VOL tanks.

Considering all these factors, the EPA believes that it would not be worthwhile to now propose to include process tanks under subpart Kb. Although one would come to this same result based on the 1998 interpretation, in light of confusion due to the conflicting interpretations in the 1998 and 2000 Memoranda, the EPA is today proposing to amend subpart Kb to exempt process tanks to codify the 1998 position.

Proposal to Exempt Storage Vessels Subject to the Vegetable Oil National Emission Standards for Hazardous Air Pollutants (NESHAP). The EPA is also proposing to exempt from subpart Kb all storage vessels that are subject to the Vegetable Oil Production NESHAP. In most NESHAP, where there are existing standards that apply to the same emission points, the NESHAP usually include provisions which exempt the emission points from the existing standards and make the emission points subject only to the NESHAP. The Vegetable Oil Production NESHAP do not include any of these "overlap" provisions, and we are proposing here to rectify that omission.

The Vegetable Oil Production NESHAP contain a sourcewide emission limit in the form of the amount of hazardous air pollutant emissions per ton of oilseed processed. Since the limit is sourcewide, there are no requirements to control specific emission points. Consequently, a storage vessel that must be controlled under subpart Kb is not required to be controlled under the Vegetable Oil Production NESHAP.

According to information used in the development of the Vegetable Oil Production NESHAP, there are approximately 300 storage vessels in the source category. Sixty-four percent of these vessels have a capacity less than 75 m³ and, therefore, would not be subject to subpart Kb because of today's proposed amendment to exempt such vessels.

Thirty percent of the vessels in the Vegetable Oil Production source category have a capacity between 40 and 75 m³. The vapor pressure at which control is required for vessels in this size range under subpart Kb is 27.6 kPa. The main solvent used in vegetable oil

production is n-hexane, which has a vapor pressure significantly below 27.6 kPa. Therefore, the EPA expects that no vessels in this size range would be subject to the control requirements of subpart Kb because the vessels do not store a liquid with a vapor pressure which exceeds 27.6 kPa. Moreover, many of these vessels are controlled by routing the emissions to a solvent recovery system.

The remaining 6 percent of vessels in the Vegetable Oil Production source category have a capacity larger than 75 m³ and would be required to be controlled under subpart Kb (assuming they are new sources for purposes of subpart Kb) because the vapor pressure of n-hexane exceeds the vapor pressure at which control is required for large vessels. Since these vessels are large, they are even more likely to be routed to a solvent recovery system, and the EPA has information indicating that all large tanks are either currently controlled in this manner or will be controlled in the near future to comply with the Vegetable Oil Production NESHAP.

The EPA, thus, contends that the overall emissions to the environment would not increase by exempting vessels from subpart Kb that are subject to the Vegetable Oil Production NESHAP, and that such exemption essentially amounts to avoiding duplicative regulation. The EPA is, therefore, proposing to exempt from subpart Kb all storage vessels that are subject to the Vegetable Oil Production NESHAP.

III. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

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

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

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

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

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that the proposed rule amendments are not a "significant regulatory action" under the terms of Executive Order 12866 and are, therefore, not subject to OMB review.

B. Paperwork Reduction Act

This action does not impose any new information collection burden. This action exempts certain sources from 40 CFR part 60, subpart Kb. Therefore, it is likely that this action could only reduce the information collection burden. The OMB has previously approved the information collection requirements contained in the existing regulations under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and has assigned OMB control number 2060-0074 (EPA ICR No. 1132.06).

Copies of the ICR document(s) may be obtained from Susan Auby, by mail at the Office of Environmental Information, Collection Strategies Division; U.S. EPA (2822T); 1200 Pennsylvania Ave., NW., Washington, DC 20460, by email at auby.susan@epa.gov, or by calling (202) 566-1672. A copy may also be downloaded off the internet at <http://www.epa.gov/icr>. Include the ICR or OMB number in any correspondence.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

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 OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's proposed amendments on small entities, a small entity is defined as: (1) A small business in the North American Industrial Classification System (NAICS) code 324 or 325 that has up to 500 employees; (2) a small business in NAICS code 424710 that has up to 100 employees; (3) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (4) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's proposed amendments on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. The EPA has determined that none of the small entities will experience a significant impact because the proposed amendments impose no additional regulatory requirements on owners or operators of affected sources. In fact, the proposed amendments should decrease the impacts on small businesses because the proposed amendments exempt some sources from regulation.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any 1 year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires the EPA to identify and consider a reasonable

number of regulatory alternatives and adopt the least-costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows the EPA to adopt an alternative other than the least-costly, most cost effective, or least-burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before the EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that the proposed rule amendments do not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any 1 year. The proposed rule amendments exempt certain sources from regulation. Thus, today's proposed rule amendments are not subject to the requirements of sections 202 and 205 of the UMRA.

E. Executive Order 13132: Federalism

Executive Order 13132 (64 FR 43255, August 10, 1999) requires the 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."

The proposed rule amendments do not have federalism implications. They will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. The proposed rule amendments exempt

certain sources from regulation. The proposed rule amendments impose no additional burden on sources, and the emissions reductions lost because of the proposed exemptions are not significant. Thus, Executive Order 13132 does not apply to the proposed rule amendments.

In the spirit of Executive Order 13132 and consistent with EPA policy to promote communications between the EPA and State and local governments, the EPA specifically solicits comment on these proposed amendments from State and local officials.

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

Executive Order 13175 (65 FR 67249, November 9, 2000) requires the 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." The proposed rule amendments do not have tribal implications, as specified in Executive Order 13175. The proposed rule amendments exempt certain sources from regulation. The proposed rule amendments impose no additional burden on sources, and the emissions reductions lost because of the proposed exemptions are not significant. Thus, Executive Order 13175 does not apply to the proposed rule amendments.

The EPA specifically solicits additional comment on the proposed rule amendments from tribal officials.

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

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that the EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the EPA must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the EPA.

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Executive Order has the potential to influence the regulation. Today's proposed amendments are not subject to Executive Order 13045 because they are

based on technology performance, not health or safety risks. Furthermore, the proposed rule amendments have been determined not to be "economically significant" as defined under Executive Order 12866.

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

The proposed rule amendments are not subject to Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law No. 104-113, 12(d) (15 U.S.C. 272 note), directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs the EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

The proposed rulemaking does not involve technical standards. Therefore, the EPA is not considering the use of any voluntary consensus standards.

List of Subjects in 40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: February 14, 2003.

Christine Todd Whitman, Administrator.

For the reasons set out in the preamble, part 60 of title 40, chapter I of the Code of Federal Regulations is proposed to be amended as follows:

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

1. The authority citation for part 60 continues to read as follows:

Authority: 42 U.S.C. 7401-7601.

Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984

- 2. Section 60.110b is amended by: a. Revising paragraphs (a) and (b); b. Removing paragraph (c); c. Redesignating paragraphs (d) and (e) as paragraphs (c) and (d); and d. Adding paragraph (d)(8).

The revisions and addition read as follows:

§ 60.110b Applicability and designation of affected facility.

(a) Except as provided in paragraphs (b) and (c) of this section, the affected facility to which this subpart applies is each storage vessel with a capacity greater than or equal to 75 cubic meters (m³) that is used to store volatile organic liquids (VOL) for which construction, reconstruction, or modification is commenced after July 23, 1984.

(b) This subpart does not apply to storage vessels with a capacity greater than or equal to 151 m³ storing a liquid with a maximum true vapor pressure less than 3.5 kilopascals (kPa) or with a capacity greater than or equal to 75 m³ but less than 151 m³ storing a liquid with a maximum true vapor pressure less than 15.0 kPa.

(d) * * *

(8) Vessels subject to subpart GGGG of 40 CFR part 63.

* * * * *

3. Section 60.111b is amended by: a. Removing the paragraph designations and placing the definitions in alphabetical order;

b. Revising the definition of "Storage vessel;"

c. Revising the definition of "Volatile organic liquid (VOL);" and

d. Adding, in alphabetical order, a definition of "Process tank."

The revisions and addition read as follows:

§ 60.111 Definitions.

* * * * *

Process tank means a tank that is used within a process to collect material discharged from a feedstock storage vessel or equipment within the process before the material is transferred to other equipment within the process or a product storage vessel. In many process tanks, unit operations such as reactions and blending are conducted. Other process tanks, such as surge control vessels and bottoms receivers,

however, may not involve unit operations.

* * * * *

Storage vessel means each tank, reservoir, or container used for the storage of volatile organic liquids but does not include:

(1) Frames, housing, auxiliary supports, or other components that are not directly involved in the containment of liquids or vapors;

(2) Subsurface caverns or porous rock reservoirs; or

(3) Process tanks.

* * * * *

Volatile organic liquid (VOL) means any organic liquid which can emit volatile organic compounds into the atmosphere.

* * * * *

4. Section 60.116b is amended by removing the last sentence of paragraph (b).

[FR Doc. 03-4245 Filed 2-21-03; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Parts 390 and 396

[Docket No. FMCSA-98-3656]

RIN 2126-AA38

General Requirements; Inspection, Repair, and Maintenance; Intermodal Container Chassis and Trailers

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of extension of comment period.

SUMMARY: The FMCSA is extending the comment period while it continues to explore the feasibility of conducting a negotiated rulemaking (Reg Neg) concerning maintenance of intermodal container chassis and trailers. The FMCSA has hired a convenor to speak to interested parties about the idea of a Reg Neg. The American Association of Railroads (AAR) has requested an extension of time to give a working group additional time to determine if a private-sector solution can be developed. The FMCSA is granting the AAR's request.

DATES: Please submit your comments by April 10, 2003.

ADDRESSES: Please mail or hand deliver comments about this notice to the U.S. Department of Transportation, Dockets Management Facility, Room PL-401, 400 Seventh Street, SW., Washington,

DC 20590; fax to the Docket Management Facility at 202-493-2251; or submit electronically at <http://dms.dot.gov>. Please include the docket number that appears in the heading of this document in your comments. You can copy or examine all comments received at the above street address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays and on-line at <http://dms.dot.gov>. If you want notification of receipt of comments please include a self-addressed, stamped postcard.

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). This statement is also available at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah M. Freund, Vehicle and Roadside Operations Division (MC-PSV), Office of Bus and Truck Standards and Operations, (202) 366-4009, Federal Motor Carrier Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: On November 29, 2002, the FMCSA published a notice that it is studying the feasibility of using the Reg Neg process to develop a rulemaking action concerning the maintenance of

intermodal container chassis and trailers.

On January 13, 2003, counsel for the AAR filed a request for an extension of the comment period to allow additional time for filing comments after a planned January 22 meeting of the Intermodal Association of North America (IANA) and the Ocean Carrier Equipment Management Association (OCEMA).

The IANA/OCEMA working group has been engaged in developing a private-sector solution to the assignment of responsibility for maintaining intermodal chassis and trailers. The outcome of the IANA/OCEMA discussions could well influence the FMCSA's decision to proceed with a negotiated rulemaking activity. Although IANA and OCEMA do not invite the FMCSA to its meetings, the agency believes that its working group is making important progress, and that additional meetings taking place in early 2003 may produce a private-sector solution acceptable to IANA, OCEMA, AAR, and other parties involved in the provision and maintenance of intermodal equipment.

On January 30, 2003, the AAR requested the agency refrain from instituting a negotiated rulemaking proceeding until after April 1, 2003, to provide the working group additional time to determine if a private-sector solution can be developed.

Based on this information, the FMCSA grants the AAR's request to extend the comment period. The FMCSA is extending the comment period an additional 45 days, until April 10, 2003. This extension will also allow the agency's contracted convenor to gather additional information and

provide a more comprehensive report to assist the agency in deciding whether it should institute a negotiated rulemaking proceeding.

The FMCSA will continue to provide any comments it receives in reaction to the November 29, 2002, notice to the convenor and will file the comments in docket FMCSA-98-3656. If you want to submit comments to this notice directly to the docket, use the addresses above under the heading **ADDRESSES**.

All comments received before the close of business on the comment closing date shown above will be considered and will be available for examination in the FMCSA Docket at the above address. Comments received after the comment closing date will be filed in the FMCSA Docket identified above and will be considered to the extent practicable, but the FMCSA may issue a convenor's report anytime after the close of the comment period. In addition to late comments, the FMCSA will also continue to file in the docket relevant information that becomes available after the comment closing date, and interested persons should continue to examine the docket for new material.

If you would like to file a request for an additional extension of time to comment in accordance with 49 CFR 389.19, please submit it to the address in § 389.31.

Issued on: February 13, 2003.

Pamela M. Pelcovits,

Acting Associate Administrator for Policy and Program Development.

[FR Doc. 03-4228 Filed 2-21-03; 8:45 am]

BILLING CODE 4910-EX-P

Notices

Federal Register

Vol. 68, No. 36

Monday, February 24, 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

Agricultural Marketing Service

[Docket No. ST-03-01]

Plant Variety Protection Board; Open Meeting

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Plant Variety Protection Board.

DATES: March 5 and 6, 2003, 8:30 a.m. to 5 p.m., open to the public.

ADDRESSES: The meeting will be held in the United States Department of Agriculture George Washington Carver Center, 5601 Sunnyside Avenue, Beltsville, Maryland.

FOR FURTHER INFORMATION CONTACT: Commissioner Paul M. Zankowski, Plant Variety Protection Office, Science and Technology Program, United States Department of Agriculture, 10301 Baltimore Blvd., Room 400, National Agricultural Library Building, Beltsville, Maryland 20705-2351, Telephone number (301) 504-5518 or fax (301) 504-5291.

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App.), this notice is given regarding a Plant Variety Protection Advisory Board meeting. The board is constituted under section 7 of the Plant Variety Protection Act (7 U.S.C. 2327).

The proposed agenda for the meeting will include discussions of: (1) The process improvement (Six Sigma) plan, (2) the financial status of the Plant Variety Protection Office, (3) implementation of a quality assurance program, (4) potential relocation of the Plant Variety Protection Office, (5) plans for the migration of the existing

database, (6) E-business plans and (7) other related topics. Written comments may be submitted to the contact person listed above before or after the meeting.

Upon entering the George Washington Carver Center, visitors should inform security personnel that they are attending the PVP Advisory Board Meeting. Identification will be required to be admitted to the building. Security personnel will direct visitors to the registration table located outside of Room 4-2223. Registration upon arrival is necessary for all participants.

If you require accommodations, such as sign language interpreter, please contact the person listed under "For Further Information Contact". The meeting will be recorded, and information about obtaining a transcript will be provided at the meeting.

Dated: February 20, 2003.

A.J. Yates,
Administrator, Agricultural Marketing Service.

Agenda

Plant Variety Protection (PVP) Board Meeting, March 5 and 6, 2003, USDA, George Washington Carver Center 5601 Sunnyside Avenue, Beltsville, Maryland

March 5, 2003

Call to Order
Introductions
Opening Remarks
Adoption of Agenda
Adoption of November 2001 Board Meeting Minutes
Overview of the PVP Act and briefing on the PVP Office
Appeals to the Secretary of Agriculture FY 2002 Accomplishment Report
Update on Business Process Improvement (Six Sigma) Plan

March 6, 2003

PVPO Financial Update
Discussion on the PVP Quality Assurance Program
PVP Office Relocation Discussion
Database Migration Plans
E-business Plans
Topics brought forward by Board members
Future Program Activities
Meeting Summary
Adjourn

[FR Doc. 03-4394 Filed 2-20-03; 1:33 pm]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Forest Service

Crooked River National Grassland Vegetation and Livestock Grazing Management, Ochoco National Forest, Jefferson County, OR

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA, Forest Service will prepare an environmental impact statement (EIS) on a Proposed Action to return the Crooked River National Grassland (CRNG or Grassland) vegetation to its historical range of variability and to graze domestic livestock where suitable. This will include control of western juniper on 40,000 acres using prescribed fire and chainsaw cutting, rehabilitate 10,000 acres of non-native crested wheatgrass seedings, continue grazing domestic livestock on approximately 82,000 acres, close domestic livestock grazing on approximately 9,000 acres, and to create a forage reserve on approximately 27,000 acres. This project is located in Jefferson County within the Mud Springs Creek, Willow Creek, Lower Crooked River, Crooked River, Steelhead, Whychus, Lake Billy Chinook, Lower Metolius, and Deschutes South watersheds.

DATES: Comments concerning the scope of the analysis must be received by March 21, 2003.

ADDRESSES: Send written comments to Robin Vora, Acting District Manager, Crooked River National Grassland, 813 SW Highway 97, Madras, Oregon 97741.

FOR FURTHER INFORMATION CONTACT: Glenn Adams, ID Team Leader, CRNG. Phone: (541) 416-6440 E-mail gradams@fs.fed.us

SUPPLEMENTARY INFORMATION: The Grassland was created after the homesteading era failed in the 1930's. Between 1935 and 1965 the Soil Conservation Service rehabilitated and developed the Grassland by seeding approximately 60,000 acres of abandoned farmland to crested wheatgrass and beardless bluebunch wheatgrass, developing livestock drinking water, fencing and implementing grazing allotment management plans (AMPs). During the

1960's the USDA Forest Service assumed the management of the CRNG.

Sagebrush steppe and western juniper woodland plant associations primarily characterized the historical vegetation of the Grassland. Historically wildfire maintained the balance of these plant associations. It is believed that approximately twenty to forty percent of the land area of the Grassland would have had a major component of western juniper. Today western juniper exists on approximately ninety percent of the land area of the Grassland. The Forest Service proposes to thin/remove western juniper on approximately 40,000 acres over a ten-year period using prescribed fire and mechanical treatments. These projects would be located in various locations across the entire Grassland. The objective for these activities will be to manage the vegetation in such a way to maintain sagebrush/bunchgrass associations and western juniper woodlands as near their historical ranges.

There is a need to assist in the restoration of native species on portions of the landscape that were farmed at the turn of the last century and later seeded to introduced plant species during the period from 1935 through 1965. Some of these sites are stagnated in early serial stages of succession due soil compaction and topsoil loss incurred during the homesteading era. The Forest Service proposes to rehabilitate approximately 10,000 acres of stagnant "old" crested and tall wheatgrass seeding to a mixture of shrubs, grasses, and forbs (native species, cultivars of native species, and non-native species). Methods used: Site preparation methods used would include brush beaters, disking, and ripping where appropriate. Seeding will be done using a rangeland drill and/or broadcast seeding.

Prescribed fire will be used. Both hot summer and cool winter/spring fire will be used where appropriate.

There is a social/economic need to continue livestock grazing on the Grassland, but there is a need to modify grazing practices because some of the current practices discourage native grass and forb species establishment and maintenance. The Forest Service proposes to permit livestock grazing on approximately 84,646 acres of the Grassland for the next ten-year planning period. Grazing will occur on eighteen allotments. This action is to continue livestock grazing while continuing improving trends in vegetation, watershed conditions, and ecological stability. General grazing management changes proposed from the present allotment management plans include the following: eliminate the re-graze

option on all but one allotment (Haystack Butte Allotment that practices short-duration grazing successfully), add a rest pasture to the grazing rotation on eleven allotments, and continue to graze five allotments with versions of deferred grazing. In addition, although this action proposes to retain existing permitted livestock number as the upper limit, actual use will be a function of meeting or exceeding standards. No guarantees are made as to length of season of livestock use. Animal Units harvested is a function of maintaining standards, non pre-planned calendar dates of use or permitted numbers.

There is a need to close livestock grazing on three allotments (the Peninsula, Clevenger and Goldmine/Falls Allotments) for the following reasons, among others: downward ecological trends, these allotments have been vacant for the past two to ten years, would require extensive fencing and water developments to be used, and are small in size and would support small numbers of livestock for only a short period of time. The Allotments have been vacant for approximately ten years.

There is a need to create grazing management flexibility by making additional forage available to encourage and/or facilitate vegetation rehabilitation elsewhere. A Forage Reserve created from the Canadian Bench and the Lower Desert Allotments would provide temporary relief for permittees as rehab projects take place on their permitted allotment. It is proposed to create two Forage Reserve Allotments on approximately 27,742 acres of the Canadian Bench and Lower Desert Allotments during the next ten-year planning period.

The preliminary issues that have been identified include: watershed restoration, grazing allotment management, noxious weed treatments, wildlife habitat, and reintroduction of prescribed fire. Alternatives to the Proposed Action will be developed to address significant issues, and will include, at a minimum, a no-action alternative.

Initial scoping began in February 2003. The Forest Service is seeking information, comments, and assistance from other agencies, organizations, Indian Tribes, and individuals who may be interested in or affected by the Proposed Action. This input will be used in preparation of the draft EIS. Your comments are appreciated throughout the analysis process.

Comments received in response to this notice, including names and addresses of those who comment, will be considered part of the public record

on this Proposed Action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR part 215. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within a specified number of days.

The draft EIS is to be filed with the Environmental Protection Agency (EPA) and to be available for public review by October 2003. At that time, copies of the draft EIS will be distributed to interested and affected agencies, organizations, Indian Tribes, and members of the public for their review and comment. The EPA will publish a Notice of Availability of the draft EIS in the **Federal Register**. The comment period on the draft EIS will be 45 days from the date the EPA notice appears in the **Federal Register**. It is important that those interested in this project participate at that time.

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 EIS 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 EIS stage but are not raised until after completion of the final EIS 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 (F.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 45-day 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 EIS.

To assist the Forest Service in identifying and considering issues and concerns on the Proposed Action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft EIS. Comments may also address the adequacy of the draft EIS 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.

The final EIS is scheduled to be available by February 2004. In the final EIS, the Forest Service is required to respond to substantive comments received during the comment period for the draft EIS. The Responsible Official is Ochoco National Forest Supervisor, Larry Timchak. He will decide which, if any, of the alternatives will be implemented. His decision and rationale for the decision regarding vegetation management & livestock grazing actions will be documented in the Record of Decision, which will be subject to Forest Service Appeal Regulations (36 CFR part 215).

Dated: February 11, 2003.

Larry Timchak,

Forest Supervisor.

[FR Doc. 03-4240 Filed 2-21-03; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Forest Service

California Coast Provincial Advisory Committee

AGENCY: Forest Services, USDA.

ACTION: Notice of meeting.

SUMMARY: The California Coast Provincial Advisory Committee (PAC) will meet on March 13, 2003, in Lake County, California. The purpose of the meeting is to discuss issues relating to implementing the Northwest Forest Plan while taking a field visit to the proposed Pillsbury Homesite Hazardous Fuels Reduction demonstration project.

DATES: The meeting will be held from 8:30 a.m. to 4 p.m. on March 13, 2003, convening at the Upper Lake Ranger District Office in Upper Lake, CA.

ADDRESSES: The meeting will be held in the field, convening at the Upper Lake Ranger District office, 10025 Elk Mountain Road, Upper Lake, CA.

FOR FURTHER INFORMATION CONTACT:

Phebe Brown, Committee Coordinator, USDA, Mendocino National Forest, 825 N. Humboldt Avenue, Willows, CA, 95988, (530) 934-1137; EMAIL pybrown@fs.fed.us.

SUPPLEMENTARY INFORMATION: Agenda items to be covered include: (1) Field visit to the proposed Pillsbury Homesite Hazardous Fuels Reduction/Healthy Forests Initiative/Model Environmental Analysis demonstration project; (2) Regional Ecosystem Office (REO) update; (3) Presentation on current major Forest Service issues; (4) Update on planning for a Province fire ecology/fuels treatment workshop; (5) Aquatic Conservation Subcommittee report; (6) Work on the Ground Subcommittee discussion of proposed timber harvest issue; (7) Update on Northwest Forest Plan socio-economic monitoring; and (8) Public comment. 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 14, 2003.

James Fenwood,

Forest Supervisor.

[FR Doc. 03-4310 Filed 2-21-03; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Forest Service

Catron County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Catron County Resource Advisory Committee will meet in Reserve New Mexico, on April 1, 2003, from 10 a.m. MST to 4 p.m. MST. The purpose of the meeting is to initiate the resource advisory committee process, earn the roles and the responsibilities of the committee, discuss elements of Pub. L. 106-393 (the Secure Rural Schools and Community Self-Determination Act), and formulate operating guidelines including the next meeting date.

DATES: The meeting will be held April 1, 2003.

ADDRESSES: The meeting will be held at the Catron County Courtroom of the Catron County Court House, 101 Main Street, Reserve, New Mexico, 87830. Send written comments to Michael Gardner, Catron County Resource Advisory Committee, c/o Forest Service, USDA, 3005 E. Camino del Bosque, Silver City, New Mexico, 88061-7863,

or electronically to mgardner01@fs.fed.us.

FOR FURTHER INFORMATION CONTACT:

Michael Gardner, Rural Community Assistant Staff, Gila National Forest, (505)388-8212.

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 Pub. L. 106-393 related 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 25, 2003, will have the opportunity to address the Committee at this session.

Dated: February 14, 2003.

Delbert J. Griego,

Acting Forest Supervisor.

[FR Doc. 03-4235 Filed 2-21-03; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Lincoln County Resource Advisory Committee Meeting

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 Kootenai National Forests' Lincoln County Resource Advisory Committee will meet on March 3, April 7, and May 5, 2003 at 6:30 p.m., in Libby, Montana for business meetings. The meetings are open to the public.

DATES: March 3, April 7, and May 5, 2003.

ADDRESSES: The meetings will be held at the Kootenai National Forest Supervisor's Office, located at 1101 U.S. Highway 2 West, Libby, MT.

FOR FURTHER INFORMATION CONTACT:

Barbara Edgmon, Committee Coordinator, Kootenai National Forest at (406) 293-6211, or email bedgmon@fs.fed.us.

SUPPLEMENTARY INFORMATION: Agenda topics include informational presentations, status of approved projects, accepting project proposals for consideration and receiving public comment. If the meeting date or location is changed, notice will be posted in the

local newspapers, including the Daily Interlake based in Kalispell, MT.

Dated: February 14, 2003.

Frank Votapka,

Acting Forest Supervisor.

[FR Doc. 03-4239 Filed 2-21-03; 8:45 am]

BILLING CODE 3410-11-M

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 a service to be furnished by the nonprofit agency employing persons who are blind or have other severe disabilities, and to delete a product previously furnished by such agency.

Comments Must Be Received On or Before: March 26, 2003.

ADDRESS: 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.

Addition

If the Committee approves the proposed addition, the entity of the Federal Government identified in this notice for each service will be required to procure the service listed below from the nonprofit agency 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 service to the Government.
2. If approved, the action will result in authorizing small entities to furnish the service 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 service 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 service is proposed for addition to Procurement List for production by the nonprofit agency listed:

Service

Service Type/Location: Laundry Service, Walter Reed Army Medical Center, Washington, DC.

NPA: Rappahannock Goodwill Industries, Inc., Fredericksburg, Virginia.

Contract Activity: MEDCOM Contracting Center-NA, Washington, DC.

Deletion

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 will 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 product proposed for deletion from the Procurement List.

The following product is proposed for deletion from the Procurement List:

Product

Product/NSN: Index Sheet Set, Looseleaf Binder 7530-00-160-8474.

NPA: Louisiana Association for the Blind, Shreveport, Louisiana.

Contract Activity: Office Supplies & Paper Products Acquisition Center, New York, NY.

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 03-4301 Filed 2-21-03; 8:45 am]

BILLING CODE 6353-01-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

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

ACTION: Deletions from Procurement List.

SUMMARY: This action deletes from the Procurement List products previously furnished by such agencies.

EFFECTIVE DATE: March 26, 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:

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: Marker, Tube Type, Fine Tip:

7520-00-051-5031
7520-00-051-5033
7520-00-051-5035
7520-00-051-5036
7520-00-116-2886
7520-00-116-2887
7520-00-116-2888
7520-00-116-2889
7520-00-935-0979
7520-00-935-0980
7520-00-935-0981
7520-00-935-0982

NPA: Winston-Salem Industries for the Blind, Winston-Salem, North Carolina.

Contract Activity: Office Supplies & Paper Products Acquisition Center, New York, NY.

Product/NSN: Pen, Essential LVX Translucent and refills:

7510-01-454-1174
 7510-01-454-1178
 7510-01-454-1185
 7510-01-454-1188

NPA: Industries for the Blind, Inc.,
 Milwaukee, Wisconsin.

Contract Activity: Office Supplies &
 Paper Products Acquisition Center, New
 York, NY.

Product/NSN: Pen, Executive
 Fountain and refills:

7520-01-451-2277 (Burgundy Barrel
 with 2 refills)

NPA: Industries for the Blind, Inc.,
 Milwaukee, Wisconsin.

Contract Activity: Office Supplies &
 Paper Products Acquisition Center, New
 York, NY.

Product/NSN: Pen, Metal Barrel &
 Refills:

7510-01-446-4835
 7510-01-446-4845
 7510-01-446-4846
 7510-01-446-4850

NPA: Industries for the Blind, Inc.,
 Milwaukee, Wisconsin.

Contract Activity: Office Supplies &
 Paper Products Acquisition Center, New
 York, NY.

Product/NSN: Refill, Ballpoint Pen:
 7510-00-754-2688

NPA: Industries for the Blind, Inc.,
 Milwaukee, Wisconsin.

Contract Activity: Office Supplies &
 Paper Products Acquisition Center, New
 York, NY.

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 03-4302 Filed 2-21-03; 8:45 am]

BILLING CODE 6353-01-P

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Sunshine Act Meeting

In connection with its investigation into the cause of a fire at the Third Coast Industries' Friendswood facility, the United States Chemical Safety and Hazard Investigation Board announces that it will convene a Public Meeting beginning at 9 am local time on March 6, at Crowne Plaza Medical Center, 6701 South Main, Houston, TX 77030, Telephone: (713) 797-1110.

At the meeting CSB staff will present to the Board the results of their investigation into this incident, including an analysis of the incident together with a discussion of the key findings, root and contributing causes and draft recommendations. In addition, the Chair may present the Board's Strategic Plan, and action needed on selected recommendations from past CSB investigations.

Recommendations are issued by a vote of the Board and address an identified safety deficiency uncovered during the investigation, and specify how to correct the situation. Safety recommendations are the primary tool used by the Board to motivate implementation of safety improvements and prevent future incidents. The CSB uses its unique independent accident investigation perspective to identify trends or issues that might otherwise be overlooked. CSB recommendations may be directed to corporations, trade associations, government entities, safety organizations, labor unions and others.

After the staff presentation the Board will allow a time for public comment. Following the conclusion of the public comment period, the Board will consider whether to vote to approve the final report and recommendations. When a report and its recommendations are approved, this will begin CSB's process for disseminating the findings and recommendations of the report not only to the recipients of recommendations but also to other public and industry sectors. The CSB believes that this process will ultimately lead to the adoption of recommendations and the growing body of safety knowledge in the industry, which, in turn, should save future lives and property.

All staff presentations are preliminary and are intended solely to allow the Board to consider in a public forum the issues and factors involved in this case. No factual analyses, conclusions or findings should be considered final. Only after the Board has considered the staff presentation and approved the staff report will there be an approved final record of this incident.

In the early morning hours of May 1, 2002, a fire erupted at the Third Coast Industries Friendswood facility, located in an unincorporated area of Brazoria County, Texas. The facility blended and packaged motor oils, hydraulic oils, and engine and other lubricants. The fire quickly spread due to the facility's design and lack of fire control equipment. The nearest water for firefighters was more than a mile away. The fire consumed more than 1.2 million gallons of combustible and flammable liquids and destroyed the site. More than 180 firefighters and support personnel responded, and it took 23 hours to bring the fire under control. Several neighboring buildings were destroyed, one hundred residents were evacuated and a local school was closed for a day. No employees or firefighters were injured during the incident.

The meeting will be open to the public. Please notify CSB if a translator or interpreter is needed, at least 5 business days prior to the public meeting. For more information, please contact the Chemical Safety and Hazard Investigation Board at (202) 261-7600, or visit our Web site at: <http://www.csb.gov>.

Christopher W. Warner,

General Counsel.

[FR Doc. 03-4427 Filed 2-20-03; 3:01 pm]

BILLING CODE 6350-01-P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Guidance Conference Calls for Organizations Interested in Applying for a Learn and Serve America Program Grant

AGENCY: Corporation for National and
 Community Service.

ACTION: Notice of conference calls.

SUMMARY: The Corporation for National and Community Service is offering a series of teleconference calls for nonprofit organizations and institutions of higher education interested in applying for a Learn and Serve America program grant. These training teleconferences will familiarize organizations with the requirements of the Learn and Serve America programs and the steps in submitting an application via the eGrants system. The toll free number for these calls is (888) 552-5348 and the pass code is #76068. There will be 20 lines per call and they will be on a first come, first served basis.

DATES: The teleconference calls will take place on:

February 26, 2003—Wednesday—

School/Community-Based

February 27, 2003—Thursday—Higher
 Education

March 4, 2003—Tuesday—School/
 Community-Based

March 5, 2003—Wednesday—Higher
 Education

March 12, 2003—Wednesday School/
 Community-Based & Higher
 Education

All teleconference calls will begin at
 2 p.m. EST.

ADDRESSES: Our address is the
 Corporation for National and
 Community Service, Learn and Serve
 America, 9th Floor, 1201 New York
 Avenue, NW., Washington, DC 20525.

FOR FURTHER INFORMATION CONTACT: For
 further information regarding these
 conference calls, please contact Ms.

Juanita Peoples (202-606-5000, Ext. 117) e-mail jpeoples@cns.gov.

Dated: February 19, 2003.

Amiko Matsumoto,

Acting Director, Learn and Serve America.

[FR Doc. 03-4309 Filed 2-21-03; 8:45 am]

BILLING CODE 6050--\$-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP01-409-001, CP01-410-001, CP01-411-001 and CP01-444-001]

Calypso Pipeline, LLC, Tractebel Calypso Pipeline, LLC; Notice of Filing

September 9, 2002.

Take notice that on August 30, 2002, Calypso Pipeline, LLC (Calypso) and Tractebel Calypso Pipeline, LLC (Tractebel Calypso) jointly filed an amendment in the above-referenced dockets to reflect a change in ownership associated with the applications filed on July 20, 2001, and September 19, 2001, by Calypso (Calypso Application) in the same docketed proceedings. The August 30, 2002 filing requests that the Commission accept a substitution of Tractebel Calypso as the applicant in the pending Calypso Application to reflect the change in ownership and the filed revisions to certain exhibits in the Calypso Application. These revisions reflect only a change in ownership. The application is on file with the Commission and open to public inspection. 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 (202) 502-8222 or for TTY, (202) 208-1659.

By the Calypso Application, Calypso requests authorization to construct, own, and operate a new pipeline system consisting of approximately a 36 mile, 24-inch offshore segment and approximately a 5.8 mile, 24-inch onshore segment (Calypso Pipeline Project). The offshore pipeline will extend from the boundary of the U.S. Exclusive Economic Zone (EEZ) and the Bahama EEZ, off the southeast Florida coastline to shore at Port Everglades in Fort Lauderdale, Florida. The proposed onshore pipeline segment will be located in Broward County, Florida. The onshore pipeline segment will connect the offshore pipeline with Florida Gas Transmission Company's ("FGT")

existing 24-inch Lauderdale Lateral at Mile Post 1.6 in Broward County, Florida. Calypso's proposed pipeline was designed to transport up to 832,000 MMBtu per day.

Calypso and Tractebel Calypso have executed a Purchase and Sale Agreement (PSA) for the Calypso Pipeline Project. Per the PSA, Tractebel Calypso will acquire the assets related to the Calypso Pipeline Project. Those assets consist principally of the Calypso Application; the Enron LNG Marketing, LLC Precedent Agreement; and various other surveys, permits, easements, and rights-of-way applications and engineering work product. The sale of the Calypso Pipeline Project to Tractebel Calypso ultimately is subject to the approval of the Bankruptcy Court. Tractebel Calypso will then notify the Commission of the closing of the transaction, and will thereafter be considered the applicant of record under the Calypso Application, with all the rights and responsibilities attached to such status.

Any questions regarding the application are to be directed to Michael J. Zimmer, Esq., Baker & McKenzie, 815 Connecticut Avenue, NW., Washington, DC, 20006.

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 September 30, 2002, 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 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.

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.

The Commission strongly encourages electronic filings of comments, protests, and interventions 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.

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.

Magalie R. Salas,
Secretary.

[FR Doc. 03-4205 Filed 2-21-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER03-292-000]

D.E. Shaw Plasma Power L.L.C.; Notice of Issuance of Order

February 14, 2003.

D.E. Shaw Plasma Power L.L.C. (Plasma Power) filed an application requesting authority to transact at market-based rates along with the accompanying tariff. The proposed market-based rate tariff provides for the sale of capacity, energy, and ancillary services at market-based rates. Plasma Power also requested waiver of various Commission regulations. In particular, Plasma Power requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Plasma Power.

On February 13, 2003, pursuant to delegated authority, the Director, Division of Tariffs and Market Development - South, granted the request for blanket approval under part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Plasma Power should file a motion to intervene or protest 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).

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 17, 2003.

Absent a request to be heard in opposition by the deadline above, Plasma Power is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Plasma Power, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Plasma Power's issuances of securities or assumptions of liability.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also 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. 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.

Magalie R. Salas,
Secretary.

[FR Doc. 03-4209 Filed 2-21-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01-438-001]

Northwest Pipeline Corporation; Notice of Amendment

February 14, 2003.

Take notice that on January 8, 2003, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah, 84158, filed in Docket No. CP01-438-001, an application, pursuant to Section 7(c) of the Natural Gas Act and part 157 of the Federal Energy Regulatory Commission's (Commission) regulations to amend the certificate of public convenience and necessity issued September 23, 2002, in Docket No. CP01-438-000, for Northwest's Rockies Expansion project, 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, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866)208-3676, or for TTY, contact (202)502-8659.

Specifically, Northwest requests the Commission to approve revised design

modifications for Northwest's Green River, Muddy Creek, Lava, and Burley Compressor Stations, located in Sweetwater and Lincoln Counties, Wyoming and Bannock and Cassia Counties, Idaho, respectively, resulting in a total addition of 1,133 horsepower to the originally certificated 24,924 horsepower. Northwest also proposes to forgo originally certificated modifications, to install unloader pockets, at its Pocatello Compressor Station in Power County, Idaho. Northwest states that the proposed compression modifications will still provide the originally certificated capacity additions. The revised cost is estimated to be \$139.9 million instead of the original \$154.3 million.

Northwest requests that the Commission issue the amended certificate order by May 1, 2003, in order allow Northwest to meet the required November 1, 2003 in-service date.

Any questions regarding this application should be directed to Mr. Gary Kotter, Manager, Certificates and Tariffs, Northwest Pipeline Corporation, PO Box 58900, Salt Lake City, Utah 84158-0900 or call (801) 584-7117 or Fax (801) 584-7764.

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 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.

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: March 7, 2003.

Magalie R. Salas,

Secretary.

[FR Doc. 03-4206 Filed 2-21-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP02-37-000]

Williston Basin Interstate Pipeline Company; Notice of Route and Site Review

February 14, 2003.

On March 4, 2003, the staff of the Office of Energy Projects (OEP) will conduct a site review of the proposed Grasslands Project pipeline route through the Little Missouri National Grasslands. The Grasslands Project facilities are proposed for construction by Williston Basin Interstate Pipeline Company. The proposed facilities, crossing portions of the Little Missouri National Grasslands in Golden Valley and Billings Counties, North Dakota, will be inspected by automobile.

All interested parties may attend the site visit. Those planning to attend must provide their own transportation. Anyone interested in participating should meet at the U.S. Forest Service's Medora Ranger District Parking Lot, located at 161 21st Street West, Dickinson, North Dakota, at 8:30 a.m. on March 4, 2003. For further information, contact the Commission's Office of External Affairs at 1-866-208-FERC.

Magalie R. Salas,

Secretary.

[FR Doc. 03-4207 Filed 2-21-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC03-56-000, et al.]

American Transmission Company, LLC, et al.; Electric Rate and Corporate Regulation Filings

February 13, 2002.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. American Transmission Company LLC, ATC Management Inc., Wisconsin Public Service Corporation, WPS Investments, LLC

[Docket No. EC03-56-000]

Take notice that on February 10, 2003, Wisconsin Public Service Corporation, WPS Investments, LLC, American Transmission Company LLC (ATCLLC), and ATC Management Inc., which is ATCLLC's Corporate Manager (collectively, Applicants), tendered for filing with the Federal Energy Regulatory Commission (Commission) an application pursuant to section 203 of the Federal Power Act and part 33 of the Commission's regulations requesting authorization for the acquisition of securities and the transfer of an ownership interest in a transmission line that is under construction. Applicants requested an effective date of March 12, 2003.

Applicants state that copies of the filing were served on the Public Service Commission of Wisconsin, the Michigan Public Service Commission and the Illinois Commerce Commission.

Comment Date: March 3, 2003.

2. PSEG Power Connecticut LLC

[Docket No. EG03-25-000]

Take notice that on February 11, 2003, PSEG Power Connecticut LLC (Applicant), having its principal place of business at 80 Park Plaza, T-16, Newark, NJ 07102, filed with the Federal Energy Regulatory Commission (Commission) a second amendment to its December 4, 2002, application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations. The amendment requests Commission authority to engage in certain additional activities incidental to the generation of electricity for sale at wholesale.

The Applicant is a limited liability company formed under the laws of the State of Delaware. The Applicant states that it is engaged, directly or indirectly through an affiliate as defined in section 2(a)(11)(B) of the Public Utility Holding Company Act of 1935 (PUHCA), exclusively in owning or owning and operating eligible electric facilities and participating in certain other activities incidental to such eligible electric facilities as authorized under PUHCA. The Applicant further states that it owns and operates eligible facilities located in Connecticut.

Comment Date: March 6, 2003.

3. Occidental Power Services, Inc.

[Docket No. ER02-1947-003]

Take notice that on February 11, 2003, Occidental Power Services, Inc.,

tendered for filing consistent with the Commission's January 17, 2003, request for a revised FERC Electric Rate Schedule No. 1. The rate schedule has been revised to conform to the requirements of Order No. 614.

Comment Date: March 4, 2003.

4. San Diego Gas & Electric Company

[Docket No. ER03-217-001]

Take notice that on February 11, 2003, pursuant to FERC's Order issued January 24, 2003, San Diego Gas & Electric Company (SDG&E) tendered for filing Service Agreements Nos. 17 and 18 to its FERC Electric Tariff, First Revised Volume No. 6. These agreements were accepted for filing on January 24, 2003, conditioned upon SDG&E's filing of designations for both interconnection agreements in compliance with Order No. 614 and section 35.9(a) of the Commission's Regulations.

SDG&E states that copies of the filing have been served on Termoelectrica de Mexicali S. de R.L. de C.V., Termoelectrica U.S., LLC, and on the California Public Utilities Commission.

Comment Date: March 4, 2003.

5. Southern California Edison Company

[Docket No. ER03-516-000]

Take notice that on February 11, 2003, Southern California Edison Company (SCE) tendered for filing a letter agreement between SCE and Whitewater Hill Wind Partners, LLC (Whitewater).

The purpose of the letter agreement is to provide an interim arrangement pursuant to which SCE will commence the engineering, design, and procurement of material and equipment associated with the Devers-Banning-Garnet-Windpark-Zanja 115 kV line reconfiguration.

SCE states that copies of this filing were served upon the Public Utilities Commission of the State of California and Whitewater.

Comment Date: March 4, 2003.

6. Southern California Edison Company

[Docket No. ER03-517-000]

Take notice that on February 11, 2003, Southern California Edison Company (SCE) tendered for filing a letter agreement between SCE and Whitewater Hill Partners, LLC (Whitewater).

The purpose of the letter agreement is to provide an interim arrangement pursuant to which SCE will commence the engineering, design, and procurement of material and equipment for, and construction of, a Temporary Monitoring System.

SCE states that copies of this filing were served upon the Public Utilities

Commission of the State of California and Whitewater.

Comment Date: March 4, 2003.

7. Southern California Edison Company

[Docket No. ER03-518-000]

Take notice that on February 11, 2003, Southern California Edison Company (SCE) tendered for filing a letter agreement between SCE and Industry Urban Development Agency.

The purpose of the letter agreement is to provide an interim arrangement pursuant to which SCE will commence performance of the engineering, design, and preparation of specifications necessary for SCE to install interconnection facilities capable of serving 80 MW of load and to commence Distribution Service to the City of Industry for 10 MW of Wholesale Distribution Load.

SCE respectfully requests that the Letter Agreement become effective on January 22, 2003. SEC also states that copies of this filing were served upon the Public Utilities Commission of the State of California and Industry Urban Development Agency.

Comment Date: March 4, 2003.

8. Virginia Electric and Power Company

[Docket No. ER03-519-000]

Take notice that on February 11, 2003, Virginia Electric and Power Company, doing business as Dominion Virginia Power (DVP), tendered for filing a revised Generator Interconnection and Operating Agreement (Interconnection Agreement) between DVP and Old Dominion Electric Cooperative, Inc. (ODEC) to interconnect ODEC's Louisa CT Project with DVP's transmission system and a revised Interconnection Agreement between DVP and ODEC to interconnect ODEC's Marsh Run CT Project with DVP's transmission system.

DVP respectfully requests waiver of the Commission's regulations to allow the Interconnection Agreements to become effective as of February 12, 2003, the day after filing. DVP also states that copies of the filing were served upon Old Dominion Electric Cooperative and the Virginia State Corporation Commission.

Comment Date: March 4, 2003.

9. Southern California Edison Company

[Docket No. ER03-520-000]

Take notice that on February 11, 2003, Southern California Edison Company (SCEC), tendered for filing a notice of cancellation of a letter agreement between SCE, Pure Power Energy Company, LLC, and Wintec Energy Ltd., FERC Electric Tariff, Substitute First

Revised Original Volume No. 6 Service Agreement No. 15, to be effective January 1, 2003.

SCEC states that the proposed cancellation has been served upon the Public Utilities Commission of the State of California, Pure Power Energy Company, LLC and Wintec Energy, Ltd.

Comment Date: March 4, 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. 03-4208 Filed 2-21-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Amendment of License and Soliciting Comments, Motions to Intervene, and Protests

February 14, 2003.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type*: Amendment to license.

b. *Project No*: 3033-019.

c. *Date Filed*: December 17, 2002.

d. *Applicant*: Arkansas Electric Cooperative Corporation.

e. *Name of Project*: Dam No. 2 Hydropower Project.

f. *Location*: Desha and Arkansas Counties, Arkansas.

g. *Filed Pursuant to*: 18 CFR 4.200.

h. *Applicant Contact*: S. Maurice Robinson, Vice President, Engineering, Construction, and Operations Division, Arkansas Electric Cooperative Corporation, One Cooperative Way P.O. Box 194208 Little Rock, Arkansas 72219-4208, (501) 570-2497.

i. *FERC Contact*: Any questions on this notice should be addressed to Mr. Robert Shaffer at (202) 502-8944, or e-mail address: robert.shaffer@ferc.gov.

j. *Deadline for filing comments and or motions*: March 14, 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. Please include the project number (P-3033-019) on any comments or motions filed.

k. *Description of Request*: The licensee proposes to change the route of the project's transmission line, as well as its length and voltage. The license authorized an 11.5 mile-long, 230-kV line extending from the powerhouse in a southwesterly direction to the Arkansas Power and Light Company (now Entergy Arkansas, Inc. (EAI)) grid at Dumas, Arkansas. Instead, a 15.5 mile-long, 115-kV line was constructed along a different route, wandering in a southwesterly direction from the powerhouse to EAI's grid at Dumas, Arkansas. Some points along the constructed transmission line route are approximately 3 miles apart from the authorized route.

l. *Locations of the Application*: A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also 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 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 (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *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, 385.211, 385.214. 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.

o. *Filing and Service of Responsive Documents*: Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *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.

q. 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 at <http://www.ferc.gov> under the "e-Filing" link.

Magalie R. Salas,
Secretary.

[FR Doc. 03-4210 Filed 2-21-03; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[OH156-1; FRL-7453-5]

Response To Petition To Withdraw Approval, Delegation, and Authorization To Administer Federal Environmental Programs; OH

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: In 1997, the Ohio Citizen Action, the Ohio Environmental Council, Rivers Unlimited, and the Ohio Sierra Club submitted a petition requesting EPA to withdraw approval, delegation, or authorization from the State of Ohio to administer certain air, water, and waste Federal environmental programs based on the Ohio Environmental Audit Privilege and Immunity Law. The petitioners supplemented and amended the petition in 1998, 1999, and 2000 requesting EPA to review Ohio's implementation of certain air, water, and waste programs. EPA is denying the petition because EPA did not find sufficient evidence to justify withdrawal or revocation of the programs covered by the petition.

DATES: Under section 307(b) of the Clean Air Act, petitions for judicial review of today's action denying the petition to withdraw or revoke Clean Air Act programs may be filed in the United States Court of Appeals for the appropriate circuit on or before April 25, 2003.

FOR FURTHER INFORMATION CONTACT: Maria Gonzalez, Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard (C14-J), Chicago, Illinois 60604, phone number (312) 886-6630.

SUPPLEMENTARY INFORMATION: In 1997, the Ohio Citizen Action, the Ohio Environmental Council (which was later replaced by the Ohio Public Interest Research Group), Rivers Unlimited, and the Ohio Sierra Club, submitted a petition requesting EPA to withdraw approval, delegation, or authorization from the State of Ohio to administer certain federal environmental programs. The petition initially requested EPA to withdraw or revoke certain air, water, and waste environmental programs based on the Ohio Environmental Audit Privilege and Immunity Law (the Audit Law). Petitioners supplemented and amended the petition on September 18, 1998, August 4, 1999, and January 27, 2000, to add allegations about how the Ohio Environmental Protection Agency (Ohio EPA) was implementing the Resource Conservation and Recovery Act hazardous waste program and solid waste permit program; the Clean Water Act National Pollutant Discharge Elimination System (NPDES) program; and the Clean Air Act Standards of Performance for New Stationary Sources (NSPS), New Source Review (NSR), Prevention of Significant Deterioration (PSD), non-compliance penalties, and Title V programs.

On December 21, 2000, EPA denied the Audit Law component of the petition, but continued its review of Ohio EPA's implementation of the programs covered by the amended and supplemented petition.

Because the petition seeks withdrawal or revocation of programs, the focus of our review was whether it is appropriate to initiate withdrawal or revocation proceedings based on the withdrawal criteria for each of the affected programs. The Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act and their implementing regulations set forth the withdrawal or revocation criteria for programs authorized, delegated or approved pursuant to these acts. EPA reviewed Ohio EPA's implementation of each program based on the criteria for that program.

Beginning in January of 2000, EPA Region 5 staff conducted reviews of Ohio's environmental programs covered by the petition. EPA staff visited Ohio EPA district and central offices, the Ohio Attorney General's Office and local air agencies; interviewed employees; and reviewed files. EPA staff also reviewed the affidavits submitted by the petitioners in July and August of 2000. EPA reviewed how Ohio EPA implemented the affected programs during the period from 1995 to 2000.

On September 4, 2001, EPA Region 5 made public a preliminary report, dated August 30, 2001, entitled "Draft Report on U.S. EPA Review of Ohio Environmental Programs" (Draft Report) summarizing the petitioners' allegations and setting forth its preliminary findings with respect to the requests to withdraw or revoke the eight environmental programs. EPA held two public meetings in Columbus, Ohio on November 13, 2001, to answer questions and take comments on the report. EPA accepted comments from the public until January 14, 2002.

The Draft Report also made recommendations that, if implemented, would alleviate concerns related to the withdrawal criteria and obviate the need for further review. EPA followed up with Ohio EPA on the recommendations made in the Draft Report. Ohio EPA has taken steps in each program that should benefit its implementation of those programs.

A final report and background documents which detail EPA's findings with respect to each allegation in the petition for each program, along with a responsiveness summary that responds to the comments made at the public meeting and during the comment period are at the following EPA Web site: <http://www.epa.gov/region5/ohioreview>. You

may also access this information at the following repositories located in Ohio: Public Library of Cincinnati & Hamilton County, 800 Vine Street, Cincinnati; Public Library of Youngstown & Mahoning County, 305 Wick Avenue, Youngstown; Columbus Metropolitan Library, 96 South Grant Avenue, Columbus; Toledo-Lucas County Public Library, 325 Michigan Street, Toledo; Briggs Lawrence County Public Library, 321 South Fourth Street, Ironton; Cleveland Public Library, 325 Superior Avenue, Cleveland; State of Ohio Senate, Senate Building, Energy, Natural Resources & Environment, Room 143, First Floor, Columbus; Dayton & Montgomery County Public Library, 215 East Third Street, Dayton; Washington County Public Library, 615 Fifth Street, Marietta; Dover Public Library, 525 North Walnut Street, Dover; State of Ohio House of Representatives, Environmental Committee, 77 South High Street, 13th Floor, Columbus.

As discussed in detail in the final report and background documents, EPA did not find sufficient evidence to justify withdrawal or revocation of the programs covered by the petition. Therefore, EPA denied the petition to withdraw or revoke its approval, delegation, or authorization from the State of Ohio to administer certain Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act environmental programs by letter dated February 7, 2003.

Dated: February 7, 2003.

Thomas V. Skinner,

Regional Administrator, Region 5.

[FR Doc. 03-4259 Filed 2-21-03; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-7453-2]

Annual Conference on Analysis of Pollutants in the Environment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Announcement of conference.

SUMMARY: The Office of Water's Office of Science and Technology, and Battelle will co-sponsor the "26th Annual Conference on Analysis of Pollutants in the Environment" to discuss all aspects of environmental measurement. The conference is open to the public.

DATES: The annual conference will be held on April 29-30, 2003. On April 29, 2003, the conference will begin at 8:45 a.m. and adjourn at 5:30 p.m. A workshop on "Whole Effluent Toxicity

(WET) Testing to Support EPA's Final Rule" will be presented from 3 to 5:30 p.m. On April 30, 2003, the conference will begin at 8:45 a.m. and adjourn at 5 p.m. On May 1, 2003, a public meeting on "Detection and Quantitation" will be held from 10 a.m. to 3 p.m., with a one-hour break from 12 p.m. to 1 p.m.

ADDRESSES: The conference will be held at the Holiday Inn Chicago Mart Plaza Hotel, 350 North Orleans Street, Chicago, Illinois, U.S.A. 60654.

FOR FURTHER INFORMATION CONTACT:

Conference and workshop arrangements are being conducted by DynCorp Systems & Solutions LLC. For information on registration, conference fees, hotel rates, reservations, and transportation, please contact Jennifer Maglinao, by e-mail at jennifer.maglinao@DynCorp.com or by telephone at (703) 461-2137. If you have technical questions regarding the conference, workshop, or public meeting, please contact Marion Kelly by e-mail at kelly.marion@epa.gov or by facsimile at (202) 566-1053.

SUPPLEMENTARY INFORMATION: The 26th Annual Conference on Analysis of Pollutants in the Environment is designed to bring together representatives of regulated industries, commercial environmental laboratories, State and Federal regulators, municipal water and wastewater laboratories, and environmental consultants and contractors to discuss all aspects of environmental measurement focusing on environmental water regulations, compliance monitoring, and related issues.

The tentative program topics for the conference follow:

Tuesday, April 29, 2003

Welcome and Opening Remarks.

Update on Analytical Methods in EPA's Wastewater Programs.

Pollutants to be Tested for in EPA's 2004 National Sewage Sludge Survey.

E-Chem, AOAC-International's Methods Database.

Automated Discrete Sample Analyses Applied to Standard Environmental Methods.

Validation of Improved Methods for Fecal Coliforms and *Salmonella* in Biosolids.

Determination of *Cryptosporidium* in Water Using Molecular Methods.

Uncertainty in Microbiological Measurements.

Workshop on "Whole Effluent Toxicity (WET) Testing to Support EPA's Final Rule".

Wednesday, April 30, 2003

Application of the 1600-series Methods to Monitor Trace Metal Levels in South Texas Estuaries.

Determination of Mercury in Ice Cores to Track Earth's Activities.

Application of EPA Method 1631, Revision E, to Routine Low-level Mercury Analyses.

Determination of Arsenic and Selenium Species in Water with a Dynamic Reaction Cell and ICP/MS.

Evaluation of Techniques for Reducing the Reporting Limit for Perchlorate to Sub-ppb Levels.

Establishment of Total Maximum Daily Loads (TMDLs) for PCBs and Other Pollutants in Lakes and Estuaries.

Effect of Various Means of Calculating Dioxin Toxic Equivalents for Non-detected PCB Congeners on Risk Assessment.

A History of Nutrient Excursions Above Ambient Water Quality Criteria in the Great Lakes and Mitigation Strategies, including Total Maximum Daily Loads (TMDLs) and Waste Load Allocations (WLAs).

Determination of Alkylphenol Ethoxylates in Various Matrices.

Determination of Pharmaceuticals Pollutants and Sterols in Water and Biosolids by HPLC/MS/MS.

Determination of Brominated Organics, including PBDDs/PBDFs, PBDEs, and PBBs, in Multi-media Samples by GC/HRMS.

Thursday, May 1, 2003

Public Meeting on EPA's Assessment of Detection and Quantitation Procedures Applied under the Clean Water Act.

EPA's Office of Water recently completed an in-depth assessment of detection and quantitation limit concepts and their application under Clean Water Act programs. The Agency intends to make the results of this assessment available through a public notice to be published in the **Federal Register** in March 2003. EPA is sponsoring a public meeting to describe this assessment, present the findings, and discuss recommendations. Following presentations by EPA, the public is invited to present comments on the assessment.

Time will be made available to interested parties who send in a formal request to comment by April 5, 2003. Requests must include the commenter's name, organization, address, telephone number, fax number (if applicable), and e-mail address (if applicable). Requests must be sent to: Jennifer Maglinao, DynCorp, 6101 Stevenson Ave., Alexandria, VA 22304-3540. Requests

received by April 5, 2003, will be acknowledged and assigned a time slot. Commenters are requested to provide copies of any presentation materials for the public record, and for meeting participants. There is no registration fee to attend the public meeting. For questions, please call Jennifer Maglinao at (703) 461-2137.

This meeting/event will be held in a building which is accessible to persons using wheel chairs and scooters. If you wish to request that other arrangements be made because of your disability in order to enable you to participate or if you have questions about accessibility, please contact Jennifer Maglinao at (703) 461-2137 as soon as possible, but preferably no less than 5 business days before the event is scheduled.

Dated: February 13, 2003.

Pamela Barr,

Acting Director, Office of Science and Technology.

[FR Doc. 03-4247 Filed 2-21-03; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[OPP-2003-0024; FRL-7291-9]

FIFRA Scientific Advisory Panel; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a meeting of the Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel (FIFRA SAP) to consider and review the effect of atrazine on amphibians.

DATES: *Pre-meeting teleconference:* May 21, 2003, from 1 p.m. to 3 p.m., eastern standard time.

Face-to-face meetings: June 3-5, 2003, from 8:30 a.m. to 5 p.m., eastern standard time.

Comments: Deadlines for submission of requests to present oral comments and submission of written comments, see Unit I.F. of the **SUPPLEMENTARY INFORMATION**.

Nominations: Nominations of persons to serve as an ad hoc member of the FIFRA SAP for the pre-meeting teleconference and face-to-face meetings should be provided on or before *March 6, 2003*.

Special seating: Requests for special seating arrangements or other special accommodations should be made at least 5 business days prior to the meeting.

ADDRESSES: *Pre-meeting teleconference:* This meeting will be held at the

Environmental Protection Agency, 1201 Pennsylvania Ave., NW., EPA East Bldg, Conference Room 4225, Washington, DC. For additional information about the pre-meeting teleconference, including how to receive the teleconference telephone number, contact the Designated Federal Official (DFO) listed under **FOR FURTHER INFORMATION CONTACT**.

Face-to-face meetings: The meeting will be held at the Sheraton Crystal City Hotel, 1800 Jefferson Davis Highway, Arlington, VA. 22202. The telephone number for the Sheraton Crystal City Hotel is (703) 486-1111.

Comments: Written 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**.

Nominations, requests to present oral comments, and special seating: To submit nominations to serve as an ad hoc member of the FIFRA SAP for the pre-meeting teleconference and face-to-face meetings, or requests for special seating arrangements, or requests to present oral comments, notify the DFO listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Paul Lewis, DFO, Office of Science Coordination and Policy (7202M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564-8450; fax number: (202) 564-8382; e-mail address: lewis.paul@epa.gov.

SUPPLEMENTARY INFORMATION:**I. General Information***A. Does this Action Apply to Me?*

This action is directed to the public in general. This action may, however, be of interest to persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA), FIFRA, and the Food Quality Protection Act of 1996 (FQPA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the DFO 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-2003-0024. 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/fedrgrstr/>.

Meeting agendas relevant to these meetings are now available. EPA's position paper, charge/questions to FIFRA SAP, and FIFRA SAP composition (i.e., permanent members and ad hoc members for this meeting) will be available as soon as possible, but no later than early May 2003. In addition, the Agency may provide additional background documents as the materials become available. You may obtain electronic copies of these documents, and certain other related documents that might be available electronically, from the FIFRA SAP Internet Home Page at <http://www.epa.gov/scipoly/sap>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket ID number.

Certain types of information will not be accessible through EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, also will not be available for public viewing in EPA's electronic public docket. In addition, EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available

in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or on 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-2003-0024. 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-2003-0024. 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-2003-0024.

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-2003-0024. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

D. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

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

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the notice or collection activity.

7. Make sure to submit your comments by the deadline in this document.

8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

F. How May I Participate in this Meeting?

You may participate in this meeting by following the instructions in this unit. For submission of CBI, see Unit I.D. To ensure proper receipt by EPA, it is imperative that you identify docket ID number OPP-2003-0024 in the subject line on the first page of your request.

1. *Oral comments.* Oral comments presented at the meetings should not be repetitive of previously submitted oral or written comments. Each individual or group wishing to make brief oral comments to the FIFRA SAP is strongly advised to submit their request to the DFO listed under **FOR FURTHER INFORMATION CONTACT** no later than noon, eastern standard time, May 28, 2003, in order to be included on the meeting agenda. The request should identify the name of the individual making the presentation, the organization (if any) the individual will represent, and any requirements for audiovisual equipment (e.g., overhead projector, 35 mm projector, chalkboard). Oral comments before the FIFRA SAP are limited to approximately 5 minutes unless prior arrangements have been made. In addition, each speaker should bring 30 copies of his or her comments and presentation slides for distribution to the FIFRA SAP at the meeting.

2. *Written comments.* Although submission of written comments are accepted until the date of the meeting (unless otherwise stated), the Agency encourages that written comments be submitted, using the instructions in Unit I., no later than noon, eastern standard time, May 28, 2003, to provide the FIFRA SAP the time necessary to consider and review the written comments. There is no limit on the extent of written comments for consideration by the FIFRA SAP. Persons wishing to submit written comments at the meeting should contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** and submit 30 copies.

3. *Seating at the meeting.* Seating at the meeting will be on a first-come basis. Individuals requiring special accommodations at this meeting, including wheelchair access, should

contact the DFO at least 5 business days prior to the meeting using the information under **FOR FURTHER INFORMATION CONTACT** so that appropriate arrangements can be made.

4. *Request for nominations of persons to serve as ad hoc members of the FIFRA SAP for this meeting.* The FIFRA SAP staff routinely solicit the stakeholder community for nominations to serve as ad hoc members of the FIFRA SAP for each meeting. Any interested person or organization may nominate qualified individuals to serve on the FIFRA SAP for a specific meeting. No interested person shall be ineligible to serve by reason of their membership on any other advisory committee to a Federal department or agency or their employment by a Federal department or agency (except the EPA). Individuals nominated should have expertise in one or more of the following areas:

- i. Amphibian toxicology and ecology.
- ii. Xenopus and/or xenopus husbandry.
- iii. Developmental biology, gonadal development, and/or endocrinology.
- iv. Ecotoxicology and risk assessment.

Nominees should be scientists who have sufficient professional qualifications, including training and experience, to be capable of providing expert comments on the issues for this meeting. Nominees should be identified by name, occupation, position, address, and telephone number. Nominations should be provided to the DFO listed under **FOR FURTHER INFORMATION CONTACT** by March 6, 2003.

The criteria for selecting scientists to serve on the FIFRA SAP are that these persons be recognized scientists-experts in their fields; that they be as impartial and objective as possible; that they represent an array of backgrounds and perspectives (within their disciplines); have no financial conflict of interest; have not previously been involved with the scientific peer review of the issue(s) presented; and that they be available to participate fully in the review, which will be conducted over a relatively short time frame. Nominees will be asked to attend the public meetings and to participate in the discussion of key issues and assumptions at these meetings. Finally, they will be asked to review and to help finalize the meeting minutes.

If a FIFRA SAP nominee is considered to assist in a review by the FIFRA SAP for a particular session, the nominee is subject to the provisions of 5 CFR part 2634, Executive Branch Financial Disclosure, as supplemented by the EPA in 5 CFR part 6401. As such, the FIFRA SAP nominee is required to submit a

Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency (EPA Form 3110-48 5-02) which shall fully disclose, among other financial interests, the nominee's employment, stocks, and bonds, and where applicable, sources of research support. EPA will evaluate the nominee's financial disclosure form to assess that there are no formal conflict of interests before the nominee is considered to serve on the FIFRA SAP. Selected FIFRA SAP members will be hired as a Special Government Employee. The Agency will review all nominations; nominees who are selected for the meeting will be posted on the FIFRA SAP web site or may be obtained by contacting the PIRIB at the address or telephone number listed in Unit I.

II. Background

A. Purpose of the FIFRA SAP

Amendments to FIFRA enacted November 28, 1975 (7 U.S.C. 136w(d)), include a requirement under section 25(d) of FIFRA that notices of intent to cancel or reclassify pesticides pursuant to section 6(b)(2) of FIFRA, as well as proposed and final forms of rulemaking pursuant to section 25(a) of FIFRA, be submitted to a SAP prior to being made public or issued to a registrant. In accordance with section 25(d) of FIFRA, the FIFRA SAP is to have an opportunity to comment on the health and environmental impact of such actions. The FIFRA SAP also shall make comments, evaluations, and recommendations for operating guidelines to improve the effectiveness and quality of analyses made by Agency scientists. Members are scientists who have sufficient professional qualifications, including training and experience, to be capable of providing expert comments as to the impact on health and the environment of regulatory actions under sections 6(b) and 25(a) of FIFRA. The Deputy Administrator appoints seven individuals to serve on the FIFRA SAP for staggered terms of 4 years, based on recommendations from the National Institutes of Health and the National Science Foundation.

Section 104 of FQPA (Public Law 104-170) established the FQPA Science Review Board (SRB). These scientists shall be available to the FIFRA SAP on an ad hoc basis to assist in reviews conducted by the FIFRA SAP.

B. Pre-meeting Teleconference

This pre-meeting teleconference is open to the public and seating will be on a first-come basis. The public may also attend via telephone. For further information concerning the meeting or how to obtain the telephone number, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT**.

The purpose of this public pre-meeting teleconference is to:

1. Discuss the charge and the adequacy of the review materials provided to the FIFRA SAP.
2. Clarify any questions and issues relating to the charge and the review materials.
3. Discuss specific charge assignments to the Panelists.
4. Clarify specific points of interest raised by the Panelists in preparation for the face-to-face meetings to be held from June 3-5, 2003.

C. Face-to-Face Public Meeting

The FIFRA SAP will meet to consider and review the effects of atrazine on amphibians. Recent research has generated conflicting results on the effects of atrazine on gonadal developmental (e.g., male hermaphroditism) in amphibians and how these effects influence secondary sexual characteristics (e.g., laryngeal muscle mass). The FIFRA SAP will be asked to consider the range of effects associated with exposure of amphibians to atrazine and to determine the significance of these effects for risk assessment and the likely threshold exposure value for eliciting these effects. The Agency requests the Panel to identify what additional, specific information, if any, would significantly reduce uncertainties in determining a causal relationship between atrazine exposure and development in amphibians and the extent to which any changes in development can be related to effects on survival, growth and reproductive performance. To the extent that significant knowledge gaps or areas of variability in the existing knowledge base are identified, the FIFRA SAP will be asked to prioritize what additional types of data would lead to the greatest incremental reductions in risk assessment uncertainties.

D. FIFRA SAP Meeting Minutes

The FIFRA SAP will prepare meeting minutes summarizing its recommendations to the Agency in approximately 60 days. The meeting minutes will be posted on the FIFRA SAP web site or may be obtained by contacting the PIRIB at the address or telephone number listed in Unit I.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: February 11, 2003.

Joseph J. Merenda,

Director, Office of Science Coordination and Policy.

[FR Doc. 03-4248 Filed 2-21-03; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[FRL-7453-3]

Guidelines Establishing Test Procedures for the Analysis of Pollutants; Procedures for Detection and Quantitation; Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: EPA's Office of Water recently completed an assessment of detection and quantitation concepts and their application under Clean Water Act programs. The Agency intends to make the results of this assessment available through a public notice to be published in the **Federal Register** in March 2003. EPA is sponsoring a public meeting to describe this assessment, present the findings, and discuss recommendations. Following presentations by EPA, the public is invited to present comments on the assessment. Time will be made available to interested parties who send in a formal request to comment by April 5, 2003. Commenters are requested to provide copies of any presentation materials for the public record and for meeting participants.

DATES: The public meeting on Detection and Quantitation will be held on May 1, 2003, from 10 a.m. to 3 p.m., with a one-hour break from 12 p.m. to 1 p.m. Parties interested in presenting comments at the meeting must send in a formal request to comment by April 5, 2003.

ADDRESSES: The meeting will be held at the Holiday Inn Chicago Mart Plaza Hotel, 350 North Orleans Street, Chicago, Illinois, U.S.A. 60654. Formal requests to present comments at the meeting must be submitted by April 5, 2003, to Jennifer Maglinao, DynCorp, 6101 Stevenson Ave., Alexandria, VA 22304-3540, or by e-mail to jennifer.maglinao@dyncorp.com.

FOR FURTHER INFORMATION CONTACT: The public meeting is being coordinated by DynCorp System & Solutions LLC. Questions regarding public meeting logistics or requests to present

comments should be addressed to: Jennifer Maglinao, DynCorp, 6101 Stevenson Ave., Alexandria, VA 22304-3540, by e-mail:

jennifer.maglinao@dyncorp.com, by telephone: (703) 461-2137, or by facsimile at (703) 461-2020. Technical questions regarding the public meeting must be addressed to Marion Kelly by e-mail: kelly.marion@epa.gov or by facsimile at (202) 566-1053.

SUPPLEMENTARY INFORMATION: Requests to comment must be submitted by April 5, 2003, and must include the commenter's name, organization, address, telephone number, fax number (if applicable), and e-mail address (if applicable). All requests to present comments will be acknowledged and assigned a time slot. The amount of time allotted each commenter will depend upon the number of participants. Commenters are requested to provide copies of any presentation materials for the public record and for meeting participants. Although the public meeting is being held following the 26th Annual Conference on Analysis of Pollutants in the Environment, there is no registration fee to attend the public meeting.

This meeting/event will be held in a building which is accessible to persons using wheel chairs and scooters. If you wish to request that other arrangements be made because of your disability in order to enable you to participate or if you have questions about accessibility, please contact Jennifer Maglinao at (703) 461-2137 as soon as possible, but preferably no less than 5 business days before the event is scheduled.

Dated: February 13, 2003.

Pamela Barr,

Acting Director, Office of Science and Technology.

[FR Doc. 03-4246 Filed 2-21-03; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[OPP-2003-0033; FRL-7290-7]

Pesticide Emergency Exemptions; Agency Decisions and State and Federal Agency Crisis Declarations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted or denied emergency exemptions under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for use of pesticides as listed in this notice. The exemptions or denials were granted

during the period October 1, 2002 to December 31, 2002 to control unforeseen pest outbreaks.

FOR FURTHER INFORMATION CONTACT: See each emergency exemption or denial for the name of a contact person. The following information applies to all contact persons: Team Leader, Emergency Response Team, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-9366.

SUPPLEMENTARY INFORMATION: EPA has granted or denied emergency exemptions to the following State and Federal agencies. The emergency exemptions may take the following form: Crisis, public health, quarantine, or specific. EPA has also listed denied emergency exemption requests in this notice.

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are a federal or state government agency involved in administration of environmental quality programs (i.e., Departments of Agriculture, Environment, etc). Potentially affected entities may include, but are not limited to:

- Federal or State Government Entity, (NAICS 9241), i.e., Departments of Agriculture, Environment, etc.

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-2003-0033. 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. Background

Under FIFRA section 18, EPA can authorize the use of a pesticide when emergency conditions exist. Authorizations (commonly called emergency exemptions) are granted to State and Federal agencies and are of four types:

1. A "specific exemption" authorizes use of a pesticide against specific pests on a limited acreage in a particular State. Most emergency exemptions are specific exemptions.

2. "Quarantine" and "public health" exemptions are a particular form of specific exemption issued for quarantine or public health purposes. These are rarely requested.

3. A "crisis exemption" is initiated by a State or Federal agency (and is confirmed by EPA) when there is insufficient time to request and obtain EPA permission for use of a pesticide in an emergency.

EPA may deny an emergency exemption: If the State or Federal agency cannot demonstrate that an emergency exists, if the use poses unacceptable risks to the environment, or if EPA cannot reach a conclusion that the proposed pesticide use is likely to result in "a reasonable certainty of no harm" to human health, including exposure of residues of the pesticide to infants and children.

If the emergency use of the pesticide on a food or feed commodity would result in pesticide chemical residues, EPA establishes a time-limited tolerance meeting the "reasonable certainty of no harm standard" of the Federal Food, Drug, and Cosmetic Act (FFDCA).

In this document: EPA identifies the State or Federal agency granted the exemption or denial, the type of exemption, the pesticide authorized and the pests, the crop or use for which authorized, number of acres (if applicable), and the duration of the exemption. EPA also gives the **Federal Register** citation for the time-limited tolerance, if any.

III. Emergency Exemptions and Denials

A. U. S. States and Territories

ARIZONA

Department of Agriculture
Specific: EPA authorized the use of coumaphos in beehives to control varroa mites and small hive beetles; February 2, 2003 to February 1, 2004. Contact: (Barbara Madden)

CALIFORNIA

Environmental Protection Agency, Department of Pesticide Regulation
Crisis: On November 5, 2002, for the use of pyriproxyfen on strawberry to control whiteflies. This program is expected to end on October 2, 2003. Contact: (Andrea Conrath)

Quarantine: EPA authorized the use of spinosad on minor crop host sites to control non-indigenous and quarantined fruit flies; December 5, 2002 to December 5, 2005. Contact: (Dan Rosenblatt)

Specific: EPA authorized the use of avermectin on spinach to control leafminers; November 1, 2002 to October 31, 2003. Contact: (Barbara Madden)

EPA authorized the use of a baited trap containing lambda-cyhalothrin (toxicant), ammonium bicarbonate (food lure), and spiroketalamine (pheromone) on olive trees to control the olive fruit fly; November 14, 2002 to August 31, 2003. Contact: (Dan Rosenblatt)

EPA authorized the use of pyriproxyfen on strawberry to control whiteflies; November 15, 2002 to November 15, 2003. Contact: (Andrea Conrath)

EPA authorized the use of imidacloprid on strawberries to control whiteflies; December 24, 2002 to December 23, 2003. Contact: (Andrew Ertman)

EPA authorized the use of avermectin on avocado to control thrips; February 1, 2003 to December 1, 2003. Contact: (Barbara Madden)

EPA authorized the use of tebufenozide on wine grapes to control

grape leafroller and Omnivorous leafroller; April 1, 2003 to September 1, 2003. Contact: (Barbara Madden)

DELAWARE

Department of Agriculture
Specific: EPA authorized the use of s-metolachlor on spinach to control weeds; October 25, 2002 to September 1, 2003. Contact: (Andrew Ertman)

EPA authorized the use of thiophanate methyl on mushroom spawn to control green mold; December 5, 2002 to December 5, 2003. Contact: (Andrea Conrath)

FLORIDA

Department of Agriculture and Consumer Services
Quarantine: EPA authorized the use of naled on telephone poles and inanimate objects to control the Oriental fruit fly and related quarantined fruit fly species that respond to methyl eugenol bait; November 13, 2002 to November 13, 2005. Contact: (Dan Rosenblatt)

Specific: EPA authorized the use of coumaphos in beehives to control varroa mites and small hive beetles; January 19, 2003 to January 18, 2004. Contact: (Barbara Madden)

EPA authorized the use of thiophanate methyl on citrus to control post-bloom fruit drop disease; February 22, 2003 to February 22, 2004. Contact: (Andrea Conrath)

GEORGIA

Department of Agriculture
Specific: EPA authorized the use of flufenacet on wheat to control ryegrass; October 10, 2002 to December 31, 2002. Contact: (Barbara Madden)

EPA authorized the use of coumaphos in beehives to control varroa mites and small hive beetles; January 19, 2003 to January 18, 2004. Contact: (Barbara Madden)

IDAHO

Department of Agriculture
Specific: EPA authorized the use of flufenacet on wheat and triticale to control ryegrass; October 10, 2002 to June 30, 2003. Contact: (Barbara Madden)

EPA authorized the use of difenoconazole on sweet corn grown for seed to control fungal pathogens involved in die-back syndrome; November 20, 2002 to November 20, 2003. Contact: (Andrea Conrath)

EPA authorized the use of coumaphos in beehives to control varroa mites and small hive beetles; February 2, 2003 to February 1, 2004. Contact: (Barbara Madden)

MARYLAND

Department of Agriculture
Specific: EPA authorized the use of thiophanate methyl on mushroom spawn to control green mold; December 5, 2002 to December 5, 2003. Contact: (Andrea Conrath)

EPA authorized the use of coumaphos in beehives to control varroa mites and small hive beetles; February 2, 2003 to February 1, 2004. Contact: (Barbara Madden)

MICHIGAN

Michigan Department of Agriculture
Specific: EPA authorized the use of sulfentrazone on strawberries to control broadleaf weeds; October 21, 2002 to December 15, 2002. Contact: (Andrew Ertman)

MISSISSIPPI

Department of Agriculture and Commerce
Specific: EPA authorized the use of niclosamide in commercially operated, man-made levee containment ponds for catfish production to control ram's horn snail, an intermediate host to the yellow grub trematode; December 13, 2003 to December 12, 2004. Contact: (Barbara Madden)

MISSOURI

Department of Agriculture
Specific: EPA authorized the use of clethodim on tall fescue to suppress stem and seedhead formation in tall fescue pasture or hay to reduce toxin producing endophyte-fungus; November 1, 2002 to April 15, 2003. Contact: (Barbara Madden)

NEBRASKA

Department of Agriculture
Specific: EPA authorized the use of chlorine dioxide on stored potatoes to control late blight; October 6, 2002 to May 31, 2003. Contact: (Andrew Ertman)

NEW MEXICO

Department of Agriculture
Specific: EPA authorized the use of propiconazole on grain sorghum and sorghum planted for seed production to control sorghum ergot (*Claviceps africana*); November 7, 2002 to September 30, 2003. Contact: (Libby Pemberton)

NEW YORK

Department of Environmental Conservation
Specific: EPA authorized the use of coumaphos in beehives to control varroa mites and small hive beetles; February 2, 2003 to February 1, 2004. Contact: (Barbara Madden)

NORTH CAROLINA

Department of Agriculture
Specific: EPA authorized the use of flufenacet on wheat to control ryegrass; October 10, 2002 to December 31, 2002. Contact: (Barbara Madden)

NORTH DAKOTA

Department of Agriculture
Specific: EPA authorized the use of chlorine dioxide on stored potatoes to control late blight; October 21, 2002 to August 31, 2003. Contact: (Andrew Ertman)

OREGON

Department of Agriculture

Specific: EPA authorized the use of flufenacet on wheat and triticale to control ryegrass; October 10, 2002 to June 30, 2003. Contact: (Barbara Madden)

PENNSYLVANIA

Department of Agriculture

Specific: EPA authorized the use of thiophanate methyl on mushroom spawn to control green mold; December 5, 2002 to December 5, 2003. Contact: (Andrea Conrath)

SOUTH CAROLINA

Clemson University

Specific: EPA authorized the use of flufenacet on wheat to control annual ryegrass; November 20, 2002 to December 31, 2002. Contact: (Barbara Madden)

TEXAS

Department of Agriculture

Crisis: On October 10, 2002, for the use of azoxystrobin on broccoli, cabbage, cauliflower, and kohlrabi to control *Alternaria* Leafspot and *Cercospora* Leafspot. This program is expected to end on October 10, 2003. Contact: (Libby Pemberton)

Specific: EPA authorized the use of bifenthrin on citrus to control weevils; November 22, 2002 to November 22, 2003. Contact: (Andrea Conrath)

EPA authorized the use of azoxystrobin on broccoli, cabbage, cauliflower, and kohlrabi to control *Alternaria* Leafspot and *Cercospora* Leafspot; December 12, 2002 to October 10, 2003. Contact: (Libby Pemberton)

EPA authorized the use of propiconazole on grain sorghum to control sorghum ergot (*Claviceps africana*); December 14, 2002 to December 14, 2003. Contact: (Libby Pemberton)

VIRGINIA

Department of Agriculture and Consumer Services

Specific: EPA authorized the use of bifenazate on greenhouse grown tomatoes to control spider mites; October 4, 2002 to October 3, 2003. Contact: (Barbara Madden)

EPA authorized the use of flufenacet on wheat to control ryegrass; October 10, 2002 to December 31, 2002. Contact: (Barbara Madden)

WASHINGTON

Department of Agriculture

Specific: EPA authorized the use of flufenacet on wheat and triticale to control ryegrass; October 10, 2002 to June 30, 2003. Contact: (Barbara Madden)

EPA authorized the use of coumaphos in beehives to control varroa mites and small hive beetles; February 2, 2003 to February 1, 2004. Contact: (Barbara Madden)

*B. Federal Departments and Agencies***AGRICULTURE DEPARTMENT**

Animal and Plant Health Inspector Service

Quarantine: EPA authorized the use of diazinon around the drip line of infested trees in Florida to control quarantined fruit fly species, such as the Mediterranean fruit fly; October 21, 2002 to October 21, 2005. Contact: (Dan Rosenblatt)

ENVIRONMENTAL PROTECTION AGENCY

Crisis: On October 3, 2002, for the use of ethylene oxide to decontaminate interior spaces and personal and office items from the National Broadcasting Company on which *Bacillus anthracis* may be present at low bioburden levels. This program ended on/is expected to end on October 18, 2002. Contact: (Barbara Madden)

On October 3, 2002, for the use of hydrogen peroxide to decontaminate interior spaces and personal and office items from the National Broadcasting Company on which *Bacillus anthracis* may be present at low bioburden levels. This program ended on/is expected to end on October 18, 2002. Contact: (Barbara Madden)

On October 3, 2002, for the use of hydrogen peroxide and peroxyacetic acid to decontaminate interior spaces and personal and office items from the National Broadcasting Company on which *Bacillus anthracis* may be present at low bioburden levels. This program ended on/is expected to end on October 18, 2002. Contact: (Barbara Madden)

On October 3, 2002, for the use of sodium hypochlorite to decontaminate interior spaces and personal and office items from the National Broadcasting Company on which *Bacillus anthracis* may be present at low bioburden levels. This program ended on/is expected to end on October 18, 2002. Contact: (Barbara Madden)

On October 16, 2002, for the use of ethylene oxide to fumigate items retrieved from the U.S. Department of Justice that were contaminated or potentially contaminated by *Bacillus anthracis*. This program ended on/is expected to end on November 1, 2002. Contact: (Barbara Madden)

On December 9, 2002, for the use of sodium chlorite to fumigate the Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center in Washington, D.C. that was contaminated by *Bacillus anthracis*. This program ended on/is expected to end on December 24, 2002. Contact: (Barbara Madden)

List of Subjects

Environmental protection, Pesticides and pest.

Dated: February 10, 2003.

Debra Edwards,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 03-4252 Filed 2-21-03; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[OPPT-2003-0008; FRL-7295-6]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from January 29, 2003 to February 3, 2003, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

DATES: Comments identified by the docket ID number OPPT-2003-0008 and the specific PMN number or TME number, must be received on or before March 26, 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: Barbara Cunningham, Acting Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics (7408M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 554-1404; e-mail address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the 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 OPPT-2003-0008. 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 EPA Docket Center, Rm. B102-Reading Room, EPA West, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566-1744 and the telephone number for the OPPT Docket, which is located in EPA Docket Center, is (202) 566-0280.

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/fedrgrstr/>.

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.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number and specific PMN 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—OPPT-2003-0008. 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 oppt.ncic@epa.gov, Attention: Docket ID Number OPPT-2003-0008 and PMN Number or TME Number. 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: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

3. *By hand delivery or courier.* Deliver your comments to: OPPT Document Control Office (DCO) in EPA East Building Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID Number OPPT-2003-0008 and PMN Number or TME Number. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564-8930.

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 technical person listed under **FOR FURTHER INFORMATION CONTACT**.

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

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

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice or collection activity.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action and the specific PMN number you are commenting on in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Why is EPA Taking this Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from January 29, 2003 to February 3, 2003, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. Receipt and Status Report for PMNs

This status report identifies the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II. to access additional non-CBI information that may be available.

In Table I of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

I. 10 PREMANUFACTURE NOTICES RECEIVED FROM: 01/29/03 TO 02/03/03

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P-03-0308	01/29/03	04/29/03	Polyone Corp.	(S) Hardcoat sealant for low density substrates.	(S) Isocyanic acid, polymethylene polyphenylene ester, polymer with methyloxirane and oxirane.
P-03-0309	01/29/03	04/29/03	CBI	(G) Coatings	(G) Acrylate ester
P-03-0310	01/29/03	04/29/03	BASF Corporation	(S) Gasoline additive	(G) Alkoxyated aliphatic alcohol
P-03-0311	01/30/03	04/30/03	BASF Corporation	(G) Industrial solvent	(G) Alkoxyated monobutyl ether
P-03-0312	01/30/03	04/30/03	CBI	(G) Open, non-dispersive (resin)	(G) Blocked aliphatic polyisocyanate
P-03-0313	01/30/03	04/30/03	Purezza Group	(S) A binding agent for removing anionic contaminants from natural waters; a binding agent for removing anionic contaminants from industrial effluent streams	(S) Lanthanian bentonite
P-03-0314	02/03/03	05/04/03	Matsushita-ultra Technology Battery Corporation	(S) Alkaline battery additive	(G) Metal substituted oxide

I. 10 PREMANUFACTURE NOTICES RECEIVED FROM: 01/29/03 TO 02/03/03—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P-03-0315	02/03/03	05/04/03	CBI	(G) Oil-field chemical	(G) Substituted polymethacrylic esters, hydrolyzed, sodium salt
P-03-0316	02/03/03	05/04/03	CBI	(G) Oil-field chemical	(G) Substituted methacrylic esters, polymer with methacrylic acid, sodium salt
P-03-0317	02/03/03	05/04/03	International Specialty Products	(S) Component of coatings for digital printing paper	(S) 2-propenoic acid, 2-methyl-, 2-hydroxyethyl ester, polymer with n-[3-dimethylamino)propyl]- 2-methyl-2-propenamide

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as

CBI) on the Notices of Commencement to manufacture received:

II. 10 NOTICES OF COMMENCEMENT FROM: 01/29/03 TO 02/03/03

Case No.	Received Date	Commencement/Import Date	Chemical
P-01-0196	01/30/03	01/20/03	(G) Hydrocarbon resin
P-01-0302	01/29/03	01/16/03	(G) Polyureapolyurethane polyol
P-01-0461	01/29/03	01/10/03	(G) Carbobicycle alcohol
P-01-0656	01/31/03	01/26/03	(G) Polyurethane based thickening agent
P-02-0386	01/29/03	01/24/03	(G) Acrylic polymer
P-02-0854	02/03/03	01/31/03	(G) Poly (phosphate and carboxylate) ester
P-02-0877	02/03/03	01/20/03	(G) Substituted pyridone
P-02-0940	01/30/03	01/20/03	(G) Fatty acids, C ₁₈ -unsaturated, dimers, hydrogenated, polymers with ethylenediamine and polyoxyalkyleneamines.
P-02-0955	01/29/03	12/30/02	(G) Barium alcoholate
P-02-1090	01/29/03	01/21/03	(G) Glycol ether sulfuric acid ester, ammonium salt

List of Subjects

Environmental protection, Chemicals, Premanufacturer notices.

Dated: February 12, 2003.

Sandra R. Wilkins,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 03-4253 Filed 2-21-03; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[OPPT-2003-0007; FRL-7295-1]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new

chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from January 11, 2003 to January 28, 2003, consists of the PMNs, pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

DATES: Comments identified by the docket ID number OPPT-2003-0007 and the specific PMN number or TME number, must be received on or before March 26, 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: Barbara Cunningham, Acting Director, Environmental Assistance Division,

Office of Pollution Prevention and Toxics (7408M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 554-1404; e-mail address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:**I. General Information***A. Does this Action Apply to Me?*

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the 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 OPPT-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 EPA Docket Center, Rm. B102-Reading Room, EPA West, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566-1744 and the telephone number for the OPPT Docket, which is located in EPA Docket Center, is (202) 566-0280.

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.1. EPA

intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number and specific PMN number or TME 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 OPPT-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 oppt.ncic@epa.gov. Attention: Docket ID Number OPPT-2003-0007 and PMN Number or TME Number. 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: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

3. *By hand delivery or courier.* Deliver your comments to: OPPT Document Control Office (DCO) in EPA East Building Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID Number OPPT-2003-0007

and PMN Number or TME Number. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564-8930.

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 technical person

listed under **FOR FURTHER INFORMATION CONTACT**.

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

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

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice or collection activity.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action and the specific PMN number you are commenting on in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Why is EPA Taking this Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions

pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from January 11, 2003 to January 28, 2003, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. Receipt and Status Report for PMNs

This status report identifies the PMNs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II. to access additional non-CBI information that may be available.

In Table I of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

I. 48 PREMANUFACTURE NOTICES RECEIVED FROM: 01/11/03 TO 01/28/03

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P-03-0261	01/13/03	04/13/03	CBI	(G) Resin coating	(G) Acrylated urethane
P-03-0262	01/13/03	04/13/03	CBI	(G) Adhesive component	(G) Polymeric mdi polyester prepolymer
P-03-0263	01/13/03	04/13/03	CBI	(G) Industrial coating binder component	(G) Urethane acrylate polymer
P-03-0264	01/13/03	04/13/03	CBI	(S) Epoxy crosslinking agent for industrial coating applications over metal and concrete substrates.	(G) Polymer of diethylenetriamine with polyepoxy functional polymers
P-03-0265	01/13/03	04/13/03	CBI	(S) Epoxy crosslinking agent for industrial coating applications over metal and concrete substrates.	(G) Polymer of diethylenetriamine with polyepoxy functional polymers
P-03-0266	01/13/03	04/13/03	CBI	(G) Component of a coating with an open use	(G) Rhodamine b ester with polymers of epichlorohydrin, phenol, formaldehyde novolac
P-03-0267	01/13/03	04/13/03	CBI	(G) Component of a coating with an open use	(G) Rhodamine b ester with polymers of epichlorohydrin, phenol, formaldehyde novolac
P-03-0268	01/13/03	04/13/03	CBI	(G) Component of a coating with an open use	(G) Rhodamine b ester with polymers of epichlorohydrin, phenol, formaldehyde novolac
P-03-0269	01/13/03	04/13/03	CBI	(G) Component of a coating with an open use	(G) Rhodamine b ester with polymers of epichlorohydrin, phenol, formaldehyde novolac

I. 48 PREMANUFACTURE NOTICES RECEIVED FROM: 01/11/03 TO 01/28/03—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P-03-0270	01/13/03	04/13/03	CBI	(G) Component of a coating with an open use	(G) Rhodamine b ester with polymers of epichlorohydrin, phenol, formaldehyde novolac
P-03-0271	01/13/03	04/13/03	CBI	(G) Component of a coating with an open use	(G) Rhodamine b ester with polymers of epichlorohydrin, phenol, formaldehyde novolac
P-03-0272	01/14/03	04/14/03	CBI	(G) Destructive use.	(G) Olefins
P-03-0273	01/14/03	04/14/03	CBI	(G) Open non-dispersive use.	(G) Acrylic polymer
P-03-0274	01/14/03	04/14/03	CBI	(G) Open non-dispersive use.	(G) Polyester
P-03-0275	01/14/03	04/14/03	CBI	(G) Concrete additive	(G) Substituted hydroxyethylcellulose ethers
P-03-0276	01/14/03	04/14/03	CBI	(S) Intermediates for polyurethane for artificial/synthetic leathers; intermediates for polyurethane for paint, adhesive, coating materials, etc.; tpu(thermoplastic elastomer urethane) intermediate	(G) Polyalkylenecarbonate diol
P-03-0277	01/14/03	04/14/03	CBI	(S) Intermediates for polyurethane for artificial/synthetic leathers; intermediates for polyurethane for paint, adhesives, coating materials, etc.; tpu (thermoplastic elastomer urethane) intermediate	(G) Polyalkylenecarbonate diol
P-03-0278	01/15/03	04/15/03	Southern Diversified Products, LLC	(S) Monomer for polymer manufacture	(S) Linseed oil, maleated, 2-[(1-oxo-2-propenyl)oxy]ethyl ester
P-03-0279	01/15/03	04/15/03	Southern Diversified Products, LLC	(S) Monomer for polymer manufacture	(S) Soybean oil, maleated, 2-[(1-oxo-2-propenyl)oxy]ethyl ester
P-03-0280	01/13/03	04/13/03	Hi-tech Color, Inc.	(S) Thermal transfer sheet (back coating agent)	(G) Polyurethane-silicone
P-03-0281	01/16/03	04/16/03	Solutia Inc	(S) Degassing agent for industrial coatings	(G) Acrylic copolymer
P-03-0282	01/16/03	04/16/03	CBI	(G) Raw material	(G) Amino-substituted carbopolycycle
P-03-0283	01/16/03	04/16/03	Mitsui Chemicals America, Inc.	(S) Reagents for nucleic acid testing (on farm animals, crops, plants, foods, living entities other than humans)	(G) Adenosine,N-benzoyl-5-O-[bis(4-methoxyphenyl)]
P-03-0284	01/17/03	04/17/03	Eastman Kodak Company	(S) Chemical intermediate used in the manufacture of a dye in imaging media/products	(S) 1h-benz[e]indole, 1,1,2-trimethyl-, hydrochloride
P-03-0285	01/17/03	04/17/03	Eastman Kodak Company	(S) Chemical intermediate used in the manufacture of a dye in imaging media/products	(S) 1h-benz(e)indolium, 1,1,2,3-tetramethyl-, salt with 4-methylbenzenesulfonic acid (1:1)
P-03-0286	01/17/03	04/17/03	CBI	(G) Intermediate in aroma chemical production.	(G) Methoxycyclodiene
P-03-0287	01/17/03	04/17/03	CBI	(G) Textile colorant	(G) Substituted pyridinemethanesulfonic acid, [[[sulfoxy]ethyl]sulfonyl]phenyl] [sulfophenyl], sodium salt
P-03-0288	01/21/03	04/21/03	CBI	(G) Open, non-dispersive use	(G) Substituted benzophenone
P-03-0289	01/21/03	04/21/03	CBI	(G) Coating component	(G) Modified polyolefin polyacrylate copolymer
P-03-0290	01/22/03	04/22/03	CBI	(G) Fragrance	(G) Propanoic acid, substituted ester
P-03-0291	01/22/03	04/22/03	Grain Processing Corporation	(G) Feedstock for processing	(G) Corn by product
P-03-0292	01/22/03	04/22/03	Grain Processing Corporation	(G) Animal feed, well drilling fluid, ore processing	(G) Thermochemical mechanical processed maize fiber
P-03-0293	01/23/03	04/23/03	CBI	(G) Open, non dispersive use	(G) Modified polyester polymer
P-03-0294	01/23/03	04/23/03	Solutia Inc.	(S) Hardener for industrial flooring compounds	(G) Cycloaliphatic polyamine
P-03-0295	01/23/03	04/23/03	Solutia Inc	(S) Binder for industrial coatings	(G) Modified hydroxyfunctional acrylic copolymer
P-03-0296	01/23/03	04/23/03	Mitsui Chemicals America, Inc.	(S) Reagents for nucleic acid testing (on farm animals, crops, plants, foods, living entities other than humans)	(S) Cytidene, n-benzoyl-5 - o-[bis(4-methoxyphenyl)phenylmethyl]-2'-deoxy-
P-03-0297	01/23/03	04/23/03	CBI	(G) Coupling agent/compatibilizer	(G) Modified polyolefin

I. 48 PREMANUFACTURE NOTICES RECEIVED FROM: 01/11/03 TO 01/28/03—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P-03-0298	01/23/03	04/23/03	Mitsui Chemicals America, Inc.	(S) Reagents for nucleic acid testing (on farm animals, crops, plants, foods, living entities other than humans)	(S) Guanosine, 5'-o-[bis(4-methoxyphenyl)phenylmethyl]-2'-deoxy-n-(2-methyl-1-oxopropyl)-
P-03-0299	01/23/03	04/23/03	CBI	(G) A chemical for making electronic devices	(G) Urethane dimethacrylate
P-03-0300	01/23/03	04/23/03	CBI	(G) Additive for plastics	(G) Halogenated phosphate
P-03-0301	01/24/03	04/24/03	CBI	(G) Binder, colloid	(G) Vinyl acrylic emulsion polymer
P-03-0302	01/24/03	04/24/03	CBI	(S) Polymeric stabilizer for the production of acrylic homopolymer or copolymer dispersions which will eventually be used in textile printing applications	(G) Acrylic copolymer
P-03-0303	01/27/03	04/27/03	Kuraray America, Inc.	(S) Polyurethane resins	(S) 2-propenoic acid, 2-methyl-1,8-octanediyl ester
P-03-0304	01/27/03	04/27/03	Kuraray America, Inc.	(S) Polyurethane resins	(S) 2-propenoic acid, 1,9-nonanediyl ester
P-03-0305	01/24/03	04/24/03	Sensient Colors Inc.	(S) Technical dye intermediate	(G) 2-naphthalesulfonic acid, acetylamino phenyl azo, sulfo-1-naphthalenyl azo, diamino-5-sulfopheny azo, acid
P-03-0306	01/27/03	04/27/03	CBI	(G) Sanitation aid	(G) Polyalkyl-triethoxysilyl-alkyl-substituted heteromonocycle
P-03-0307	01/28/03	04/28/03	CBI	(G) Colourant	(G) Azo nickel complex
P-03-0308	01/24/03	04/24/03	Polyone Corporation	(S) Hardcoat sealant for low density substrates.	(S) Isocyanic acid, polymethylene polyphenylene ester, polymer with methyloxirane and oxirane.

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as

CBI) on the Notices of Commencement to manufacture received:

II. 30 NOTICES OF COMMENCEMENT FROM: 01/11/03 TO 01/28/03

Case No.	Received Date	Commencement/Import Date	Chemical
P-01-0356	01/22/03	12/26/02	(G) N,N' substituted aniline sulfonic acid, potassium salt
P-01-0616	01/15/03	12/22/02	(G) Aliphatic polycarbonate polyester
P-02-0280	01/15/03	01/06/03	(G) Dialkylphenoxyalkyl carboxylate, metal salt
P-02-0451	01/14/03	12/20/02	(G) Amphoteric cellulose ether
P-02-0482	01/13/03	12/27/02	(S) 2-propenoic acid, 2-methyl-, polymers with chlorinated maleic anhydride-polypropylene reaction products, cyclohexyl methacrylate and methacrylate
P-02-0502	01/21/03	01/09/03	(G) IpdI prepolymer
P-02-0596	01/27/03	01/13/03	(G) Epoxy-amine adduct salt
P-02-0601	01/27/03	12/17/02	(G) Acrylic copolymer
P-02-0672	01/17/03	12/19/02	(G) Modified polyvinyl butyral
P-02-0673	01/17/03	12/19/02	(G) Modified polyvinyl butyral
P-02-0676	01/17/03	12/19/02	(G) Modified polyvinyl butyral
P-02-0813	01/13/03	12/09/02	(G) Maleic anhydride and acryls modified polyolefine
P-02-0826	01/22/03	12/16/02	(S) Octadecanoic acid, compound with guanidine (1:1)
P-02-0881	01/14/03	12/10/02	(G) Silated acrylic resin
P-02-0893	01/23/03	01/14/03	(G) Ammonium sodium salt of substituted copper phthalocyanine derivative
P-02-0912	01/23/03	12/20/02	(G) Di-substituted cyclic alkane
P-02-0954	01/16/03	01/09/03	(G) Metallic diethylglycol ethylether complex
P-02-0964	01/27/03	12/30/02	(G) Modified alkyd resin
P-02-0966	01/24/03	12/18/02	(G) Modified polyacrylate
P-02-0967	01/24/03	12/18/02	(G) Modified polyacrylate
P-02-0968	01/24/03	12/18/02	(G) Modified polyacrylate
P-02-0980	01/28/03	01/16/03	(G) Brominated epoxy resin
P-02-0984	01/14/03	12/26/02	(S) 1,3-benzenedimethanamine, .nu.-(2-phenylethyl) derivs.
P-02-0996	01/28/03	01/24/03	(G) Aliphatic triamine
P-02-1014	01/13/03	01/03/03	(G) Cationic polyether
P-02-1057	01/23/03	01/08/03	(G) Acrylate, acrylonitrile, butadiene rubber-extended epoxy resin
P-03-0004	01/22/03	01/14/03	(S) Titanium, acetylacetone et alc. iso-pr alc. complexes
P-03-0021	01/25/03	01/24/03	(S) 2-propenenitrile, polymer with diethenylbenzene, hydrolyzed, reaction products with diethylenetriamine

II. 30 NOTICES OF COMMENCEMENT FROM: 01/11/03 TO 01/28/03—Continued

Case No.	Received Date	Commencement/ Import Date	Chemical
P-03-0043 P-98-1138	01/27/03 01/17/03	01/17/03 11/20/02	(G) Substituted phenolic polymer (S) Hexanoic acid, 6-[[[4-methylphenyl)sulfonyl]amino]-, compound with 2,2',2''-nitrotris[ethanol](1:1)

List of Subjects

Environmental protection, Chemicals, Premanufacturer notices.

Dated: February 6, 2003.

Sandra R. Wilkins,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 03-4254 Filed 2-21-03; 8:45 am]

BILLING CODE 6560-50-S

COUNCIL ON ENVIRONMENTAL QUALITY**White House Task Force on Energy Project Streamlining**

AGENCY: Council on Environmental Quality.

ACTION: Notice and request for comments.

SUMMARY: On May 18, 2001, the President signed Executive Order 13212, recognizing the importance of environmentally sound production and transmission of energy to all American people. The Order established a Federal interagency task force (Task Force), chaired by the Chairman of the Council on Environmental Quality (CEQ), to work with and monitor Federal Agencies' efforts to expedite their review of permits or take other actions necessary to accelerate and make more efficient the Federal decision making process for energy related projects, while maintaining safety, public health, and environmental protections. This Task Force was also charged with helping Agencies create mechanisms to coordinate Federal, State, tribal and local permitting in geographic areas where increased permitting activity is expected.

CEQ announces: (1) The availability of a proceedings report of the first year of effort by the Task Force; (2) invites suggestions for newly proposed or upcoming energy-related projects or issues that may benefit from facilitation by the Task Force in the decision making process; (3) extends an invitation to any interested party to request a meeting with the Task Force to discuss newly proposed or upcoming renewable or conventional energy-related projects, environmental

mitigation measures, best practices, or other topics that would help establish a more effective and efficient decision making process to allow the Nation's energy resources to be available to the American public in an environmentally responsible and safe manner.

DATES: Written comments should be submitted on or before October 1, 2003.

ADDRESSES: Electronic copies of the proceedings report can be obtained at: <http://www.etf.energy.gov>. If you would like a printed copy, please mail a request to Records Manager, White House Task Force on Energy Project Streamlining, WH-1, 1000 Independence Ave. SW., Washington, DC 20585. Printed copies will be available by March 1, 2003.

Written suggestions for newly proposed or upcoming energy-related projects or issues that may benefit from facilitation of the decision making process by the Task Force, may be submitting by using the downloadable word processing forms found at <http://www.etf.energy.gov>. You may submit your comments or completed form, as an attachment, to an e-mail addressed to whtf.projects@hq.doe.gov. You may fax a copy of your comments to 202-586-2999, Attn: Director or mail your comments to Director, White House Task Force on Energy Project Streamlining, WH-1, 1000 Independence Ave. SW., Washington, DC 20585.

Requests for meetings with the Task Force may be made by calling (202) 586-3464 or by utilizing the downloadable form and e-mailing it to whtf.meetings@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT: White House Task Force on Energy Project Streamlining at (202) 586-3464.

SUPPLEMENTARY INFORMATION:**Abstract**

Executive Order 13212, signed by the President in Washington, DC, on May 18, 2001, Actions to Expedite Energy-Related Projects, established a Federal interagency task force, chaired by the Chairman, CEQ, to work with and monitor Federal Agencies in their efforts to expedite their review of permits or similar actions, as necessary, to accelerate the completion of energy

related projects, increase energy production and conservation, and improve transmission of energy. In addition, the Task Force would monitor and assist Agencies in setting up appropriate mechanisms to coordinate Federal, State, tribal, and local permitting in geographic areas where increased permitting activity is expected.

The Task Force worked during the first year to address ongoing permit application issues for a wide variety of energy projects that were submitted in response to the **Federal Register** notice published on August 20, 2001 (66 FR 43586), requesting comments from the public. By working through an operational approach that facilitated interagency coordination and addressed impediments to Federal Agencies' finalization of decisions on energy-related projects, the Task Force helped manage the Federal Agency decision making process by setting priorities, scheduling activities in accordance with those priorities, identifying staffing and resource needs, facilitating issue resolution, and measuring the achievements of federal agencies in implementing Executive Order 13212.

The experience gained by the Task Force while helping to streamline decisions about energy-related projects and working to resolve coordination issues—made it apparent that to identify and implement processes that address systemic improvements and, where appropriate, regulatory or legislative changes, the Task Force needed to be involved as early in the permit process as possible. This would allow the Task Force to identify impediments, to resolve interagency priority conflicts, to help incorporate and resolve environmental issues, and to develop more streamlined processes at an earlier stage in the permit application decision process.

To that end, the Council on Environmental Quality requests suggestions of energy-related projects that have either recently been submitted for permit approvals or will be submitted within nine (9) months of this notice and which meet the Administration's goal of providing for the environmentally sound production and transmission of energy to all

American people. The Council on Environmental Quality also requests submission of environmental mitigation measures, best practices, alternative dispute resolution, or other topics that would help establish a more effective and efficient decision making process.

The Council on Environmental Quality expects to receive information from many interested persons (*e.g.*, public interest groups, government, academia, industry) about particular energy projects and opportunities to improve agency decision-making on energy projects.

Dated: February 19, 2003.

James L. Connaughton,

Chairman, Council on Environmental Quality.

[FR Doc. 03-4308 Filed 2-21-03; 8:45 am]

BILLING CODE 3125-01-M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Meeting of the President's Council of Advisors on Science and Technology

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and summary agenda for a meeting of the President's Council of Advisors on Science and Technology (PCAST), and describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (FACA).

Dates and Place: March 3, 2003, Washington, DC. The meeting will be held in the Indian Treaty Room of the Eisenhower Executive Office Building at 17th Street and Pennsylvania Avenue, NW. Guests must use the entrance on Pennsylvania Avenue.

Pre-Clearance: Guests must be pre-cleared to enter the Eisenhower Executive Office Building. U.S. citizens must provide their name, date of birth and Social Security Number to be pre-cleared into the building and on arrival must present a government-issued ID (*e.g.*, drivers license) at the registration desk. Foreign nationals should provide their name, date of birth and their passport number to be pre-cleared. On arrival, they must present their passport at the registration desk. Guests should provide this pre-clearance information to Cynthia Chase at (202) 456-6010. Pre-clearance registration will also be available on the PCAST Web site at: <http://www.ostp.gov/PCAST/pcast.html>.

Type of Meeting: Open. A portion of the meeting will be closed, however, because it will be administrative in nature. For details on the agenda please

see the PCAST Web site at: <http://www.ostp.gov/PCAST/pcast.html>.

Proposed Schedule and Agenda: The President's Council of Advisors on Science and Technology is tentatively scheduled to meet in open session on Monday, March 3, 2003, at approximately 9 a.m., to discuss possible topics for PCAST study in 2003, as well as the status of the ongoing work being conducted by two PCAST subcommittees: (1) The science and technology of combating terrorism; and (2) the federal investment in science and technology research and development. This session will end at approximately 4 p.m. Additional information on the agenda can be found at the PCAST Web site at: <http://www.ostp.gov/PCAST/pcast.html>.

Public Comments: There will be a time allocated for the public to speak on any of the above agenda items. Please make your request for the opportunity to make a public comment five (5) days in advance of the meeting. The time for public comments will be limited to no more than 5 minutes per person. Written comments are welcome at any time prior to or following the meeting. Please notify Stan Sokul, PCAST Executive Director, at (202) 456-6070, or fax your request/comments to (202) 456-6021.

FOR FURTHER INFORMATION: For information regarding time, place and agenda, please call Cynthia Chase at (202) 456-6010, prior to 3 p.m. on Friday, February 28, 2003. Information will also be available at the PCAST Web site at: <http://www.ostp.gov/PCAST/pcast.html>. Please note that public seating for this meeting is limited and is available on a first-come, first-served basis.

SUPPLEMENTARY INFORMATION: The President's Council of Advisors on Science and Technology was established by Executive Order 13226, on September 30, 2001. The purpose of PCAST is to advise the President on matters of science and technology policy, and to assist the President's National Science and Technology Council in securing private sector participation in its activities. The Council members are distinguished individuals appointed by the President from non-Federal sectors. The PCAST is co-chaired by Dr. John H. Marburger, III, the Director of the Office of Science and Technology Policy, and by E. Floyd

Kvamme, a Partner at Kleiner Perkins Caufield & Byers.

Stanley S. Sokul,

Executive Director, PCAST, and Counsel, Office of Science and Technology Policy.

[FR Doc. 03-4315 Filed 2-21-03; 8:45 am]

BILLING CODE 3170-01-P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission.

DATE AND TIME: *Tuesday, February 25, 2003, at 10 a.m.*

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Compliance matters pursuant to 2 U.S.C. 437g. Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C. Matters concerning participation in civil actions or proceedings or arbitration. Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: *Wednesday, February 26, 2003, at 9:30 a.m.*

PLACE: 999 E Street, NW., Washington, DC. (ninth floor).

STATUS: This hearing will be open to the public.

MATTER BEFORE THE COMMISSION: Leadership PACs.

DATE AND TIME: *Thursday, February 27, 2003, at 10 a.m.*

PLACE: 999 E Street, NW., Washington, DC. (ninth floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED: Correction and Approval of Minutes. Administrative Fines—Final Rules and Explanation and Justification. Administrative Matters.

FOR FURTHER INFORMATION CONTACT: Mr. Ron Harris, Press Officer, Telephone: (202) 694-1220.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. 03-4370 Filed 2-20-03; 11:59 am]

BILLING CODE 6715-01-M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank

Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 5, 2003.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166-2034:

1. *Reuben S. Rhea, Sr., Reuben S. Rhea, Jr., and the Whitney Burnette Rhea Trust*, all of Somerville, Tennessee; as a group, to acquire shares of Moscow Bancshares, Inc., Moscow, Tennessee, and thereby indirectly acquire shares of The Bank of Moscow, Moscow, Tennessee.

Board of Governors of the Federal Reserve System, February 14, 2003.

Jennifer J. Johnson,
Secretary of the Board.

[FR Doc. 03-4227 Filed 2-21-03; 8:45 am]

BILLING CODE 6210-01-S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also

includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website 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 14, 2003.

A. Federal Reserve Bank of Richmond (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. *First Bancorp, Inc.*, Lebanon, Virginia; to acquire 100 percent of the voting shares of First Commonwealth Bank, Wise, Virginia.

B. Federal Reserve Bank of Atlanta (Sue Costello, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30303:

1. *Main Street Banks, Inc.*, Kennesaw, Georgia; to merge with First Colony Bancshares, Inc., Alpharetta, Georgia, and thereby indirectly acquire voting shares of First Colony Bank, Alpharetta, Georgia.

Board of Governors of the Federal Reserve System, February 14, 2003.

Jennifer J. Johnson,
Secretary of the Board.

[FR Doc. 03-4226 Filed 2-21-03; 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.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Forwarded to the **Federal Register** on Tuesday, February 11, 2003, and posted on Friday, February 14, 2003, 68 FR 7563.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Tuesday, February 18, 2003. Open Board Meeting and approximately 10:45 a.m. following a recess after the conclusion of the Open meeting a Closed Board Meeting was scheduled.

CHANGES IN THE MEETING: Due to the closure of the Federal Government the open and closed meetings were cancelled.

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 these meetings; 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 these meetings.)

Dated: February 19, 2003.

Jennifer J. Johnson,
Secretary of the Board.

[FR Doc. 03-4387 Filed 2-20-03; 12:34 pm]

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: 9 a.m., Wednesday, February 19, 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 18, 2003.

Jennifer J. Johnson,
Secretary of the Board.

[FR Doc. 03-4388 Filed 2-20-03; 12:34 pm]

BILLING CODE 6210-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 03036]

Grants for Dissertation Awards for Doctoral Candidates for Violence-Related Injury Prevention Research in Minority Communities; Notice of Availability of Funds; Amendment

A notice announcing the availability of fiscal year (FY) 2003 funds for a grant program for Dissertation Awards for

Doctoral Candidates for Violence-Related Injury Prevention Research in Minority Communities published in the **Federal Register** on February 7, 2003, Volume 68, Number 26, pages 6475-6479. The notice is amended as follows: On page 6476, first column, Section D. Funds, sub-section Use of Funds, at the end of the paragraph, add the following sentence: Indirect costs for these trainee-related activities are limited to eight percent.

On page 6477, second column, Section G. Submission, Date, Time and Address, the first sentence should read: The application must be received by 4 p.m. Eastern Time April 8, 2003.

Dated: February 13, 2003.

Sandra R. Manning,
*Director, Procurement and Grants Office,
Centers for Disease Control and Prevention.*
[FR Doc. 03-4230 Filed 2-21-03; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; NCCAM Customer Service Data Collection

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Center for Complementary and Alternative Medicine (NCCAM), at the National Institutes of Health (NIH), will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection: Title: NCCAM Customer Service Data Collection.

Type of Information Collection

Request: New.

Need and Use of Information

Collection: NCCAM provides the public,

patients, families, health care providers, CAM practitioners, and others with the latest scientifically based information on CAM and information about NCCAM's programs through a variety of channels including its toll-free telephone information service and its quarterly newsletter. To ensure that NCCAM is effectively serving all audiences, NCCAM needs to measure customer satisfaction with NCCAM telephone interactions and the NCCAM newsletter and to assess which audiences are being reached through these channels. This effort involves a telephone survey consisting of 9 questions, which will be asked of 50% of all callers, for an annual total of approximately 4,059 respondents; and a newsletter survey consisting of 10 questions, which will be sent as a print survey to be completed and mailed back by newsletter subscribers, for a total of approximately 6,098 respondents. NCCAM will use the data collected from the surveys to characterize NCCAM users and help program staff measure the impact of their communication efforts, tailor services to the public and health care providers, measure service use among special populations, and assess the most effective media and messages to reach these audiences.

Frequency of Response: Once for the telephone survey, and twice for the newsletter survey (once at outset and again after 2.5 years to measure any changes in customer satisfaction and/or audience profile).

Affected Public: Individuals and households.

Type of Respondents: For the telephone survey, patient, spouse/family/friend of patient, health care providers, physicians, CAM practitioners, or other individuals contacting the NCCAM Clearinghouse; for the newsletter survey, subscribers to the NCCAM newsletter.

The annual reporting burden is as follows.

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent	Average burden hours per response	Estimated total annual burden hours requested
Telephone survey: Individuals or households	4,059	1	0.075	304.425
Newsletter survey: Individuals or households	6,098	2	0.050	609.800
Annualized totals	10,157	914.225

The annualized cost to respondents is estimated at \$5,561.84 for the telephone survey and \$9,756.80 for the newsletter survey. There are no Capital Costs to

report. There are no Operating or Maintenance Costs to report.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited

on the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have

practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Christy Thomsen, Director, Office of Communications and Public Liaison, NCCAM, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892-5475, or fax your request to 301-480-3519, or e-mail thomsenc@mail.nih.gov. Ms. Thomsen can be contacted by telephone at 301-451-8876.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Dated: January 31, 2003.

Christy Thomsen,

Director, Office of Communications and Public Liaison, National Center for Complementary and Alternative Medicine, National Institutes of Health.

[FR Doc. 03-4211 Filed 2-21-03; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; 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 Eye Institute Special Emphasis Panel, Clinical/Epidemiology/Genetics R01s.

Date: March 19, 2003.

Time: 6 p.m. to 9 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Jeanette M. Hosseini, PhD, Scientific Review Administrator, Division of Extramural Research, National Eye Institute, Bethesda, MD 20892, (301) 451-2020.

Name of Committee: National Eye Institute Special Emphasis Panel, NEI Clinical Applications (U10 Clinical Trials, R03, R01, R21, R24, K08, K23).

Date: March 20, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Jeanette M. Hosseini, PhD, Scientific Review Administrator, Division of Extramural Research, National Eye Institute, Bethesda, MD 20892, (301) 451-2020.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: February 12, 2003

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03-4217 Filed 2-21-03; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The 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 Heart, Lung, and Blood Institute Special Emphasis Panel, Stem Cell Biology and Cell-Based Therapies of Heart, Blood and Sleep Disorders.

Date: March 10-11, 2003.

Time: 8 am to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Robert B Moore, PhD, Review Branch, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7178, MSC 7924, Bethesda, MD 20892, 301/435-0725.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838; Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 12, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03-4215 Filed 2-21-03; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 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 Heart, Lung, and Blood Institute Special Emphasis Panel, Asthma Clinical Research Network.

Date: February 19-20, 2003.

Time: February 19, 2003, 7 p.m. to 10 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Blvd, Bethesda, MD 20817.

Time: February 20, 2003, 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Blvd, Bethesda, MD 20817.

Contact Person: Zoe Huang, MD, Health Scientist Administrator, Review Branch, Room 7190, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, MSC 7924, Bethesda, MD 20892-7924, 301-435-0314.

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. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 12, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03-4216 Filed 2-21-03; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The 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 Heart, Lung, and Blood Institute Special Emphasis Panel, Resource-Related Research Projects (R-24).

Date: March 5, 2003.

Time: 1 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Zoe Huang, MD, Health Scientist Administrator, Review Branch, Room 7190, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, MSC 7924, Bethesda, MD 20892-7924, 301-435-0314.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 13, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03-4219 Filed 2-21-03; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Environmental Health Sciences Special Emphasis Panel, March 3, 2003, 3 p.m. to March 3, 2003, 4 p.m., which was published in the **Federal Register** on January 24, 2003, 68 FR 3542.

The starting time of this meeting has changed from 3 p.m., which was previously advertised, to 2:30 p.m. The meeting is closed to the public

Dated: February 12, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03-4212 Filed 2-21-03; 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 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 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 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 Diabetes and Digestive and Kidney Diseases Initial Review Group; Digestive Diseases and Nutrition C Subcommittee.

Date: March 13-14, 2003.

Open: March 13, 2003 8 a.m. to 8:30 a.m.

Agenda: To review procedures and discuss policies.

Place: Crystal City Court Yard by Marriott, 2899 Jefferson Davis Highway, Arlington, VA 22202.

Closed: March 13, 2003, 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal City Court Yard by Marriott, 2899 Jefferson Davis Highway, Arlington, VA 22202.

Closed: March 14, 2003 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal City Court Yard by Marriott, 2899 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Carolyn Miles, Ph.D., Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 755, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892, (301) 594-7791, miles@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 12, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03-4213 Filed 2-21-03; 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 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 on Drug Abuse; Emphasis Panel "Virtual Reality for Treatment of Pain or Drug Addiction" (Topic 048).

Date: February 20, 2003.

Time: 1:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Richard C. Harrison, Chief, Contract 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, 301-435-1437.

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. 93.277, 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 12, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03-4214 Filed 2-21-03; 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 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 Institute on Drug Abuse Special Emphasis Panel, Collaborative Clinical Studies in Drug Abuse.

Date: March 6, 2003.

Time: 11:30 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Mark R. Green, Ph.D., Chief, CEASRB, Office of Extramural Affairs, National Institutes on Drug Abuse, National Institute of Health, DHHS, Room 3158, MSC 9547, 6001 Executive Boulevard, Bethesda, MD 20892-9547, (301) 435-1431.

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. 93.277, 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 13, 2003

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03-4218 Filed 2-21-03; 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 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 Allergy and Infectious Diseases Special Emphasis Panel.

Date: March 10-12, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washington Boulevard, Gaithersburg, MD 20878.

Contact Person: Anna Ramsey-Ewing, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2103, 6700-B Rockledge Drive, MSC 7616, Bethesda, MD 20892-7616, 301-496-2550, ar15o@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 13, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03-4220 Filed 2-21-03; 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 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 Allergy and Infectious Diseases Special Emphasis Panel, Cooperative Research for Vaccines, Therapeutics, and Diagnostics—Meeting 2.

Date: March 17-19, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washington Boulevard, Gaithersburg, MD 20878.

Contact Person: Anna Ramsey-Ewing, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2103, 6700-B Rockledge Drive, MSC 7616, Bethesda, MD 20892-7616. 301-496-2550. ar15o@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 13, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03-4221 Filed 2-21-03; 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 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: Microbiology, Infectious Diseases and AIDS Initial Review Group, Acquired Immunodeficiency Syndrome Research Review Committee.

Date: March 13–14, 2003.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.

Contact Person: Roberta Binder, Ph.D., Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2209, 6700B Rockledge Drive, Bethesda, MD 20892–7616. 301–496–2550. rb169n@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 13, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–4222 Filed 2–21–03; 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 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Inflammatory Bowel Disease.

Date: April 8, 2003.

Time: 3 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone conference call.)

Contact Person: Paul A. Rushing, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 747, 6706 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892. (301) 594–8895. rushingp@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 13, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03–4223 Filed 2–21–03; 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, Melanoma.
Date: February 28, 2003.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone conference call.)

Contact Person: Paul K. Strudler, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6186, MSC 7804, Bethesda, MD 20892. (301) 435–1716. strudlep@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Oncological Sciences Integrated Review Group, Clinical Oncology Study Section.

Date: March 2–4, 2003.

Time: 5:30 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel, 1700 Tysons Boulevard, McLean, VA 22102.

Contact Person: Sharon K. Gubanich, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7804, Bethesda, MD 20892. (301) 435–1767.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Software Maintenance 02–141.

Date: March 3, 2003.

Time: 8 a.m. to 7 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

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.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1: SSS–7 (10): Small Business Applications on Imaging Technologies.

Date: March 3, 2003.

Time: 8 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select, 8120 Wisconsin Avenue, Montgomery Room, Bethesda, MD 20814.

Contact Person: Robert J. Nordstrom, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5118,

MSC 7854, Bethesda, MD 20892. (301) 435-1175. nordstrr@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Gastrointestinal Hepatobiliary and Pancreatic Physiology and Pathobiology.

Date: March 3-4, 2003.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Monarch Hotel, 2401 M Street, NW., Washington, DC 20037.

Contact Person: Mushtaq A. Khan, DVM, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2176, MSC 7818, Bethesda MD 20892. 301-435-1778. khanm@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Cardiovascular Sciences Integrated Review Group, Experimental Cardiovascular Sciences Study Section.

Date: March 3-4, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro, Bethesda, MD 20814.

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.

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: Pathophysiological Sciences Integrated Review Group, General Medicine A Subcommittee 2.

Date: March 3-4, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Monarch Hotel, 2401 M Street, NW., Washington, DC 20037.

Contact Person: Mushtaq A. Khan, DVM, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2176, MSC 7818, Bethesda, MD 20892. 301-435-1778. khanm@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: AIDS and Related Research Integrated Review Group, AIDS and Related Research 4.

Date: March 3-4, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Hotel, 285 North Palm Canyon Drive, Palm Springs, CA 92262.

Contact Person: Eduardo A. Montalvo, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892. (301) 435-1168.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Brain Disorders and Clinical Neuroscience SBIR SSS-S 10.

Date: March 3-4, 2003.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select, 8120 Wisconsin Avenue, Versailles II, Bethesda, MD 20814.

Contact Person: Rene Etcheberrigaray, MD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5196, MSC 7846, Bethesda, MD 20892. (301) 435-1246. etcheber@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 REN (01) Male Reproduction.

Date: March 3, 2003.

Time: 9 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone conference call.)

Contact Person: Abubaker A. Shaikh, DVM, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6168, MSC 7892, Bethesda, MD 20892. (301) 435-1042. shaikha@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business Applications: Developmental Disabilities, Communication and Science Education.

Date: March 3-4, 2003.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

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. tatham@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member

Conflict Review on Language, Brain and Behavior—1.

Date: March 3, 2003.

Time: 11 a.m. to 12 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: Dana Plude, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. 301-435-1856. pluded@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 REN (02) Human Development.

Date: March 3, 2003.

Time: 1 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone conference call.)

Contact Person: Abubaker A. Shaikh, DVM, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6168, MSC 7892, Bethesda, MD 20892. (301) 435-1042. shaikha@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1-SSS-X 11B Electromagnetics.

Date: March 3, 2003.

Time: 2 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone conference call.)

Contact Person: Lee Rosen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892. (301) 435-1171. rosen@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1: SSS-7 (51): Small Business Applications on Imaging Technologies.

Date: March 3, 2003.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select Bethesda. 8120 Wisconsin Ave, Montgomery Room, Bethesda, MD 20814.

Contact Person: Robert J. Nordstrom, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5118, MSC 7854, Bethesda, MD 20892. (301) 435-1175. nordstrr@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict Review on Language, Brain and Behavior—2.

Date: March 3, 2003.

Time: 3:30 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone conference call.)

Contact Person: Dana Plude, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. 301-435-1856. pluded@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, RFA for NIMH Collaborative Center.

Date: March 3-4, 2003.

Time: 7 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: The River Inn, 924 Twenty-Fifth Street, NW., Washington, DC 20037.

Contact Person: Camilla E. Day, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2208, MSC 7890, Bethesda, MD 20892. (301) 435-1037. dayc@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(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 13, 2003.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 03-4224 Filed 2-21-03; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4805-C-02]

Notice of Funding Availability (NOFA) for the Collaborative Initiative To Help End Chronic Homelessness; Correction

AGENCIES: Substance Abuse and Mental Health Services Administration, and Health Resources and Services Administration, HHS; Office of Community Planning and Development,

HUD; Substance Abuse, Mental Health and Provider Care Services, VA.

ACTION: Notice of funding availability (NOFA) for the Collaborative Initiative to Help End Chronic Homelessness; correction.

SUMMARY: On January 27, 2003, HUD, HHS, and VA published the Notice of Funding Availability (NOFA) for the Collaborative Initiative to Help End Chronic Homelessness. This document makes three technical corrections to the NOFA.

FOR FURTHER INFORMATION CONTACT: U.S. Interagency Council on the Homeless at 1-866-450-2273 (this number may also be dialed as 1-866-450-CARE) (these are toll-free telephone numbers). Persons with hearing and/or speech challenges may access the above telephone number by TTY (text telephone) by calling the Federal Relay Service at 1-800-877-8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION: On January 27, 2003, HUD, HHS, and VA published the Notice of Funding Availability (NOFA) for the Collaborative Initiative to Help End Chronic Homelessness (68 FR 4018). Subsequent to publication, an error was discovered with the definition of "family" in the introductory section of the NOFA. This notice corrects that error by publishing the correct definition. In addition, it was determined that the description of grant terms for the HUD awards, as described in the introductory section, was unclear and this notice provides clarification on the term of the awards. Finally, it was determined that HUD section III.E., titled "Special Provisions Applicable to this NOFA," should clarify that supportive service activities are not eligible activities under the Supportive Housing Program (SHP), and that clarification is also made by this notice.

Accordingly, the Notice of Funding Availability (NOFA) for the Collaborative Initiative to Help End Chronic Homelessness, published in the **Federal Register** on January 27, 2003, (68 FR 4018) is corrected as follows:

1. On page 4019, in the first column, in the second paragraph under the heading "Target Population", the definition of "family" is corrected to read as follows: "For the purposes of this NOFA, a family is defined as an adult person with a disabling condition as defined below, who is accompanied by at least one dependent child."

2. On page 4019, in the middle column, the first bulleted paragraph is corrected to read as follows: "Approximately \$20 million is expected

to be awarded by HUD for terms of three or five years to fund permanent housing activities. HUD's funds may be used under specified components of the Supportive Housing Program, which funds acquisition, minor rehabilitation, leasing, and operating costs for permanent housing for three (3) years, or specified components of the Shelter Plus Care Program, which provides rental assistance to tenants for five (5) years."

3. On page 4030, in the middle column, the first sentence numbered paragraph 6 is corrected to read as follows: "New construction, substantial rehabilitation activities, and supportive service activities will not be eligible SHP activities under this notice."

Dated: February 19, 2003.

Patricia Carlile,

Deputy Assistant Secretary for Special Needs Assistance.

[FR Doc. 03-4341 Filed 2-20-03; 9:32 am]

BILLING CODE 4210-29-P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Request for Comments on Revised Departmental Strategic Plan for FY 2003-2008

AGENCY: Office of the Secretary, Interior.

ACTION: Request for comments on a revised Departmental Strategic Plan for FY 2003-2008.

SUMMARY: The Department of the Interior (DOI) is seeking public comment on its draft strategic plan for fiscal years 2003-2008.

DATES: Comments should be provided no later than April 25, 2003.

ADDRESSES: Written comments can be provided by: *E-mail:* strategic_plan@ios.doi.gov.

Fax: (202) 208-2619.

Mail: U.S. Department of the Interior, Office of the Secretary, Office of Planning and Performance Management, Attention: Strategic Plan Coordinator, 1849 C Street NW., Mail Stop 5258, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: LeRon Bielak (202) 208-1818.

SUPPLEMENTARY INFORMATION: The Government Performance and Results Act of 1993 (GPRA) requires periodic updating of agency strategic plans. The first DOI GPRA strategic plan was published in 1997. A subsequent revision was produced in 2000. The next revision must be published no later than September 30, 2003.

DOI began its revision process in the fall of 2001 to position the strategic

process and development of goals and measures ahead of the FY 2004 budget formulation cycle. Instead of requesting public comment for the first time after a new draft plan had been created, DOI chose to begin the process with internal and external focus group sessions in a "clean slate" approach. These sessions were held in Washington, D.C.; Denver, Colorado; and Albuquerque, New Mexico between December 2001 and February 2002. We integrated the information to produce the first plan drafts. Subsequently the plan has been subjected to additional critical review and evaluation through all levels of the Department. At this point, DOI wants to return our product to our external stakeholders and customers for review.

DOI has taken a major departure from its past approaches to strategic planning. Previously, Interior produced a set of ten GPRA strategic plans—an overview document and nine bureau or office plans. While the overview attempted to draw attention to areas of commonality among bureaus, Interior was still perceived as a "holding company" and concern lingered about the effectiveness of an agency functioning in a holding company fashion.

The DOI draft strategic plan will stand as the GPRA document for the entire agency. Commonality of mission function and desired results is given much greater weight than in previous plans. The Department has subscribed to the "logic model" approach of strategic planning in which results (end outcomes) are clearly identified and represent the first step in the plan development process. Measures are applied to end outcomes to provide a means of gauging success in achieving the desired results. Results are measured both long term and on an annualized basis. Supporting strategic (or intermediate outcomes) have also been established and are accompanied by specific performance measures. Bureau operating plans must be tied to both the intermediate and end outcome levels of the Departmental Plan.

This overall approach is aimed at greater integration of purpose and function across the Department and at achieving superior performance results. The Departmental strategic plan cannot include goals and measures for every discrete aspect of every program, but outcomes are written to encompass all of the programs identified in the Department's budget accounts. Greater specificity for discrete elements will be found in bureau level annual or long-term operating plans or in specific field planning documents, as appropriate.

Interior looks forward to your comments regarding our planning approach and draft strategic plan. We are asking that comments be submitted within 60 days of publication of this notice. The text of the draft plan is available in a "pdf" downloadable format through the DOI Internet Web site: <http://www.doi.gov/about.html>. For those who may not have internet access, a hard copy can be requested from the contact points listed in the **ADDRESSES** section.

Dated: February 14, 2003.

P. Lynn Scarlett,

Assistant Secretary—Policy, Management and Budget.

[FR Doc. 03-4225 Filed 2-21-03; 8:45 am]

BILLING CODE 4310-RK-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Reopening the Comment Period for an Application for a Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Reopening of the Comment Period for Endangered Species Permit Application PRT-052166.

SUMMARY: The Fish and Wildlife Service is reopening the comment period for the application cited below. The applicant has submitted new information in support of the application and the reopening of the comment period will allow all interested parties another 15 days to review the application and provide us with any additional comments.

DATES: Written data, comments or requests must be received by March 11, 2003.

ADDRESSES: Documents and other information submitted with this application are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 15 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax 703/358-2281.

FOR FURTHER INFORMATION CONTACT: Division of Management Authority, telephone 703/358-2104.

SUPPLEMENTARY INFORMATION: The Fish and Wildlife Service is re-opening the comment period for an application submitted by the Memphis Zoo,

Memphis, Tennessee, PRT-052166, to conduct certain activities with endangered species. Specifically, the applicant requests a permit to import one male and one female captive born giant panda (*Ailuropoda melanoleuca*) from the Chinese Association of Zoological Gardens, Shanghai Zoo and Beijing Zoo, China, for the purpose of scientific research and enhancement of the survival of the species. The application was submitted to satisfy the requirements of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*). A notice of receipt of this application for a permit was published in the **Federal Register** on November, 21, 2002 (67 FR 70236). The comment period closed on December 23, 2002. On January 28, 2003, the applicant submitted additional information in support of the application. While the Service does not consider the new information significant, we are reopening the comment period to allow all interested parties to review the new information and provide us with any additional comments regarding the application. Written data, comments, or requests for copies of this complete application should be submitted to the Director (address above).

The U.S. Fish and Wildlife Service has information collection approval from OMB through March 31, 2004, OMB Control Number 1018-0093. Federal Agencies may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current valid OMB control number.

Dated: February 10, 2003.

Timothy J. Van Norman,

Chief, Branch of Permits—(International), Division of Management Authority.

[FR Doc. 03-4304 Filed 2-21-03; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Dakotas Advisory Council Meeting

AGENCY: Bureau of Land Management, North Dakota Field Office, Interior.

ACTION: Notice of meeting.

SUMMARY: A meeting of the Dakotas Resource Advisory Council will be held May 19 & 20, 2003, at the Clarion Inn, Gillette, Wyoming. The session will include a Coal Bed Methane field tour beginning at 8 a.m. on May 19. The meeting will reconvene on Tuesday at the Clarion Inn. Agenda items will include: Coal Bed Methane.

The meeting is open to the public and a public comment period is set for 8 a.m. on May 20, 2003. The public may

make oral statements before the Council or file written statements for the Council to consider. Depending on the number of persons wishing to make an oral statement, a per-person time limit may be established. Summary minutes of the meeting will be available for public inspection and copying.

The 15-member Council advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of planning and management issues associated with public land management in the Dakotas.

FOR FURTHER INFORMATION CONTACT: Douglas Burger, Field Office Manager, North Dakota Field Office, 2933 3rd Ave. W, Dickinson, North Dakota. Telephone 701-227-7700.

Dated: February 14, 2003.

Douglas Burger,
Field Manager.

[FR Doc. 03-4237 Filed 2-21-03; 8:45 am]

BILLING CODE 4310--\$5-M

DEPARTMENT OF THE INTERIOR

National Park Service

Winter Use Plan, Final Supplemental Environmental Impact Statement for the Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr., Memorial Parkway, Wyoming and Montana

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of availability of a Final Supplemental Environmental Impact Statement for the Winter Use Plan for the Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr., Memorial Parkway.

SUMMARY: Pursuant to section 102(c) of the National Environmental Policy Act of 1969, the National Park Service announces the availability of Final Supplemental Environmental Impact Statement for Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr., Memorial Parkway, Wyoming and Montana. The purpose for preparing the Plan/SEIS is to further the purposes of NEPA by soliciting more public comment and to consider additional information on new snowmobile technology not available at the time of the earlier decision. It analyzes 5 winter use management alternatives for the parks and evaluates the environmental consequences of the alternatives on wildlife, air quality, natural quiet, socioeconomics, and visitor experience.

Under alternative 1a-No Action, use and management practices in the parks

and Parkway as decided by the November 22, 2000 record of decision for the Winter Use Plan, Final Environmental Impact Statement for the Yellowstone and Grand Teton National Parks and John D. Rockefeller, Jr., Memorial Parkway would continue. The decision eliminated recreational snowmobile and snowplane use from the parks and Parkway by the winter of 2003-2004. Oversnow motorized access would be provided by means of mass transit snowcoaches. Alternative 1b is essentially the same as alternative 1a with the exception that an additional year would be allowed for the phasing in of snowcoach only travel. Alternative 2 allows for the use of snowmobiles provided that EPA's proposed 2010 emission standards are met and sound levels do not exceed 78 decibels for publicly owned machines. It calls for a daily cap on numbers of snowmobiles and for increased NPS management of winter use. Alternative 3 provides for guided use of snowmobiles provided that best available technology standards for both emissions and noise levels are met for all machines. Alternative 4, the preferred alternative, allows for the use of guided snowmobiles and snowcoaches that meet best available technology standards for noise and air emissions. All alternatives emphasize an adaptive management strategy under which the number of snowmobiles allowed in the parks may be adjusted based on the results of monitoring and carrying capacity studies.

DATES: The National Park Service will execute a Record of Decision (ROD) no sooner than 30 days following publication by the Environmental Protection Agency of the notice of availability of the Final Environmental Impact Statement.

ADDRESSES: The FSEIS Winter Use Plans will be available on February 19, 2003 in the offices of the Yellowstone and Grand Teton Superintendents and on the Internet at <http://www.nps.gov/grte/winteruse/winteruse.htm>. Persons wishing to receive a copy of the document may contact the Yellowstone NP Planning Office: PO Box 168, Yellowstone, WY 82190.

FOR FURTHER INFORMATION CONTACT: Suzanne Lewis, Superintendent, Yellowstone National Park, (307) 344-2005.

Dated: January 14, 2003.

Karen P. Wade,

Director, Intermountain Region, National Park Service.

[FR Doc. 03-4148 Filed 2-21-03; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

May 11, 2001.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation contact Darrin King at (202) 693-4129 or E-Mail King-Darrin@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for PWBA, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395-7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- * Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- * Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- * Enhance the quality, utility, and clarity of the information to be collected; and minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Type of Review: Extension of a currently approved collection.

Agency: Employee Benefits Security Administration (EBSA).

Title: ERISA Procedure 76-1; Advisory Opinion Procedure.

OMB Number: 1210-0066.

Affected Public: Business or other for-profit; Not-for-profit institutions; and Individuals or households.

Frequency: On occasion.

Number of Respondents: 115.

Number of Annual Responses: 115.

Estimated Time Per Response: 14 hours.

Total Burden Hours: 161.

Total Annualized Capital/Startup Costs: \$0.

Total Annual Costs (operating/maintaining systems or purchasing services): \$107,606.

Description: The information collection provisions of ERISA Procedure 76-1 are used by persons supplying information needed for the Department to respond to their request for an interpretation as to the applicability of ERISA to a specific set of facts and circumstances. The Department's responses to such requests are called "information letters" and "advisory opinions."

Ira L. Mills,

Departmental Clearance Office.

[FR Doc. 03-4265 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-29-M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) issued during the period of January and February, 2003.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated; and

(2) That sales or production, or both, of the firm or sub-division have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production of such firm or subdivision.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-42,091; *Disa Industries, Holly, MI*

TA-W-42,245; *La Grange Foundry, Inc., La Grange, MO*

TA-W-41,579; *Delphi Energy and Chassis, Dayton, OH*

TA-W-42,100; *Savane International, Fabric Cutting Facility, El Paso, TX*

In the following case, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-41,369; *Saint-Gobain Abrasives, Inc. (formerly Norton Co.), Bonded Abrasives Div., Worcester, MA*

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

The investigation revealed that criterion (a)(2)(A) (I.B.) (No Sales or Production declines) and (a) (2)(B) (II.B) (No shift in production to a foreign country) have not been met.

TA-W-50,300; *Nexfor/Fraser Papers, Levesque Operations, Ashland, ME*
TA-W-50,371; *Nestle USA, Confections and Snacks, Fulton, NY*

The investigation revealed that criterion (a)(2) (I.A.) (No employment declines) and (a)(2)(B) (No shift in Production to a foreign country) have been met.

TA-W-50,559; *Mercury Marine, Capitol Engineering Div., Brookfield, WI*
TA-W-50,559; *Mercury Marine, Capitol Engineering Div., Brookfield, WI*

The investigation revealed that criterion (1) has not been met. A significant number or proportion of the workers did not become totally or partially separated from employment as required for certification.

TA-W-50,177; *Talley Metals Technology, Inc., McBee, SC*

The investigation revealed that criterion (a)(2)(A) (I.C.) (Increased imports) and (a)(2)(B) (II.B) (No shift in production to a foreign country) have not been met.

TA-W-50,314; *Electroglas, Inc., San Jose, CA*

TA-W-50,439; *Tresco Tool, Inc., Guys Mills, PA*

TA-W-50,421; *Alpine Molding, Inc., an Affiliate of May and Scofield, Inc., Gaylord, MI*

TA-W-50,453; *Atlas Copco Wagner, Inc., Portland, OR*

TA-W-50,366; *Agere Systems, Inc., Optoelectronics Div., formerly Lucent Technologies, Inc., Microelectronics Business, Breinigsville, PA*

TA-W-50,225; *Unitek Electronics, Inc., Portland, OR*

TA-W-50,288; *Lancaster Malleable Castings Co., Lancaster, PA*

TA-W-50,247; *Holland USA, The Denmark Facility, Denmark, SC*

TA-W-50,233; *Bombardier Mass Transit Corp., a wholly owned subsidiary of Bombardier Corp., Barre, VT*

TA-W-50,079; *ITT Industries, Searcy, AR*

TA-W-50,452; *Spectrum Field Services, In., Valma Gas Plant, Tulsa, OK*

TA-W-50,683; *Decibel Products, Dallas, TX*

YA-W-50,016; *Laid Technologies, Delaware Watergap, PA*

TA-W-50,074; *Summit Manufacturing, LLC, West Hazleton, PA*

TA-W-50,148; *Newark Atlantic Paperboard Co., Mill Div., Lawrence, MA*

TA-W-50,209 & A; *Facemate Corp., Greenwood, SC and Greenville, SC*

TA-W-50,234; *BiPhase Technologies, LLC, Lake Lillian, MN*

TA-W-50,354; *Red Wing Shoe Co., Inc., Including Temporary Workers of Workforce Employment Solution and Manpower, Inc., Potosi, MO*

TA-W-50,468; *Textron, Cushman, Inc., Lincoln, NE*

TA-W-50,291; *Intelicoat Technologies Image Products, a subsidiary of Intelicoat Technologies Image Products Holco LLC, Spartanburg, SC*

TA-W-50,342; *Pechiney Plastic Packaging, Graphics Center, Neenah, WI*

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-50,547; *Byrd Motor Line, Inc., Lexington, NC*

TA-W-50,523; *Computer Sciences Corp., Global Infrastructure Services (/GIS), Newark Data Center, Newark, DE*

TA-W-50,534; *Corning Cable Systems, LLC, Research, Development, and Engineering (RD&E), Hickory, NC*

TA-W-50,508; *Nortel Networks, Qtera/Operations, Richardson, TX*

TA-W-50,432; *Angus Consulting Management, Inc., a wholly owned subsidiary of Angus Consulting Management Ltd, Alpharetta, GA*

TA-W-50,302; Union Tank Car Co., a subsidiary of The Marmon Group, Inc., East Chicago, IN

TA-W-50,595; Consolidated Freightways, Akron, Ohio

TA-W-50,477; Fleming Companies, Inc., Altoona, PA

TA-W-42,155; The Franklin Mint, Franklin Center, PA

TA-W-50,529; Enterasys Networks, Inc., Salt Lake City, UT

TA-W-50,563; Plexus Corp., Security Department, Neenah, WI

TA-W-50,588; Murray Engineering, Inc., Complete Design Service, Flint, MI

The investigation revealed that criteria (2) has not been met. The workers' firm (or subdivision) is not an upstream supplier of components for trade-affected companies.

TA-W-50,535; North American Container Corp., Fond du Lac, WI

TA-W-50,222 & A; Great Northern Tool and Die, Plant #1, Chesterfield, MI and Plant #2, Chesterfield, MI

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA-W-42,289; Interlake Material Handling, Inc., Pontiac Manufacturing Plant, Pontiac, IL: February 10, 2001.

TA-W-41,912; ADC Telecommunications, 5655 Eleventh Avenue East, Shakopee, MN: August 5, 2001.

TA-W-42,284; Custom Forest Products, Inc., Grayling, MI: October 8, 2001.

TA-W-42,265; Charles Navasky and Co., Philipsburg, PA: October 2, 2001.

TA-W-42,265A, B; Streamline Fashions, Philipsburg, PA and Northside Manufacturing, Philipsburg, PA: November 3, 2002.

The following certifications have been issued. The requirements of (a)(2)(A) (increased imports) of Section 222 have been met.

TA-W-50,661; Swank, Inc., Norwalk, CT: January 17, 2002.

TA-W-50,373; Chautauqua Hardware Corp., Jamestown, NJ: December 12, 2001.

TA-W-50,347 & A; Rayovac Corp., Manufacturing and Distribution Div., Madison, WI and Middleton, WI: December 9, 2001.

TA-W-50,412; Hayes Lemmerz International, Inc., Bowling Green Plant, a Div. of North American Wheel Group, Bowling Green, KY: December 20, 2001.

TA-W-50,408; Best Manufacturing, a Division of Tillotson Corp., Johnson City, TN: November 22, 2001.

TA-W-50,583; Ingersoll-Rand, Gerwin/Ives Plant, Michigan City, IN: January 8, 2002.

TA-W-50,384; National Forge Co., Irvine, PA: December 14, 2001.

TA-W-50,326; Jordan Fashions, New York, NY: December 12, 2001.

TA-W-50,092; KUS, Inc., a/k/a Karl Schmidt Unisia, Inc., Building Number One, Fort Wayne, IN: November 14, 2001.

TA-W-50,336; Rhodes Collections, Inc., Garland, TX: December 6, 2001.

TA-W-50,493; Moltech Power Systems, a Subsidiary of Moltech Holding Corp., Gainesville, FL: December 12, 2002.

TA-W-50,218; United Sewing Apparel, Inc., Skillstaff, Inc., Etowah, TN: November 27, 2001.

TA-W-50,266; Parker Hannifin, Hydraulic Valve Div., a Div. of Parker Hannifin Co., formerly Dana Corp., Minneapolis, MN: December 4, 2001.

TA-W-50,479; Eastman Kodak Co., One Time Use Camera Plant, Including Leased Workers of Adecco Temporary Services, Rochester, NY: December 20, 2001.

TA-W-50,483; CNH Global, N.V., Construction Equipment Div., Burlington, IA: January 2, 2002.

TA-W-50,474; Store Kraft Manufacturing, Greenwood Fixture Div., Including Leased Workers of TEC, Greenwood, AR: January 2, 2002.

TA-W-50,419; Armstrong World Industries, Inc., Lancaster Floor Plant, Lancaster, PA: December 20, 2001.

TA-W-50,576; Great Northern Paper Co., Inc., East Millinocket, ME: January 14, 2002.

TA-W-50,125; Ovalstrapping, Inc., Hoquiam, WA: November 13, 2001.

TA-W-50,495; Massillon Stainless, Inc., Massillon, OH: January 3, 2002.

TA-W-50,249; Alpha Mills Corp., Annville, PA: December 2, 2001.

TA-W-50,500; Creative Die Mold, Glendale Heights, IL: January 3, 2002.

The following certifications have been issued. The requirements of (a)(2)(B) (shift in production) of Section 222 have been met.

TA-W-50,568; SMTC Manufacturing Corp. of North Carolina, Including Leased Workers of Chase Staffing and Adecco, Charlotte, NC: January 15, 2002.

TA-W-50,374; SPX Valves and Controls, Div. of SPX Corp., Lake City, PA: December 11, 2001.

TA-W-50,390; The Goodyear Tire and Rubber Corp., Engineered Products Div., Lincoln, NE: December 18, 2001.

TA-W-50,433; Fun-Tees, Inc., Andrews, SC: December 20, 2001.

TA-W-50,388; Pasmenco Zinc, Inc., Gordonsville, TN: December 18, 2001.

TA-W-50,172; Applied Films Corp., Longmont, CO: November 19, 2001.

TA-W-50,548; Gilster Mary Lee Corp., Wilson, AR: January 10, 2002.

TA-W-50,536; Lacers Sport, Inc., a/k/a Diport USA, Miami, FL: December 31, 2001.

TA-W-50,528; Celestica Corp., Midwest Campus, Rochester, MN: January 7, 2002.

TA-W-50,510; Goodrich Corp., Aircraft Interior Products, Spencer, WV: December 30, 2001.

TA-W-50,501; H.G. Winter and Sons, Inc., Kingfield, ME: January 3, 2002.

TA-W-50,286; Indiana Glass Co., Dunkirk, IN: December 6, 2001.

TA-W-50,315; Capital City Press, Inc., Barre, VT: December 10, 2001.

TA-W-50,409; International Comfort Products Corp. (USA), a wholly owned subsidiary of United Technologies Corp., and an affiliate of Carrier Corp., Lewisburg, TN: December 5, 2001.

TA-W-50,653; Tsuda Surface Technologies, Inc., Henderson, NE: January 14, 2002.

TA-W-50,612; O. Mustad and Son, Inc., Auburn, NY: January 6, 2002.

TA-W-50,123; Garden State Tanning, Inc., Fleetwood, PA: November 4, 2001.

TA-W-50,613; Foamex, L.P., Milan, TN: January 1, 2002.

TA-W-50,539; Arden Companies, Kendallville Facility, Kendallville, IN: January 9, 2002.

TA-W-50,570; All U Can Handle, A Div. of Perlor, Inc., Pittsburgh, PA: January 10, 2002.

TA-W-50,446; Ericson, Inc., Messaging Group, Woodbury, NY: December 18, 2001.

TA-W-50,164; Sunbeam Corp., Inc., Outdoor Cooking Div., Neosho, MO: November 18, 2001.

TA-W-50,219; Maytag Corp., Maytag Appliances, Newton, IA: November 27, 2001.

TA-W-50,327; JO LA Foundation, Sewing and Cutting Operations, Brooklyn, NY: December 9, 2001.

TA-W-50,376; Medtronic Perfusion Systems, Anaheim Hills, CA: December 15, 2001.

The following certification has been issued. The requirement of upstream supplier to trade certified primary firm has been met.

TA-W-50,131; Lear Corp., Interior Systems Div., Carlisle, PA: November 11, 2001.

TA-W-50543; Prime Manufacturing Co., Lynn, MA: January 13, 2002.

TA-W-50,587; Moll Industries, Davie, FL: November 22, 2001.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182) concerning transitional adjustment assistance hereinafter called (NAFTA-TAA) and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA-TAA issued during the month of January and February 2003.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA-TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA-TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA-TAA-07587; Groupe Carbone Lorraine, Astro Cosmos Metallurgical, Inc., Wooster, OH
NAFTA-TAA-06481; Savane International, Fabric Cutting Facility, El Paso, TX

Affirmative Determinations NAFTA-TAA

NAFTA-TAA-06447; ADC

Telecommunications, 5655

Eleventh Avenue East, Shakopee, MN: August 5, 2001.

NAFTA-TAA-6072; Germantown (USA) Co., West Chester, PA: March 12, 2001.

I hereby certify that the aforementioned determinations were issued during the months of January and February 2003. Copies of these determinations are available for inspection in Room C-5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: February 12, 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03-4270 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-41,497 and NAFTA-06126]

Furnimex Products USA Inc., Charm House Manufacturing, Sumter, South Carolina; Notice of Negative Determination Regarding Application for Reconsideration

By application of September 11, 2002, the petitioners requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA) under petition TA-W-41,497 and North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA-TAA) under petition NAFTA-06126. The TAA denial notice applicable to workers of Furnimex Products USA Inc., Charm House Manufacturing, Sumter, South Carolina was signed on August 6, 2002 and published in the **Federal Register** on August 20, 2002 (67 FR 53971). The NAFTA-TAA denial notice was signed on June 21, 2002 and will soon be published in the **Federal Register**.

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The TAA petition, filed on behalf of workers at Furnimex Products USA Inc., Charm House Manufacturing, Sumter, South Carolina, was denied because the "contributed importantly" group eligibility requirement of section 222(3) of the Trade Act of 1974, as amended, was not met. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers. The major customer of the subject firm went out of business and the loss of that customer was the major contributing factor leading to the closure of the plant. The workers produced bed linens and blankets.

The NAFTA-TAA petition for the same worker group was denied because criteria (3) and (4) of the group eligibility requirements in paragraph (a)(1) of section 250 of the Trade Act, as amended, were not met. There was no shift in production from the workers' firm to Mexico or Canada during the relevant period. Imports from Canada or Mexico did not contribute importantly to worker separations. The investigation also revealed that a major customer of the subject firm went out of business and the loss of this customer was the major contributing factor to the closure of the Sumter plant.

The petitioner appears to be indicating that plant production was shifted to Mexico after the plant closed down.

An examination of the initial decision and further contact with the company show that the closure of the subject plant is due to a major customer going out of business. That customer accounted for a major portion of the subject plant's sales and thus impacted the subject plant.

Further contact with the company also shows that the company was a Limited Liability Partnership (LLC) between the owner of Charm House Manufacturing and Furnimex Products USA Incorporated. The company indicated that no plant production was shifted to Mexico. Furnimex Products USA Incorporated indicated that an extremely small portion of subject plant production was outsourced to an unaffiliated plant located in Mexico, after the subject plant closed down, only as a customer courtesy. The amount outsourced and imported back from Mexico was not significant.

Conclusion

After review of the application and investigative findings, I conclude that there has been no misinterpretation of the law or of the facts which would justify reconsideration of the Department of labor's prior decisions. Accordingly, the application is denied.

Signed at Washington, DC this 3rd day of February, 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03-4280 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) issued during the period of January, 2003.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated; and

(2) That sales or production, or both, of the firm or sub-division have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production of such firm or subdivision.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-41,053; *Prime Manufacturing, a Div. of Dayton-Phoenix Group, Inc., Oak Creek, WI*

TA-W-42,359A & B; *Allegheny Ludlum Flat Roll Div., a subsidiary of Allegheny Technologies, Washington, PA and Melt Shop and Rolling Mill Div., Houston, PA*

In the following case, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-41,478; *Radio Frequency Systems, Inc. (RFS), a wholly owned subsidiary of Alcatel North American Cable Systems, Inc., Marlboro, NJ*

TA-W-42,173; *ADC Telecommunications, Inc., U.A. Photonics Engineering and Manufacturing, Vadnais Heights, MN*

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

The investigation revealed that criterion (a)(2)(A) (I.B.) (No Sales or Production declines) and (a) (2)(B) (II.B) (No shift in production to a foreign country) have not been met.

TA-W-50,239; *Nestle Purina Petcare, St. Joseph, MO*

The investigation revealed that criterion (a)(2)(A) (I.C.) (Increased imports) and (a)(2)(B) (II.B) (No shift in production to a foreign country) have not been met.

TA-W-50,170; *Erasteel, Inc., McKeesport, PA*

TA-W-50,048 & A; *Cooper Industries, Cooper Power Systems Div., Waukesha, WI and South Milwaukee, WI*

TA-W-50,030; *F/V Kiavak, Kodiak, AK*
TA-W-50,555; *Jaurice, Inc., Bangor, PA*
TA-W-50,401; *FPL Nerngy, Yarmouth, ME*

TA-W-50,139; *Lau Industries, Inc., Fridley, MN*

TA-W-50,303; *Profuse Services, Inc., Merkel, TX*

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-42,314 & A, B; *Pearson Education Technologies, a Div. of NCS Pearson, Mesa, AZ, east Lansing, MI and Sunnyvale, CA*
TA-W-50,121; *VMV Enterprises, Inc., Paducah, KY*

The investigation revealed that criteria (2) has not been met. The

workers' firm (or subdivision) is not an upstream supplier of components for trade-affected companies.

TA-W-50,343; *Fashion Technologies, Inc., Gaffney, SC*

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA-W-42,352; *Pacific Electriccord, a subsidiary of Leviton Manufacturing Co., Gardena, CA: October 10, 2001.*

TA-W-42,316; *Augusta Mills, a Div. of ATD American Co., Elkton, VA: October 15, 2001.*

TA-W-42,359; *Allegheny Ludlum, Washington Plate Div., a subsidiary of Allegheny Technologies, Washington, PA: November 1, 2001.*

TA-W-42,209; *Duro Industries, Inc./a/k/ a Duro Textiles, LLC, Fall River, MA: April 14, 2002.*

TA-W-42,203; *Motorola, Semiconductor Products Sector, BAT-1, Austin, TX: September 30, 2001*

The following certifications have been issued. The requirements of (a)(2)(A) (increased imports) of Section 222 have been met.

TA-W-50,241, A,B,C,D,E,F, G; *National Spinning Co., Inc., Washington, NC, Lafayette, GA, Warsaw, NC, Whiteville, NC, Beulaville, NC, New York, NY, Burlington, NC and Kinston, NC: February 17, 2003.*

TA-W-50,127; *Orgreen Corp., Burns, OR: November 15, 2001.*

TA-W-50,362; *Rosal Sportswear, Leighton, PA: December 10, 2001.*

TA-W-50,393; *Tredegear Corp., Tredegear Film Products Div., Carbondale, PA: November 7, 2001.*

TA-W-50,317; *FMC Corp., Hydrogen Peroxide Div., Spring Hill, WV: December 5, 2001.*

TA-W-50,329; *United States Forgecraft Corp., Fort Smith, AR: December 12, 2001.*

TA-W-50,169; *Smart Modular Technologies, Fremont, CA: November 21, 2001.*

TA-W-50,268; *American Tool Companies, Inc., Lexa, AR: December 4, 2001.*

TA-W-50,161; *Magruder Color Co., Inc., including leased workers of Algany Staffing Services and Stratus Services Group, Elizabeth, NJ: November 6, 2001.*

TA-W-50,640; *Pechiney Rolled Products LLC, Ravenswood, WV: December 23, 2001.*

- TA-W-50,378; *NACCO Materials Handling Group, Inc., Lenoir, NC: December 12, 2001.*
- TA-W-50,365; *Amital Spinning Corp., Wallace Plant, Wallace, NC: December 12, 2001.*
- TA-W-50,243; *Worthington Steel, Jackson, MI: November 26, 2001.*
- TA-W-50,263; *OMG Fidelity, Inc., a wholly owned subsidiary of The OM Group, Inc., Newark, NJ: December 4, 2002.*
- The following certifications have been issued. The requirements of (a)(2)(B) (shift in production) of Section 222 have been met.
- TA-W-50,107; *Optek Technology, Inc., Carrollton, TX: November 13, 2001.*
- TA-W-50,465; *J.B. Tool and Machine, Inc., Wapakoneta, OH: December 31, 2001.*
- TA-W-50,207; *Dana Corp., Commercial Vehicle Systems Div., Morganton, NC: November 19, 2001.*
- TA-W-50,104; *Thermodisc, Inc., London, KY: November 14, 2001.*
- TA-W-50,063; *Valeo Electrical Systems, Inc., Rochester, NY: November 6, 2001.*
- TA-W-50,574; *Snap-On Diagnostics, Ekhorn, WI: January 15, 2002.*
- TA-W-50,573; *Friwo-EMC, Inc., Colorado Springs, CO: November 18, 2001.*
- TA-W-50,397; *Clorox Products Manufacturing Co., a wholly owned subsidiary of The Clorox Co., including leased workers of Kelly Services, Londonderry, NH: December 17, 2001.*
- TA-W-50,369; *Akzo Nobel Polymer Chemicals LLC, a wholly owned subsidiary of Akzo Nobel, Burt, NY: December 10, 2001.*
- TA-W-50,339; *Tower Automotive, Inc., Milwaukee, WI: December 9, 2001.*

The following certification has been issued. The requirement of upstream supplier to trade certified primary firm has been met.

- TA-W-50,395; *Delafoil Ohio, Inc., Perrysburg, OH: December 18, 2001.*
- TA-W-50,395A; *Delafoil Ohio, Inc., Pottstown, PA: January 7, 2002.*

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182) concerning transitional adjustment assistance hereinafter called (NAFTA-TAA) and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA-TAA issued during the month of January, 2003.

In order for an affirmative determination to be made and a

certification of eligibility to apply for NAFTA-TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA-TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

- NAFTA-TAA-06312; *Delphi Energy and Chassis, Dayton, OH.*
- NAFTA-TAA-07596; *La Grange Foundry, Inc., La Grange, MO*

Affirmative Determinations NAFTA-TAA

- NAFTA-TAA-07614; *Interlake Material Handling, Inc., Pontiac Manufacturing Plant, Pontiac, IL: February 10, 2001.*

I hereby certify that the aforementioned determinations were issued during the months of January, 2003. Copies of these determinations are available for inspection in Room C-5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: January 31, 2003.

Edward A. Tomchick,
Director, Division of Trade Adjustment Assistance.

[FR Doc. 03-4269 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-41,880]

Affiliated Building Services, Biscoe, North Carolina; Notice of Negative Determination Regarding Application for Reconsideration

By application dated October 2, 2002, a company official requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice applicable to workers of Affiliated Building Services, Biscoe, North Carolina was signed on September 9, 2002, and published in the **Federal Register** on September 27, 2002 (67 FR 61160).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The TAA petition was filed on behalf of workers at Affiliated Building Services, Biscoe, North Carolina engaged in activities related to the maintenance of building systems (heating, cooling, air compressors). The petition was denied because the petitioning workers did not produce an article within the meaning of Section 222(3) of the Act.

To support its request for reconsideration, the petitioners provided a more detailed description of the functions performed at the subject facility.

A review of the job duties and their relationship to production of products revealed that the expanded description did not vary from the functions described in the initial investigation: maintenance of building systems, including heating, cooling and air compressors.

Only in very limited instances are service workers certified for TAA, namely the worker separations must be caused by a reduced demand for their services from a parent or controlling firm or subdivision whose workers

produce an article and who are currently under certification for TAA.

In conclusion, the petitioning workers at the subject firm did not produce an article within the meaning of Section 222(3) of the Trade Act of 1974, nor were separations caused by a reduced demand for their services from a parent or controlling firm or subdivision whose workers produced an article and who are currently under certification for TAA.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 11th day of February, 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03-4286 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-41,987]

Alcoa Wenatchee Works, A Division of Alcoa, Inc., Malaga, WA; Notice of Negative Determination Regarding Application for Reconsideration

By application dated November 18, 2002, the Wenatchee Aluminum Trade Council requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The Notice of Termination of Investigation was signed on October 18, 2002 and published in the **Federal Register** on November 5, 2002 (67 FR 67423).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

- (1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;
- (2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or
- (3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of

the law justified reconsideration of the decision.

The petition for the workers of Alcoa Wenatchee Works, a division of Alcoa, Inc., Malaga, Washington engaged in the production of aluminum was terminated based on the plant ceasing production of aluminum in July 2001, more than one year prior to the August 1, 2002, date of the petition.

The petitioner on reconsideration questions the exact findings that the facility ceased production in July 2001.

The Department of Labor's Notice of Negative Determination Regarding Application for Reconsideration pertains to the impacted worker group producing aluminum cited in the petition. It was determined that the company ceased production of aluminum on July 1, 2001, more than one year prior to the date of the petition, August 1, 2002. Contact with the company confirmed that production of aluminum ceased on July 1, 2001. As such, layoffs occurring after August 1, 2001 cannot be attributable to the cessation of aluminum production as it had already occurred at least one month earlier.

The petitioners also infer that we erred in our use of Section 223(b)(1) referencing it to the ceased production date.

We do not agree that there was an error made in our use of Section 223(b)(1). The termination notice states "Section 223(b)(1) of the Trade Act of 1974 provides that a TAA certification may not apply to a worker whose separation from employment occurred more than one year prior to the date the petition was filed on behalf of affected workers." As noted above, since production ceased more than a year prior to the petition date, workers separated subsequent to July 2001 would not have been engaged in the production of aluminum when separated.

The petitioner on reconsideration further indicates that they are asking for reconsideration of laid-off workers after August 1, 2001.

The initial investigation addressed the group of workers as stated in the petition and thus the investigation was conducted for the workers engaged in the production of aluminum. In conducting the initial investigation the Department was aware that the plant remained open due to a contract agreement that required that Alcoa maintain at least 400 employees. The Department was also aware that a portion of the workforce began producing carbon anode blocks for another Alcoa Aluminum plant, while that plant rebuilds their anode baking

facility. The carbon blocks act as a sacrificial anode in the aluminum production process, so most of the aluminum smelters, including Wenatchee Works, have such a production facility. The major contributing factor leading to the layoffs at the subject firm was the curtailment of aluminum production. Neither of the activities as described above led to the aluminum worker layoffs for which the investigation was conducted. In any event, if employment declines or threat of layoffs occurred relating to the worker groups engaged in the production of carbon blocks and/or electricity, a petition for Trade Adjustment Assistance may be filed on their behalf.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 11th day of February 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03-4287 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-41,872]

Breed Technologies Incorporated, Knoxville, TN; Notice of Negative Determination Regarding Application for Reconsideration

By application of October 30, 2002, the Union of Needletrades, Industrial & Textile Employees, Tennessee/Kentucky District, requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on September 24, 2002, and published in the **Federal Register** on October 10, 2002 (67 FR 63159).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

- (1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The petition for the workers of Breed Technologies Incorporated, Knoxville, Tennessee was denied because the "contributed importantly" group eligibility requirement of Section 222(3) of the Trade Act of 1974, as amended, was not met. The "contributed importantly" test is generally demonstrated through a survey of customers of the workers' firm. The survey revealed that none of the respondents increased their purchases of imported automobile seat belt components.

The petitioner states that the production of automobile seat belt components made at the subject firm was relocated to a foreign facility. They further assert that these currently foreign-produced components "will become part of seat belt assemblies that are now being imported from Mexico to the United States". They conclude that if the subject firm had not decided to shift component production, there would be no job loss.

Seat belt assemblies are not "like or directly competitive" with the products produced (automobile seat belt components) by the subject firm. Therefore, the imports of seat belt assemblies is not relevant in meeting the

eligibility requirement of Section 222(3) of the Trade Act of 1974, as amended.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 13th day of February 2003.

Edward A. Tomchick,
Director, Division of Trade Adjustment Assistance.

[FR Doc. 03-4285 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than March 6, 2003.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than March 6, 2003.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C-5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 27th day of January 2003.

Edward A. Tomchick,
Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions Instituted Between 01/22/2003 and 01/24/2003]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
50,604	Cessna Aircraft Company (Wkrs)	Wichita, KS	01/22/2003	01/14/2003
50,605	Jackson Sewing Center (Wkrs)	Madisonville, TN	01/22/2003	01/10/2003
50,606	Emerson Tool Company (Comp)	Paris, TN	01/22/2003	01/10/2003
50,607	Nortel Networks (Wkrs)	RTP, NC	01/22/2003	12/16/2002
50,508	A.O. Smith Electrical Products Co. (Comp)	McMinnville, TN	01/22/2003	01/09/2003
50,609	Cendant Corporation (Wkrs)	Elizabethton, TN	01/22/2003	01/13/2003
50,610	Warnaco, Inc. (Wkrs)	Thomasville, GA	01/22/2003	01/13/2003
50,611	Acme Electronics, LLC (Comp)	Cuba, NY	01/22/2003	11/26/2002
50,612	O. Mustad and Son, Inc. (Wkrs)	Auburn, NY	01/22/2003	01/06/2003
50,613	Foamex, L.P. (Comp)	Milan, TN	01/22/2003	01/01/2003
50,614	Auto Sound/Entronix (MN)	Eveleth, MN	01/22/2003	01/16/2003
50,615	BP Solar, LLC (Comp)	Toano, VA	01/22/2003	01/18/2003
50,616	Connector Service Corporation (Wkrs)	Mentor, OH	01/22/2003	01/10/2003
50,617	BP Solar, LLC (Comp)	Fairfield, CA	01/22/2003	01/18/2003
50,618	F/V Lila-L (Comp)	Nanek, AK	01/22/2003	01/16/2003
50,619	Neenah Paper Co. (PACE)	Neenah, WI	01/22/2003	01/17/2003
50,620	Youngstown Forge (Wkrs)	Youngstown, OH	01/22/2003	01/21/2003
50,621	F/V Frances A. (Comp)	Naknek, AK	01/22/2003	01/18/2003
50,622	Dallas Semiconductor/Maxim (Wkrs)	Dallas, TX	01/22/2003	01/09/2003
50,623	Arimon Technologies, Inc. (Comp)	Montello, WI	01/22/2003	01/17/2003
50,624	Agilent Technologies (Wkrs)	Loveland, CO	01/22/2003	01/16/2003
50,625	F/V Thunderbird/Seahunter Fisheries (Comp)	Anchorage, AK	01/22/2003	01/21/2003
50,626	Crowe Logging, Inc. (Wkrs)	Encampment, WY	01/22/2003	01/15/2003
50,627	F/V Blue Angel (Comp)	Naknek, AK	01/22/2003	01/20/2003
50,628	Xerox Corporation (Wkrs)	Irving, TX	01/22/2003	01/18/2003

APPENDIX—Continued

[Petitions Instituted Between 01/22/2003 and 01/24/2003]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
50,629	Truth Hardware (GMP)	W. Hazleton, PA	01/22/2003	01/20/2003
50,630	F/V Alica Dawn (Comp)	Tagiak, AK	01/22/2003	01/17/2003
50,631	Garden State Tanning (Comp)	Williamsport, MD	01/22/2003	01/21/2003
50,632	Trans Air Manufacturing (Comp)	Mt. Pleasant, IA	01/22/2003	01/14/2003
50,633	R.G. Barry Corporation (Comp)	Goldsboro, NC	01/22/2003	12/20/2002
50,634	International Paper (Comp)	Hopkinsville, KY	01/22/2003	01/20/2003
50,635	Science Application International (AK)	Anchorage, AK	01/22/2003	01/21/2003
50,636	F/V Indiana (Comp)	Ketchikan, AK	01/22/2003	01/21/2003
50,637	Sitka Sound Seafoods (AK)	Yakutat, AK	01/22/2003	01/21/2003
50,638	Golden View Fisheries, Inc. (Comp)	Anchorage, AK	01/22/2003	01/16/2003
50,639	Maya Kanulie (Comp)	Togiak, AK	01/22/2003	01/17/2003
50,640	Pechiney Rolled Products, LLC (Comp)	Ravenswood, WV	01/23/2003	12/23/2002
50,641	Shipley (MA)	Marlboro, MA	01/23/2003	01/22/2003
50,642	Motorola, Inc. (Comp)	Ft. Worth, TX	01/23/2003	11/27/2002
50,643	Aran Mold and Die Co., Inc. (Comp)	Elmwood Park, NJ	01/23/2003	01/14/2003
50,644	Levolor Kirsch Window Fashions (Comp)	High Point, NC	01/23/2003	01/20/2003
50,645	Sisiutl Fisheries (Comp)	Kodiak, AK	01/23/2003	01/15/2003
50,646	Levolor Kirsch Window Fashions (Comp)	Athens, GA	01/23/2003	01/20/2003
50,647	General Electric (IUE)	Euclid, OH	01/23/2003	01/22/2003
50,648	Isaac Hazan Group (Wkrs)	Secaucus, NJ	01/23/2003	01/10/2003
50,649	Ultra Tool Company (Comp)	Baxter, MN	01/23/2003	01/18/2003
50,650	Davol, Inc. (Comp)	Lawrence, KS	01/23/2003	01/22/2003
50,651	Vishay BLH, Inc. (Wkrs)	Canton, MA	01/23/2003	01/22/2003
50,652	Carbide (The)/Graphite Group, Inc. (Comp)	Pittsburgh, PA	01/23/2003	01/08/2003
50,653	Tsuda Surface Technologies, Inc (Comp)	Henderson, NV	01/23/2003	01/14/2003
50,654	International Paper (ICWU)	Dover, OH	01/23/2003	01/21/2003
50,655	Evenflo Company, Inc. (Comp)	Ballground, GA	01/23/2003	01/22/2003
50,656	Evenflo Company, Inc. (Comp)	Suring, WI	01/23/2003	01/22/2003
50,657	Hewlett Packard (Wkrs)	Swedesboro, NJ	01/23/2003	01/09/2003
50,658	Woodstock Lamp and Shade Company (UFCW)	Woodstock, IL	01/23/2003	01/09/2003
50,659	Ametek (Comp)	Sellersville, PA	01/23/2003	01/13/2003
50,660	Abitibi Consolidated (Wkrs)	Steilacoom, WA	01/23/2003	01/22/2003
50,661	Swank, Inc. (Comp)	Norwalk, CT	01/23/2003	01/17/2003
50,662	OBG Distribution Company, LLC (Wkrs)	Celina, TN	01/23/2003	01/10/2003
50,663	Synalloy Corporation (Comp)	Spartanburg, SC	01/23/2003	01/15/2003
50,664	Tyco Healthcare Retail Group, Inc. (Comp)	Harmony, PA	01/23/2003	01/21/2003
50,665	Deepwell Tribular Services, Inc. (Comp)	Midland, TX	01/23/2003	01/23/2003
50,666	John Crowley, Inc. (Comp)	Jackson, MI	01/23/2003	01/22/2003
50,667	JDS Uniphase Corp. (Wkrs)	Manteca, CA	01/23/2003	01/09/2003
50,668	JDS Uniphase (Wkrs)	San Jose, CA	01/23/2003	12/09/2002
50,669	Shinei International (Wkrs)	Hillsboro, OR	01/24/2003	01/23/2003
50,670	Abitibi Consolidated Corporation (PACE)	Houston, TX	01/24/2003	01/23/2003
50,671	Motorola Computer Group (Wkrs)	Tempe, AZ	01/24/2003	01/20/2003
50,672	North American Marine Jet (AR)	Benton, AR	01/24/2003	01/23/2003
50,673	Monterey, Inc. (Wkrs)	Cowan, TN	01/24/2003	01/16/2003
50,674	Ametek (Comp)	Bartow, FL	01/24/2003	01/21/2003
50,675	Springfield Wire, Inc. (Comp)	Springfield, MA	01/24/2003	01/20/2003
50,676	Matrox Electronic Systems Ltd. (FL)	Boca Raton, FL	01/24/2003	01/21/2003
50,677	JD Phillips Corporation (MI)	Alpena, MI	01/24/2003	12/05/2002
50,678	Keller Manufacturing (Wkrs)	Culpeper, VA	01/24/2003	01/22/2003
50,679	TRS Ceramics, Inc. (Wkrs)	State College, PA	01/24/2003	01/17/2003
50,680	Avery Dennison (Comp)	Milford, MA	01/24/2003	01/16/2003
50,681	West Mill Clothes, Inc. (Comp)	Woodside, NY	01/24/2003	01/23/2003
50,682	Sanborn (CO)	Colorado Spring, CO	01/24/2003	01/23/2003
50,683	Decibel Products (TX)	Dallas, TX	01/24/2003	01/22/2003

[FR Doc. 03-4267 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-50,665]

Deepwell Tubular Services, Inc., Midland, TX; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 23, 2003 in response to a worker petition filed by a worker on behalf of the workers at Deepwell Tubular Services, Inc., Midland, Texas.

The petition regarding the investigation has been deemed invalid. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 31st day of January, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03-4278 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-41,453]

Fun Tees, Inc., Distribution Center, Concord, NC; Notice of Negative Determination Regarding Application for Reconsideration

By application received on August 20, 2002, a petitioning worker requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice applicable to workers of Fun Tees, Inc., Distribution Center, Concord, North Carolina was signed on July 31, 2002, and published in the **Federal Register** on August 9, 2002 (67 FR 51870).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

Workers at the subject facility were engaged in the shipping and distribution of tee shirts. The petition was denied because the petitioning workers did not produce an article within the meaning of section 222(3) of the Act.

The petitioner requesting reconsideration stated that she produced neck labels and hang tags at the subject facility and that this production was shipped abroad during the relevant period. Further contact with the company confirmed that the petitioner did produce neck labels and hang tags at the Concord facility and that this production did shift overseas within the relevant period. The worker did not affix labels or tags to the tee shirts.

Communication with the company revealed that the petitioning worker's layoff was the direct result of a shift in subject plant production of neck labels and hang tags to offshore facilities. However, the neck labels and hang tags are not imported back to the United States, but affixed to tee shirts as a finished product. The tee shirts are then imported back to the United States. Increased imports of finished articles cannot be used as the basis for certification of workers producing a component for the finished article. Imports of tee shirts and not neck labels and hang tags must be considered to meet criterion (3) of the worker group's eligibility requirements of section 222 of the Trade Act.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 3rd day of February 2003.

Edward A. Tomchick

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03-4279 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-41, 640]

Halmode Apparel, Inc., Roanoke, VA; Notice of Negative Determination Regarding Application for Reconsideration

By application received on September 5, 2002, a company official requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice applicable to workers of Halmode Apparel Inc., Roanoke, Virginia was signed on August 26, 2002, and published in the **Federal Register** on September 10, 2002 (67 FR 57456).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The TAA petition was filed on behalf of workers at Halmode Apparel Inc., Roanoke, Virginia engaged in activities related to the distribution of apparel. The petition was denied because the petitioning workers did not produce an article within the meaning of section 222(3) of the Act.

The petitioner alleges that layoffs at Halmode Apparel Inc., Roanoke, Virginia were "directly related to the impact of imports". The petitioner stated that the subject facility had once served as a production facility and that that production had been shifted abroad.

Since that production ceased in 1998, it falls outside the time frame of this investigation.

The petitioner also alleges that the loss of jobs at the subject facility was impacted by imports due to the company shifting its distribution services to a location that was more cost effective to receive import shipments.

As the worker activity that was shifted did not involve production, the shift in subject firm activities is irrelevant.

Only in very limited instances are service workers certified for TAA, namely the worker separations must be caused by a reduced demand for their services from a parent or controlling firm or subdivision whose workers produce an article and who are currently under certification for TAA.

In conclusion, the workers at the subject firm did not produce an article within the meaning of section 222(3) of the Trade Act 1974.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed in Washington, DC, this 3rd day of February, 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03-4281 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-50,605]

Jacksonville Sewing Center, Madisonville, TN; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 22, 2003 in response to a worker petition filed on behalf of the workers of Jackson Sewing Center, Madisonville, Tennessee.

The Department issued a negative determination applicable to the petitioning group of workers on December 4, 2002 (TA-W-42,256). No new information or change in circumstances is evident which would result in a reversal of the Department's previous determination. Consequently, further investigation would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 31st day of January, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03-4276 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-42,234]

Joy Mining Machinery, a Division of Joy Global, Inc., Co., Mt. Vernon, IL; Notice of Negative Determination Regarding Application for Reconsideration

By application received on December 4, 2002, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice applicable to workers of Joy Mining Machinery, a Division of Joy Global, Inc., Co., Mt. Vernon, Illinois, was signed on August 26, 2002, and published in the **Federal Register** on September 10, 2002 (67 FR 57456).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The TAA petition was filed on behalf of workers at Joy Mining Machinery, a Division of Joy Global, Inc., Co., Mt. Vernon, Illinois engaged in activities related to the repair and rebuilding of underground coal mining equipment for unrelated producers. The petition was denied because the petitioning workers did not produce an article within the meaning of Section 222(3) of the Act.

The petitioner appears to claim that layoffs at Joy Mining Machinery, a Division of Joy Global, Inc., Co., Mt. Vernon, Illinois, were the result of mining machine parts arriving from Mexico.

As the subject firm does not produce original parts, but repairs existing ones, the function of subject firm workers is not considered production; thus, the workers do not produce an article with the meaning of Section 222(3) of the Trade Act of 1974.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or

misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 13th day of February, 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03-4288 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-41,837]

Kurt Manufacturing Company, Minneapolis, MN; Notice of Negative Determination Regarding Application for Reconsideration

By application received on October 2, 2002, petitioners requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice applicable to workers of Kurt Manufacturing Company, Minneapolis, Minnesota was signed on September 10, 2002, and published in the **Federal Register** on September 27, 2002 (67 FR 61160).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The TAA petition, filed on behalf of workers at Kurt Manufacturing Company, Minneapolis, Minnesota, engaged in activities related to screw and precision machine parts, was denied because the "contributed importantly" group eligibility requirement of section 222(3) of the Trade Act was not met. The contributed importantly test is generally demonstrated through a survey of customers of the workers' firm. Results of the survey revealed that customers did not increase their imports of competitive products during the relevant period. The subject firm did not

import screw and precision machine parts during the relevant period. A domestic shift in production was cited as the cause of layoffs.

In requesting reconsideration, the petitioner(s) alleged that a company official had cited overseas competition as a factor in causing the layoffs at the Kurt Manufacturing Company, Minneapolis, Minnesota, plant.

On further review, including contact with a company official, it was confirmed that the preponderance in sales and employment declines during the relevant period were the direct result of a domestic shift in production to other company facilities possessing excess capacity. The facilities did not produce products like or directly competitive with what the subject plant produced prior to the shift in production. Further, it was confirmed that the company's customer base did not decline during the relevant period.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed in Washington, DC, this 6th day of February, 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03-4284 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-41,695]

P.C.C. Airfoils, Inc., Minerva, OH; Notice of Negative Determination Regarding Application for Reconsideration

By application received on September 18, 2002, petitioners requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice applicable to workers of P.C.C. Airfoils, Inc., Minerva, Ohio, was signed on August 26, 2002, and published in the **Federal Register** on September 10, 2002 (67 FR 57455).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The TAA petition, filed on behalf of workers at P.C.C. Airfoils, Inc., Minerva, Ohio, engaged in activities related to blades and vanes for aerospace and land based turbo engines, was denied because the "contributed importantly" group eligibility requirement of section 222(3) of the Trade Act was not met. The contributed importantly test is generally demonstrated through a survey of customers of the workers' firm. Results of the survey revealed that customers did not increase their imports of competitive products during the relevant period. The subject firm did not import blades and vanes for aerospace and land based turbo engines during the relevant period. A domestic shift in production was cited as the cause of layoffs.

In requesting reconsideration, the petitioner(s) alleged that production equipment had been moved from the subject facility to an offshore facility. The petitioners further allege that company officials told them that their production work was shifting to this facility.

Upon contact with a company official, it was confirmed that the production equipment that was moved was shipped to the domestic facility cited in the original investigation. Further, it was confirmed that all production work that was shifted from the subject facility was transferred to this same domestic facility.

The petitioners also appear to claim that the company has purchased duplicate tooling for a foreign facility for the purpose of producing products like or directly competitive with those produced at the subject firm.

Upon further review, it was revealed that the foreign facility mentioned does not produce products like or directly competitive with those produced by the subject firm.

Finally, the petitioners state that employees had been told by company officials that the "finishing department will never return to Minerva".

Although the petitioners' claim in this instance may be correct, it is irrelevant, as it has already been established that production of like or directly competitive products shifted to a

domestic facility. No plant production shifted to a foreign facility.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

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

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03-4282 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-50,602]

Porcelain Products Company, Macomb, IL; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 17, 2003 in response to a worker petition filed by the United Steel Workers of America, Local 86G on behalf of workers of Porcelain Products Company, Macomb, Illinois.

The petitioning group of workers is already covered by an earlier petition filed on January 7, 2003 (TA-W-50,515) that is the subject of an ongoing investigation for which a determination has not yet been issued. Further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 29th day of January, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03-4275 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-41,723]

**Snorkel International, Omniquip
Textron, Inc., Elwood, KS; Notice of
Negative Determination Regarding
Application for Reconsideration**

By application received on October 4, 2002, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice applicable to workers of Snorkel International, Omniquip Textron Inc., Elwood, Kansas was signed on September 9, 2002, and published in the **Federal Register** on September 27, 2002 (67 FR 61160).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The TAA petition, filed on behalf of workers at Snorkel International, Omniquip Textron Inc., Elwood, Kansas, engaged in activities related to production of aerial work platforms, was denied because the "contributed importantly" group eligibility requirement of section 222(3) of the Trade Act was not met. The contributed importantly test is generally demonstrated through a survey of the customers of the workers' firm. Results of the survey revealed that customers did not increase their imports of competitive products during the relevant period.

In requesting reconsideration, the petitioner attached a copy of an article taken from the company Web site referring to a significant shift in production from the Kansas facility to New Zealand.

As the same article was attached to the petition, a company official was contacted during the initial investigation to clarify the facts in the Web site article. The official revealed that, there is a company facility in New Zealand, but it does not service domestic customers and the company

does not import aerial work platforms from this facility to the United States.

The company official further indicated that the article in question had been put on the Web site without official authorization from the company and was purely speculative.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed in Washington, DC, this 3rd day of February, 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 03-4283 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-50,332]

**Tetley USA, Inc., Williamsport, VA;
Notice of Termination of Investigation**

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on December 12, 2003 in response to a worker petition filed by a company official on behalf of workers at Tetley USA, Inc., Williamsport, Virginia.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 27th day of January, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03-4271 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-50,380]

**Tristar Refractories, Inc., Cincinnati,
OH; Notice of Termination of
Investigation**

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 3, 2003 in response to a worker petition filed by the United Steelworkers of

America, District 1/Sub-District 3 on behalf of workers at Tristar Refractories, Inc., Cincinnati, Ohio. Workers at the subject firm produced isostatically pressed ceramics.

The Department of Labor issued negative determinations applicable to the petitioning group of workers on July 2, 2002 (TA-W-41,130). No new information or change in circumstances is evident which would result in a reversal of the Department's previous determination. Consequently, further investigation would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 31st day of January, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03-4272 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-50,664 and TA-W-50,664A]

**Tyco Healthcare Retail Group,
Harmony, PA; Tyco Healthcare Retail
Group, East Butler, PA; Notice of
Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 23, 2003, in response to a petition filed by a company official on behalf of workers at Tyco Healthcare Retail Group, Harmony, Pennsylvania, and East Butler, Pennsylvania.

The company official submitting the petition has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose and the investigation has been terminated.

Signed in Washington, DC, this 31st day of January 2003.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03-4277 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-50,519]

Tyson Foods, Inc., Jacksonville, FL; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 8, 2003 in response to a worker petition filed by a company official on behalf of workers at Tyson Foods, Inc., Jacksonville, Florida.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 29th day of January, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03-4274 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Workers Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than March 6, 2003.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than March 6, 2003.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C-5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 24th day of January 2003.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions Instituted Between 01/13/2003 and 01/17/2003]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
50,542	Wards Cove Packing Company (Comp)	Kodiak, AK	01/13/2003	01/10/2003
50,543	Prime Manufacturing Company (Comp)	Lynn, MA	01/13/2003	01/13/2003
50,544	Firestone Tube Company (USWA)	Russellville, AR	01/13/2003	01/07/2003
50,545	Weavexx, Inc. (Comp)	Wake Forest, NC	01/13/2003	01/07/2003
50,546	Emerson Tool Company (Comp)	Paris, TN	01/13/2003	01/10/2003
50,547	Byrd Motor Line, Inc. (Wkrs)	Lexington, NC	01/13/2003	01/10/2003
50,548	Gilster Mary Lee Corporation (AR)	Wilson, AR	01/13/2003	01/10/2003
50,549	Sweetheart Cup (Wkrs)	Conyers, GA	01/14/2003	01/10/2003
50,550	Maine Brand Manufacturing, Inc. (Comp)	Littleton, ME	01/14/2003	01/09/2003
50,551	Hayes Co., Inc. (The) (KS)	Valley Center, KS	01/14/2003	01/13/2003
50,552	TMD Friction, Inc. (Wkrs)	Dublin, VA	01/14/2003	01/10/2003
50,553	Goodyear Tire and Rubber Co. (USWA)	Union City, TN	01/14/2003	01/09/2003
50,554	Scotty's Fashions (UNITE)	Palmerton, PA	01/14/2003	01/06/2003
50,555	Jaurice, Inc. (UNITE)	Bangor, PA	01/14/2003	01/06/2003
50,556	Stora Enso North America (Comp)	Wisc. Rapids, WI	01/14/2003	01/13/2003
50,557	Crane Company (Wkrs)	Long Beach, CA	01/14/2003	11/04/2002
50,558	Olofsson, PCC (UAW)	Lansing, MI	01/14/2003	01/09/2003
50,559	Capitol Engineering (IAMAW)	Brookfield, WI	01/15/2003	11/19/2002
50,560	Crown Pacific and Express (OR)	Gilchrist, OR	01/15/2003	01/14/2003
50,561	Douglas Furniture of California, LLC (Comp)	Redondo Beach, CA	01/15/2003	01/09/2003
50,562	Hubbell Lighting, Inc. (IBEW)	Martin, TN	01/15/2003	01/14/2003
50,563	Plexus Corporation (Wkrs)	Neenah, WI	01/15/2003	01/14/2003
50,564	Dana Corporation (Comp)	Crenshaw, MS	01/15/2003	01/09/2002
50,565	ABM Janitorial Services (Comp)	Greenville, SC	01/15/2003	12/09/2002
50,566	Barrett Business Services, Inc. (USWIB)	Easton, MD	01/15/2003	11/19/2002
50,567	Firmenich, Inc. (Comp)	Patillas, PR	01/15/2003	01/07/2003
50,568	SMTC Mfg Corporation of North Carolina (Comp)	Charlotte, NC	01/15/2003	01/15/2003
50,569	Datex-Ohmeda, Inc. (CO)	Louisville, CO	01/15/2003	01/14/2003
50,570	All U Can Handle (Wkrs)	Pittsburgh, PA	01/15/2003	01/10/2003
50,571	Computer Sciences Corporation (Wkrs)	Falls Church, VA	01/16/2003	01/02/2003
50,572	Scott Mills (Comp)	Gastonia, NC	01/16/2003	01/08/2003
50,573	Friwo-EMC, Inc. (Wkrs)	Colorado Spring, CO	01/16/2003	12/24/2002
50,574	Snap On Diagnostic (Wkrs)	Elkhorn, WI	01/16/2003	01/15/2003
50,575	ITT Industries (Comp)	Rochester, NY	01/16/2003	01/07/2003
50,576	Great Northern Paper Co. (PACE)	E. Millinocket, ME	01/16/2003	01/14/2003
50,577	Trade Wind Apparel, Inc. (Comp)	Commerce, GA	01/16/2003	01/06/2003
50,578	Cleveland Chair (Wkrs)	Madisonville, TN	01/16/2003	01/06/2003

APPENDIX—Continued

[Petitions Instituted Between 01/13/2003 and 01/17/2003]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
50,579	Thomson 60 Case, LLC (Comp)	Lancaster, PA	01/16/2003	01/03/2003
50,580	All Steel (USWA)	W. Hazleton, PA	01/16/2003	01/16/2003
50,581	Chapin Mfg., Inc. (Comp)	Botavia, NY	01/16/2003	01/02/2003
50,582	Wright Products/Truth Hardware (Wkrs)	Rice Lake, WI	01/16/2003	01/15/2003
50,583	Ingersoll—Rand (Wkrs)	Michigan City, IN	01/16/2003	01/08/2003
50,584	Lockheed Martin (Wkrs)	Tulsa, OK	01/16/2003	01/06/2003
50,585	Skillers—C and S Apparel, Inc. (Wkrs)	Butler, PA	01/16/2003	12/10/2002
50,586	F/V Renaissance (Comp)	Kodiak, AK	01/16/2003	01/15/2003
50,587	Moll Industries (Comp)	Davie, FL	01/16/2003	11/22/2002
50,588	Murray Engineering, Inc. (MI)	Flibing, MI	01/16/2003	01/15/2003
50,589	VF Playwear (Wkrs)	Danville, VA	01/16/2003	01/15/2003
50,590	MSX International (MI)	Auburn Hills, MI	01/16/2003	01/15/2003
50,591	Minnotte Machining (IWA)	Fairmont, WV	01/16/2003	01/13/2003
50,592	Specialty Minerals, Inc. (MN)	Cloquet, MN	01/16/2003	01/15/2003
50,593	Exemplar Manufacturing Co. (Wkrs)	Ypsilanti, MI	01/16/2003	01/09/2003
50,594	Maxcess Technologies, Inc. (Comp)	Summerville, SC	01/16/2003	01/16/2003
50,595	Consolidated Freightways (IAM)	Richfield, OH	01/17/2003	01/16/2003
50,596	Reptron Manufacturing (MN)	Hibbing, MN	01/17/2003	01/15/2003
50,597	Harriet and Henderson Yarns (Wkrs)	Henderson, NC	01/17/2003	01/16/2003
50,598	Blandin Paper Company (MN)	Grand Rapids, MN	01/17/2003	01/15/2003
50,599	Pacifica Mountain Smith, LLC (Comp)	Golden, CO	01/17/2003	01/10/2003
50,600	Nautilus (Comp)	Sitka, AK	01/17/2003	01/16/2003
50,601	Valeo (Comp)	Ft. Worth, TX	01/17/2003	01/16/2003
50,602	Porcelain Products Company (USWA)	Macomb, IL	01/17/2003	01/15/2003
50,603	Matthew J. Pancratz (Comp)	Homes, AK	01/17/2003	01/15/2003

[FR Doc. 03-4266 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-50,398]

West Coast Automation Corporation, Goldendale, WA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 19, 2002 in response to a petition filed on December 18, 2002 on behalf of workers at West Coast Automation Corporation, Goldendale, Washington.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 31st day of January, 2003.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03-4273 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA-6537]

State of Alaska Commercial Fisheries Entry Commission Permit #65097J, Aleknagik, AK; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182) concerning transitional adjustment assistance, hereinafter called NAFTA-TAA and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on September 5, 2002 in response to a petition filed by the Bristol Bay Native Association on behalf of Bristol Bay salmon fishermen, State of Alaska Commercial Fisheries Entry Commission Permit #65097J, Aleknagik, Alaska.

The Department has been unable to locate company officials of the subject firm or to obtain the information necessary to reach a determination on worker group eligibility. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 27th day of January, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03-4290 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA-6611]

State of Alaska Commercial Fisheries Entry Commission Permit #575460, Dillingham, AK; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182) concerning transitional adjustment assistance, hereinafter called NAFTA-TAA and in accordance with section 250(a), subchapter D, chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on September 5, 2002 in response to a petition filed by the Bristol Bay Native Association on behalf of Bristol Bay salmon fishermen, State of Alaska Commercial Fisheries Entry Commission Permit #575460, Dillingham, Alaska.

The Department has been unable to locate company officials of the subject

firm or to obtain the information necessary to reach a determination on worker group eligibility. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 27th day of January, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03-4291 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA-6901]

State of Alaska Commercial Fisheries Entry Commission Permit #57588P, Naknek, AK; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182) concerning transitional adjustment assistance, hereinafter called NAFTA-TAA and in accordance with section 250(a), subchapter D, chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on September 5, 2002 in response to a petition filed by the Bristol Bay Native Association on behalf of Bristol Bay salmon fishermen, State of Alaska Commercial Fisheries Entry Commission Permit #57588P, Naknek, Alaska.

The Department has been unable to locate company officials of the subject firm or to obtain the information necessary to reach a determination on worker group eligibility. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 27th day of January, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03-4292 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA-7136]

State of Alaska Commercial Fisheries Entry Commission Permit #56230M, Dillingham, AK; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182) concerning transitional adjustment assistance, hereinafter called NAFTA-TAA and in accordance with section 250(a), subchapter D, chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on September 5, 2002 in response to a petition filed by the Bristol Bay Native Association on behalf of Bristol Bay salmon fishermen, State of Alaska Commercial Fisheries Entry Commission Permit #56230M, Dillingham, Alaska.

The workers stopped fishing in July 10 2001, more than one year from the September 5, 2002, petition date. Section 223(b)(1) of the Trade Act of 1974, as amended, provides that a certification may not apply to a worker whose separation from employment occurred more than one year prior to the date the petition was filed.

Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 24th day of January, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03-4293 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA-7225]

State of Alaska Commercial Fisheries Entry Commission Permit #60833F, Egegik, AK; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182) concerning transitional adjustment assistance, hereinafter called NAFTA-TAA and in accordance with section 250(a), subchapter D, chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on September 5, 2002 in

response to a petition filed by the Bristol Bay Native Association on behalf of Bristol Bay salmon fishermen, State of Alaska Commercial Fisheries Entry Commission Permit #60833F, Egegik, Alaska.

The Department has been unable to locate company officials of the subject firm or to obtain the information necessary to reach a determination on worker group eligibility. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 27th day of January, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03-4294 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA-7373]

State of Alaska Commercial Fisheries Entry Commission Permit #57646A, Naknek, AK; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182) concerning transitional adjustment assistance, hereinafter called NAFTA-TAA and in accordance with section 250(a), subchapter D, chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on September 5, 2002 in response to a petition filed by the Bristol Bay Native Association on behalf of Bristol Bay salmon fishermen, State of Alaska Commercial Fisheries Entry Commission Permit #57646A, Naknek, Alaska.

The Department has been unable to locate company officials of the subject firm or to obtain the information necessary to reach a determination on worker group eligibility. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 27th day of January, 2003.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 03-4295 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF LABOR**Employment and Training Administration****[NAFTA-7387]****State of Alaska Commercial Fisheries Entry Commission Permit #66424I, Naknek, AK; Notice of Termination of Investigation**

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182) concerning transitional adjustment assistance, hereinafter called NAFTA-TAA and in accordance with section 250(a), subchapter D, chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on September 5, 2002 in response to a petition filed by the Bristol Bay Native Association on behalf of Bristol Bay salmon fishermen, State of Alaska Commercial Fisheries Entry Commission Permit #66424I, Naknek, Alaska.

The Department has been unable to locate company officials of the subject firm or to obtain the information necessary to reach a determination on worker group eligibility. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 27th day of January, 2003.

Linda G. Poole,*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 03-4296 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P**DEPARTMENT OF LABOR****Employment and Training Administration****[NAFTA-6018]****Johnson Controls International, Fullerton, CA; Notice of Revised Determination on Reconsideration**

By letter of August 20, 2002, the International Union, United Automobile, Aerospace & Agriculture Implement Workers of America (UAW), requested administrative reconsideration of the Department's denial of North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA-TAA), applicable to workers of Johnson Controls International, Fullerton, California. The denial notice was published in the **Federal Register** on July 22, 2002 (67 FR 47862).

The initial investigation resulted in a negative determination issued on July 9, 2002, based on the finding that there was no shift in production to Canada or Mexico and imports of automotive batteries from Canada and Mexico did not contribute importantly to worker separations at the Fullerton plant.

To support the request for reconsideration, the union provided additional information, which was not provided during the initial investigation. The union official indicated that the company had entered into a joint venture with another company that had production capacity in Mexico. As a result of this partnership, Johnson Controls had replaced batteries produced at the subject firm with Mexican production.

Upon further review and contact with a company official, it was revealed that the company replaced their domestic production of dry automotive batteries with dry automotive batteries from the affiliated Mexican plant, leading to layoffs at the subject firm.

Conclusion

After careful consideration of the new facts obtained on reconsideration, it is concluded that increased imports from Mexico of dry automotive batteries contributed importantly to the decline in production and to the total or partial separation of workers at the subject firm. In accordance with the provisions of the Trade Act, I make the following certification:

"All workers of Johnson Controls International, Fullerton, California, who became totally or partially separated from employment on or after March 27, 2001, through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

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

Edward A. Tomchick,*Director, Division of Trade Adjustment Assistance.*

[FR Doc. 03-4289 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P**DEPARTMENT OF LABOR****Employment and Training Administration****[NAFTA-7655]****NSI Communications, U.S. Broadband Division, San Diego, CA; Notice of Termination of Investigation**

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182)

concerning transitional adjustment assistance, hereinafter called NAFTA-TAA and in accordance with section 250(a), subchapter D, chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on September 23, 2002 in response to a petition filed on behalf of workers at NSI Communications, U.S. Broadband Division, San Diego, California.

The Department has been unable to locate an official of the NSI Communications to obtain the information necessary to render a determination on worker group eligibility. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 27th day of January, 2003.

Linda G. Poole,*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 03-4297 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-30-P**DEPARTMENT OF LABOR****Mine Safety and Health Administration****Proposed Information Collection Request; Submitted for Public Comment and Recommendations; Emergency Evacuations and Mine Emergency Evaluation and Fire-Fighting Program of Instruction****ACTION:** Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a pre-clearance 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 Mine Safety and Health Administration (MSHA) is soliciting comments concerning the extension of the information collection related to the 30 CFR Sections 75.1501—Emergency Evacuations and 75.1502—Mine Emergency Evacuation and Fire-Fighting Program of Instruction.

DATES: Submit comments on or before April 25, 2003.

ADDRESSES: Send comments to Jane Tarr, Management Analyst, Administration and Management, 1100 Wilson Boulevard, Room 2171, Arlington, VA 22209-3939. Commenters are encouraged to send their comments on computer disk, or via Internet E-mail to Tarr-Jane@Msha.Gov. Ms. Tarr can be reached at (202) 693-9824 (voice), or (202) 693-9801 (facsimile).

FOR FURTHER INFORMATION CONTACT: Jane Tarr, Management Analyst, Records Management Group, U.S. Department of Labor, Mine Safety and Health Administration, Room 2171, 1100 Wilson Boulevard, Arlington, VA 22209-3939. Ms. Tarr can be reached at Tarr-Jane@Msha.Gov (Internet E-mail), (202) 693-9824 (voice), or (202) 693-9801 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

In response to the recent accidents of September 2001 at the Jim Walter Resources No. 5 Mine and of July 2000 at the Willow Creek Mine, MSHA has determined that new safety standards are necessary to further protect miners when a mine emergency presenting an imminent danger to miners due to fire, explosion, or gas or water inundation occurs which requires an evacuation of miners. Miners and mine operators must be able to rapidly and safely respond to emergency situations created by fire, explosion, or gas or water inundation hazards, and initiate an immediate mine evacuation when necessary to protect miners from the grave dangers of remaining underground or re-entering affected areas when hazards and conditions arise that endanger safety. A rapid and planned evacuation of all miners, who are knowledgeable about the mine's plan for mine emergencies, is essential to survival, and is one of the last safeguards that would allow miners to exit from the mine under extremely adverse conditions. The current lack of such knowledge, and demonstrated inability to quickly initiate and properly conduct a mine evacuation, presents a grave danger to miners who work in underground coal mines when a mine fire, explosion, or gas or water inundation emergency occurs.

II. Desired Focus of Comments

MSHA 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.

A copy of the proposed information collection request can be obtained by contacting the employee listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice, or viewed on the Internet by accessing the MSHA home page (<http://www.msha.gov>) and then choosing "Statutory and Regulatory Information" and "Federal Register Documents."

III. Current Actions

Section 75.1501(c), required the mine operator to train all miners about the requirements of this section and the identity of the responsible person(s) designated by the operator for the work-shift. The operator also is required to instruct miners of any change in the identity of the responsible person before the start of their work-shift. Section 75.1502 broadens existing section 75.1101-23 by including all mine emergencies created as a result of a fire, an explosion, or gas or water inundation. It requires revisions to existing fire-fighting and evacuation plans to address these emergencies, require training of miners regarding the mine emergency evacuation fire-fighting plan, and require that mine operators train miners in any revisions to the plan after its submission to MSHA for approval.

Section 75.1502(a) requires the operator to adopt a mine emergency evacuation and fire-fighting program. The operator is required to train all miners in the proper evacuation procedures to be followed in the event of a mine emergency, the location and use of fire-fighting equipment, location of escape-ways, exits, and routes of travel to the surface. All miners would be trained on any revisions made to the program of instruction after it has been approved by MSHA to ensure that miners are kept aware of any changes made to the mine emergency evacuation

and fire-fighting plan after they have received initial training.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Emergency Evacuations and Mine Emergency Evaluation and Fire-Fighting Program of Instruction.

OMB Number: 1219-0137.

Frequency: On Occasion.

Affected Public: Business or other for-profit.

Respondents: 664.

Estimated Time Per Respondent: 7.55 minutes.

Total Burden Hours: 5,010 hours.

Total Burden Cost (capital/startup): \$0.

Total Burden Cost (operating/maintaining): \$0.

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 at Arlington, Virginia, this 14th day of February, 2003.

David L. Meyer,

Director, Office of Administration and Management.

[FR Doc. 03-4268 Filed 2-21-03; 8:45 am]

BILLING CODE 4510-43-P

NUCLEAR REGULATORY COMMISSION

[DOCKET NO. 70-734]

Environmental Assessment and Finding of No Significant Impact for General Atomics' Request To Amend Special Nuclear Material License SNM-696

I. Introduction

The NRC is considering an amendment to General Atomics' (GA's) NRC Special Nuclear Material License SNM-696. The proposed amendment will revise the material possession limits in its license to reflect the actual amount of inventory currently on its site. An Environmental Assessment (EA) was performed by the NRC staff in support of its review of GA's license amendment request, in accordance with the requirements of 10 CFR Part 51. The conclusion of the EA is a Finding of No Significant Impact (FONSI) for the proposed licensing action.

II. Supplementary Information

Background

GA was formerly authorized by the NRC and its predecessor, the Atomic Energy Commission, to use special

nuclear material in nuclear fuel fabrication and research and development pursuant to its license SNM-696. However, following submittal by GA of applications dated September 26, 1995, and June 14 and July 19, 1996, on September 26, 1996, the NRC amended GA's license to authorize only activities incident to decommissioning. On April 29, 1998, the NRC further amended GA's license to incorporate the Decommissioning Plan. 63 FR 20671.

Since issuance of these license amendments, GA has decommissioned a number of areas of its site and has removed a significant amount of

licensed material. GA has removed this material by either transferring the material to licensed recipients or shipping the material to a licensed disposal facility.

By license application dated October 31, 2002 (ADAMS Accession No. ML023160041), GA requested that its license SNM-696 be amended to reduce the limits in its license to reflect the reduction in its inventory of special nuclear material that has resulted from its ongoing decommissioning activities. The initial application indicated that the license authorized GA to acquire, deliver, receive, possess, use and transfer SNM. GA submitted a corrected

application dated November 7, 2002 (ADAMS Accession No. ML023220032), deleting the words "acquire," "receive," and "use," from the initial application, to correctly reflect that GA is authorized only to possess, transfer, and ship special nuclear material.

Identification of the Proposed Action

The proposed action would be to amend GA's license to reflect the reduced amount of special nuclear material remaining on its site. The previous and revised possession limits are listed in the following table:

SNM	Chemical or physical form	Previous possession limit	Revised possession limit
A. Uranium	Enriched up to 19.99% U-235	¹ 200	Less than 10 kilograms U-235.
B. Uranium	Enriched 20-100% U-235	² 5000	Less than 1,000 gm. ³
C. U-233	Any	² 2000	Less than 100 gm U-233. ³
D. Plutonium	Encapsulated and/or sealed sources	² 2000	Less than 100 gm total Pu. ³
E. Plutonium	Bred but unseparated	² 1000	Less than 50 gm total Pu. ³
F. Plutonium	Plated calibration sources	² 5	Less than 5 grams total Pu. ³
G. Plutonium	Solutions, precipitates, solids	² 5	Less than 5 grams total Pu. ³

¹ Gram.

² Kilogram.

³ The sum total quantity of strategic special nuclear material possessed at any one time must be less than 1,000 grams computed by the formula: Grams = grams U-235 in uranium enriched to 20% or more plus 2 x (grams U-233 + grams plutonium).

Purpose and Need for the Proposed Action

The proposed action would bring the possession limits section of GA's license into conformance with the amounts of special nuclear material actually remaining on site.

Cumulative Impacts

NRC has found no other current or planned activities in the area that would result in cumulative impacts.

Alternatives to the Proposed Action

An alternative to the proposed action would be for the NRC staff to deny the licensee's request. The licensee would then continue to be authorized to possess larger quantities of special nuclear material on the site; however, it would also continue to be prohibited from acquiring, receiving, or using special nuclear material, in accordance with its current license.

Affected Environment

The affected environment is the GA site in La Jolla, California. It is described in the Site Decommissioning Plan, dated October 11, 1996. Since the Site Decommissioning Plan was approved, GA has decontaminated and decommissioned several areas of the site, and these areas have been released for unrestricted use and have been deleted from GA's license.

Environmental Impacts of the Proposed Action

There are no environmental impacts of the proposed action. The license amendment revises the license to reflect the current condition of the site, and does not authorize any change in activities.

State Consultation

NRC staff discussed this proposed action with Ms. Sudana Kwok, Project Manager of GA's byproduct material license with the California Department of Health Services, Radiologic Health Branch. The DHS/RHB is in agreement with the proposed action and has no comments.

III. Finding of No Significant Impact

Based upon the foregoing environmental assessment, the staff concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the staff has determined that preparation of an environmental impact statement is not warranted.

IV. Further Information

The following documents are related to the proposed action.

References

Code of Federal Regulations (CFR) title 10, chapter I—Nuclear Regulatory

Commission, part 51, Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions.

Code of Federal Regulations (CFR) title 10, chapter I—Nuclear Regulatory Commission, part 70, Domestic Licensing of Special Nuclear Material.

General Atomics, Docket No. 70-734; SNM-696; Submittal of Corrected Revised Section 1 (Material License Limits) of Part II "Specifications Volume" of SNM-696, November 7, 2002 (ADAMS Accession No. 023220032).

Nuclear Regulatory Commission; General Atomics Amendment 75; December 9, 2002; NRC Form 374 Sections 6., 7., and 8 (ADAMS Accession No. ML023250261).

These references may be examined and/or copied for a fee at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The references with ADAMS accession numbers may also be viewed in the NRC's Electronic Public Document Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. Any questions with respect to his action should be referred to Ms. Mary Adams, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, U.S. Nuclear Regulatory Commission, Mail Stop T-8

A33, Washington, DC 20555-0001.
Telephone (301) 415-7249.

Dated at Rockville, Maryland, this 14th day of February, 2003.

For the Nuclear Regulatory Commission.

Daniel M. Gillen,

Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 03-4262 Filed 2-21-03; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Notice of Opportunity To Comment on Model Safety Evaluation on Technical Specification Improvement Regarding Scram Discharge Volume Vent and Drain Valves Actions for Boiling Water Reactors Using the Consolidated Line Item Improvement Process

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for comment.

SUMMARY: Notice is hereby given that the staff of the Nuclear Regulatory Commission (NRC) has prepared a model safety evaluation (SE) relating to a change in the technical specification (TS) required actions for inoperable vent and drain valves for the scram discharge volume (S.V.) for boiling water reactors (BWRs). This proposed change was proposed for incorporation into the standard technical specifications (STS) by the BWR Owners Group (BWROG) participants in the Technical Specification Task Force (TSTF) and is designated TSTF-404, Revision 0. The proposed change to TS would allow isolation of one or more S.V. vent or drain lines within 7 days if a single vent or drain valve in the line is determined to be inoperable. The TS for most BWRs do not currently include the option of isolating a vent or drain line but instead require restoring a single inoperable S.V. vent or drain valve to operable status within 7 days. Requirements are maintained to isolate a line within 8 hours if both vent or drain valves in a line are inoperable. This notice also includes a model no significant hazards

consideration (NSHC) determination relating to this matter.

The purpose of these models is to permit the NRC to efficiently process proposed amendments to incorporate this change into plant-specific TS for BWRs. Licensees of nuclear power reactors to which the models apply could request amendments conforming to the models. In such a request, a licensee should confirm the applicability of the SE and NSHC-determination to its reactor. The NRC staff is requesting comments on the model SE and model NSHC determination before announcing their availability for referencing in license amendment applications.

DATES: The comment period expires March 26, 2003. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Comments may be submitted either electronically or via U.S. mail.

Submit written comments to: Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mail Stop: T-6 D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Hand deliver comments to: 11545 Rockville Pike, Rockville, Maryland, between 7:45 a.m. and 4:15 p.m. on Federal workdays.

Copies of comments received may be examined at the NRC's Public Document Room, One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland.

Comments may be submitted by electronic mail to CLLIP@nrc.gov.

FOR FURTHER INFORMATION CONTACT: William Reckley, Mail Stop: O-7D1, Division of Licensing Project Management, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-1323.

SUPPLEMENTARY INFORMATION:

Background

Regulatory Issue Summary 2000-06, "Consolidated Line Item Improvement

Process for Adopting Standard Technical Specifications Changes for Power Reactors," was issued on March 20, 2000. The Consolidated Line Item Improvement Process (CLIIP) is intended to improve the efficiency and transparency of NRC licensing processes. This is accomplished by processing proposed changes to the STS in a manner that supports subsequent license amendment applications. The CLIIP includes an opportunity for the public to comment on proposed changes to the STS following a preliminary assessment by the NRC staff and finding that the change will likely be offered for adoption by licensees. This notice is soliciting comment on a proposed change to the STS that revises requirements for the S.V. vent and drain valves for BWRs. The CLIIP directs the NRC staff to evaluate any comments received for a proposed change to the STS and to either reconsider the change or proceed with announcing the availability of the change for proposed adoption by licensees. Those licensees opting to apply for the subject change to TSs are responsible for reviewing the staff's evaluation, referencing the applicable technical justifications, and providing any necessary plant-specific information. Each amendment application made in response to the notice of availability would be processed and noticed in accordance with applicable rules and NRC procedures.

This notice involves changes to required actions for inoperable S.V. vent and drain valves for BWRs. This proposed change was proposed for incorporation into the STS by the BWROG as TSTF-404, Revision 0. The changes, provided in terms of Limiting Condition for Operation (LCO) 3.1.8 in the STS for BWRs are provided below:

Current Requirements

LCO 3.1.8 Each S.V. Vent and Drain Valve Shall be Operable

Applicability: Modes 1 and 2.

Actions:

Note: Separate Condition Entry is allowed for each S.V. vent and drain line.

Condition	Required action	Completion time
A. One or more S.V. vent or drain lines with one valve inoperable.	A.1 Restore Valve to Operable status	7 days.
B. One or more S.V. vent or drain lines with both valves inoperable.	B.1 Isolate the associated line <i>Note:</i> An isolated line may be unisolated under administrative control to allow draining and venting of the S.V.	8 hours.
C. Required Action and associated Completion Time not met ...	C.1 Be in Mode 3	12 hours.

Revised Requirements

LCO 3.1.8 Each S.V. Vent and Drain Valve Shall be Operable

Applicability: Modes 1 and 2.

Actions:

Notes: 1. Separate Condition Entry is allowed for each S.V. vent and drain line.

2. An isolated line may be unisolated under administrative control to allow draining and venting of the S.V.

Condition	Required action	Completion time
A. One or more S.V. vent or drain lines with one valve inoperable.	A.1 Isolate the associated line	7 days.
B. One or more S.V. vent or drain lines with both valves inoperable.	B.1 Isolate the associated line	8 hours.
C. Required Action and associated Completion Time not met ...	C.1 Be in Mode 3	12 hours.

Applicability

This proposed change to required actions for inoperable S.V. vent and drain valves is applicable to BWRs.

The CLIP does not prevent licensees from requesting an alternative approach or proposing changes other than those proposed in TSTF-404. Variations from the approach recommended in this notice may, however, require additional review by the NRC staff and may increase the time and resources needed for the review.

Public Notices

This notice requests comments from interested members of the public within 30 days of the date of publication in the **Federal Register**. Following the staff's evaluation of comments received as a result of this notice, the staff may reconsider the proposed change or may proceed with announcing the availability of the change in a subsequent notice (perhaps with some changes to the SE or proposed NSHC determination as a result of public comments). If the staff announces the availability of the change, licensees wishing to adopt the change will submit an application in accordance with applicable rules and other regulatory requirements. The staff will in turn issue for each application a notice of consideration of issuance of amendment to facility operating license(s), a proposed NSHC determination, and an opportunity for a hearing. A notice of issuance of an amendment to operating license(s) will also be issued to announce the revised requirements for each plant that applies for and receives the requested change.

Proposed Safety Evaluation

U.S. Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Consolidated Line Item Improvement, Technical Specification Task Force (TSTF) Change TSTF-404, Scram Discharge Volume Vent and Drain Valves

1.0 Introduction

By application dated [], [Licensee] (the licensee) requested changes to the Technical Specifications (TSs) for [facility]. The proposed changes would revise the required action within TS [3.1.8, "Scram Discharge Volume (S.V.) Vent and Drain Valves"] for the condition of having one or more S.V. vent or drain lines with one valve inoperable. These changes are based on Technical Specification Task Force (TSTF) change traveler TSTF-404 (Revision 0) that has been approved generically for the BWR [boiling water reactor]/4[6] Standard Technical Specifications (STS), NUREG-1433 [1434], Revision 2. A notice announcing the availability of this proposed TS change using the consolidated line item improvement process (CLIP) was published in the **Federal Register** on [] (xx FR yyyy).

2.0 Regulatory Evaluation

NRC regulations and review standards such as Appendix A, "General Design Criteria for Nuclear Power Plants," to 10 CFR Part 50 of Title 10 of the Code of Federal Regulations (10 CFR), include specific requirements for reactor protection and reactivity control systems. The reactor protection systems for BWRs use a hydraulic system to insert control rods into the reactor core. During an actuation of the reactor protection system (a scram), water is exhausted from the control rod drive mechanisms to the SDVs. Proper maintenance and operation of the SDVs in terms of instrumentation and limiting water volumes are essential for assuring the reliability of the reactor protection system (see NRC Bulletin 80-17,

"Failure of Control Rods to Insert During A Scram at a BWR," related Orders to specific facilities, and information provided in plant final safety analysis reports and TS Bases). Maintaining the SDVs to ensure that accumulated water does not hamper or slow the insertion of control rods requires vent and drain valves. The vent and drain valves isolate during a scram to limit the amount of coolant discharged so that adequate core cooling is maintained and offsite doses remain within regulatory limits.

Specific regulatory requirements for S.V. vent and drain valves are defined in TS [3.1.8, "Scram Discharge Volume (S.V.) Vent and Drain Valves."] The existing LCO [limiting condition for operation] [3.1.8], requires that each S.V. vent and drain valve be operable. The operability of all S.V. vent and drain valves ensures that the S.V. vent and drain valves will close during a scram to contain reactor water discharged to the S.V. piping. Since the vent and drain lines are provided with two valves in series, the single failure of one valve in the open position will not impair the isolation function of the system. Additionally, the valves are required to open on scram reset and during plant operation to control the amount of water accumulating in the S.V.

If one or more S.V. vent and drain lines have a single valve that is inoperable, the existing required action is to restore the valve(s) to operable status within 7 days. If an inoperable valve is not restored to operable status, a plant shutdown to MODE 3 is required within 12 hours. If one or more S.V. vent or drain lines have both valves inoperable, the associated line must be isolated within 8 hours. In this condition, the plant is allowed to operate indefinitely. A note associated with the required action clarifies that the valves may be opened under administrative controls to allow draining of the S.V. The S.V. vent and drain valve actions are inconsistent in

that, although the operational and safety concerns are similar for having one or both valves in a line being inoperable, the actions for a single inoperable valve do not allow for the isolation of the line and administrative controls to support the draining of the S.V.

The proposed change would revise the required actions to be more consistent with the safety significance of one inoperable valve in a S.V. line versus two inoperable valves in an S.V. line.

3.0 Technical Evaluation

The proposed changes to TS 3.1.8 are:

1. Required Action A.1 is revised from restoring the single inoperable S.V. vent and drain valve in one or more S.V. vent and drain lines to operable status to isolating the associated line.

2. The Note to Required Action B.1 which allows an isolated line to be unisolated under administrative controls for the purpose of draining and venting the S.V. is moved to a note that applies to both Conditions A (single inoperable valve) and B (both valves inoperable).

With one S.V. vent or drain valve inoperable in one or more lines, the isolation function would be maintained since the redundant valve in the affected line would perform its safety function of isolating the S.V. The current ACTION statement allows 7 days to repair the inoperable valve; the proposed change is to allow for the isolation of the affected line and continue operation. If the affected line is not isolated within the 7 day time period (or the required action is not required because the valve is repaired), the licensee would then be required to proceed to MODE 3 in the next 12 hours. Maintaining the 7 day Completion Time is acceptable because of the low probability of the concurrent events of a scram within the 7 days of the Completion Time and a failure of the redundant valve(s). Alternately, if the inoperable valve was initially closed, there would generally be ample time and warning available to drain the S.V. before an automatic scram due to S.V. high level would occur.

The allowance to administratively open a line that is isolated to comply with the actions (to permit draining and venting the S.V.) is allowed by existing Required Action B.1. This allowance is being moved to apply to all ACTIONS based on the change proposed to Action A. This would allow any accumulated water in the line to be drained, to preclude a reactor scram on S.V. high level. A reactor scram is initiated if the S.V. water level in the instrument volume exceeds a specified setpoint.

The setpoint is chosen so that all control rods are inserted before the S.V. has insufficient volume to accept a full scram. Regarding the isolation of the S.V., the remaining operable S.V. vent and drain valve(s) would close automatically on a scram signal to isolate the lines. Or, if both valves in a line were inoperable (and opened under this provision), the reactor coolant release could be terminated by resetting the scram from the control room, or by manually closing the valves locally. Resetting the scram automatically closes the scram outlet valves, isolating the control rod drive discharge path to the S.V.

Based on the low probability of an event occurring during defined Completion Time associated with this condition, the subsequent isolation of the affected lines, and the ability to open and drain the lines before an automatic scram due to S.V. high water level, the proposed change maintains the necessary safety features and is therefore acceptable. [Note-optional section if licensee provides markup of affected Bases pages: The change to TS [3.1.8] requires that the licensee revise the discussion in the associated Bases section. Although the licensee's application included possible wording for the revised Bases discussion for TS [3.1.8], the licensee will formally address the change to the Bases in accordance with [the Bases Control Program or its administrative procedure for revising Bases]. The staff does not believe that the Bases change will require prior NRC approval when evaluated against the criteria in 10 CFR 50.59, "Changes, tests, and experiments," and, therefore, agrees that the revision of the Bases to TS [3.1.8] should be addressed separately from this amendment and should be included in a future update of the TS Bases in accordance with [the Bases Control Program or the licensee's administrative controls].

4.0 State Consultation

In accordance with the Commission's regulations, the [] State official was notified of the proposed issuance of the amendments. The State official had [(1) no comments or (2) the following comments—with subsequent disposition by the staff].

5.0 Environmental Consideration

The amendments change a requirement with respect to the installation or use of a facility component located within the restricted area as defined in 10 CFR part 20. The NRC staff has determined that the amendments involve no significant

increase in the amounts and no significant change in the types of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendments involve no significant hazards consideration, and there has been no public comment on such finding (FR). Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendments.

6.0 Conclusion

The Commission has concluded, based on the considerations discussed above, that (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Proposed No Significant Hazards Consideration Determination

Description of Amendment Request: The proposed amendment revises TS [3.1.8, "Scram Discharge Volume (S.V.) Vent and Drain Valves,"] to allow a vent or drain line with one inoperable valve to be isolated instead of requiring the valve to be restored to Operable status within 7 days.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

Criterion 1.—The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

A change is proposed to allow the affected S.V. vent and drain line to be isolated when there are one or more S.V. vent or drain lines with one valve inoperable instead of requiring the valve to be restored to operable status within 7 days. With one S.V. vent or drain valve inoperable in one or more lines, the isolation function would be maintained since the redundant valve in the affected line would perform its safety function of isolating the S.V. Following the completion of the required action, the isolation function is fulfilled since the associated line is

isolated. The ability to vent and drain the SDVs is maintained and controlled through administrative controls. This requirement assures the reactor protection system is not adversely affected by the inoperable valves. With the safety functions of the valves being maintained, the probability or consequences of an accident previously evaluated are not significantly increased.

Criterion 2.—The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. Thus, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3.—The proposed change does not involve a significant reduction in the margin of safety.

The proposed change ensures that the safety functions of the S.V. vent and drain valves are fulfilled. The isolation function is maintained by redundant valves and by the required action to isolate the affected line. The ability to vent and drain the SDVs is maintained through administrative controls. In addition, the reactor protection system will prevent filling of an S.V. to the point that it has insufficient volume to accept a full scram. Maintaining the safety functions related to isolation of the S.V. and insertion of control rods ensures that the proposed change does not involve a significant reduction in the margin of safety.

Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Dated at Rockville, Maryland, this 14th day of February 2003.

For the Nuclear Regulatory Commission,
William H. Ruland,
Director, Project Directorate IV, Division of
Licensing Project Management, Office of
Nuclear Reactor Regulation.

[FR Doc. 03-4263 Filed 2-21-03; 8:45 am]

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DEPARTMENT OF STATE

[Public Notice 4285]

Bureau of Educational and Cultural Affairs Request for Grant Proposals: ACCESS Program: Indonesia, Philippines, Serbia, and Southeast Europe

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: The Office of Citizen Exchanges, Youth Programs Division, of the Bureau of Educational and Cultural Affairs announces an open competition for four projects under the new ACCESS (Access to Community and Civic Enrichment for Students) Program in Indonesia, Philippines, Serbia, and Southeast Europe. Public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3) may submit proposals to recruit and select youth and adult participants in the specified countries and to provide the participants with a U.S.-based exchange project focused on civic education, leadership, conflict resolution, tolerance and respect for diversity, and community activism.

Program Information

Overview: The ACCESS (Access to Community and Civic Enrichment for Students) Program is an exchange program model that enables teenagers (ages 15-17) and adult educators to participate in intensive, thematic, month-long projects in the United States that complement a more formal education in the principles of a civil society. Participants will be engaged in a variety of activities such as workshops, community and/or school-based programs, cultural activities, seminars and other activities designed to achieve the projects' stated goals and objectives. Opportunities for participants to interact with American youth and adult educators will be included whenever appropriate.

The goals of the programs are:

- (1) To develop a sense of civic responsibility and commitment to community development among youth;
- (2) To foster relationships among youth from different ethnic, religious, and national groups;
- (3) To promote mutual understanding between the United States and the people of other countries.

Applicants should identify their own specific objectives and measurable outcomes based on these program goals and the project specifications provided in this solicitation.

Should organizations wish to apply for more than one project, they must submit a separate proposal for each. Each of the four projects will be judged independently and proposals for a particular country or region will be compared only to proposals for the same country or region.

Project A: Indonesia. Total funding: \$500,000. 45-70 participants total. Applicants should propose a U.S. program in summer 2004. ECA may award one or two grants. Therefore, an organization may apply to conduct the entire project, or it may apply to work with a fraction of the participant numbers specified and request a commensurate grant amount using this per capita range: \$7,140-\$11,100. Requests for less than the full amount should not exceed 60% of the total funding available. The Bureau reserves the right to adjust grant amounts should it choose to fund more than one proposal under each project.

Project B: Philippines. Total funding: \$200,000. 30-40 participants. Applicants should propose a U.S. program between January and June 2004. ECA intends to award only one grant.

Project C: Serbia. Total funding: \$198,000. 30-40 participants. Applicants should propose a U.S. program in spring 2004. ECA intends to award only one grant.

Project D: Southeast Europe. Total funding: \$595,000. 96-120 participants. Applicants should propose a U.S. program in summer 2004. ECA may award one or two grants. Therefore, an organization may apply to conduct the entire project, or it may apply to work with a fraction of the participant numbers specified and request a commensurate grant amount using this per capita range: \$4,960-\$6,200. Requests for less than the full amount should not exceed 60% of the total funding available. The Bureau reserves the right to adjust grant amounts should it choose to fund more than one proposal under each project.

Although all countries or entities in Southeast Europe are potentially eligible for this regional project, ECA anticipates the following will be included: Macedonia, Romania, Albania, Bulgaria, Kosovo, Serbia and Montenegro.

Note: The Bureau's ability to carry out these programs is dependent upon the availability of funds and the fulfillment of certification requirements contained in pending legislation.

For all four projects, applicants must demonstrate their capacity for doing projects of this nature, focusing on three areas of competency: (1) Provision of

programs aimed at achieving the goals and themes outlined in this document; (2) age-appropriate programming for youth; and (3) work in Indonesia, the Philippines, Serbia or Southeast Europe. Applicants need to have the necessary capacity in the geographic areas from which participants will be recruited or a partnered institution with the requisite capacity to recruit and select participants for the program and to provide follow-on activities.

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. The Bureau also reserves the right to renew this grant in future years contingent upon the successful performance of the grant recipient and the availability of funding.

Guidelines

Grants should begin on or about July 1, 2003, subject to the availability of funds. The grant period will be 12–16 months in duration, as appropriate.

In pursuit of the goals outlined above, the programs will include the following:

- Recruitment and selection of youth and adult educators from the appropriate geographic regions.
- A pre-departure orientation program
- Designing and planning of activities that provide a substantive program on leadership development, civic education, community service, and conflict resolution. Some activities should be school and/or community-based, as feasible, and the projects will involve as much interaction with American peers as possible.
- Logistical arrangements, home-stay arrangements (as appropriate) and/or other accommodation, provisions for religious observance, disbursement of stipends/per diem, local travel, and travel between sites.
- Follow-on activities in the participants' geographic areas designed to reinforce the ideas, values and skills imparted during the U.S. program.

Recruitment and Selection: The grant recipients will manage the recruitment and merit-based selection of participants in cooperation with the Public Affairs offices at the U.S. Embassies or other USG representative offices overseas. Organizers must strive for the broadest regional and ethnic diversity. The Department of State and/or its overseas representatives reserve final approval of all selected delegations.

Participants: The participants will be teenagers aged 15 to 17, who have demonstrated leadership aptitude and an interest in community service, and

adults who are teachers, school administrators, and/or community leaders who work with youth. The ratio of students to adults will be approximately 5:1.

Criteria for selection of participants will be leadership skills, an interest in service to the community, strong academic and social skills, overall composure, openness and flexibility and English proficiency (for Philippines, Serbia, and Southeast Europe only).

Groups: Applicants should present ideas on dividing the participants in each project into smaller groups of about 12–15 individuals for both logistical and pedagogical reasons. Groups will be as mixed as is feasible (adults/youth, geographic, ethnicity, religious background, etc.).

U.S. Program: The projects may take place in one or two communities and should offer the participants exposure to the variety of American life. The program should focus primarily on interactive activities, practical experiences, and other hands-on opportunities to learn about the fundamentals of a civil society, community service, conflict resolution, tolerance and respect for diversity, and building leadership skills. Suggestions include simulations, a volunteer service project, and leadership training exercises. All programming should include American participants wherever possible. Cultural and recreational activities will balance the schedule. Please see the POGI for more details.

Follow-on Activities and In-Country Programming: Follow-on programming for U.S. program alumni is essential, and additional in-country programming is strongly recommended. Applicants may present creative and effective ways to address the project themes, for both program participants and their peers, as a means to amplify the program impact.

Applicants are invited to submit proposals for one or more of the four projects announced here (a separate proposal for each project). Each project differs in a number of respects. Attributes specific to each project are as follows:

A: Indonesia

Objective: To introduce students and educators from Indonesian pesantren (Islamic boarding schools) to the principles of civic education, civil society, and youth leadership as they are practiced in the United States.

Participants: 38–58 students and 7–12 educators who have demonstrated an interest in playing a role in their communities. Given the religious and cultural conventions of pesantren students, the adult participants will also

need to serve as chaperones and advisors.

B: Philippines

Objective: To advance a dialogue and a degree of mutual understanding between Muslim and non-Muslim youth from the Autonomous Region of Muslim Mindanao and surrounding provinces, leading to a strategy to implement cooperatively after re-entry.

Participants: 25–30 teenagers and 5–10 educators. Educators should have demonstrated conflict resolution experience and expect to remain in positions where they can continue working with youth on matters related to conflict resolution and inter-ethnic understanding. The group should be evenly divided between Muslim and non-Muslim participants (both youth and adults). It is desirable that 2–3 participants attend or teach at the same school or live in the same community so that they can support each other upon return.

C: Serbia

Objective: To present opportunities to youth and educators to learn about citizen activism and leadership through substantive program sessions, school-based activities, and exposure to models of leadership.

Participants: 23–33 students and 5–10 educators selected from seven to ten geographically and ethnically diverse cities in the Republic of Serbia. (Note: Individuals from the Republic of Montenegro or from Kosovo are not eligible, as funding for those entities is handled separately.) For this project, the ratio of students to teachers may be 3:1, 4:1, or 5:1. Between three and five participants, at least one of whom is a teacher, should be chosen from each city or town, as those who attend/teach at the same school or live in the same community will be able to support each other upon their return.

D: Southeast Europe

Objective: To bring together participants from across the Balkans to study youth activism, civic participation, and the rights and responsibilities of citizens in a democracy, and to develop leadership skills.

Participants: 80–100 students and 16–20 educators/community leaders who have a demonstrated interest in leadership and who represent the geographic, ethnic, and religious diversity of the Balkans.

Proposals must demonstrate how the stated objectives will be met. The proposal narrative should provide detailed information on the major

program activities, and applicants should explain and justify their programmatic choices. Programs must comply with J-1 visa regulations. Please be sure to refer to the complete Solicitation Package—this RFGP, the Project Objectives, Goals, and Implementation (POGI), and the Proposal Submission Instructions (PSI)—for further information.

Budget Guidelines

The funding available for these projects is \$500,000 for Indonesia, \$200,000 for the Philippines, \$198,000 for Serbia, and \$595,000 for Southeast Europe. ECA intends to award between four and six grants for the four projects under the ACCESS Program announced in this RFGP. 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.

The Bureau anticipates awarding four or more grants exceeding \$60,000 each under this competition. Bureau grant guidelines require that organizations with less than four years of experience in conducting international exchanges be limited to \$60,000 in Bureau funding. Therefore, organizations with less than four years of experience in conducting international exchange programs are not eligible to apply under this competition.

Applicants must submit a comprehensive budget for the entire program. There must be a summary budget as well as breakdowns reflecting program, administrative, and cost-sharing budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification.

Please be sure to refer to the complete Solicitation Package. The POGI outlines allowable costs; the PSI offers complete budget guidelines and formatting instructions.

Announcement Title and Number: All correspondence with the Bureau concerning this RFGP should reference the above title and number ECA/PE/C/PY-03-31.

FOR FURTHER INFORMATION CONTACT: The Youth Programs Division, Office of Citizen Exchanges, ECA/PE/C/PY, Room 568, U.S. Department of State, 301 4th Street, SW., Washington, DC 20547, (202) 619-6299, fax (202) 619-5311, E-mail: npleasan@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 the Bureau program officers 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 Web site at <http://exchanges.state.gov/education/RFGPs>. 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 *Friday, April 11, 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 proposal, one fully-tabbed copy, and six copies of the application with Tabs A-E should be sent to: U.S. Department of State, SA-44, Bureau of Educational and Cultural Affairs, Ref.: ECA/PE/C/PY-03-31, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Applicants must also submit the executive summary, proposal narrative, budget section, resumes, and any important appendices as e-mail attachments in Microsoft Word and Excel to the following e-mail address: npleasan@pd.state.gov. In the e-mail message subject line, include the reference number (ECA/PE/C/PY-03-31) and the country/region for which you are applying. The Bureau will transmit these files electronically to the public affairs sections of the relevant U.S. embassies for review, with the goal of reducing the time it takes to get embassy comments for the Bureau's grants review process.

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. Public Law 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.

Adherence to All Regulations Governing the J Visa

The Office of Citizen Exchanges, Youth Programs Division of the Bureau of Educational and Cultural Affairs is the official program sponsor of the exchange program covered by this RFGP, and an employee of the Bureau will be the "Responsible Officer" for the program under the terms of 22 CFR part 62, which covers the administration of the Exchange Visitor Program (J visa program). Under the terms of 22 CFR part 62, organizations receiving grants under this RFGP will be third parties "cooperating with or assisting the sponsor in the conduct of the sponsor's program." The actions of grantee program organizations shall be "imputed to the sponsor in evaluating the sponsor's compliance with" 22 CFR part 62. Therefore, the Bureau expects that any organization receiving a grant under this competition will render all assistance necessary to enable the Bureau to fully comply with 22 CFR part 62 *et seq.* The Bureau of Educational and Cultural Affairs places great emphasis on the secure and proper administration of Exchange Visitor (J visa) Programs and adherence by grantee program organizations and program participants to all regulations governing the J visa program status. Therefore, proposals should *explicitly state in writing* that the applicant is prepared to assist the Bureau in meeting all requirements governing the administration of Exchange Visitor Programs as set forth in 22 CFR part 62. If the applicant has experience as a designated Exchange Visitor Program Sponsor, the applicant should discuss their record of compliance with 22 CFR part 62 *et seq.*, including the oversight of their 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.

The Office of Citizen Exchanges, Youth Programs Division of ECA will be responsible for issuing DS-2019 forms to participants in this program for obtaining J-1 visas.

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.

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 Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels 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) 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: The proposed program should be well developed, respond to design outlined in the solicitation, and demonstrate originality. It should be clearly and accurately written, substantive, and with sufficient detail. Proposals should exhibit originality, substance, precision, and relevance to the Bureau's mission.

2. Program planning: A detailed agenda and work plan should clearly demonstrate how project objectives will be achieved. The agenda and plan should adhere to the program overview

and guidelines described above. The substance of workshops, seminars, presentations, school-based activities, and/or site visits should be described in detail.

3. Ability to achieve program objectives: Objectives should be reasonable, feasible, and flexible. The proposal should clearly demonstrate how the institution will meet the program's objectives and plan.

4. Support of diversity: The proposal should demonstrate the recipient's commitment to promoting the awareness and understanding of diversity in program content. Applicants should demonstrate readiness to accommodate participants with physical disabilities.

5. Institutional capacity and track record: Proposed personnel and institutional resources should be adequate and appropriate to achieve the program goals. The proposal should demonstrate an institutional record, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by the Bureau's Office of Contracts. The Bureau will consider the past performance.

6. Cross-cultural sensitivity and area expertise: Applicants must demonstrate their understanding of the area in which they propose to work and should demonstrate sensitivity to participants' values, customs, and life experiences in the programming.

7. Follow-on activities: Proposals should provide a plan for a Bureau-supported follow-on visit by project staff to the relevant country or region, plus a plan for continued follow-on activity, not necessarily with Bureau support, that insures that this program is not an isolated event.

8. Project evaluation: The proposal should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. The proposal should include a draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives. The grant recipient will be expected to submit intermediate reports after each project component is concluded.

9. Cost-effectiveness and cost sharing: The applicant should demonstrate efficient use of Bureau funds. The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. The proposal should maximize cost-sharing through other private sector

support as well as institutional direct funding contributions, which demonstrates institutional and community commitment.

10. Value to U.S.-Partner Country Relations: The proposed project should receive positive assessments by the U.S. Department of State's geographic area desk and overseas officers of program need, potential impact, and significance in the partner country.

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 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 authority for the program above is provided through legislation. The funding authority for the Serbia and Southeast Europe projects is provided through Support for East European Democracy (SEED) legislation.

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 14, 2003.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 03-4305 Filed 2-21-03; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF STATE**[Public Notice 4284]****Bureau of Educational and Cultural Affairs Request for Grant Proposals: Partners in Education Program****AGENCY:** Department of State.**ACTION:** Notice.

SUMMARY: The Office of Global Educational Programs of the Bureau of Educational and Cultural Affairs announces an open competition for the Partners in Education (PiE) Program. The goal of PiE is for Eurasian educators to learn about secondary-level citizenship education, curriculum development, and teaching methodologies in the U.S., and to establish professional partnerships with U.S. teachers and teacher-trainers in schools, universities, and communities.

Public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 USC 501(c)(3) may submit proposals to administer this citizenship education project, which includes the following four components: A U.S.-based six-week professional internship program for approximately 56 English-language proficient, secondary school teachers, administrators, and teacher trainers from Armenia, Azerbaijan, Georgia, Kyrgyzstan, Ukraine and Uzbekistan; a two-week in-country workshop in each region, taught by Eurasian participants from the initial U.S.-based component for approximately 160 non-English-speaking social science educators; a two-week exchange for approximately 16 U.S. educators who hosted the Eurasians during their stay in the United States to travel to the Eurasian visitors' schools; and a three-week program for approximately 27 non-English-speaking Eurasian school directors. Please refer to the accompanying POGI for an exact breakdown of participant numbers. Proposals relating to the teaching of English or English as a foreign language (EFL) are not eligible.

Recruitment for the U.S.-based cycles should begin in fall 2003. The grantee organization will be expected to recruit in the Eurasian countries listed above in consultation with the Bureau of Educational and Cultural Affairs and the Public Affairs Sections within U.S. embassies in these Eurasian countries. Selection of Eurasian participants for all components will be merit-based with a fair representation of large and small "oblasts."

The program should encourage participants to establish contacts in the

U.S. that will foster ongoing school and community partnerships upon their return to Eurasia. It is intended to promote democratic relations in Eurasian schools, including parental involvement, and build upon the Bureau's existing linkages with Eurasian secondary schools. (Specific school information is not needed for purposes of the proposal.) Proposals should address benefits and impact of the various program components on the participants as well as the U.S. and Eurasian schools.

Program Information*U.S.-Based Educator Internship*

The grantee organization should coordinate a six-week U.S.-based program for English-speaking teachers of social studies, American studies or civic education, and administrators of secondary schools, professors or instructors at teacher training institutes, or other education professionals actively involved in citizenship education. After an academically-focused orientation in Washington, DC, Eurasian participants will be placed in small groups in school districts in the U.S. and provided with internships at local high schools to experience U.S. educational communities and related democratic institutions. Internships must include individual partnering with mentor teachers to observe social science classrooms, as well as confer and teach collaboratively with mentors. In addition, activities should include participation in at least five days of professional development (especially Training of Trainer seminars) designed by the host schools or by local/regional schools of education; working with a civic education consultant to develop an in-country workshop (detailed below) for non-English speaking colleagues; learning about citizenship education curriculum development, and computer-based and other teaching methods; delivering presentations to students and faculty at host schools and communities on Eurasian educational systems and cultures; gathering teaching materials for use in their home schools.

Participants should gain an understanding of the U.S. educational system and local control of education, as well as the relationship between the community and the educational system. The participants should visit various types of schools whenever possible (private, rural, inner city, Native American, charter, etc.), deliver presentations at those schools as well as to local civic and community groups, and attend Parent Teacher Association,

school board, city council or other local governance meetings.

During the internship component, the Eurasian educators should practice their knowledge of curriculum development by creating a citizenship education lesson plan or curriculum plan applicable to their home country context. They should be given an opportunity to present their plan to their colleagues at a debriefing workshop in Washington, DC at the end of the U.S. program.

The grantee organization should solicit U.S. host proposals from schools, school-university partnerships, or private-sector institutions that are academically oriented and foster long-term linkages between U.S. high schools and comparable schools in the Eurasian countries involved. Where possible, U.S. host proposals should include institutions that have successfully participated in other secondary-level Eurasia programs.

Eurasia Workshops

The proposal should describe the implementation of a Eurasia-based component in which each regional group of educators who comes to the U.S.: (1) Develops, tests, and evaluates their new lesson plans and other citizenship education materials in their home schools; and (2) assisted by the civic education consultant, prepares an intensive workshop (one session lasting two weeks or two sessions lasting one week each) for up to 20 non-English speaking history/social studies/civics teachers in their home region. The proposal should include a plan for recruitment of participants for these workshops. Candidates for the workshops must agree to implement the citizenship education lessons or other projects resulting from the workshops.

U.S. Educator Exchange

The grantee organization will also be responsible for facilitating the reciprocal exchange of secondary-level U.S. teachers, preferably two mentor teachers from each U.S. host site in the Eurasian educator internship. The U.S. educators will travel to the community(ies) of the Eurasian teachers, and will take part in a substantive two-week program to be designed by the Eurasian participants in collaboration with the grantee organization, to strengthen the partnerships established during the U.S.-based program and implement linkage activities between the U.S. and Eurasian educational communities. This component should not conflict with the in-country workshops.

School Directors Program

The school directors program should include non-English-speaking directors from Armenia, Azerbaijan, Georgia, Kyrgyzstan, Ukraine and Uzbekistan who will participate in a U.S.-based intensive three-week program that integrates the core citizenship education and social science curriculum presented to the PiE teachers, as well as specific seminars and workshops on participatory learning and community-based school governance. The school directors' program may begin at the same time as the U.S.-based educator internship program, or may be conducted separately, but in any case should include a Washington-based orientation. To maximize impact, the school directors should be recruited from Eurasian schools that have participated or are about to participate in the PiE teacher/administrator program. The grantee organization will be provided that information.

The grantee should develop a comprehensive, academically oriented program that will engage the Eurasian school directors in democratic school reform issues and community-school relations, as well as exposing them to teaching methodologies for citizenship education and the social sciences. The school directors should travel in one or more groups and should be provided with appropriate interpretation; the grantee organization must show sensitivity to linguistic and ethnic issues involved. The Bureau will consider a school director component that exposes the participants to up to two U.S. communities or school districts during the three-week program. There is no Eurasia-based program for U.S. hosts of the Eurasian school directors component of the PiE program.

Guidelines

The grant should begin on or around July 1, 2003, and the grantee should complete all exchange activities by December, 2005. The grantee organization will be responsible for activities related to recruitment, screening, orientation coordination, monitoring in the U.S., program evaluation, and alumni activities. The grantee organization will also be responsible for the competitive recruitment of U.S. host school districts for participation in the PiE teacher/administrator program, as well as sites for the school director program. The grantee organization will maintain general oversight for the program, under the direction of ECA. Please refer to additional program specific guidelines

in the Project Objectives, Goals, and Implementation (POGI) document.

Programs must comply with J-1 visa regulations. Please refer to Solicitation Package for further information.

Budget Guidelines

The Bureau anticipates awarding one grant in the amount of \$1,450,000 under this grant competition. Bureau grant guidelines require that organizations with less than four years of experience in conducting international exchange programs be limited to \$60,000 in Bureau funding. Therefore, organizations that cannot demonstrate at least four years experience in conducting international exchanges are ineligible to apply under this competition. The Bureau encourages applicants to provide maximum levels of cost-sharing and funding from private sources in support of its programs.

Applicants must submit a comprehensive budget for the entire program. There must be a summary budget 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, but should include an overall per participant program and administrative cost. The Bureau will look favorably upon proposals with modest administrative costs.

Announcement Title and Number: All correspondence with the Bureau concerning this RFGP should reference the above title and number ECA/A/S/X-03-03.

FOR FURTHER INFORMATION CONTACT: The Office of Global Educational Programs, Fulbright Teacher Exchange Branch, ECA/A/S/X, Room 349, U.S. Department of State, S.A. 44, 301 4th Street, SW., Washington, DC 20547, tel. 202-619-4556 and fax 202-401-1433, rwaldste@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 Program Officer Rachel Waldstein 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 Web site at <http://>

exchanges.state.gov/education/RFGPs. 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 14, 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 eight copies of the application should be sent to: U.S. Department of State, SA-44, Bureau of Educational and Cultural Affairs, Ref.: ECA/A/S/X-03-03, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Applicants must also submit the "Executive Summary" and "Proposal Narrative" sections of the proposal on a 3.5" diskette, formatted for DOS. These documents must be provided in ASCII text (DOS) format with a maximum line length of 65 characters. The Bureau will transmit these files electronically to the Public Affairs section at the U.S. Embassy for its review, with the goal of reducing the time it takes to get embassy comments for the Bureau's grants review process.

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. Public Law 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.

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. The Grantee organization 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.

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 Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels 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 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, innovation, substance, precision, and relevance to the Bureau's mission of promoting civic education, leadership and democratic development of schools in Eurasia.

2. Program planning/Ability to achieve program objectives: Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above. Objectives should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.

3. Multiplier effect/impact: Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

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 participants, program venue and program evaluation) and program content (orientation and wrap-up sessions, program meetings, resource materials and follow-up activities).

5. Follow-on Activities: Proposals should provide a plan for continued follow-on activity (without Bureau support) ensuring that Bureau supported programs are not isolated events.

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. A draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives is recommended. Successful applicants will be expected to submit intermediate reports after each project component is concluded or quarterly, whichever is less frequent.

7. Cost-effectiveness and cost/sharing: The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. 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.

8. Institutional Capacity and Record: Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals. Proposals should demonstrate an institutional record of successful exchange programs in general and in the Eurasia region, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by Bureau Grant Staff. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants.

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 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 authority for the program above is provided through legislation. The funding authority for the program above is provided through the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1993 (FREEDOM Support Act).

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 14, 2003.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 03-4306 Filed 2-21-03; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Privacy Act of 1974: System of Records; Statement of General Routine Uses; Notice of Interim Establishment

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Establishment of interim Privacy Act routine use.

SUMMARY: The Department of Transportation (DOT) establishes an interim new General Routine Use that allows DOT to continue providing information from DOT systems of records to the Coast Guard and to the Transportation Security Administration, as it now does under 5 U.S.C. 552a(b)(1), when Coast Guard and Transportation Security Administration transfer on March 1 from DOT to the Department of Homeland Security. Public comment is invited.

DATES: Comments are due March 26, 2003. This interim General Routine Use will take effect on March 1, 2003.

ADDRESSES: Comments should be mailed to Stephen A. Metoyer, Office of the General Counsel, C-10, Department of Transportation, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Stephen A. Metoyer, (202) 366-9154.

SUPPLEMENTARY INFORMATION: The Homeland Security Act of 2002 (Pub. L. 107-296) requires that the Coast Guard and the Transportation Security Administration (TSA) transfer from DOT to the newly created Department of Homeland Security (DHS). In performing their statutory duties, Coast Guard and TSA have shared information in Privacy Act systems of records with other components within DOT pursuant to subsection (b)(1) of the Privacy Act (5 U.S.C. 552a(b)(1)). Subsection (b)(1) permits components within DOT to share information, contained in Privacy Act systems of records, with employees who have a need to know in performance of their duties.

However, once Coast Guard and TSA transfer to DHS, information from DOT systems of records cannot be shared with them under subsection (b)(1)

because these two components will no longer be part of DOT. Nonetheless, the corresponding needs of Coast Guard, TSA and the remaining DOT components to share information will continue because each agency's statutory requirements continue. Therefore, DOT proposes a new General Routine Use, which will permit DOT to continue providing information from its systems of records to Coast Guard and TSA as it has done prior to the transfer of these DOT components to DHS. DOT proposes to adopt the following language:

"8. Routine Use for Disclosure to Coast Guard and to Transportation Security Administration. A record from this system of records may be disclosed, as a routine use, to the Coast Guard and to the Transportation Security Administration if information from this system was shared with either agency when that agency was a component of the Department of Transportation before its transfer to the Department of Homeland Security and such disclosure is necessary to accomplish a DOT, TSA or Coast Guard function related to this system of records."

Under the Privacy Act, a routine use is a use to which information subject to the Act is put that is compatible with the original purpose for collecting the information. The continued providing of information to Coast Guard and Transportation Security Administration is compatible with the original purpose for collecting the information.

Because the Coast Guard and TSA are transferring to DHS on March 1, 2003, it is necessary to immediately establish this new general routine use under the Privacy Act. It would be contrary to the public interest to have a gap in the interaction of Coast Guard and TSA with DOT systems of records at a time of heightened security. Accordingly, this routine use will take effect on March 1, 2003, but may be changed thereafter in light of comments received.

Issued in Washington, DC, on February 14, 2003.

Eugene K. Taylor, Jr.,

Acting Chief Information Officer.

[FR Doc. 03-4229 Filed 2-21-03; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Executive Committee of the Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Executive Committee of the Aviation Rulemaking Advisory Committee.

DATES: The meeting is scheduled for March 6, 2003, at 10 a.m.

ADDRESS: The meeting will be held at Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 10591, 10th floor, McCracken Room.

FOR FURTHER INFORMATION CONTACT: Gerri Robinson, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-9678; fax (202) 267-5075; e-mail Gerri.Robinson@faa.gov.

SUPPLEMENTARY INFORMATION: Under section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), we are giving notice of a meeting of the Executive Committee of the Aviation Rulemaking Advisory Committee to be held on March 6, 2003, at the Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. The agenda includes:

- Update on Airworthiness Rulemaking Prioritization Activities
- Issue Area Status Reports from Assistant Chairs
- Remarks from other EXCOM members

Attendance is open to the interested public but is limited to the space available. The FAA will arrange teleconference capability for individuals wishing to join in by teleconference if we receive notification by February 28. Arrangements to participate by teleconference can be made by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Callers outside the Washington metropolitan area are responsible for paying long-distance charges.

The public must arrange by February 28 to present oral statements at the meeting. The public may present written statements to the executive committee at any time by providing 25 copies to the Executive Director, or by bringing the copies to the meeting.

If you are in need of assistance or require a reasonable accommodation for this meeting, please contact the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC, on February 20, 2003.

Anthony F. Fazio,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 03-4399 Filed 2-20-03; 2:18 pm]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC-F-20998]

Laidlaw Inc.—Intra-Corporate Family Transaction Exemption

Laidlaw Inc. (Laidlaw), a noncarrier Canadian company and the parent of the Laidlaw group of companies, has filed a verified notice of exemption under the Board's class exemption procedures at 49 CFR 1182.9¹ to undertake a corporate restructuring. Laidlaw proposes to effect the restructuring in two steps. Under the first restructuring, Laidlaw will separate its directly or indirectly controlled U.S.-based motor carriers that perform predominantly regular-route intercity, charter and tour bus operations, from those that control school bus operations, and from its two noncarrier companies that provide emergency care and patient transportation services. Laidlaw will continue to indirectly control the U.S. companies but their stock will be held as follows: (1) The stock of Greyhound Lines, Inc., and Hotard Coaches, Inc., motor passenger carriers that provide regular-route intercity, charter and tour bus operations, will be held by Laidlaw Transportation Holdings, Inc.; (2) the stock of Laidlaw Transit Services, Inc., and Laidlaw Transit, Inc., motor passenger carriers that perform school bus operations, will be held by Laidlaw Transit Holdings, Inc.; and (3) the stock of Emcare Holdings, Inc., and American Medical Response, Inc., noncarriers that provide emergency care and patient transportation services, will be held by Laidlaw Transportation Holdings One, Inc.²

Under the second restructuring, Laidlaw will revise the organization of

¹ The Board exempted intra-corporate family transactions of motor carriers of passengers that do not result in significant operational changes, adverse changes in service levels, or a change in the competitive balance with carriers outside the corporate family in *Class Exemption for Motor Passenger Intra-Corporate Family Transactions*, STB Finance Docket No. 33685 (STB served Feb. 18, 2000).

² Laidlaw states that its Canadian-based motor passenger carriers, Laidlaw Transit Ltd., and Greyhound Canada Transportation Corp., and its subsidiaries, Voyageur Corp., Gray Line of Vancouver Holdings Ltd., Pentang-Midland Coach Lines Limited, C. Seeley's Bus Lines, Ltd., and The Gray Line of Victoria Ltd., and its subsidiary, Victoria Tours Limited, will not be affected by the proposed reorganization.

the noncarrier holding companies that are in direct control of the operating companies once the noncarrier holding companies emerge from voluntary bankruptcy proceedings under Chapter 11 of the U.S. Bankruptcy Code and the Canadian Companies' Creditors Arrangement Act (CCAA). Under the reorganization, Laidlaw will transfer to its subsidiary, Laidlaw Investment, Ltd. (LIL), now an Ontario company, all of its assets, including the shares of capital stock of subsidiaries other than LIL, with the intention that LIL will become the parent company of the Laidlaw group of companies. According to Laidlaw, LIL will be continued as a State of Delaware corporation and its shares currently held by Laidlaw will be redeemed through a payment of cash to Laidlaw. After Laidlaw and its affiliates, including LIL (collectively referred to as Debtors), emerge from the Chapter 11 and CCAA proceedings, Laidlaw will distribute the cash it received and the new common stock of LIL to its creditors, severing the ownership relationship between Laidlaw, on the one hand, and, on the other, LIL and the Laidlaw group of companies. At that point, the shares of Laidlaw will be cancelled and LIL will become the parent company of the Laidlaw group of companies.³

The transaction for the first restructuring was scheduled to be consummated on or after the effective date of the exemption (7 days after the notice was filed). The transaction for the second restructuring will be consummated after Laidlaw and Debtors emerge from the Chapter 11 and CCAA proceedings.

According to Laidlaw, the purpose of the transaction is to simplify Laidlaw's corporate structure to eliminate overlapping management and accounting functions and reduce duplicating overhead and fixed costs. The regrouping of Laidlaw's indirectly controlled subsidiaries will bring together, under the umbrella of the appropriate holding company, those operating companies performing similar tasks. Laidlaw states that this will reduce costs and improve the efficiency and economy of the operating companies' performance. Laidlaw also

³ Laidlaw states that LIL will change its name during the process, but its new name has not yet been determined.

states that the transaction will facilitate the move of LIL, which will become a State of Delaware corporation, to the United States, where most of the revenues of the Laidlaw group of companies are derived. According to Laidlaw, the second restructuring will affect none of the motor passenger carriers and other operating companies or their parent noncarrier holding companies.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1182.9. Laidlaw states that the transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family. Laidlaw also states that, because it directly or indirectly holds all of the stock of the affected companies, no contract or agreement will be entered into, except for the corporate documentation and filings required to effect the reorganization. Laidlaw further states that there will be no effect upon employees of the motor passenger carriers within the Laidlaw group of companies because the proposed transaction involves only changes in the corporate structure of the noncarrier holding companies.

If the verified notice contains false or misleading information, the Board shall summarily revoke the exemption and require divestiture. Petitions to revoke the exemption under 49 U.S.C. 13541(d) may be filed at any time. See 49 CFR 1182.9(c).

An original and 10 copies of all pleadings, referring to STB Docket No. MC-F-20998, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Fritz R. Kahn, 1920 N Street (8th Floor), NW., Washington, DC 20036-1601.

Board decisions and notices are available on our Web site at, <http://www.stb.dot.gov>.

Decided: February 13, 2003.

By the Board, David M. Konschnik,
Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 03-4096 Filed 2-21-03; 8:45 am]

BILLING CODE 4915-00-M



Federal Register

**Monday,
February 24, 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-08]

**Federal Property Suitable as Facilities
To Assist the Homeless**

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT:

Mark Johnston, room 7266, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708-1234; TTY number for the hearing- and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1-800-927-7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where

property is described as for "off-site use only" recipients of the property will be required to relocate the building to their own site at their own expense.

Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Shirley Kramer, Division of Property Management, Program Support Center, HHS, room 5B-41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written 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 properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1-800-927-7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: ARMY: Ms. Julie Jones-Conte, Department of the Army, Office of the Assistant Chief of Staff for Installation Management, Attn: DAIM-MD, Room 1E677, 600 Army Pentagon, Washington, DC 20310-600; (703) 692-

9223; DOT: Mr. Rugene Spruill, DOT Headquarters Project Team, Department of Transportation, 400 7th Street, SW., Room 10314, Washington, DC 20590; (202) 366-4246; ENERGY: Mr. Tom Knox, Department of Energy, Office of Engineering & Construction Management, CR-80, Washington, DC 20585; (202) 586-8715; GSA: Mr. Brian K. Polly, Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th and F Streets, NW., Washington, DC 20405; (202) 501-0052; NAVY: Mr. Charles C. Cocks, Director, Department of the Navy, Real Estate Policy Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE., Suite 1000, Washington, DC 20374-5065; (202) 685-9200; VA: Ms. Amelia E. McLellan, Director, Real Property Service (183C), Department of Veterans Affairs, 810 Vermont Avenue, NW., Room 419, Washington, DC 20420; (202) 565-5941; (These are not toll-free numbers).

Dated: February 13, 2003.

John D. Garrity,

Director, Office of Special Needs Assistance Programs.

**Title V, Federal Surplus Property Program
Federal Register Report for 2/21/03**

Suitable/Available Properties

Buildings (by State)

California

Fed. Bldg./Post Office
1125 I Street

Modesto Co: CA 95354-
Landholding Agency: GSA
Property Number: 54200310010
Status: Excess

Comment: 23,770 sq. ft., presence of asbestos/lead paint, controlled access, Federal tenants occupy portion of bldg., National Register of Historic Places
GSA Number: 9-G-CA-1576

Bldg. 371

Naval Warfare Systems Center
San Diego Co: CA 92152-
Landholding Agency: Navy
Property Number: 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-
Landholding Agency: Navy
Property Number: 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-
Landholding Agency: Navy
Property Number: 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–
Landholding Agency: Navy
Property Number: 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–
Landholding Agency: Navy
Property Number: 77200020084
Status: Unutilized
Comment: presence of asbestos/lead paint, off-site use only
Bldg. 434
Naval Warfare Systems Center
San Diego Co: CA 92152–
Landholding Agency: Navy
Property Number: 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
Landholding Agency: Navy
Property Number: 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
Landholding Agency: Navy
Property Number: 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
Landholding Agency: Navy
Property Number: 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
Landholding Agency: Navy
Property Number: 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
Landholding Agency: Navy
Property Number: 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
Landholding Agency: Navy
Property Number: 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–
Landholding Agency: Navy
Property Number: 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
Landholding Agency: Navy
Property Number: 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
Landholding Agency: Navy
Property Number: 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
Landholding Agency: Navy
Property Number: 77200120111
Status: Excess
Comment: 331 sq. ft., off-site use only
Bldg. 32534
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Landholding Agency: Navy
Property Number: 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
Landholding Agency: Navy
Property Number: 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–
Landholding Agency: Navy
Property Number: 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–
Landholding Agency: Navy
Property Number: 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–
Landholding Agency: Navy
Property Number: 77200230020
Status: Underutilized
Comment: sq. ft. varies, needs rehab, possible asbestos/lead paint, most recent use—housing, off-site use only
Connecticut
Bldgs. 2, 108, 440
Naval Submarine Base
Groton Co: New London CT 06349–
Landholding Agency: Navy
Property Number: 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–
Landholding Agency: Navy
Property Number: 77200230037
Status: Excess
Comment: 1450 sq. ft., needs rehab, possible asbestos, off-site use only
Hawaii
Bldg. 442, Naval Station
Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 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–
Landholding Agency: Navy
Property Number: 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–
Landholding Agency: Navy
Property Number: 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–
Landholding Agency: Navy
Property Number: 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–
Landholding Agency: Navy
Property Number: 77199640042
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible

Indiana
Federal Building
610 Connecticut Street
Gary Co: IN 46402-
Landholding Agency: GSA
Property Number: 54200310011
Status: Excess
Comment: 30,478 sq. ft., needs repair,
presence of asbestos, most recent use—
office
GSA Number: 1-G-IN-591
Bldg. 1
N. Indiana Health Care System
Marion Co: Grant IN 46952-
Landholding Agency: VA
Property Number: 97200310001
Status: Unutilized
Comment: 20,287 sq. ft., needs extensive
repairs, presence of asbestos, most recent
use—patient ward
Bldg. 3
N. Indiana Health Care System
Marion Co: Grant IN 46952-
Landholding Agency: VA
Property Number: 97200310002
Status: Unutilized
Comment: 20,550 sq. ft., needs extensive
repairs, presence of asbestos, most recent
use—patient ward
Bldg. 4
N. Indiana Health Care System
Marion Co: Grant IN 46952-
Landholding Agency: VA
Property Number: 97200310003
Status: Unutilized
Comment: 20,550 sq. ft., needs extensive
repairs, presence of asbestos, most recent
use—patient ward
Bldg. 13
N. Indiana Health Care System
Marion Co: Grant IN 46952-
Landholding Agency: VA
Property Number: 97200310004
Status: Unutilized
Comment: 8971 sq. ft., needs extensive
repairs, presence of asbestos, most recent
use—office
Bldg. 19
N. Indiana Health Care System
Marion Co: Grant IN 46952-
Landholding Agency: VA
Property Number: 97200310005
Status: Unutilized
Comment: 12,237 sq. ft., needs extensive
repairs, presence of asbestos, most recent
use—office
Bldg. 20
N. Indiana Health Care System
Marion Co: Grant IN 46952-
Landholding Agency: VA
Property Number: 97200310006
Status: Unutilized
Comment: 14,039 sq. ft., needs extensive
repairs, presence of asbestos, most recent
use—office/storage
Bldg. 42
N. Indiana Health Care System
Marion Co: Grant IN 46952-
Landholding Agency: VA
Property Number: 97200310007
Status: Unutilized
Comment: 5025 sq. ft., needs extensive
repairs, presence of asbestos, most recent
use—office

Bldg. 60
N. Indiana Health Care System
Marion Co: Grant IN 46952-
Landholding Agency: VA
Property Number: 97200310008
Status: Unutilized
Comment: 18,126 sq. ft., needs extensive
repairs, presence of asbestos, most recent
use—office
Bldg. 122
N. Indiana Health Care System
Marion Co: Grant IN 46952-
Landholding Agency: VA
Property Number: 97200310009
Status: Unutilized
Comment: 37,135 sq. ft., needs extensive
repairs, presence of asbestos, most recent
use—dining hall/kitchen
Maryland
Bldg. 139
Naval Surface Warfare Center
Carderock Division
West Bethesda Co: Montgomery MD 20817-
5700
Landholding Agency: Navy
Property Number: 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
Landholding Agency: Navy
Property Number: 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
Landholding Agency: Navy
Property Number: 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
Landholding Agency: Navy
Property Number: 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
Landholding Agency: Navy
Property Number: 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
Landholding Agency: Navy

Property Number: 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
Landholding Agency: Navy
Property Number: 77200120084
Status: Unutilized
Comment: 2440 sq. ft., most recent use—lab,
off-site use only
Bldg. 143
Naval Surface Warfare
West Bethesda Co: Montgomery, MD 20817-
5700
Landholding Agency: Navy
Property Number: 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
Landholding Agency: Navy
Property Number: 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
Landholding Agency: Navy
Property Number: 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
Landholding Agency: Navy
Property Number: 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
Landholding Agency: Navy
Property Number: 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
Landholding Agency: Navy
Property Number: 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–
Landholding Agency: Navy
Property Number: 77200240005
Status: Excess
Comment: size varies, brick veneer wood
frame on slab, off-site use only

New Hampshire

Bldg. 239
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77200030019
Status: Excess
Comment: 897 sq. ft., presence of asbestos/
lead paint, off-site use only

New York

5 Bldgs.
Orangeburg USARC
#206, 207, 208, 218, 223
Orangeburg Co: Rockland NY 10962–2209
Landholding Agency: Army
Property Number: 21200310061
Status: Unutilized
Comment: various sq. ft., need major repairs,
presence of lead paint, most recent use—
admin/storage, off-site use only

Hancock Army Complex

Track 4
Stewart Drive West
Cicero Co: Onondaga NY 13039–
Landholding Agency: GSA
Property Number: 54200310013
Status: Excess
Comment: 3 bunker-style structures and
several small outbuildings, presence of
asbestos, possible lead paint, most recent
use—admin/training/storage
GSA Number : 1–D–NY–803

Pennsylvania

Bldg. 216
Naval Support Activity
Mechanicsburg Co: Cumberland PA 17055–
0788
Landholding Agency: Navy
Property Number: 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
Landholding Agency: Navy
Property Number: 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
Landholding Agency: Navy
Property Number: 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

Landholding Agency: Navy
Property Number: 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
Landholding Agency: Navy
Property Number: 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
Landholding Agency: Navy
Property Number: 77200220013
Status: Excess
Comment: 216 sq. ft., needs rehab, presence
of asbestos/lead paint, most recent use—
storage, off-site use only

Rhode Island

Bldg. 8
Naval Ambulatory Care
Newport Co: RI 02841–
Landholding Agency: Navy
Property Number: 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–
Landholding Agency: Navy
Property Number: 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–
Landholding Agency: Navy
Property Number: 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–
Landholding Agency: Navy
Property Number: 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–
Landholding Agency: Navy
Property Number: 77200220021
Status: Unutilized
Comment: 135 sq. ft., poor condition, most
recent use—storage, off-site use only

Virginia

Structure SP–129

Naval Station
Norfolk Co: VA 23511–
Landholding Agency: Navy
Property Number: 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
Landholding Agency: Navy
Property Number: 77200220046
Status: Excess
Comment: 2767 sq. ft. garage, most recent
use—storage, off-site use only

Bldg. CEP–184

Naval Station
Norfolk Co: VA
Landholding Agency: Navy
Property Number: 77200220047
Status: Excess
Comment: 200 sq. ft., most recent use—gate/
sentry house, off-site use only

Land (by State)

California

Portion of Land
Naval Base, Point Loma
Murphy Canyon
San Diego Co: CA 92124–
Landholding Agency: Navy
Property Number: 77200140012
Status: Unutilized
Comment: 24,350 sq. ft. of parking lot,
adjacent to environmentally sensitive area

Virginia

Land
Marine Corps Base
Quantico Co: VA 22134–
Landholding Agency: Navy
Property Number: 77200040034
Status: Unutilized
Comment: 4900 sq. ft. open space

Suitable/Unavailable Properties

Buildings (by State)

Virginia

Naval Medical Clinic
6500 Hampton Blvd.
Norfolk Co: Norfolk VA 23508–
Landholding Agency: Navy
Property Number: 77199010109
Status: Unutilized
Comment: 3665 sq. ft., 1 story, possible
asbestos, most recent use—laundry.

Land (by State)

Virginia

Naval Base
Norfolk Co: Norfolk VA 23508–
Location: Northeast corner of base, near
Willoughby housing area.
Landholding Agency: Navy
Property Number: 77199010156
Status: Unutilized
Comment: 60 acres; most recent use—
sandpit; secured area with alternate access.

2.6 acres

Naval Station
Norfolk Co: VA 23508–1273
Landholding Agency: Navy

Property Number: 77200120131
 Status: Underutilized
 Comment: most recent use—brush/debris storage
 1.15 acres

Naval Amphibious Base Little Creek
 Norfolk Co: VA 23508—
 Landholding Agency: Navy
 Property Number: 77200120132
 Status: Unutilized
 Comment: most recent use—open space

Suitable/To Be Excessed

Buildings (by State)

Massachusetts

Cuttyhunk Boathouse
 South Shore of Cuttyhunk Pond
 Gosnold Co: Dukes MA 02713—
 Landholding Agency: DOT
 Property Number: 87199310001
 Status: Unutilized
 Comment: 2700 sq. ft., wood frame, one story, needs rehab, limited utilities, off-site use only

Nauset Beach Light
 Nauset Beach Co: Barnstable MA
 Landholding Agency: DOT
 Property Number: 87199420001
 Status: Unutilized
 Comment: 48 foot tower, cylindrical cast iron, most recent use—aid to navigation

Light Tower, Highland Light
 Near Rt. 6, 9 miles south of Race Point
 North Truro Co: Barnstable MA 02652—
 Landholding Agency: DOT
 Property Number: 87199430005
 Status: Excess
 Comment: 66 ft. tower, 14'9" diameter, brick structure, scheduled to be vacated 9/94

Keepers Dwelling
 Highland Light
 Near Rt. 6, 9 miles south of Race Point
 North Truro Co: Barnstable MA 02652—
 Landholding Agency: DOT
 Property Number: 87199430006
 Status: Excess
 Comment: 1160 sq. ft., 2-story wood frame, attached to light tower, scheduled to be vacated 9/94

Duplex Housing Unit
 Highland Light
 Near Rt. 6, 9 miles south of Race Point
 North Truro Co: Barnstable MA 02652—
 Landholding Agency: DOT
 Property Number: 87199430007
 Status: Excess
 Comment: 2 living units, 930 sq. ft. each, 1-story each, located on eroding ocean bluff, scheduled to be vacated 9/94

Nahant Towers
 Nahant Co: Essex MA
 Landholding Agency: DOT
 Property Number: 87199530001
 Status: Unutilized
 Comment: 196 sq. ft., 8-story observation tower

Unsuitable Properties

Buildings (by State)

Alabama

Dwelling A
 USCG Mobile Pt. Station
 Ft. Morgan

Gulfshores Co: Baldwin AL 36542—
 Landholding Agency: DOT
 Property Number: 87199120001
 Status: Excess
 Reason: Floodway

Dwelling B
 USCG Mobile Pt. Station
 Ft. Morgan
 Gulfshores Co: Baldwin AL 36542—
 Landholding Agency: DOT
 Property Number: 87199120002
 Status: Excess
 Reason: Floodway

Oil House
 USCG Mobile Pt. Station
 Ft. Morgan
 Gulfshores Co: Baldwin AL 36542—
 Landholding Agency: DOT
 Property Number: 87199120003
 Status: Excess
 Reason: Floodway

Garage
 USCG Mobile Pt. Station
 Ft. Morgan
 Gulfshores Co: Baldwin AL 36542—
 Landholding Agency: DOT
 Property Number: 87199120004
 Status: Excess
 Reason: Floodway

Shop Building
 USCG Mobile Pt. Station
 Ft. Morgan
 Gulfshores Co: Baldwin AL 36542—
 Landholding Agency: DOT
 Property Number: 87199120005
 Status: Excess
 Reason: Floodway

Alaska
 Bldg. B001
 Point Higgins
 Ketchikan Co: AK 99901—
 Landholding Agency: DOT
 Property Number: 87200140003
 Status: Excess
 Reasons: Secured Area; Extensive deterioration

Bldg. B002
 Point Higgins
 Ketchikan Co: AK 99901—
 Landholding Agency: DOT
 Property Number: 87200140004
 Status: Excess
 Reasons: Secured Area; Extensive deterioration

Bldg. B003
 Point Higgins
 Ketchikan Co: AK 99901—
 Landholding Agency: DOT
 Property Number: 87200140005
 Status: Excess
 Reasons: Secured Area; Extensive deterioration

Bldg. B004
 Point Higgins
 Ketchikan Co: AK 99901—
 Landholding Agency: DOT
 Property Number: 87200140006
 Status: Excess
 Reason: Secured Area

Bldg. B006
 Point Higgins
 Ketchikan Co: AK 99901—
 Landholding Agency: DOT
 Property Number: 87200140007

Status: Excess
 Reasons: Secured Area; Extensive deterioration

Bldg. B008
 Point Higgins
 Ketchikan Co: AK 99901—
 Landholding Agency: DOT
 Property Number: 87200140008
 Status: Excess
 Reasons: Secured Area; Extensive deterioration

Bldg. B009
 Point Higgins
 Ketchikan Co: AK 99901—
 Landholding Agency: DOT
 Property Number: 87200140009
 Status: Excess
 Reasons: Secured Area; Extensive deterioration

Bldg. B011
 Point Higgins
 Ketchikan Co: AK 99901—
 Landholding Agency: DOT
 Property Number: 87200140010
 Status: Excess
 Reasons: Secured Area; Extensive deterioration

Bldg. B012
 Point Higgins
 Ketchikan Co: AK 99901—
 Landholding Agency: DOT
 Property Number: 87200140011
 Status: Excess
 Reasons: Secured Area; Extensive deterioration

Bldg. B000
 Point Higgins
 Ketchikan Co: AK 99901—
 Landholding Agency: DOT
 Property Number: 87200140012
 Status: Excess
 Reason: Extensive deterioration

Arizona
 Bldg. 958
 Marine Corps Air Station
 Yuma Co: AZ 85369—
 Landholding Agency: Navy
 Property Number: 77200040001
 Status: Excess
 Reason: Extensive deterioration

Bldg. 1216
 Marine Corps Air Station
 Yuma Co: AZ 85369—
 Landholding Agency: Navy
 Property Number: 77200040002
 Status: Excess
 Reason: Extensive deterioration

Bldg. 676
 Marine Corps Air Station
 Yuma Co: AZ 85369—
 Landholding Agency: Navy
 Property Number: 77200040003
 Status: Excess
 Reason: Extensive deterioration

Bldg. 321
 Marine Corps Air Station
 Yuma Co: AZ 85369—
 Landholding Agency: Navy
 Property Number: 77200110001
 Status: Excess
 Reason: Extensive deterioration

Bldg. 322
 Marine Corps Air Station

Yuma Co: AZ 85369–
Landholding Agency: Navy
Property Number: 77200110002
Status: Excess
Reason: Extensive deterioration
Bldg. 331
Marine Corps Air Station
Yuma Co: AZ 85369–
Landholding Agency: Navy
Property Number: 77200110003
Status: Excess
Reason: Extensive deterioration
Bldg. 332
Marine Corps Air Station
Yuma Co: AZ 85369–
Landholding Agency: Navy
Property Number: 77200110004
Status: Excess
Reason: Extensive deterioration

California
Bldgs. 20106, 20195
Naval Air Weapons Station
China Lake Co: CA 93555–
Landholding Agency: Navy
Property Number: 77199930001
Status: Excess
Reasons: Secured Area; Extensive deterioration
Bldgs. 40, 62
Naval Air Station, North Island
Imperial Beach Co: CA 91932–
Landholding Agency: Navy
Property Number: 77199930024
Status: Excess
Reason: Extensive deterioration
Bldg. 5UT4
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930081
Status: Unutilized
Reason: Extensive deterioration
Bldg. 5US4
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930082
Status: Unutilized
Reason: Extensive deterioration
Bldg. 127
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930083
Status: Unutilized
Reason: Extensive deterioration
Bldg. 5A6
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930084
Status: Unutilized
Reason: Extensive deterioration
Bldg. 5A7
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930085
Status: Unutilized
Reason: Extensive deterioration
Bldg. 5A8
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930086
Status: Unutilized
Reason: Extensive deterioration
Bldg. 5A9
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930087
Status: Unutilized
Reason: Extensive deterioration
Bldg. 5B6
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930088
Status: Unutilized
Reason: Extensive deterioration
Bldg. 5B7
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930089
Status: Unutilized
Reason: Extensive deterioration
Bldg. 5B8
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930090
Status: Unutilized
Reason: Extensive deterioration
Bldg. 5B9
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930091
Status: Unutilized
Reason: Extensive deterioration
Bldg. 5C6
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930092
Status: Unutilized
Reason: Extensive deterioration
Bldg. 5C7
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930093
Status: Unutilized
Reason: Extensive deterioration
Bldg. 5C8
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930094
Status: Unutilized
Reason: Extensive deterioration
Bldg. 5C9
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930095
Status: Unutilized
Reason: Extensive deterioration
Bldg. 5D1
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930096
Status: Unutilized
Reason: Extensive deterioration
Bldg. 5D2
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930097
Status: Unutilized
Reason: Extensive deterioration
Bldg. 5D3
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930098
Status: Unutilized
Reason: Extensive deterioration
Bldg. 5D4
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930099
Status: Unutilized
Reason: Extensive deterioration
Bldg. 5D5
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930100
Status: Unutilized
Reason: Extensive deterioration
Bldg. 432
Naval Weapons Station Seal Beach
Seal Beach Co: CA 90740–5000
Landholding Agency: Navy
Property Number: 77199930106
Status: Unutilized
Reason: Extensive deterioration
Bldg. 433
Naval Weapons Station Seal Beach
Seal Beach Co: CA 90740–5000
Landholding Agency: Navy
Property Number: 77199930107
Status: Unutilized
Reason: Extensive deterioration
Bldg. 435
Naval Weapons Station Seal Beach
Seal Beach Co: CA 90740–5000
Landholding Agency: Navy
Property Number: 77199930108
Status: Unutilized
Reason: Extensive deterioration
Bldg. 456
Naval Weapons Station Seal Beach
Seal Beach Co: CA 90740–5000
Landholding Agency: Navy
Property Number: 77199930109
Status: Unutilized
Reason: Extensive deterioration
Bldg. 921
Naval Weapons Station Seal Beach
Seal Beach Co: CA 90740–5000
Landholding Agency: Navy
Property Number: 77199930110
Status: Unutilized
Reason: Extensive deterioration
Bldg. 201
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940002
Status: Unutilized
Reason: Extensive deterioration
Bldg. 205
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy

Property Number: 77199940003
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 227
 Naval Weapons Station
 Fallbrook Co: CA 92028-3187
 Landholding Agency: Navy
 Property Number: 77199940004
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 230
 Naval Weapons Station
 Fallbrook Co: CA 92028-3187
 Landholding Agency: Navy
 Property Number: 77199940005
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 232
 Naval Weapons Station
 Fallbrook Co: CA 92028-3187
 Landholding Agency: Navy
 Property Number: 77199940006
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 337
 Naval Weapons Station
 Fallbrook Co: CA 92028-3187
 Landholding Agency: Navy
 Property Number: 77199940007
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 338
 Naval Weapons Station
 Fallbrook Co: CA 92028-3187
 Landholding Agency: Navy
 Property Number: 77199940008
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 339
 Naval Weapons Station
 Fallbrook Co: CA 92028-3187
 Landholding Agency: Navy
 Property Number: 77199940009
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 349
 Naval Weapons Station
 Fallbrook Co: CA 92028-3187
 Landholding Agency: Navy
 Property Number: 77199940010
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 362
 Naval Weapons Station
 Fallbrook Co: CA 92028-3187
 Landholding Agency: Navy
 Property Number: 77199940011
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 363
 Naval Weapons Station
 Fallbrook Co: CA 92028-3187
 Landholding Agency: Navy
 Property Number: 77199940012
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 410
 Naval Weapons Station
 Fallbrook Co: CA 92028-3187
 Landholding Agency: Navy
 Property Number: 77199940013
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 438

Naval Weapons Station
 Fallbrook Co: CA 92028-3187
 Landholding Agency: Navy
 Property Number: 77199940014
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 17A
 Marine Corps Logistics Base
 Barstow Co: San Bernardino CA 92311-
 Landholding Agency: Navy
 Property Number: 77200020001
 Status: Unutilized
 Reasons: Secured Area; Extensive
 deterioration
 Bldg. 3314
 Marine Corps Air Station
 Miramar Co: CA 92145-
 Landholding Agency: Navy
 Property Number: 77200020035
 Status: Excess
 Reason: Extensive deterioration
 Bldgs. 5157, 5158
 Construction Battalion Center
 Port Hueneme Co: Ventura CA 93043-4301
 Landholding Agency: Navy
 Property Number: 77200020045
 Status: Unutilized
 Reason: Secured Area
 Facility 13181
 Camp Pendleton
 Camp Pendleton Co: CA 92055-
 Landholding Agency: Navy
 Property Number: 77200020046
 Status: Unutilized
 Reasons: Secured Area; Extensive
 deterioration
 Facility 14220
 Camp Pendleton
 Camp Pendleton Co: CA 92055-
 Landholding Agency: Navy
 Property Number: 77200020047
 Status: Unutilized
 Reasons: Secured Area; Extensive
 deterioration
 Bldg. 23025
 Marine Corps Air Station
 Miramar Co: CA 92132-
 Landholding Agency: Navy
 Property Number: 77200030001
 Status: Unutilized
 Reason: Secured Area
 Bldg. 23027
 Marine Corps Air Station
 Miramar Co: CA 92132-
 Landholding Agency: Navy
 Property Number: 77200030002
 Status: Unutilized
 Reason: Secured Area
 Bldg. 731
 Naval Air Station
 Point Mugu
 Oxnard Co: Ventura CA 93043-4301
 Landholding Agency: Navy
 Property Number: 77200030003
 Status: Excess
 Reason: Extensive deterioration
 Bldg. 731A
 Naval Air Station
 Point Mugu
 Oxnard Co: Ventura CA 93043-4301
 Landholding Agency: Navy
 Property Number: 77200030004
 Status: Excess
 Reason: Extensive deterioration

Bldg. 865
 Naval Air Station
 Point Mugu
 Oxnard Co: Ventura CA 93043-4301
 Landholding Agency: Navy
 Property Number: 77200030005
 Status: Excess
 Reason: Extensive deterioration
 Bldg. 868
 Naval Air Station
 Point Mugu
 Oxnard Co: Ventura CA 93043-4301
 Landholding Agency: Navy
 Property Number: 77200030006
 Status: Excess
 Reason: Extensive deterioration
 Bldg. 474
 Naval Const. Battalion Ctr
 Port Hueneme
 Oxnard Co: Ventura CA 93043-4301
 Landholding Agency: Navy
 Property Number: 77200030007
 Status: Excess
 Reason: Extensive deterioration
 Bldg. 5021
 Naval Const. Battalion Ctr
 Port Hueneme
 Oxnard Co: Ventura CA 93043-4301
 Landholding Agency: Navy
 Property Number: 77200030008
 Status: Excess
 Reason: Extensive deterioration
 Bldg. 5022
 Naval Const. Battalion Ctr
 Port Hueneme
 Oxnard Co: Ventura CA 93043-4301
 Landholding Agency: Navy
 Property Number: 77200030009
 Status: Excess
 Reason: Extensive deterioration
 Bldg. 5025
 Naval Const. Battalion Ctr
 Port Hueneme
 Oxnard Co: Ventura CA 93043-4301
 Landholding Agency: Navy
 Property Number: 77200030010
 Status: Excess
 Reason: Extensive deterioration
 Bldg. 5113
 Naval Const. Battalion Ctr
 Port Hueneme
 Oxnard Co: Ventura CA 93043-
 Landholding Agency: Navy
 Property Number: 77200030011
 Status: Excess
 Reason: Extensive deterioration
 Bldg. 5114
 Naval Const. Battalion Ctr
 Port Hueneme
 Oxnard Co: Ventura CA 93043-4301
 Landholding Agency: Navy
 Property Number: 77200030012
 Status: Excess
 Reason: Extensive deterioration
 Bldgs. 82 & 84
 Naval Air Station
 Point Mugu
 Oxnard Co: Ventura CA 93043-4301
 Landholding Agency: Navy
 Property Number: 77200030013
 Status: Excess
 Reason: Extensive deterioration
 Bldg. 6-1
 Naval Air Station

Point Mugu
Oxnard Co: Ventura CA 93043-4301
Landholding Agency: Navy
Property Number: 77200030014
Status: Excess
Reason: Extensive deterioration
Bldg. 479
Naval Construction Battalion Ctr.
Port Hueneme
Oxnard Co: Ventura CA 93043-4301
Landholding Agency: Navy
Property Number: 77200030015
Status: Excess
Reason: Extensive deterioration
Bldg. 1362
Marine Corps Base
Camp Pendleton Co: CA 92055-
Landholding Agency: Navy
Property Number: 77200030030
Status: Excess
Reason: Extensive deterioration
Bldg. 801
Naval Air Station
Point Mugu
Oxnard Co: Ventura CA 93042-5001
Landholding Agency: Navy
Property Number: 77200030043
Status: Unutilized
Reason: Extensive deterioration
Bldg. 41
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043-4301
Landholding Agency: Navy
Property Number: 77200030044
Status: Unutilized
Reason: Extensive deterioration
Bldg. 103
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043-4301
Landholding Agency: Navy
Property Number: 77200030045
Status: Unutilized
Reason: Extensive deterioration
Bldg. 259
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043-4301
Landholding Agency: Navy
Property Number: 77200030046
Status: Unutilized
Reason: Extensive deterioration
Bldg. 260
Naval Const. Battalion Ctr
Port Hueneme Co: CA 93043-4301
Landholding Agency: Navy
Property Number: 77200030047
Status: Unutilized
Reason: Extensive deterioration
Bldg. 274
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043-4301
Landholding Agency: Navy
Property Number: 77200030048
Status: Unutilized
Reason: Extensive deterioration
Bldg. 462
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043-4301
Landholding Agency: Navy
Property Number: 77200030049
Status: Unutilized
Reason: Extensive deterioration
Bldg. 488
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043-4301
Landholding Agency: Navy
Property Number: 77200030050
Status: Unutilized
Reason: Extensive deterioration
Bldg. 1150
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043-4301
Landholding Agency: Navy
Property Number: 77200030051
Status: Unutilized
Reason: Extensive deterioration
Bldg. 1156
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043-4301
Landholding Agency: Navy
Property Number: 77200030052
Status: Unutilized
Reason: Extensive deterioration
Bldg. 1275
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043-4301
Landholding Agency: Navy
Property Number: 77200030053
Status: Unutilized
Reason: Extensive deterioration
Bldg. 1321
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043-4301
Landholding Agency: Navy
Property Number: 77200030054
Status: Unutilized
Reason: Extensive deterioration
Bldg. 21091
Marine Corps Air Station
Miramar Co: San Diego CA 92132-
Landholding Agency: Navy
Property Number: 77200030058
Status: Unutilized
Reason: Extensive deterioration
Bldg. 21127
Marine Corps Air Station
Miramar Co: San Diego CA 92132-
Landholding Agency: Navy
Property Number: 77200030059
Status: Unutilized
Reason: Extensive deterioration
Bldg. 9919
Marine Corps Air Station
Miramar Co: San Diego CA 92132-
Landholding Agency: Navy
Property Number: 77200030060
Status: Unutilized
Reason: Extensive deterioration
Bldg. 1468
Naval Base Ventura on Parcel 1
Port Hueneme Co: Ventura CA 93042-5000
Landholding Agency: Navy
Property Number: 77200110013
Status: Unutilized
Reason: Secured Area
Bldg. 1469
Naval Base Ventura on Parcel 1
Port Hueneme Co: Ventura CA 93042-5000
Landholding Agency: Navy
Property Number: 77200110014
Status: Unutilized
Reason: Secured Area
Bldg. 12041
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200110065
Status: Excess
Reason: Extensive deterioration
Bldg. 12052
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200110066
Status: Excess
Reason: Extensive deterioration
Bldg. 16066
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200110067
Status: Excess
Reason: Extensive deterioration
Bldg. 16074
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200110068
Status: Excess
Reason: Extensive deterioration
Bldg. 16085
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200110069
Status: Excess
Reason: Extensive deterioration
Bldg. 16086
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200110070
Status: Excess
Reason: Extensive deterioration
Bldg. 16100
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200110071
Status: Excess
Reason: Extensive deterioration
Bldg. 16115
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200110072
Status: Excess
Reason: Extensive deterioration
Bldg. 16117
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200110073
Status: Excess
Reason: Extensive deterioration
Bldg. 467
Marine Corps Recruit Depot
San Diego Co: CA 92132-
Landholding Agency: Navy
Property Number: 77200110100
Status: Unutilized
Reason: Secured Area
Bldg. 121 SNI
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200120001
Status: Excess
Reason: Extensive deterioration
Bldg. 121A SNI
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy

Property Number: 77200120002
Status: Excess
Reason: Extensive deterioration
Bldg. 121B SNI
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200120003
Status: Excess
Reason: Extensive deterioration
Bldg. 137 SNI
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200120004
Status: Excess
Reason: Extensive deterioration
Bldg. 223 SNI
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200120005
Status: Excess
Reason: Extensive deterioration
Bldg. 01289
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200120089
Status: Excess
Reason: Extensive deterioration
Bldg. PM1529
Point Mugu, Naval Base
Oxnard Co: Ventura CA 93042-5001
Landholding Agency: Navy
Property Number: 77200120094
Status: Unutilized
Reason: Extensive deterioration
Bldg. PM1606
Point Mugu, Naval Base
Oxnard Co: Ventura CA 93042-5001
Landholding Agency: Navy
Property Number: 77200120095
Status: Unutilized
Reason: Extensive deterioration
Bldg. 70140
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200120107
Status: Excess
Reason: Extensive deterioration
Bldg. 70141
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200120108
Status: Excess
Reason: Extensive deterioration
Bldg. 70143
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200120109
Status: Excess
Reason: Extensive deterioration
Bldg. 25062
Naval Air Weapons Station
China Lake Co: CA 93555-6001
Landholding Agency: Navy
Property Number: 77200120114
Status: Excess
Reason: Extensive deterioration
Bldg. 33023

Naval Air Weapons Station
China Lake Co: CA 93555-6001
Landholding Agency: Navy
Property Number: 77200120115
Status: Excess
Reason: Extensive deterioration
Bldg. 33054
Naval Air Weapons Station
China Lake Co: CA 93555-6001
Landholding Agency: Navy
Property Number: 77200120116
Status: Excess
Reason: Extensive deterioration
Bldg. 36
Marine Corps Logistics Base
Barstow Co: San Bernardino CA 92311-
Landholding Agency: Navy
Property Number: 77200130001
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 60, 61, 64, 65
Marine Corps Logistics Base
Barstow Co: San Bernardino CA 92311-
Landholding Agency: Navy
Property Number: 77200130002
Status: Unutilized
Reason: Extensive deterioration
Bldg. 171
Marine Corps Logistics Base
Barstow Co: San Bernardino CA 92311-
Landholding Agency: Navy
Property Number: 77200130003
Status: Unutilized
Reason: Extensive deterioration
Bldg. 278
Marine Corps Logistics Base
Barstow Co: San Bernardino CA 92311-
Landholding Agency: Navy
Property Number: 77200130004
Status: Unutilized
Reason: Extensive deterioration
Bldg. 351
Marine Corps Logistics Base
Barstow Co: San Bernardino CA 92311-
Landholding Agency: Navy
Property Number: 77200130005
Status: Unutilized
Reason: Extensive deterioration
Bldg. 130
Naval Station
San Diego Co: CA 92132-
Landholding Agency: Navy
Property Number: 77200130006
Status: Excess
Reason: Extensive deterioration
Bldg. 415
Naval Station
San Diego Co: CA 92132-
Landholding Agency: Navy
Property Number: 77200130007
Status: Excess
Reason: Extensive deterioration
Structure 20104
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200130008
Status: Excess
Reason: Extensive deterioration
Structure 31424
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200130009

Status: Excess
Reason: Extensive deterioration
Structure 31592
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200130010
Status: Excess
Reason: Extensive deterioration
Facility 26
Naval Weapons Station
Seal Beach Co: CA 90740-5000
Landholding Agency: Navy
Property Number: 77200130011
Status: Unutilized
Reason: Secured Area
Bldg. 114
Naval Air Facility
El Centro Co: Imperial CA 92243-
Landholding Agency: Navy
Property Number: 77200130016
Status: Unutilized
Reason: Extensive deterioration
Bldg. 375
Naval Air Facility
El Centro Co: Imperial CA 92243-
Landholding Agency: Navy
Property Number: 77200130017
Status: Unutilized
Reason: Extensive deterioration
Bldg. 376
Naval Air Facility
El Centro Co: Imperial CA 92243-
Landholding Agency: Navy
Property Number: 77200130018
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 11070, 11080
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200130025
Status: Excess
Reason: Extensive deterioration
Bldg. PM7002
Point Mugu Site Naval Base
Oxnard Co: Ventura CA 93042-5000
Landholding Agency: Navy
Property Number: 77200140001
Status: Unutilized
Reason: Extensive deterioration
Bldg. 1244
Marine Corps Base
Camp Pendleton Co: CA 92055-
Landholding Agency: Navy
Property Number: 77200140002
Status: Excess
Reason: Extensive deterioration
Bldg. 1331
Marine Corps Base
Camp Pendleton Co: CA 92055-
Landholding Agency: Navy
Property Number: 77200140003
Status: Excess
Reason: Extensive deterioration
Bldg. 1364
Marine Corps Base
Camp Pendleton Co: CA 92055-
Landholding Agency: Navy
Property Number: 77200140004
Status: Excess
Reason: Extensive deterioration
Bldg. 1674
Marine Corps Base

Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200140005
Status: Excess
Reason: Extensive deterioration
Bldg. 1229
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200140006
Status: Excess
Reason: Extensive deterioration
Bldg. 1242
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200140007
Status: Excess
Reason: Extensive deterioration
Bldg. 1243
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200140008
Status: Excess
Reason: Extensive deterioration
Bldg. 1253
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200140009
Status: Excess
Reason: Extensive deterioration
Bldg. PM388
Naval Air Station, Point Mugu
Oxnard Co: Ventura CA 93042–5000
Landholding Agency: Navy
Property Number: 77200140010
Status: Unutilized
Reason: Extensive deterioration
Bldg. PM54
Naval Air Station
Point Mugu Co: Ventura CA 93042–5000
Landholding Agency: Navy
Property Number: 77200210001
Status: Unutilized
Reason: Extensive deterioration
Bldg. PM56
Naval Air Station
Point Mugu Co: Ventura CA 93042–5000
Landholding Agency: Navy
Property Number: 77200210002
Status: Unutilized
Reason: Extensive deterioration
Bldg. PM754
Naval Air Station
Point Mugu Co: Ventura CA 93042–5000
Landholding Agency: Navy
Property Number: 77200210003
Status: Unutilized
Reason: Extensive deterioration
Bldg. PM777
Naval Air Station
Point Mugu Co: Ventura CA 93042–5000
Landholding Agency: Navy
Property Number: 77200210004
Status: Unutilized
Reason: Extensive deterioration
Bldg. PM7007
Naval Air Station
Point Mugu Co: Ventura CA 93042–5000
Landholding Agency: Navy
Property Number: 77200210005
Status: Unutilized
Reason: Extensive deterioration
Bldg. 303
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77200210006
Status: Unutilized
Reason: Extensive deterioration
Bldg. 1233
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200210007
Status: Excess
Reason: Extensive deterioration
Bldg. 1345
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200210008
Status: Excess
Reason: Extensive deterioration
Bldg. 1643
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200210009
Status: Excess
Reason: Extensive deterioration
Bldg. 1644
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200210010
Status: Excess
Reason: Extensive deterioration
Bldg. 1672
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200210011
Status: Excess
Reason: Extensive deterioration
Bldg. 1673
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200210012
Status: Excess
Reason: Extensive deterioration
Bldg. 2669
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200210013
Status: Excess
Reason: Extensive deterioration
Bldg. 13116
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200210014
Status: Excess
Reason: Extensive deterioration
Bldg. 6
Navy Marine Corps Rsv Ctr
Sacramento Co: CA 95828–
Landholding Agency: Navy
Property Number: 77200210017
Status: Unutilized
Reason: Secured Area
Bldg. 799
Naval Air Station
North Island Co: CA
Landholding Agency: Navy
Property Number: 77200210064
Status: Excess
Reason: Extensive deterioration
Bldg. 1255
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200210087
Status: Excess
Reason: Extensive deterioration
Bldg. 1508
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200210088
Status: Excess
Reason: Extensive deterioration
Bldg. 18417
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200210089
Status: Excess
Reason: Extensive deterioration
Blg. 22159
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200210090
Status: Excess
Reason: Extensive deterioration
Bldg. 41302
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200210091
Status: Excess
Reason: Extensive deterioration
Bldg. 52830
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200210092
Status: Excess
Reason: Extensive deterioration
Bldg. 62551
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200210093
Status: Excess
Reason: Extensive deterioration
Bldg. 210548
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200210094
Status: Excess
Reason: Extensive deterioration
Bldg. 799
Naval Air Station
North Island Co: CA
Landholding Agency: Navy
Property Number: 77200210124
Status: Excess
Reason: Extensive deterioration
Bldg. 2616
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200220001
Status: Excess
Reason: Extensive deterioration

Bldg. 2634
Marine Corps Base
Camp Pendleton Co: CA 92055-
Landholding Agency: Navy
Property Number: 77200220002
Status: Excess
Reason: Extensive deterioration

Bldg. 2643
Marine Corps Base
Camp Pendleton Co: CA 92055-
Landholding Agency: Navy
Property Number: 77200220003
Status: Unutilized
Reason: Extensive deterioration

Bldg. 229
Naval Weapons Station
Seal Beach
Fallbrook Co: CA 92028-3187
Landholding Agency: Navy
Property Number: 77200220048
Status: Unutilized
Reason: Extensive deterioration

Bldg. 331
Naval Weapons Station
Seal Beach
Fallbrook Co: CA 92028-3187
Landholding Agency: Navy
Property Number: 77200220049
Status: Unutilized
Reason: Extensive deterioration

Bldg. 434
Naval Weapons Station
Seal Beach
Fallbrook Co: CA 92028-3187
Landholding Agency: Navy
Property Number: 77200220050
Status: Unutilized
Reason: Extensive deterioration

Bldg. 437
Naval Weapons Station
Seal Beach
Fallbrook Co: CA 92028-3187
Landholding Agency: Navy
Property Number: 77200220051
Status: Unutilized
Reason: Extensive deterioration

Bldg. 440
Naval Weapons Station
Seal Beach
Fallbrook Co: CA 92028-3187
Landholding Agency: Navy
Property Number: 77200220052
Status: Unutilized
Reason: Extensive deterioration

Bldg. 906
Naval Weapons Station
Seal Beach
Fallbrook Co: CA 92028-3187
Landholding Agency: Navy
Property Number: 77200220053
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 154, 157
Navy Region South West
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200220072
Status: Excess
Reason: Extensive deterioration

Bldg. P-1019
Marine Corps Base
Camp Pendleton Co: CA 92055-
Landholding Agency: Navy
Property Number: 77200220073
Status: Excess
Reason: Extensive deterioration

Bldg. P-4039
Marine Corps Base
Camp Pendleton Co: CA 92055-
Landholding Agency: Navy
Property Number: 77200220074
Status: Excess
Reason: Extensive deterioration

Bldg. P-5011
Marine Corps Base
Camp Pendleton Co: CA 92055-
Landholding Agency: Navy
Property Number: 77200220075
Status: Excess
Reason: Extensive deterioration

Bldg. P7058
Marine Corps Base
Camp Pendleton Co: CA 92055-
Landholding Agency: Navy
Property Number: 77200220076
Status: Excess
Reason: Extensive deterioration

Bldg. 354
Naval Weapons Station
Seal Beach Co: CA
Landholding Agency: Navy
Property Number: 77200220077
Status: Unutilized
Reason: Extensive deterioration

Bldg. 356
Naval Weapons Station
Seal Beach Co: CA
Landholding Agency: Navy
Property Number: 77200220078
Status: Unutilized
Reason: Extensive deterioration

Bldg. 357
Naval Weapons Station
Seal Beach Co: CA
Landholding Agency: Navy
Property Number: 77200220079
Status: Unutilized
Reason: Extensive deterioration

Bldg. 358
Naval Weapons Station
Seal Beach Co: CA
Landholding Agency: Navy
Property Number: 77200220080
Status: Unutilized
Reason: Extensive deterioration

Bldg. 3273
Naval Base
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200230002
Status: Excess
Reason: Extensive deterioration

Bldg. 25
Naval Base Coronado
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200230003
Status: Excess
Reason: Extensive deterioration

Bldg. 338
Naval Base Coronado
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200230004
Status: Excess
Reason: Extensive deterioration

Bldg. 607
Naval Base Coronado
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200230005
Status: Excess

Reason: Extensive deterioration
Bldg. 609
Naval Base Coronado
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200230006
Status: Excess
Reason: Extensive deterioration
Bldg. 691
Naval Base Coronado
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200230007
Status: Excess
Reason: Extensive deterioration
Bldg. 660
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200230021
Status: Excess
Reason: Extensive deterioration
Bldg. 661
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200230022
Status: Excess
Reason: Extensive deterioration
Bldg. 1291
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200230023
Status: Excess
Reason: Extensive deterioration
Bldg. 16026
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200230031
Status: Excess
Reason: Secured Area
Bldg. 30147
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200230033
Status: Excess
Reason: Secured Area
Bldg. 30220
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200230034
Status: Excess
Reason: Secured Area
Bldg. 30891
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200230035
Status: Excess
Reason: Secured Area
Bldg. 30932
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200230036
Status: Excess
Reason: Secured Area
Bldgs. 18412, 18413, 18414
Marine Warfare Training Ctr
Camp Pendleton Co: CA 92055-

Landholding Agency: Navy
Property Number: 77200230040
Status: Excess
Reason: Extensive deterioration
Bldg. PH5125
Naval Construction Battalion
Port Hueneme Co: Ventura CA 93043-4301
Landholding Agency: Navy
Property Number: 77200230043
Status: Unutilized
Reason: Extensive deterioration
Bldg. PH11
Naval Base
Port Hueneme Co: Ventura CA 93042-5000
Landholding Agency: Navy
Property Number: 77200230045
Status: Unutilized
Reason: Extensive deterioration
Bldg. 37
Marine Corps Logistics Base
Barstow Co: San Bernardino CA 92311-
Landholding Agency: Navy
Property Number: 77200230046
Status: Unutilized
Reason: Extensive deterioration
Bldg. 115
Marine Corps Logistics Base
Barstow Co: San Bernardino CA 92311-
Landholding Agency: Navy
Property Number: 77200230047
Status: Unutilized
Reason: Extensive deterioration
Bldg. 117
Marine Corps Logistics Base
Barstow Co: San Bernardino CA 92311-
Landholding Agency: Navy
Property Number: 77200230048
Status: Unutilized
Reason: Extensive deterioration
Bldg. 557
Marine Corps Logistics Base
Barstow Co: San Bernardino CA 92311-
Landholding Agency: Navy
Property Number: 77200230049
Status: Unutilized
Reason: Extensive deterioration
Bldg. 02606
Naval Air Weapons Station
China Lake Co: CA 93555-6100
Landholding Agency: Navy
Property Number: 77200240001
Status: Excess
Reasons: Secured Area; Extensive
deterioration
Bldg. 394
Space & Naval Warfare Systems Center
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200240041
Status: Unutilized
Reason: Extensive deterioration
Bldg. 428
Space & Naval Warfare Systems Center
San Diego Co: CA
Landholding Agency: Navy
Property Number: 77200240042
Status: Unutilized
Reason: Extensive deterioration
Bldg. 34
Coast Guard Integrated Support Command
Alameda Co: CA
Landholding Agency: DOT
Property Number: 87200240006
Status: Unutilized

Reason: Secured Area
Colorado
Alameda Facility
350 S. Santa Fe Drive
Denver Co: Denver CO 80223-
Landholding Agency: DOT
Property Number: 87199010014
Status: Unutilized
Reason: Other environmental
Comment: contamination
Connecticut
Falkner Island Light
U.S. Coast Guard
Guilford Co: New Haven CT 06512-
Landholding Agency: DOT
Property Number: 87199240031
Status: Unutilized
Reason: Floodway
District of Columbia
Bldg. A-092
Naval Station Anacostia
Washington Co: DC 20374-
Landholding Agency: Navy
Property Number: 77200110046
Status: Underutilized
Reason: Secured Area
Bldg. A-150
Naval District
Anacostia Annex
Washington Co: DC 20374-
Landholding Agency: Navy
Property Number: 77200140016
Status: Unutilized
Reason: Extensive deterioration
Bldg. A-057
Naval District
Anacostia Annex
Washington Co: DC 20374-
Landholding Agency: Navy
Property Number: 77200140017
Status: Unutilized
Reason: Extensive deterioration
Bldg. A-087/002
Naval District
Anacostia Annex
Washington Co: DC 20374-
Landholding Agency: Navy
Property Number: 77200140018
Status: Unutilized
Reason: Extensive deterioration
Florida
Bldg. 1558
NAS Jacksonville
Jacksonville Co: Duval FL 32212-
Landholding Agency: Navy
Property Number: 77200010001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
Bldg. 7L
NAS Jacksonville
Jacksonville Co: Duval FL 32212-
Landholding Agency: Navy
Property Number: 77200010004
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 7H
Naval Air Station
Jacksonville Co: Duval FL 32212-
Landholding Agency: Navy
Property Number: 77200020064

Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. 7J
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200020065
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. 7K
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200020066
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. 135
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200020068
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. 211
Naval Station
Mayport Co: Duval FL 32228–
Landholding Agency: Navy
Property Number: 77200020077
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. 62
NAS Jacksonville
Altoona Co: Marion FL 32702–
Landholding Agency: Navy
Property Number: 77200020111
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. 94
NAS Jacksonville
Altoona Co: Marion FL 32702–
Landholding Agency: Navy
Property Number: 77200020112
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. 114
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Landholding Agency: Navy
Property Number: 77200040006
Status: Underutilized
Reasons: Within airport runway clear zone;
Secured Area
Bldg. 133
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Landholding Agency: Navy
Property Number: 77200040007
Status: Underutilized
Reasons: Within airport runway clear zone;
Secured Area
Bldg. 141
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Landholding Agency: Navy
Property Number: 77200040008
Status: Underutilized
Reasons: Within airport runway clear zone;
Secured Area
16 Bldgs.
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Location: 142, 151, 153, 156, 164, 170, 171,
176, 178, 180, 182–187
Landholding Agency: Navy
Property Number: 77200040009
Status: Underutilized
Reasons: Within airport runway clear zone;
Secured Area
11 Bldgs.
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Location: 103, 105, 112, 113, 115–119, 121,
122
Landholding Agency: Navy
Property Number: 77200040010
Status: Underutilized
Reasons: Within airport runway clear zone;
Secured Area
23 Bldgs.
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Location: 143–150, 152, 154, 155, 157, 158,
160–163, 165, 166, 168, 169, 179, 181
Landholding Agency: Navy
Property Number: 77200040011
Status: Underutilized
Reasons: Within airport runway clear zone;
Secured Area
5 Bldgs.
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Location: 173, 174, 175, 177, 188
Landholding Agency: Navy
Property Number: 77200040012
Status: Underutilized
Reasons: Within airport runway clear zone;
Secured Area
6 Bldgs.
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Location: 130–132, 134–136
Landholding Agency: Navy
Property Number: 77200040013
Status: Underutilized
Reasons: Within airport runway clear zone;
Secured Area
Bldgs. 159, 167, 172
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Landholding Agency: Navy
Property Number: 77200040014
Status: Underutilized
Reasons: Within airport runway clear zone;
Secured Area
5 Bldgs.
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Location: 124, 127, 138–140
Landholding Agency: Navy
Property Number: 77200040015
Status: Underutilized
Reasons: Within airport runway clear zone;
Secured Area
5 Bldgs.
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Location: 107, 109, 111, 120, 123
Landholding Agency: Navy
Property Number: 77200040016
Status: Underutilized
Reasons: Within airport runway clear zone;
Secured Area
5 Bldgs.
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Location: 102, 104, 106, 108, 110
Landholding Agency: Navy
Property Number: 77200040017
Status: Underutilized
Reasons: Within airport runway clear zone;
Secured Area
Bldg. 172
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200130012
Status: Unutilized
Reason: Extensive deterioration
Bldg. 146
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200130070
Status: Underutilized
Reason: Secured Area
Bldg. 679
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200130071
Status: Underutilized
Reason: Secured Area
Bldg. 680
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200130072
Status: Unutilized
Reason: Secured Area
Bldg. 743
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200130073
Status: Unutilized
Reason: Secured Area
Bldg. 782
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200130074
Status: Underutilized
Reason: Secured Area
Bldg. 782A
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200130075
Status: Unutilized
Reason: Secured Area
Bldg. 1082
Naval Air Station
Pensacola Co: Escambia FL 32508–

Landholding Agency: Navy
Property Number: 77200130076
Status: Underutilized
Reason: Secured Area
Bldg. 1536
Naval Air Station
Pensacola Co: Escambia FL 32508-
Landholding Agency: Navy
Property Number: 77200130077
Status: Unutilized
Reason: Secured Area
Bldg. 1567
Naval Air Station
Pensacola Co: Escambia FL 32508-
Landholding Agency: Navy
Property Number: 77200130078
Status: Unutilized
Reason: Secured Area
Bldg. 1735
Naval Air Station
Pensacola Co: Escambia FL 32508-
Landholding Agency: Navy
Property Number: 77200130079
Status: Underutilized
Reason: Secured Area
Bldg. 1813
Naval Air Station
Pensacola Co: Escambia FL 32508-
Landholding Agency: Navy
Property Number: 77200130080
Status: Unutilized
Reason: Secured Area
Bldg. 2666
Naval Air Station
Pensacola Co: Escambia FL 32508-
Landholding Agency: Navy
Property Number: 77200130081
Status: Unutilized
Reason: Secured Area
Bldg. 3278
Naval Air Station
Pensacola Co: Escambia FL 32508-
Landholding Agency: Navy
Property Number: 77200130082
Status: Unutilized
Reason: Secured Area
Bldg. 3378
Naval Air Station
Pensacola Co: Escambia FL 32508-
Landholding Agency: Navy
Property Number: 77200130083
Status: Unutilized
Reason: Secured Area
Bldg. 3589
Naval Air Station
Pensacola Co: Escambia FL 32508-
Landholding Agency: Navy
Property Number: 77200130084
Status: Underutilized
Reason: Secured Area
Bldg. 13
NAS Jacksonville
Pinescastle Bombing Range
Salt Springs Co: Volusia FL
Landholding Agency: Navy
Property Number: 77200230024
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 45
NAS Jacksonville
Pinescastle Bombing Range
Salt Springs Co: Volusia FL
Landholding Agency: Navy

Property Number: 77200230025
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 67
NAS Jacksonville
Pinescastle Bombing Range
Salt Springs Co: Volusia FL
Landholding Agency: Navy
Property Number: 77200230026
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 73
NAS Jacksonville
Pinescastle Bombing Range
Salt Springs Co: FL
Landholding Agency: Navy
Property Number: 77200230027
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 75
NAS Jacksonville
Pinescastle Bombing Range
Salt Springs Co: Volusia FL
Landholding Agency: Navy
Property Number: 77200230028
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 76
NAS Jacksonville
Pinescastle Bombing Range
Salt Springs Co: Volusia FL
Landholding Agency: Navy
Property Number: 77200230029
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 148
Naval Air Station
Jacksonville Co: Duval FL 32212-
Landholding Agency: Navy
Property Number: 77200240002
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 161
Naval Air Station
Jacksonville Co: Duval FL 32212-
Landholding Agency: Navy
Property Number: 77200240003
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 944
Naval Air Station
Jacksonville Co: Duval FL 32212-
Landholding Agency: Navy
Property Number: 77200240004
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. C-26
Naval Air Station
Key West Co: Monroe FL 33040-
Landholding Agency: Navy
Property Number: 77200240043
Status: Unutilized
Reason: Extensive deterioration
Bldg. F-44
Naval Air Station
Key West Co: Monroe FL 33040-

Landholding Agency: Navy
Property Number: 77200240044
Status: Unutilized
Reason: Extensive deterioration
Bldg. 68
Coastal Systems Station
Panama City Co: Bay FL 32407-
Landholding Agency: Navy
Property Number: 77200310025
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 6A
Naval Air Station
Jacksonville Co: Duval FL 32212-
Landholding Agency: Navy
Property Number: 77200310026
Status: Unutilized
Reason: Secured Area
Bldg. 6B
Naval Air Station
Jacksonville Co: Duval FL 32212-
Landholding Agency: Navy
Property Number: 77200310027
Status: Unutilized
Reason: Secured Area
Bldg. 6C
Naval Air Station
Jacksonville Co: Duval FL 32212-
Landholding Agency: Navy
Property Number: 77200310028
Status: Unutilized
Reason: Secured Area
Bldg. 6D
Naval Air Station
Jacksonville Co: Duval FL 32212-
Landholding Agency: Navy
Property Number: 77200310029
Status: Unutilized
Reason: Secured Area
Bldg. 6E
Naval Air Station
Jacksonville Co: Duval FL 32212-
Landholding Agency: Navy
Property Number: 77200310030
Status: Unutilized
Reason: Secured Area
Bldg. 6F
Naval Air Station
Jacksonville Co: Duval FL 32212-
Landholding Agency: Navy
Property Number: 77200310031
Status: Unutilized
Reason: Secured Area
Bldg. 6G
Naval Air Station
Jacksonville Co: Duval FL 32212-
Landholding Agency: Navy
Property Number: 77200310032
Status: Unutilized
Reason: Secured Area
Bldg. #3, Recreation Cottage
USCG Station
Marathon Co: Monroe FL 33050-
Landholding Agency: DOT
Property Number: 87199210008
Status: Unutilized
Reasons: Floodway; Secured Area
Bldg. 103, Trumbo Point
Key West Co: Monroe FL 33040-
Landholding Agency: DOT
Property Number: 87199230001
Status: Unutilized
Reasons: Floodway; Secured Area

Exchange Building
St. Petersburg Co: Pinellas FL 33701–
Landholding Agency: DOT
Property Number: 87199410004
Status: Unutilized
Reason: Floodway

9988 Keepers Quarters A
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440009
Status: Underutilized
Reasons: Floodway; Secured Area

9989 Keepers Quarters B
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440010
Status: Underutilized
Reasons: Floodway; Secured Area

9990 Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440011
Status: Underutilized
Reasons: Floodway; Secured Area

9991 Plant Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440012
Status: Underutilized
Reasons: Floodway; Secured Area

9992 Shop Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440013
Status: Underutilized
Reasons: Floodway; Secured Area

9993 Admin. Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440014
Status: Underutilized
Reasons: Floodway; Secured Area

9994 Water Pump Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440015
Status: Underutilized
Reasons: Floodway; Secured Area

Storage Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440016
Status: Underutilized
Reasons: Floodway; Secured Area

9999 Storage Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440017
Status: Underutilized
Reasons: Floodway; Secured Area

3 Bldgs. and Land
Peanut Island Station
Riviera Beach Co: Palm Beach FL 33419–
0909
Landholding Agency: DOT

Property Number: 87199510009
Status: Unutilized
Reasons: Floodway; Secured Area

Cape St. George Lighthouse
Co: Franklin FL 32328–
Landholding Agency: DOT
Property Number: 87199640002
Status: Unutilized
Reason: Extensive deterioration

Maint/Carpentry Shop
USCG Station
St. Petersburg Co: Pinellas FL 33701–
Landholding Agency: DOT
Property Number: 87200120001
Status: Excess
Reasons: Secured Area; Extensive
deterioration

Georgia

Coast Guard Station
St. Simons Island
Co: Glynn GA 31522–0577
Landholding Agency: DOT
Property Number: 87199540002
Status: Unutilized
Reason: Extensive deterioration

Guam

Bldg. 138
Naval Forces, Marianas
Marianas Co: GU 96540–
Landholding Agency: Navy
Property Number: 77200210100
Status: Unutilized
Reason: Secured Area

Bldg. 460
Naval Forces, Marianas
Marianas Co: GU 96540–
Landholding Agency: Navy
Property Number: 77200210101
Status: Unutilized
Reason: Secured Area

Bldg. 1741
Naval Forces, Marianas
Marianas Co: GU 96540–
Landholding Agency: Navy
Property Number: 77200210102
Status: Unutilized
Reason: Secured Area

Bldg. 1742
Naval Forces, Marianas
Marianas Co: GU 96540–
Landholding Agency: Navy
Property Number: 77200210103
Status: Underutilized
Reason: Secured Area

Bldg. 1743
Naval Forces, Marianas
Marianas Co: GU 96540–
Landholding Agency: Navy
Property Number: 77200210104
Status: Underutilized
Reason: Secured Area

Bldg. 6012
Naval Forces, Marianas
Marianas Co: GU 96540–
Landholding Agency: Navy
Property Number: 77200210105
Status: Unutilized
Reason: Secured Area

Bldg. 6011
Naval Forces, Marianas
Marianas Co: GU 96540–
Landholding Agency: Navy
Property Number: 77200220024

Status: Unutilized
Reason: Secured Area

Hawaii

Bldg. 126, Naval Magazine
Waikale Branch
Lualualei Co: Oahu HI 96792–
Landholding Agency: Navy
Property Number: 77199230012
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Extensive
Deterioration; Secured Area

Bldg. Q75, Naval Magazine
Lualualei Branch
Lualualei Co: Oahu HI 96792–
Landholding Agency: Navy
Property Number: 77199230013
Status: Unutilized
Reasons: Extensive Deterioration; Secured
Area

Bldg. 7, Naval Magazine
Lualualei Branch
Lualualei Co: Oahu HI 96792–
Landholding Agency: Navy
Property Number: 77199230014
Status: Unutilized
Reasons: Extensive Deterioration; Secured
Area

Bldg. 9
Navy Public Works Center
Kolekole Road
Lualualei Co: Honolulu HI 96782–
Landholding Agency: Navy
Property Number: 77199530009
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area

Bldg. X5
Nanumea Road
Pearl Harbor Co: Honolulu HI 96782–
Landholding Agency: Navy
Property Number: 77199530010
Status: Excess
Reason: Secured Area

Bldg. SX30
Nanumea Road
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199530011
Status: Excess
Reason: Secured Area

Bldg. 98
Pearl Harbor Naval Shipyard
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199620032
Status: Excess
Reason: Extensive deterioration

Bldg. Q13
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199640035
Status: Unutilized
Reason: Extensive deterioration

Bldg. Q14
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199640036
Status: Unutilized
Reason: Extensive deterioration

Bldg. 40
Naval Magazine Lualualei

Co: Oahu HI 96792-4301
Landholding Agency: Navy
Property Number: 77199830028
Status: Unutilized
Reason: Extensive deterioration
Bldg. 50
Naval Magazine Lualualei
Co: Oahu HI 96792-4301
Landholding Agency: Navy
Property Number: 77199830029
Status: Unutilized
Reason: Extensive deterioration
Bldg. Q76
Naval Magazine Lualualei
Co: Oahu HI 96792-4301
Landholding Agency: Navy
Property Number: 77199830030
Status: Unutilized
Reason: Extensive deterioration
Bldg. Q334
Naval Magazine Lualualei
Co: Oahu HI 96792-4301
Landholding Agency: Navy
Property Number: 77199830031
Status: Unutilized
Reason: Extensive deterioration
Bldg. Q410
Naval Magazine Lualualei
Co: Oahu HI 96792-4301
Landholding Agency: Navy
Property Number: 77199830034
Status: Unutilized
Reason: Extensive deterioration
Bldg. Q422
Naval Magazine Lualualei
Co: Oahu HI 96792-4301
Landholding Agency: Navy
Property Number: 77199830035
Status: Unutilized
Reason: Extensive deterioration
Bldg. 429
Naval Magazine Lualualei
Co: Oahu HI 96792-4301
Landholding Agency: Navy
Property Number: 77199830036
Status: Unutilized
Reason: Extensive deterioration
Bldg. 431
Naval Magazine Lualualei
Co: Oahu HI 96792-4301
Landholding Agency: Navy
Property Number: 77199830037
Status: Unutilized
Reason: Extensive deterioration
Bldg. 447
Naval Magazine Lualualei
Co: Oahu HI 96792-4301
Landholding Agency: Navy
Property Number: 77199830038
Status: Unutilized
Reason: Extensive deterioration
Facility 19
Naval Station
Pearl Harbor Co: Honolulu HI 96860-
Landholding Agency: Navy
Property Number: 77199840045
Status: Excess
Reason: Secured Area
Facility SX30
Navy Public Works Center
Pearl Harbor Co: Honolulu HI 96860-
Landholding Agency: Navy
Property Number: 77199920027
Status: Excess

Reasons: Secured Area; Extensive
deterioration
Facility 9
Fleet Industrial Supply
Ewa Junction
Waipahu Co: HI 96797-
Landholding Agency: Navy
Property Number: 77200230008
Status: Excess
Reasons: Secured Area; Extensive
deterioration
Facility 88
NCTAMS PAC
Wahiawa Co: HI 96786-
Landholding Agency: Navy
Property Number: 77200230010
Status: Excess
Reason: Secured Area
Facility 295
NCTAMS PAC
Wahiawa Co: HI 96786-
Landholding Agency: Navy
Property Number: 77200230011
Status: Excess
Reason: Secured Area
Bldg. T47
Naval Shipyard
Pearl Harbor Co: Honolulu HI 96860-5350
Landholding Agency: Navy
Property Number: 77200240045
Status: Unutilized
Reason: Extensive deterioration
Bldg. 329
NCTAMS PAC
Wahiawa Co: HI 96786-
Landholding Agency: Navy
Property Number: 77200240058
Status: Excess
Reason: Secured Area
Illinois
Bldg. 415
Naval Training Center
201 N. Decatur Ave.
Great Lakes IL
Landholding Agency: Navy
Property Number: 77199840023
Status: Unutilized
Reason: Secured Area
Bldg. 1015
Naval Training Center
201 N. Decatur Ave.
Great Lakes IL
Landholding Agency: Navy
Property Number: 77199840024
Status: Unutilized
Reason: Secured Area
Bldg. 1016
Naval Training Center
201 N. Decatur Ave.
Great Lakes IL
Landholding Agency: Navy
Property Number: 77199840025
Status: Unutilized
Reason: Secured Area
Bldg. 910
Naval Training Center
Great Lakes Co: IL 60088-5000
Landholding Agency: Navy
Property Number: 77199920055
Status: Unutilized
Reason: Secured Area
Bldg. 800
Naval Training Center
Great Lakes Co: IL 60088-5000

Landholding Agency: Navy
Property Number: 77199920056
Status: Unutilized
Reason: Secured Area
Bldg. 1000
Naval Training Center
Great Lakes Co: IL 60088-5000
Landholding Agency: Navy
Property Number: 77199920057
Status: Unutilized
Reason: Secured Area
Bldg. 1200
Naval Training Center
Great Lakes Co: IL 60088-5000
Landholding Agency: Navy
Property Number: 77199920058
Status: Unutilized
Reason: Secured Area
Bldg. 1400
Naval Training Center
Great Lakes Co: IL 60088-5000
Landholding Agency: Navy
Property Number: 77199920059
Status: Unutilized
Reason: Secured Area
Bldg. 1600
Naval Training Center
Great Lakes Co: IL 60088-5000
Landholding Agency: Navy
Property Number: 77199920060
Status: Unutilized
Reason: Secured Area
Bldg. 2600
Naval Training Center
Great Lakes Co: IL 60088-5000
Landholding Agency: Navy
Property Number: 77199920061
Status: Unutilized
Reason: Secured Area
Calumet Harbor Station
U.S. Coast Guard
Chicago Co: Cook IL
Landholding Agency: DOT
Property Number: 87199310005
Status: Excess
Reason: Secured Area
Kentucky
Dwelling
USCG Shoreside Detachment
Owensboro Co: Daviess KY
Landholding Agency: DOT
Property Number: 87200230010
Status: Unutilized
Reason: Extensive deterioration
Maine
Bldg. M-4
Portsmouth Naval Shipyard
Kittery Co: York ME 03904-
Landholding Agency: Navy
Property Number: 77200240012
Status: Excess
Reason: Secured Area
Bldg. M-6
Portsmouth Naval Shipyard
Kittery Co: York ME 03904-
Landholding Agency: Navy
Property Number: 77200240013
Status: Excess
Reason: Secured Area
Bldg. M-9
Portsmouth Naval Shipyard
Kittery Co: York ME 03904-
Landholding Agency: Navy

Property Number: 77200240014
 Status: Excess
 Reason: Secured Area
 Bldg. M-10
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904-
 Landholding Agency: Navy
 Property Number: 77200240015
 Status: Excess
 Reason: Secured Area
 Bldg. M-11
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904-
 Landholding Agency: Navy
 Property Number: 77200240016
 Status: Excess
 Reason: Secured Area
 Bldg. M-18
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904-
 Landholding Agency: Navy
 Property Number: 77200240017
 Status: Excess
 Reason: Secured Area
 Bldg. H-29
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904-
 Landholding Agency: Navy
 Property Number: 77200240018
 Status: Excess
 Reasons: Within 2000 ft. of flammable or
 explosive material; Secured Area
 Bldg. 33
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904-
 Landholding Agency: Navy
 Property Number: 77200240019
 Status: Excess
 Reason: Secured Area
 Bldg. 34
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904-
 Landholding Agency: Navy
 Property Number: 77200240020
 Status: Excess
 Reason: Secured Area
 Bldg. 41
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904-
 Landholding Agency: Navy
 Property Number: 77200240021
 Status: Excess
 Reason: Secured Area
 Bldg. 55
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904-
 Landholding Agency: Navy
 Property Number: 77200240022
 Status: Excess
 Reason: Secured Area
 Bldg. 62/62A
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904-
 Landholding Agency: Navy
 Property Number: 77200240023
 Status: Excess
 Reason: Secured Area
 Bldg. 63
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904-
 Landholding Agency: Navy
 Property Number: 77200240024
 Status: Excess
 Reason: Secured Area
 Bldg. 65
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904-
 Landholding Agency: Navy
 Property Number: 77200240025
 Status: Excess
 Reason: Secured Area
 Bldg. 158
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904-
 Landholding Agency: Navy
 Property Number: 77200240026
 Status: Excess
 Reasons: Within 2000 ft. of flammable or
 explosive material; Secured Area
 Bldg. 188
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904-
 Landholding Agency: Navy
 Property Number: 77200240027
 Status: Excess
 Reason: Secured Area
 Bldg. 189
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904-
 Landholding Agency: Navy
 Property Number: 77200240028
 Status: Excess
 Reason: Secured Area
 Bldg. 237
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904-
 Landholding Agency: Navy
 Property Number: 77200240029
 Status: Excess
 Reason: Secured Area
 Bldg. 322
 Portsmouth Naval Shipyard
 Kittery Co: York ME 03904-
 Landholding Agency: Navy
 Property Number: 77200240030
 Status: Excess
 Reason: Secured Area
 Supply Bldg., Coast Guard
 Southwest Harbor
 Southwest Harbor Co: Hancock ME 04679-
 5000
 Landholding Agency: DOT
 Property Number: 87199240005
 Status: Unutilized
 Reason: Floodway
 Base Exchange, Coast Guard
 Southwest Harbor
 Southwest Harbor Co: Hancock ME 04679-
 5000
 Landholding Agency: DOT
 Property Number: 87199240006
 Status: Unutilized
 Reason: Floodway
 Engineering Shop, Coast Guard
 Southwest Harbor
 Southwest Harbor Co: Hancock ME 04679-
 5000
 Landholding Agency: DOT
 Property Number: 87199240007
 Status: Unutilized
 Reason: Floodway
 Storage Bldg., Coast Guard
 Southwest Harbor
 Southwest Harbor Co: Hancock ME 04679-
 5000
 Landholding Agency: DOT
 Property Number: 87199240008
 Status: Unutilized
 Reason: Floodway
 Squirrel Point Light
 U.S. Coast Guard
 Phippsburg Co: Sagadahoc ME 04530-
 Landholding Agency: DOT
 Property Number: 87199240032
 Status: Unutilized
 Reason: Floodway
 Keepers Dwelling
 Heron Neck Light, U.S. Coast Guard
 Vinalhaven Co: Knox ME 04841-
 Landholding Agency: DOT
 Property Number: 87199240035
 Status: Unutilized
 Reason: Extensive deterioration
 Fort Popham Light
 Phippsburg Co: Sagadahoc ME 04562-
 Landholding Agency: DOT
 Property Number: 87199320024
 Status: Unutilized
 Reason: Extensive deterioration
 Nash Island Light
 U.S. Coast Guard
 Addison Co: Washington ME 04606-
 Landholding Agency: DOT
 Property Number: 87199420005
 Status: Unutilized
 Reason: Inaccessible
 Bldg.—South Portland Base
 U.S. Coast Guard
 S. Portland Co: Cumberland ME 04106-
 Landholding Agency: DOT
 Property Number: 87199420006
 Status: Unutilized
 Reason: Secured Area
 Garage—Boothbay Harbor Stat.
 Boothbay Harbor Co: Lincoln ME 04538-
 Landholding Agency: DOT
 Property Number: 87199430001
 Status: Unutilized
 Reason: Secured Area
 Maryland
 15 Bldgs.
 Naval Air Warfare Center
 Patuxent River Co: St. Mary's MD 20670-
 5304
 Landholding Agency: Navy
 Property Number: 77199730062
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 867
 Naval Air Station
 Patuxent River Co: MD 20670-
 Landholding Agency: Navy
 Property Number: 77200120010
 Status: Excess
 Reason: Extensive deterioration
 Bldg. 868
 Naval Air Station
 Patuxent River Co: MD 20670-
 Landholding Agency: Navy
 Property Number: 77200120011
 Status: Excess
 Reason: Extensive deterioration
 Bldg. 1044
 Naval Air Station
 Patuxent River Co: MD 20670-
 Landholding Agency: Navy
 Property Number: 77200120012
 Status: Excess
 Reason: Extensive deterioration
 Bldg. S-038
 Naval District

Solomons Complex
Solomons Co: MD 20688-0147
Landholding Agency: Navy
Property Number: 77200140013
Status: Unutilized
Reason: Extensive deterioration
Bldg. S-046
Naval District
Solomons Complex
Solomons Co: MD 20688-0147
Landholding Agency: Navy
Property Number: 77200140014
Status: Unutilized
Reason: Extensive deterioration
Bldg. F-1676
Naval Air Facility
Andrews AFB Co: MD 20762-5518
Landholding Agency: Navy
Property Number: 77200140015
Status: Unutilized
Reason: Extensive deterioration
Bldg. 585
Naval Air Station
Patuxent River Co: MD
Landholding Agency: Navy
Property Number: 77200220030
Status: Excess
Reason: Extensive deterioration
Structure 145
Naval Surface Warfare Center
W. Bethesda Co: MD 20817-
Landholding Agency: Navy
Property Number: 77200230013
Status: Underutilized
Reason: Secured Area
Bldg. 149
Naval Air Station
Patuxent River Co: MD
Landholding Agency: Navy
Property Number: 77200230038
Status: Excess
Reason: Extensive deterioration
Bldg. 425
Naval Air Station
Patuxent River Co: MD
Landholding Agency: Navy
Property Number: 77200230039
Status: Excess
Reason: Extensive deterioration
Bldgs. 38-39, 41, 43-46, 56
U.S. Coast Guard Yard
Baltimore MD 21226-
Landholding Agency: DOT
Property Number: 87199540005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration
Bldg. 53
U.S. Coast Guard Yard
Baltimore MD 21226-
Landholding Agency: DOT
Property Number: 87199540006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration
Bldg. 6
U.S. Coast Guard Yard, 2401 Hawkins Point
Rd.
Baltimore MD 21226-1797
Landholding Agency: DOT
Property Number: 87199620001
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
Bldg. 59
U.S. Coast Guard Yard, 2401 Hawkins Point
Rd.
Baltimore MD 21226-1797
Landholding Agency: DOT
Property Number: 87199620002
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
5 Bldgs.
USCG Yard
#9, 21, 23, 52, 57
Baltimore Co: MD 21226-
Landholding Agency: DOT
Property Number: 87200120002
Status: Unutilized
Reason: Extensive deterioration
Bldg. #81
U.S. Coast Guard YARD
Baltimore Co: Baltimore MD 21226-
Landholding Agency: DOT
Property Number: 87200210001
Status: Underutilized
Reason: Secured Area
Bldg. #85
U.S. Coast Guard YARD
Baltimore Co: Baltimore MD 21226-
Landholding Agency: DOT
Property Number: 87200210002
Status: Underutilized
Reason: Secured Area
Bldg. #86
U.S. Coast Guard YARD
Baltimore Co: Baltimore MD 21226-
Landholding Agency: DOT
Property Number: 87200210003
Status: Underutilized
Reason: Secured Area
Bldg. #86D
U.S. Coast Guard YARD
Baltimore Co: Baltimore MD 21226-
Landholding Agency: DOT
Property Number: 87200210004
Status: Underutilized
Reason: Secured Area
Bldg. #149
U.S. Coast Guard YARD
Baltimore Co: Baltimore MD 21226-
Landholding Agency: DOT
Property Number: 87200210005
Status: Underutilized
Reason: Secured Area
Massachusetts
Bldg. 4, USCG Support Center
Commercial Street
Boston Co: Suffolk MA 02203-
Landholding Agency: DOT
Property Number: 87199240001
Status: Underutilized
Reason: Secured Area
Eastern Point Light
U.S. Coast Guard
Gloucester Co: Essex MA 01930-
Landholding Agency: DOT
Property Number: 87199240029
Status: Unutilized
Reasons: Floodway; Secured Area
Storage Shed
Highland Light
N. Truro Co: Barnstable MA 02652-
Location: DeSoto Johnson KS 66018-
Landholding Agency: DOT
Property Number: 87199430004
Status: Unutilized
Reason: Extensive deterioration
Michigan
Station Bldg.
USCG Station
Manistee Co: MI 49660-
Landholding Agency: DOT
Property Number: 87200120003
Status: Unutilized
Reasons: Floodway; Secured Area
Garage Bldg.
USCG Station
Manistee Co: MI 49660-
Landholding Agency: DOT
Property Number: 87200120004
Status: Unutilized
Reasons: Floodway; Secured Area
Shed/Pump Bldg.
USCG Station
Manistee Co: MI 49660-
Landholding Agency: DOT
Property Number: 87200120005
Status: Unutilized
Reasons: Floodway; Secured Area
Storage Bldg.
USCG Station
Manistee Co: MI 49660-
Landholding Agency: DOT
Property Number: 87200120006
Status: Unutilized
Reasons: Floodway; Secured Area
Station/boathouse Bldg.
USCG Harbor Beach Station
Harbor Beach Co: Huron MI 48441-
Landholding Agency: DOT
Property Number: 87200130001
Status: Unutilized
Reasons: Floodway; Extensive deterioration
Mississippi
Bldg. 12
Naval Construction Battalion Center
Gulfport Co: Harrison MS 39501-
Landholding Agency: Navy
Property Number: 77200130029
Status: Unutilized
Reason: Secured Area
Bldg. 23
Naval Construction Battalion Center
Gulfport Co: Harrison MS 39501-
Landholding Agency: Navy
Property Number: 77200130030
Status: Unutilized
Reason: Secured Area
Bldg. 36
Naval Construction Battalion Center
Gulfport Co: Harrison MS 39501-
Landholding Agency: Navy
Property Number: 77200130031
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 141
Naval Construction Battalion Center
Gulfport Co: Harrison MS 39501-
Landholding Agency: Navy
Property Number: 77200130032
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 172
Naval Construction Battalion Center

Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77200130033
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 185
Naval Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77200130034
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 220
Naval Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77200130035
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 236
Naval Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77200130036
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Structure 427
Naval Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77200130037
Status: Unutilized
Reason: Secured Area
Bldg. QQ
Naval Station
Pascagoula Co: Jackson MS 39595–
Landholding Agency: Navy
Property Number: 77200230050
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldgs. 239, 240
Naval Air Station
Meridian Co: Lauderdale MS 39309–
Landholding Agency: Navy
Property Number: 77200240060
Status: Unutilized
Reason: Secured Area
Bldg. 248
Naval Air Station
Meridian Co: Lauderdale MS 39309–
Landholding Agency: Navy
Property Number: 77200240061
Status: Unutilized
Reason: Secured Area
Bldg. 412
Naval Air Station
Meridian Co: Lauderdale MS 39309–
Landholding Agency: Navy
Property Number: 77200240062
Status: Unutilized
Reason: Secured Area
Bldgs. 239, 240
Naval Air Station
Meridian Co: Lauderdale MS 39309–
Landholding Agency: Navy
Property Number: 77200310033
Status: Unutilized
Reason: Secured Area
Bldg. 248

Naval Air Station
Meridian Co: Lauderdale MS 39309–
Landholding Agency: Navy
Property Number: 77200310034
Status: Unutilized
Reason: Secured Area
Bldg. 412
Naval Air Station
Meridian Co: Lauderdale MS 39309–
Landholding Agency: Navy
Property Number: 77200310035
Status: Unutilized
Reason: Secured Area
Natchez Moorings
82 L.E. Berry Road
Natchez Co: Adams MS 39121–
Landholding Agency: DOT
Property Number: 87199340002
Status: Unutilized
Reason: Extensive deterioration
New Hampshire
Bldg. 40
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77200240031
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
New Jersey
Former NIKE Missile Battery
Site PH–58
Woolwich Co: Gloucester NJ
Landholding Agency: GSA
Property Number: 54200310012
Status: Excess
Reason: Extensive deterioration
GSA Number : 1–GR–NJ–0538
Bldg. 188
Naval Air Engineering Station
Lakehurst Co: Ocean NJ 08733–5000
Landholding Agency: Navy
Property Number: 77199830065
Status: Unutilized
Reason: Extensive deterioration
Bldg. 473
Naval Air Engineering Station
Lakehurst Co: Ocean NJ 08733–5000
Landholding Agency: Navy
Property Number: 77199920024
Status: Unutilized
Reason: Extensive deterioration
4 Bldgs.
Naval Air Engineering Station
26, 75, 126, 303
Lakehurst Co: Ocean NJ 08733–5000
Landholding Agency: Navy
Property Number: 77200240059
Status: Unutilized
Reason: Extensive deterioration
Piers and Wharf
Station Sandy Hook
Highlands Co: Monmouth NJ 07732–5000
Landholding Agency: DOT
Property Number: 87199240009
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Chapel Hill Front Range Light Tower
Middleton Co: Monmouth NJ 07748–
Landholding Agency: DOT
Property Number: 87199440002
Status: Unutilized

Reason: Skeletal tower
Bldg. 103
U.S. Coast Guard Station Sandy Hook
Middleton Co: Monmouth NJ 07737–
Landholding Agency: DOT
Property Number: 87199610002
Status: Unutilized
Reason: Secured Area
Ship Stg. Bldg.
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200110018
Status: Excess
Reason: Secured Area
Exchange Whse
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200110019
Status: Excess
Reason: Secured Area
Patrol Boat Bldg.
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200110020
Status: Excess
Reason: Secured Area
Station Bldg.
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200110021
Status: Excess
Reason: Secured Area
ANT Bldg.
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200110022
Status: Excess
Reason: Secured Area
Quarters C
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200120012
Status: Excess
Reason: Secured Area
Central Heating Plant
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200120013
Status: Excess
Reason: Secured Area
Hangar/Shop
USCG Training Center
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200120014
Status: Excess
Reason: Secured Area
Bldg. 195
U.S. Coast Guard
Cape May Co: NJ 08204–5002
Landholding Agency: DOT
Property Number: 87200220001
Status: Excess
Reason: Secured Area
Bldg. 204
U.S. Coast Guard
Cape May Co: NJ 08204–5002

Landholding Agency: DOT
Property Number: 87200220002
Status: Excess
Reason: Secured Area
Bldg. 208
U.S. Coast Guard
Cape May Co: NJ 08204-5002
Landholding Agency: DOT
Property Number: 87200220003
Status: Excess
Reason: Secured Area
Bldg. 209
U.S. Coast Guard
Cape May Co: NJ 08204-5002
Landholding Agency: DOT
Property Number: 87200220004
Status: Excess
Reason: Secured Area
Sheds OV1, OV2, OV3
U.S. Coast Guard
Shark River
Avon by the Sea Co: Monmouth NJ 13640-
Landholding Agency: DOT
Property Number: 87200240001
Status: Unutilized
Reason: Secured Area
Unit 13
USCG Station Barnegat Light
Station Barnegat Co: Ocean NJ
Landholding Agency: DOT
Property Number: 87200240002
Status: Unutilized
Reason: Secured Area
Units 9-12
USCG Station Barnegat Light
Station Barnegat Co: Ocean NJ
Landholding Agency: DOT
Property Number: 87200240003
Status: Unutilized
Reason: Secured Area
Bldg. 019
Coast Guard Training Center
Cape May Co: NJ 08204-
Landholding Agency: DOT
Property Number: 87200310003
Status: Excess
Reasons: Secured Area; Extensive
deterioration
Bldg. 022
Coast Guard Training Center
Cape May Co: NJ 08204-
Landholding Agency: DOT
Property Number: 87200310004
Status: Excess
Reasons: Secured Area; Extensive
deterioration
Bldg. 192
Coast Guard Training Center
Cape May Co: NJ 08204-
Landholding Agency: DOT
Property Number: 87200310005
Status: Excess
Reasons: Secured Area; Extensive
deterioration
Bldg. 193
Coast Guard Training Center
Cape May Co: NJ 08204-
Landholding Agency: DOT
Property Number: 87200310006
Status: Excess
Reasons: Secured Area; Extensive
deterioration
Bldg. 207
Coast Guard Training Center
Cape May Co: NJ 08204-
Landholding Agency: DOT
Property Number: 87200310007
Status: Excess
Reasons: Secured Area; Extensive
deterioration
New Mexico
Bldg. N149
Naval Air Warfare
White Sands Co: NM 88002-
Landholding Agency: Navy
Property Number: 77200110104
Status: Excess
Reason: Extensive deterioration
New York
2 Buildings
Ant Saugerties
Saugerties Co: Ulster NY 12477-
Landholding Agency: DOT
Property Number: 87199230005
Status: Unutilized
Reason: Extensive deterioration
Bldg. 606, Fort Totten
New York Co: Queens NY 11359-
Landholding Agency: DOT
Property Number: 87199240020
Status: Unutilized
Reason: Secured Area
Bldg. 607, Fort Totten
New York Co: Queens NY 11359-
Landholding Agency: DOT
Property Number: 87199240021
Status: Unutilized
Reasons: Extensive deterioration; Secured
Area;
Bldg. 605, Fort Totten
New York Co: Queens NY 11359-
Landholding Agency: DOT
Property Number: 87199240022
Status: Unutilized
Reasons: Extensive deterioration; Secured
Area
Eatons Neck Station
U.S. Coast Guard
Huntington Co: Suffolk NY 11743-
Landholding Agency: DOT
Property Number: 87199310003
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 517, USCG Support Center
Governors Island Co: Manhattan NY 10004-
Landholding Agency: DOT
Property Number: 87199320025
Status: Unutilized
Reason: Secured Area
Bldg. 138
U.S. Coast Guard Support Center
Governors Island Co: Manhattan NY 10004-
Landholding Agency: DOT
Property Number: 87199410003
Status: Unutilized
Reason: Secured Area
Bldg. 830
U.S. Coast Guard
Governors Island Co: Manhattan NY 10004-
Landholding Agency: DOT
Property Number: 87199420004
Status: Unutilized
Reason: Secured Area
Bldg. 8
Rosebank—Coast Guard Housing
Staten Island Co: Richmond NY 10301-
Landholding Agency: DOT
Property Number: 87199530009
Status: Unutilized
Reason: Secured Area
Bldg. 7
Rosebank—Coast Guard Housing
Staten Island Co: Richmond NY 10301-
Landholding Agency: DOT
Property Number: 87199530010
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 222
Fort Wadsworth
Staten Island Co: Richmond NY 10305-
Landholding Agency: DOT
Property Number: 87199620003
Status: Unutilized
Reason: Secured Area
Bldg. 223
Fort Wadsworth
Staten Island Co: Richmond NY 10305-
Landholding Agency: DOT
Property Number: 87199620004
Status: Unutilized
Reason: Secured Area
Bldg. 205
Fort Wadsworth
Staten Island Co: Richmond NY 10305-
Landholding Agency: DOT
Property Number: 87199620005
Status: Unutilized
Reason: Secured Area
Bldg. 9
U.S. Coast Guard—Rosebank
Staten Island Co: Richmond NY 10301-
Landholding Agency: DOT
Property Number: 87199630027
Status: Excess
Reason: Secured Area
Bldg. 10
U.S. Coast Guard—Rosebank
Staten Island Co: Richmond NY 10301-
Landholding Agency: DOT
Property Number: 87199630028
Status: Excess
Reason: Secured Area
Bldg. 206, Rosebank
Staten Island Co: Richmond NY 10301-
Landholding Agency: DOT
Property Number: 87199630029
Status: Excess
Reason: Secured Area
Bldg. OG2
Coast Guard Station
Alexandria Bay Co: Jefferson NY 13640-
Landholding Agency: DOT
Property Number: 87200210021
Status: Unutilized
Reason: Secured Area
North Carolina
Bldg. AS-4040
Marine Corps Air Station
New River Co: NC
Landholding Agency: Navy
Property Number: 77200210039
Status: Underutilized
Reason: Secured Area
Group Cape Hatteras
Boiler Plant
Buxton Co: Dare NC 27902-0604
Landholding Agency: DOT

Property Number: 87199240018
 Status: Unutilized
 Reason: Secured Area
 Group Cape Hatteras
 Bowling Alley
 Buxton Co: Dare NC 27902-0604
 Landholding Agency: DOT
 Property Number: 87199240019
 Status: Unutilized
 Reason: Secured Area
 Bldg. 54
 Group Cape Hatteras
 Buxton Co: Dare NC 27902-0604
 Landholding Agency: DOT
 Property Number: 87199340004
 Status: Unutilized
 Reason: Secured Area
 Bldg. 83
 Group Cape Hatteras
 Buxton Co: Dare NC 27902-0604
 Landholding Agency: DOT
 Property Number: 87199340005
 Status: Unutilized
 Reason: Secured Area
 Water Tanks
 Group Cape Hatteras
 Buxton Co: Dare NC 27902-0604
 Landholding Agency: DOT
 Property Number: 87199340006
 Status: Unutilized
 Reason: Secured Area
 USCG Gentian (WLB 290)
 Fort Macon State Park
 Atlantic Beach Co: Carteret NC 27601-
 Landholding Agency: DOT
 Property Number: 87199420007
 Status: Excess
 Reason: Secured Area
 Unit #71
 Buxton Annex, Cape Kendrick Circle
 Buxton Co: Dare NC 27920-
 Landholding Agency: DOT
 Property Number: 87199530011
 Status: Unutilized
 Reason: Floodway
 Unit #72
 Buxton Annex, Cape Kendrick Circle
 Buxton Co: Dare NC 27920-
 Landholding Agency: DOT
 Property Number: 87199530012
 Status: Unutilized
 Reason: Floodway
 Unit #73
 Buxton Annex, Cape Kendrick Circle
 Buxton Co: Dare NC 27920-
 Landholding Agency: DOT
 Property Number: 87199530013
 Status: Unutilized
 Reason: Floodway
 Unit #74
 Buxton Annex, Cape Kendrick Circle
 Buxton Co: Dare NC 27920-
 Landholding Agency: DOT
 Property Number: 87199530014
 Status: Unutilized
 Reason: Floodway
 Unit #75
 Buxton Annex, Cape Kendrick Circle
 Buxton Co: Dare NC 27920-
 Landholding Agency: DOT
 Property Number: 87199530015
 Status: Unutilized
 Reason: Floodway
 Unit #63
 Buxton Annex, Anna May Court
 Buxton Co: Dare NC 27920-
 Landholding Agency: DOT
 Property Number: 87199530016
 Status: Unutilized
 Reason: Floodway
 Unit #64
 Buxton Annex, Anna May Court
 Buxton Co: Dare NC 27920-
 Landholding Agency: DOT
 Property Number: 87199530017
 Status: Unutilized
 Reason: Floodway
 Unit #76
 Buxton Annex, Anna May Court
 Buxton Co: Dare NC 27920-
 Landholding Agency: DOT
 Property Number: 87199530018
 Status: Unutilized
 Reason: Floodway
 Unit #68
 Buxton Annex, Anna May Court
 Buxton Co: Dare NC 27920-
 Landholding Agency: DOT
 Property Number: 87199530019
 Status: Unutilized
 Reason: Floodway
 Unit #69
 Buxton Annex, Anna May Court
 Buxton Co: Dare NC 27920-
 Landholding Agency: DOT
 Property Number: 87199530020
 Status: Unutilized
 Reason: Floodway
 Unit #70
 Buxton Annex, Anna May Court
 Buxton Co: Dare NC 27920-
 Landholding Agency: DOT
 Property Number: 87199530021
 Status: Unutilized
 Reason: Floodway
 Unit #77
 Buxton Annex, Old Lighthouse Road
 Buxton Co: Dare NC 27920-
 Landholding Agency: DOT
 Property Number: 87199530022
 Status: Unutilized
 Reason: Floodway
 Unit #78
 Buxton Annex, Old Lighthouse Road
 Buxton Co: Dare NC 27920-
 Landholding Agency: DOT
 Property Number: 87199530023
 Status: Unutilized
 Reason: Floodway
 Bldg. 53
 Coast Guard Support Center
 Elizabeth City Co: Pasquotank NC 27909-
 5006
 Landholding Agency: DOT
 Property Number: 87199630022
 Status: Unutilized
 Reason: Secured Area
 Bldg. OV1 (033)
 USCG Cape Hatteras
 Buxton Co: Dare NC 27902-0604
 Landholding Agency: DOT
 Property Number: 87200210012
 Status: Underutilized
 Reason: Secured Area
 Storage Bldg.
 USCG Loran Station
 Carolina Beach Co: New Hanover NC
 Landholding Agency: DOT
 Property Number: 87200210013
 Status: Underutilized
 Reason: Secured Area
 Frying Pan Shoals Light
 USCG
 Cape Fear Co: NC
 Landholding Agency: DOT
 Property Number: 87200240004
 Status: Unutilized
 Reason: Secured Area
 Diamond Shoals Light
 USCG
 Cape Hatteras Co: NC
 Landholding Agency: DOT
 Property Number: 87200240005
 Status: Unutilized
 Reason: Secured Area
 Ohio
 Modular Ofc. Bldg.
 RMI
 Ashtabula Co: OH 44004-
 Landholding Agency: Energy
 Property Number: 41200310008
 Status: Excess
 Reason: Contamination
 Modular Lab Bldg.
 RMI
 Ashtabula Co: OH 44004-
 Landholding Agency: Energy
 Property Number: 41200310009
 Status: Excess
 Reason: Contamination
 Soil Storage Bldg.
 RMI
 Ashtabula Co: OH 44004-
 Landholding Agency: Energy
 Property Number: 41200310010
 Status: Excess
 Reason: Contamination
 Soil Washing Bldg.
 RMI
 Ashtabula Co: OH 44004-
 Landholding Agency: Energy
 Property Number: 41200310011
 Status: Excess
 Reason: Contamination
 Bldg. 16B
 Fernald Env. Mgmt. Proj.
 Hamilton Co: Butler OH 45013-
 Landholding Agency: Energy
 Property Number: 41200310012
 Status: Excess
 Reasons: Contamination; Secured Area
 Bldg. 24C
 Fernald Env. Mgmt. Proj.
 Hamilton Co: Butler OH 45013-
 Landholding Agency: Energy
 Property Number: 41200310013
 Status: Excess
 Reasons: Contamination; Secured Area
 Bldg. 25K
 Fernald Env. Mgmt. Proj.
 Hamilton Co: Butler OH 45013-
 Landholding Agency: Energy
 Property Number: 41200310014
 Status: Excess
 Reasons: Contamination; Secured Area
 Bldg. 50
 Fernald Env. Mgmt. Proj.
 Hamilton Co: Butler OH 45013-
 Landholding Agency: Energy
 Property Number: 41200310015
 Status: Excess

Reasons: Contamination; Secured Area
Bldg. 52A
Fernald Env. Mgmt. Proj.
Hamilton Co: Butler OH 45013–
Landholding Agency: Energy
Property Number: 41200310016
Status: Excess
Reasons: Contamination; Secured Area
Bldg. 52B
Fernald Env. Mgmt. Proj.
Hamilton Co: Butler OH 45013–
Landholding Agency: Energy
Property Number: 41200310017
Status: Excess
Reasons: Contamination; Secured Area

Oregon
Bldg. 30
Naval Weapons Systems Training
Boardman Co: Morrow OR
Landholding Agency: Navy
Property Number: 77200210070
Status: Unutilized
Reason: Secured Area
Bldg. 31
Naval Weapons Systems Training
Boardman Co: Morrow OR -
Landholding Agency: Navy
Property Number: 77200210071
Status: Unutilized
Reason: Secured Area
Bldg. 32
Naval Weapons Systems Training
Boardman Co: Morrow OR
Landholding Agency: Navy
Property Number: 77200210072
Status: Unutilized
Reason: Secured Area
Bldg. 33
Naval Weapons Systems Training
Boardman Co: Morrow OR
Landholding Agency: Navy
Property Number: 77200210073
Status: Unutilized
Reason: Secured Area
Bldg. 35
Naval Weapons Systems Training
Boardman Co: Morrow OR
Landholding Agency: Navy
Property Number: 77200210074
Status: Unutilized
Reason: Secured Area
Bldg. 37
Naval Weapons Systems Training
Boardman Co: Morrow OR
Landholding Agency: Navy
Property Number: 77200210075
Status: Unutilized
Reason: Secured Area

Pennsylvania
Bldg. 43
Naval Foundry & Propeller Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200210015
Status: Excess
Reason: Extensive deterioration
Bldg. 53
Naval Foundry & Propeller Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200210016
Status: Excess
Reason: Extensive deterioration

Bldg. 483
Naval Surface Warfare Center
Philadelphia Co: PA 19111–2
Landholding Agency: Navy
Property Number: 77200210082
Status: Excess
Reason: Within 2000 ft. of flammable or
explosive material
Bldg. 530
Naval Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200210083
Status: Excess
Reason: Within 2000 ft. of flammable or
explosive material
Bldg. 615
Naval Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200210084
Status: Excess
Reason: Within 2000 ft. of flammable or
explosive material
Bldg. 618
Naval Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200210085
Status: Excess
Reason: Within 2000 ft. of flammable or
explosive material
Bldg. 743
Naval Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200210086
Status: Excess
Reason: Within 2000 ft. of flammable or
explosive material
Bldg. 13
Naval Support Activity
Mechanicsburg Co: Cumberland PA 17055–
0788
Landholding Agency: Navy
Property Number: 77200220014
Status: Excess
Reason: Extensive deterioration
Bldg. 311
Naval Support Activity
Mechanicsburg Co: Cumberland PA 17055–
0788
Landholding Agency: Navy
Property Number: 77200220015
Status: Excess
Reason: Extensive deterioration
Bldg. 608–C
Naval Support Activity
Mechanicsburg Co: Cumberland PA 17055–
0788
Landholding Agency: Navy
Property Number: 77200220016
Status: Excess
Reason: Extensive deterioration
Bldg. 220009
Naval Support Activity
Philadelphia Co: PA 19111–5098
Landholding Agency: Navy
Property Number: 77200240046
Status: Excess
Reasons: Secured Area
Extensive deterioration
Puerto Rico
B–38

Naval Station Roosevelt Roads
Ceiba PR 00735–
Landholding Agency: Navy
Property Number: 77199830075
Status: Unutilized
Reason: Extensive deterioration
NAFA Warehouse
U.S. Coast Guard Air Station Borinquen
Aquadilla PR 00604–
Landholding Agency: DOT
Property Number: 87199310011
Status: Unutilized
Reason: Secured Area
Storage Equipment Bldg.
U.S. Coast Guard Air Station Borinquen
Aquadilla PR 00604–
Landholding Agency: DOT
Property Number: 87199330001
Status: Unutilized
Reason: Secured Area
Bldg. 115
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510001
Status: Unutilized
Reason: Secured Area
Bldg. 117
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510002
Status: Unutilized
Reason: Secured Area
Bldg. 118
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510003
Status: Unutilized
Reason: Secured Area
Bldg. 119
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510004
Status: Unutilized
Reason: Secured Area
Bldg. 120
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510005
Status: Unutilized
Reason: Secured Area
Bldg. 122
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510006
Status: Unutilized
Reason: Secured Area
Bldg. 128
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510007
Status: Unutilized
Reason: Secured Area
Bldg. 129
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510008

Status: Unutilized
Reason: Secured Area
Rhode Island
Bldg. 52
Gould Island, Naval Station
Newport Co: RI 00000–
Landholding Agency: Navy
Property Number: 77199930020
Status: Excess
Reasons: Not accessible by road; Extensive deterioration
Station Point Judith Pier
Narraganset Co: Washington RI 02882–
Landholding Agency: DOT
Property Number: 87199310002
Status: Unutilized
Reason: Extensive deterioration
South Carolina
Bldg. 49
Naval Public Works Center
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200020062
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. 7
Naval Weapons Station
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200040030
Status: Unutilized
Reason: Secured Area
Bldg. 314
Naval Weapons Station
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200040031
Status: Unutilized
Reason: Secured Area
16 Bldgs.
Naval Weapons Station
Goose Creek Co: Berkeley SC 29445–
Location: 294, 297, 316, 319, 710, 991, 3510,
3534, 3542, 3550, 3590, 3580, 3582, 3584,
3588, 3592
Landholding Agency: Navy
Property Number: 77200210106
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
Tennessee
20 Bldgs.
Naval Support Activity
Millington Co: Shelby TN 38054–
Location: 766, 1597–1598, 5238, 435–446,
S239, S75, 1211, 1379
Landholding Agency: Navy
Property Number: 77199940027
Status: Excess
Reasons: Secured Area; Extensive deterioration
6 Bldgs.
Naval Support Activity
#2003, 2016, 2024, 2025, 2076, 2077
Millington Co: TN 38054–
Landholding Agency: Navy
Property Number: 77200120013
Status: Excess
Reason: Secured Area
Bldg. R23–99
Naval Support Activity
Millington Co: TN 38054–
Landholding Agency: Navy
Property Number: 77200130104
Status: Excess
Reason: Secured Area
5 Bldgs.
Naval Support Activity
Millington Co: TN 38054–
Landholding Agency: Navy
Property Number: 77200130105
Status: Excess
Reason: Secured Area
23 Bldgs.
Naval Support Activity
Wherry Housing
Millington Co: TN 38054–
Location: 2004, 2019, 2021, 2023, 2026–2028,
2030, 2036, 2038, 2040, 2042, 2058, 2062,
2073, 2075, 2078, 2084, 2087, 2095, 2100,
2102, 2104
Landholding Agency: Navy
Property Number: 77200230042
Status: Excess
Reason: Secured Area
Bldg. 5
Navy Surface Warfare
Memphis Co: Shelby TN 38113–
Landholding Agency: Navy
Property Number: 77200230056
Status: Unutilized
Reason: Secured Area
Bldg. 11
Navy Surface Warfare
Memphis Co: Shelby TN 38113–
Landholding Agency: Navy
Property Number: 77200230057
Status: Unutilized
Reason: Secured Area
Texas
Bldgs. 1561, 1562, 1563
Naval Air Station Joint Reserve Base
Ft. Worth Co: Tarrant TX 76127–6200
Landholding Agency: Navy
Property Number: 77199820050
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. 1190
Naval Air Station Joint Reserve Base
Ft. Worth Co: Tarrant TX 76127–6200
Landholding Agency: Navy
Property Number: 77199820053
Status: Unutilized
Reason: Secured Area
Bldg. 1820
Naval Air Station Joint Reserve Base
Ft. Worth Co: Tarrant TX 76127–6200
Landholding Agency: Navy
Property Number: 77199820054
Status: Unutilized
Reasons: Secured Area; Extensive deterioration;
Bldg. 1504
Naval Air Station
Joint Reserve Base
Ft. Worth Co: Tarrant TX 76127–6200
Landholding Agency: Navy
Property Number: 77200110018
Status: Unutilized
Reason: Extensive deterioration
Facility 119
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77200110047
Status: Excess
Reasons: Within airport runway clear zone;
Secured Area; Extensive deterioration
Bldg. 1149
Naval Air Station
Ft. Worth Co: Tarrant TX 76127–6200
Landholding Agency: Navy
Property Number: 77200120014
Status: Unutilized
Reason: Extensive deterioration
Bldg. 4200
Naval Air Station
Ft. Worth Co: Tarrant TX 76127–6200
Landholding Agency: Navy
Property Number: 77200120015
Status: Unutilized
Reason: Extensive deterioration
Bldg. 1173
Naval Air Station
Ft. Worth Co: Tarrant TX 76127–6200
Landholding Agency: Navy
Property Number: 77200120016
Status: Unutilized
Reason: Extensive deterioration
Bldg. 1268
Naval Air Station
Ft. Worth Co: Tarrant TX 76127–6200
Landholding Agency: Navy
Property Number: 77200120017
Status: Unutilized
Reason: Extensive deterioration
Bldg. 1837
Naval Air Station
Ft. Worth Co: Tarrant TX 76127–6200
Landholding Agency: Navy
Property Number: 77200120018
Status: Unutilized
Reason: Extensive deterioration
Bldg. 1346
Naval Air Station
Ft. Worth Co: Tarrant TX 76127–
Landholding Agency: Navy
Property Number: 77200120156
Status: Excess
Reasons: Secured Area; Extensive deterioration
Facility 16
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77200130085
Status: Excess
Reason: Extensive deterioration
Facility 23
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77200130086
Status: Excess
Reason: Extensive deterioration
Facility 32
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77200130087
Status: Excess
Reason: Extensive deterioration
Facility 52A
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77200130088
Status: Excess
Reason: Extensive deterioration

Facility 52B
 Naval Air Station
 Corpus Christi Co: Nueces TX 78419-5021
 Landholding Agency: Navy
 Property Number: 77200130089
 Status: Excess
 Reason: Extensive deterioration

Facility 52C
 Naval Air Station
 Corpus Christi Co: Nueces TX 78419-5021
 Landholding Agency: Navy
 Property Number: 77200130090
 Status: Excess
 Reason: Extensive deterioration

Facility 52D
 Naval Air Station
 Corpus Christi Co: Nueces TX 78419-5021
 Landholding Agency: Navy
 Property Number: 77200130091
 Status: Excess
 Reason: Extensive deterioration

Facility 52E
 Naval Air Station
 Corpus Christi Co: Nueces TX 78419-5021
 Landholding Agency: Navy
 Property Number: 77200130092
 Status: Excess
 Reason: Extensive deterioration

Facility 168
 Naval Air Station
 Corpus Christi Co: Nueces TX 78419-5021
 Landholding Agency: Navy
 Property Number: 77200130093
 Status: Excess
 Reason: Extensive deterioration

Facility 306
 Naval Air Station
 Corpus Christi Co: Nueces TX 78419-5021
 Landholding Agency: Navy
 Property Number: 77200130094
 Status: Excess
 Reason: Extensive deterioration

Facility 330
 Naval Air Station
 Corpus Christi Co: Nueces TX 78419-5021
 Landholding Agency: Navy
 Property Number: 77200130095
 Status: Excess
 Reason: Extensive deterioration

Facility 372
 Naval Air Station
 Corpus Christi Co: Nueces TX 78419-5021
 Landholding Agency: Navy
 Property Number: 77200130096
 Status: Excess
 Reason: Extensive deterioration

Facility 383
 Naval Air Station
 Corpus Christi Co: Nueces TX 78419-5021
 Landholding Agency: Navy
 Property Number: 77200130097
 Status: Excess
 Reason: Extensive deterioration

Facility 1233
 Naval Air Station
 Corpus Christi Co: Nueces TX 78419-5021
 Landholding Agency: Navy
 Property Number: 77200130098
 Status: Excess
 Reason: Extensive deterioration

Facility 3589
 Naval Air Station
 Corpus Christi Co: Nueces TX 78419-5021
 Landholding Agency: Navy

Property Number: 77200130099
 Status: Excess
 Reason: Extensive deterioration
 Bldg. 1298
 Naval Air Station
 Corpus Christi Co: Nueces TX 78419-5021
 Landholding Agency: Navy
 Property Number: 77200130100
 Status: Excess
 Reason: Extensive deterioration
 Bldg. 1825
 Naval Air Station
 Ft. Worth Co: Tarrant TX 76127-
 Landholding Agency: Navy
 Property Number: 77200220025
 Status: Unutilized
 Reasons: Secured Area; Extensive
 deterioration
 Bldgs. 262 & 263
 Naval Air Station
 Ft. Worth Co: Tarrant TX 76127-
 Landholding Agency: Navy
 Property Number: 77200220026
 Status: Unutilized
 Reasons: Secured Area; Extensive
 deterioration
 Bldg. 1082
 Naval Air Station
 Ft. Worth Co: Tarrant TX 76127-
 Landholding Agency: Navy
 Property Number: 77200240047
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 1078
 Naval Air Station
 Ft. Worth Co: Tarrant TX 76127-
 Landholding Agency: Navy
 Property Number: 77200240048
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 1080
 Naval Air Station
 Ft. Worth Co: Tarrant TX 76127-
 Landholding Agency: Navy
 Property Number: 77200240049
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 1241
 Naval Air Station
 Ft. Worth Co: Tarrant TX 76127-
 Landholding Agency: Navy
 Property Number: 77200240050
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 3340
 Naval Air Station
 Ft. Worth Co: Tarrant TX 76127-
 Landholding Agency: Navy
 Property Number: 77200240052
 Status: Unutilized
 Reason: Extensive deterioration
 Old Exchange Bldg.
 U.S. Coast Guard
 Galveston Co: Galveston TX 77553-3001
 Landholding Agency: DOT
 Property Number: 87199310012
 Status: Unutilized

Reason: Secured Area
 WPB Building
 Station Port Isabel Coast Guard Station
 South Padre Island Co: Cameron TX 78597-
 6497
 Landholding Agency: DOT
 Property Number: 87199530002
 Status: Unutilized
 Reason: Floodway
 Aton Shops Building
 USCG Station Sabine
 Sabine Co: Jefferson TX 77655-
 Landholding Agency: DOT
 Property Number: 87199530003
 Status: Unutilized
 Reasons: Within 2000 ft. of flammable or
 explosive material; Secured Area
 WPB Storage Shed
 USCG Station Sabine
 Sabine Co: Jefferson TX 77655-
 Landholding Agency: DOT
 Property Number: 87199530004
 Status: Unutilized
 Reasons: Within 2000 ft. of flammable or
 explosive material; Secured Area
 Flammable Storage Building
 USCG Station Sabine
 Sabine Co: Jefferson TX 77655-
 Landholding Agency: DOT
 Property Number: 87199530005
 Status: Unutilized
 Reasons: Within 2000 ft. of flammable or
 explosive material; Secured Area
 Battery Storage Building
 USCG Station Sabine
 Sabine Co: Jefferson TX 77655-
 Landholding Agency: DOT
 Property Number: 87199530006
 Status: Unutilized
 Reasons: Within 2000 ft. of flammable or
 explosive material; Secured Area
 Boat House
 USCG Station Sabine
 Sabine Co: Jefferson TX 77655-
 Landholding Agency: DOT
 Property Number: 87199530007
 Status: Unutilized
 Reasons: Within 2000 ft. of flammable or
 explosive material; Secured Area
 Small Boat Pier
 USCG Station Sabine
 Sabine Co: Jefferson TX 77655-
 Landholding Agency: DOT
 Property Number: 87199530008
 Status: Unutilized
 Reasons: Within 2000 ft. of flammable or
 explosive material; Secured Area
 Bldg. 108
 Fort Crockett/43rd St. Housing
 Galveston Co: Galveston TX 77553-
 Landholding Agency: DOT
 Property Number: 87199630008
 Status: Unutilized
 Reason: Extensive deterioration

Vermont
 Depot Street
 Downtown at the Waterfront
 Burlington Co: Chittenden VT 05401-5226
 Landholding Agency: DOT
 Property Number: 87199220003
 Status: Excess
 Reason: Floodway

Virginia

Big Bethel Military Resv
Hampton Co: VA 23666-1432
Landholding Agency: GSA
Property Number: 54200310014
Status: Excess

Reason: Within 2000 ft. of flammable or
explosive material

GSA Number : 4-D-VA-0733

Bldg. O2

Naval Weapons Station
Yorktown Co: York VA 23691-
Landholding Agency: Navy
Property Number: 77199810073
Status: Excess

Reason: Extensive deterioration

Bldgs. 358, 359

Cheatham Annex

Williamsburg VA 23185-
Landholding Agency: Navy
Property Number: 77199820023
Status: Excess

Reason: Extensive deterioration

Bldg. CAD-102

Cheatham Annex

Williamsburg VA 23185-
Landholding Agency: Navy
Property Number: 77199820025
Status: Excess

Reason: Extensive deterioration

Bldg. CAD-102A

Cheatham Annex

Williamsburg VA 23185-
Landholding Agency: Navy
Property Number: 77199820026
Status: Excess

Reason: Extensive deterioration

CAD-40

Cheatham Annex

Williamsburg VA 23185-
Landholding Agency: Navy
Property Number: 77199830084
Status: Unutilized

Reasons: Secured Area; Extensive
deterioration

Bldg. 449

Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920068
Status: Excess

Reason: Extensive deterioration

Bldg. 450

Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920069
Status: Excess

Reason: Extensive deterioration

Bldg. 451

Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920070
Status: Excess

Reason: Extensive deterioration

Bldg. 453

Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920071
Status: Excess

Reason: Extensive deterioration

Bldg. 454

Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920072
Status: Excess

Reason: Extensive deterioration

Bldg. 708

Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920073
Status: Excess

Reason: Extensive deterioration

Bldg. 709

Norfolk Naval Shipyard
Portsmouth Co: VA 23709
Landholding Agency: Navy
Property Number: 77199920074
Status: Excess

Reason: Extensive deterioration

Bldg. 710

Norfolk Naval Shipyard
Portsmouth Co: VA 23709
Landholding Agency: Navy
Property Number: 77199920075
Status: Excess

Reason: Extensive deterioration

Bldg. 711

Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920076
Status: Excess

Reason: Extensive deterioration

Bldg. 712

Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920077
Status: Excess

Reason: Extensive deterioration

Bldg. 713

Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920078
Status: Excess

Reason: Extensive deterioration

Bldg. 714

Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920079
Status: Excess

Reason: Extensive deterioration

Bldg. 715

Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920080
Status: Excess

Reason: Extensive deterioration

Bldg. 716

Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920081
Status: Excess

Reason: Extensive deterioration

Bldg. 717

Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920082

Status: Excess

Reason: Extensive deterioration

Bldg. 718

Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920083
Status: Excess

Reason: Extensive deterioration

Bldg. 1454

Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920084
Status: Excess

Reason: Extensive deterioration

Bldg. 7

Naval Weapons Station
Yorktown Co: VA 23691-
Landholding Agency: Navy
Property Number: 77200020009
Status: Unutilized

Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area

Bldg. 12

Naval Weapons Station
Yorktown Co: VA 23691-
Landholding Agency: Navy
Property Number: 77200020010
Status: Unutilized

Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration

Bldg. 24

Naval Weapons Station
Yorktown Co: VA 23691-
Landholding Agency: Navy
Property Number: 77200020011
Status: Unutilized

Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area

Bldg. 34

Naval Weapons Station
Yorktown Co: VA 23691-
Landholding Agency: Navy
Property Number: 77200020012
Status: Unutilized

Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration

Bldg. 108

Naval Weapons Station
Yorktown Co: VA 23691-
Landholding Agency: Navy
Property Number: 77200020013
Status: Unutilized

Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration

Bldg. 299

Naval Weapons Station
Yorktown Co: VA 23691-
Landholding Agency: Navy
Property Number: 77200020014
Status: Unutilized

Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration

Bldg. 400

Naval Weapons Station
Yorktown Co: VA 23691-
Landholding Agency: Navy
Property Number: 77200020015
Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 436

Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020016
Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldgs. 442, 443

Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020017
Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 530

Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020018
Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 532

Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020019
Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldgs. 646–651

Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020020
Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldgs. 758, 759

Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020021
Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 764

Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020022
Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 784

Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020023
Status: Unutilized

Reasons:

Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 786

Naval Weapons Station Yorktown
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020024
Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 788

Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020025
Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 790

Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020026
Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 814

Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020027
Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldgs. 1955–1957

Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020028
Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldgs. 1960, 1961, 1964

Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020029
Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldgs. 1980, 1981

Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020030
Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 160

Cheatham Annex
Williamsburg Co: VA 23185–5830
Landholding Agency: Navy
Property Number: 77200020031
Status: Unutilized

Reasons: Secured Area; Extensive deterioration

Bldg. 1453

Norfolk Naval Shipyard
Portsmouth Co: VA 23709–5000
Landholding Agency: Navy
Property Number: 77200020063
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 13

Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200120024
Status: Excess

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 14

Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200120025
Status: Excess

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 22

Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200120026
Status: Excess

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 23

Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200120027
Status: Excess

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 70

Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200120028
Status: Excess

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 87

Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200120029
Status: Excess

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 88

Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200120030
Status: Excess

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 118

Naval Weapons Station
Yorktown Co: VA 23691–

Reason: Extensive deterioration
Bldg. B1379
Naval Surface Warfare Center
Dahlgren Co: King George VA 22448–
Landholding Agency: Navy
Property Number: 77200130066
Status: Unutilized
Reason: Extensive deterioration
Bldg. B1383
Naval Surface Warfare Center
Dahlgren Co: King George VA 22448–
Landholding Agency: Navy
Property Number: 77200130067
Status: Unutilized
Reason: Extensive deterioration
Bldg. B1386
Naval Surface Warfare Center
Dahlgren Co: King George VA 22448–
Landholding Agency: Navy
Property Number: 77200130068
Status: Unutilized
Reason: Extensive deterioration
Bldg. B9406
Naval Surface Warfare Center
Dahlgren Co: King George VA 22448–
Landholding Agency: Navy
Property Number: 77200130069
Status: Unutilized
Reason: Extensive deterioration
Bldg. 116
Marine Corps Base
Quantico Co: VA 22134–
Landholding Agency: Navy
Property Number: 77200130101
Status: Unutilized
Reason: Extensive deterioration
Bldgs. 55, 3233
Marine Corps Base
Quantico Co: VA 22134–
Landholding Agency: Navy
Property Number: 77200130115
Status: Excess
Reason: Extensive deterioration
Bldg. B260
Naval Surface Warfare Center
Dahlgren Co: King George VA 22448–5100
Landholding Agency: Navy
Property Number: 77200130116
Status: Unutilized
Reason: Extensive deterioration
Bldg. B452
Naval Surface Warfare Center
Dahlgren Co: King George VA 22448–
Landholding Agency: Navy
Property Number: 77200130117
Status: Unutilized
Reason: Extensive deterioration
Bldg. B1361
Naval Surface Warfare Center
Dahlgren Co: King George VA 22448–
Landholding Agency: Navy
Property Number: 77200130118
Status: Unutilized
Reason: Extensive deterioration
Bldg. B1360
Naval Surface Warfare Center
Dahlgren Co: King George VA 22448–
Landholding Agency: Navy
Property Number: 77200130119
Status: Unutilized
Reason: Extensive deterioration
Bldg. B1362
Naval Surface Warfare Center
Dahlgren Co: King George VA 22448–

Landholding Agency: Navy
Property Number: 77200130120
Status: Unutilized
Reason: Extensive deterioration
Bldg. B9409
Naval Surface Warfare Center
Dahlgren Co: King George VA 22448–
Landholding Agency: Navy
Property Number: 77200130121
Status: Unutilized
Reason: Extensive deterioration
Bldg. B9412
Naval Surface Warfare Center
Dahlgren Co: King George VA 22448–
Landholding Agency: Navy
Property Number: 77200130122
Status: Unutilized
Reason: Extensive deterioration
Bldg. B9436
Naval Surface Warfare Center
Dahlgren Co: King George VA 22448–5100
Landholding Agency: Navy
Property Number: 77200130123
Status: Unutilized
Reason: Extensive deterioration
Bldg. B9445
Naval Surface Warfare Center
Dahlgren Co: King George VA 22448–5100
Landholding Agency: Navy
Property Number: 77200130124
Status: Unutilized
Reason: Extensive deterioration
Bldg. B9446
Naval Surface Warfare Center
Dahlgren Co: King George VA 22448–
Landholding Agency: Navy
Property Number: 77200130125
Status: Unutilized
Reason: Extensive deterioration
Bldg. B9461
Naval Surface Warfare Center
Dahlgren Co: King George VA 22448–
Landholding Agency: Navy
Property Number: 77200130126
Status: Unutilized
Reason: Extensive deterioration
Bldg. B9462
Naval Surface Warfare Center
Dahlgren Co: King George VA 22448–
Landholding Agency: Navy
Property Number: 77200130127
Status: Unutilized
Reason: Extensive deterioration
58 Housing Units
Marine Corps Base
Quantico Co: VA 22134–
Landholding Agency: Navy
Property Number: 77200210040
Status: Unutilized
Reason: Extensive deterioration
18 Housing Units
Marine Corps Base
Quantico Co: VA
Landholding Agency: Navy
Property Number: 77200210041
Status: Unutilized
Reason: Extensive deterioration
8 Bldgs.
Marine Corps Base
#3220–3227
Quantico Co: VA 22134–
Landholding Agency: Navy
Property Number: 77200210062
Status: Excess

Reason: Extensive deterioration
6 Bldgs.
Marine Corps Base
2600A, 2604, 2631, 2664, 26123, 261512
Quantico Co: VA 22134–
Landholding Agency: Navy
Property Number: 77200210063
Status: Excess
Reason: Extensive deterioration
Bldg. SP–93
Naval Station
Norfolk Co: VA 23511–
Landholding Agency: Navy
Property Number: 77200220037
Status: Excess
Reason: Extensive deterioration
Bldg. U–40/Portion
Naval Station
Norfolk Co: VA
Landholding Agency: Navy
Property Number: 77200220040
Status: Excess
Reason: Extensive deterioration
Bldg. SP–63
Naval Station
Norfolk Co: VA
Landholding Agency: Navy
Property Number: 77200220041
Status: Excess
Reason: Extensive deterioration
Bldg. SP–63A
Naval Station
Norfolk Co: VA
Landholding Agency: Navy
Property Number: 77200220042
Status: Excess
Reason: Extensive deterioration
Bldg. A–67
Naval Station
Norfolk Co: VA
Landholding Agency: Navy
Property Number: 77200220043
Status: Excess
Reason: Extensive deterioration
Bldg. U–124
Naval Station
Norfolk Co: VA
Landholding Agency: Navy
Property Number: 77200220044
Status: Excess
Reason: Extensive deterioration
Bldg. CEP–213
Naval Station
Norfolk Co: VA
Landholding Agency: Navy
Property Number: 77200220045
Status: Excess
Reason: Extensive deterioration
Bldg. 51
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200220054
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration
Bldg. 79
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200220055
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area

- Bldg. 89
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200220056
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
- 5 Bldgs.
Naval Weapons Station #90, 91, 95, 96, 101
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200220057
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration
- Bldg. 119A
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200220058
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
- Bldg. 378
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200220059
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
- Bldg. 398
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200220060
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration
- Bldg. 415
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200220061
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration
- Bldgs. 440, 441
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200220062
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration
- Bldg. 508
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200220063
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration
- Bldg. 510
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200220064
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration
- Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration
- Bldg. 605
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200220065
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
- Bldg. 624
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200220066
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration
- Bldg. 688
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200220067
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
- Bldgs. 1271, 1272, 1273
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200220068
Status: Excess
Reason: Secured Area
- Bldgs. 1465, 1466
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200220069
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
- Bldgs. 1467, 1468, 1469
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200220070
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
- Bldg. 1799
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200220071
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
- Bldg. CAD40
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200220084
Status: Excess
Reason: Secured Area
- Bldg. CAD41
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200220085
Status: Excess
Reason: Secured Area
- Bldg. CAD479
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200220086
Status: Excess
Reason: Secured Area
- Bldg. 2250
Marine Corps Base
Quantico Co: VA 22134–
Landholding Agency: Navy
Property Number: 77200230014
Status: Excess
Reason: Extensive deterioration
- Bldg. 819
Marine Corps Base
Geiger Ridge
Quantico Co: VA 22134–
Landholding Agency: Navy
Property Number: 77200230015
Status: Excess
Reason: Extensive deterioration
- Bldg. B–2108
Marine Corps Base
Quantico Co: VA 22134–
Landholding Agency: Navy
Property Number: 77200230016
Status: Excess
Reason: Extensive deterioration
- 6 Bldgs.
Marine Corps Base
Quantico Co: VA
Location: #2902, 2906, 2923, 2928, 2930,
2950
Landholding Agency: Navy
Property Number: 77200230030
Status: Excess
Reason: Extensive deterioration
- 30 Housing Units
Marine Corps Base
Quantico Co: VA 22134–
Landholding Agency: Navy
Property Number: 77200240006
Status: Excess
Reason: Extensive deterioration
- Bldgs. 3028, 3037
Marine Corps Base
Quantico Co: VA 22134–
Landholding Agency: Navy
Property Number: 77200240007
Status: Excess
Reason: Extensive deterioration
- Bldgs. 3035, 3040, 3205
Marine Corps Base
Quantico Co: VA 22134–
Landholding Agency: Navy
Property Number: 77200240008
Status: Excess
Reason: Extensive deterioration
- Bldg. 60
Naval Surface Warfare Center
Dahlgren Co: King George VA 22448–
Landholding Agency: Navy
Property Number: 77200240009
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration
- Bldg. 1216
Naval Surface Warfare Center
Dahlgren Co: King George VA 22448–
Landholding Agency: Navy
Property Number: 77200240010
Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 1354

Naval Surface Warfare Center
Dahlgren Co: King George VA 22448–

Landholding Agency: Navy
Property Number: 77200240011

Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Pier R–1

Naval Weapons Station

Yorktown Co: VA 23691–

Landholding Agency: Navy
Property Number: 77200240053

Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 709

Naval Weapons Station

Yorktown Co: VA 23691–

Landholding Agency: Navy
Property Number: 77200240054

Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. M–15

Naval Station

Norfolk Co: VA 23511–3095

Landholding Agency: Navy
Property Number: 77200240055

Status: Excess

Reason: Extensive deterioration

Bldg. NM–79

Naval Station

Norfolk Co: VA 23511–3095

Landholding Agency: Navy
Property Number: 77200240056

Status: Excess

Reason: Extensive deterioration

Bldg. Z–216

Naval Station

Norfolk Co: VA 23511–3095

Landholding Agency: Navy
Property Number: 77200240057

Status: Excess

Reason: Extensive deterioration

Bldg. 052 & Tennis Court

USCG Reserve Training Center

Yorktown Co: York VA 23690–

Landholding Agency: DOT

Property Number: 87199230004

Status: Excess

Reason: Secured Area

Admin. Bldg.

Coast Guard, Group Eastern Shores

Chincoteague Co: Accomack VA 23361–510

Landholding Agency: DOT

Property Number: 87199240014

Status: Unutilized

Reason: Secured Area

Little Creek Station

Navamphib Base, West Annex, U.S. Coast

Guard

Norfolk Co: Princess Anne VA 23520–

Landholding Agency: DOT

Property Number: 87199310004

Status: Unutilized

Reason: Secured Area

Operations Bldg.

U.S. Coast Guard Group Hampton Roads

Portsmouth VA 23703–

Landholding Agency: DOT

Property Number: 87199710003

Status: Unutilized

Reason: Secured Area

Bldgs. 63, 115

USCG Training Center

Yorktown Co: York VA 23690–5000

Landholding Agency: DOT

Property Number: 87200110037

Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 156

USCG Training Center Yorktown

Yorktown Co: York VA 23690–5000

Landholding Agency: DOT

Property Number: 87200120015

Status: Underutilized

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 002

USCG Eastern Shore

Chincoteague Co: Accomack VA 23336–

Landholding Agency: DOT

Property Number: 87200220007

Status: Excess

Reason: Secured Area

Washington

Bldg. 6661

Naval Submarine Base, Bangor

Silverdale Co: Kitsap WA 98315–6499

Landholding Agency: Navy

Property Number: 77199730039

Status: Unutilized

Reason: Secured Area

Bldg. 604

Manchester Fuel Department

Port Orchard WA 98366–

Landholding Agency: Navy

Property Number: 77199810170

Status: Excess

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 288

Fleet Industrial Supply Center

Bremerton WA 98314–5100

Landholding Agency: Navy

Property Number: 77199810171

Status: Excess

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 47

Naval Radio Station T Jim Creek

Arlington Co: Snohomish WA 98223–

Landholding Agency: Navy

Property Number: 77199820056

Status: Unutilized

Reasons: Secured Area; Extensive deterioration

Bldg. 48

Naval Radio Station T Jim Creek

Arlington Co: Snohomish WA 98223–

Landholding Agency: Navy

Property Number: 77199820057

Status: Unutilized

Reasons: Secured Area; Extensive deterioration

Coal Handling Facilities

Puget Sound Naval Shipyard

#908, 919, 926–929

Bremerton WA 98314–5000

Landholding Agency: Navy

Property Number: 77199820142

Status: Excess

Reason: Within 2000 ft. of flammable or explosive material

Bldg. 193

Puget Sound Naval Shipyard

Bremerton WA 98310–

Landholding Agency: Navy

Property Number: 77199820143

Status: Unutilized

Reason: contamination

Bldg. 202

Naval Air Station Whidbey Island

Oak Harbor WA 98278–

Landholding Agency: Navy

Property Number: 77199830019

Status: Excess

Reason: Within 2000 ft. of flammable or explosive material

Bldg. 2649

Naval Air Station Whidbey Island

Oak Harbor WA 98278–

Landholding Agency: Navy

Property Number: 77199830020

Status: Excess

Reasons: Within 2000 ft. of flammable or explosive material; Extensive deterioration

Bldgs. 35, 36

Naval Radio Station T Jim Creek

Arlington Co: Snohomish WA 98223–

Landholding Agency: Navy

Property Number: 77199830076

Status: Unutilized

Reason: Extensive deterioration

Bldg. 918

Puget Sound Naval Shipyard

Bremerton WA 98314–5000

Landholding Agency: Navy

Property Number: 77199840020

Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 894

Naval Undersea Warfare Center

Keyport Co: Kitsap WA 98345–7610

Landholding Agency: Navy

Property Number: 77199920085

Status: Underutilized

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 73

Naval Undersea Warfare Center

Keyport Co: Kitsap WA 98345–

Landholding Agency: Navy

Property Number: 77199920152

Status: Underutilized

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 210A

Naval Station Bremerton

Bremerton Co: WA 98314–

Landholding Agency: Navy

Property Number: 77199930021

Status: Excess

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 511

Naval Station Bremerton

Bremerton Co: WA 98314–

Landholding Agency: Navy

Property Number: 77199930022

Status: Excess

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

- Bldg. 527
Naval Station Bremerton
Bremerton Co: WA 98314–
Landholding Agency: Navy
Property Number: 77199930023
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
- Bldg. 97
Naval Air Station
Whidbey Island
Oak Harbor Co: WA 98278–
Landholding Agency: Navy
Property Number: 77199930040
Status: Unutilized
Reason: Extensive deterioration
- Bldg. 331
Naval Undersea Warfare Center
Keyport Co: Kitsap WA 98345–
Landholding Agency: Navy
Property Number: 77199930041
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
- Bldg. 786
Naval Undersea Warfare Center
Keyport Co: Kitsap WA 98345–
Landholding Agency: Navy
Property Number: 77199930042
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
- Bldg. 15
Naval Air Station, Whidbey Island
Oak Harbor Co: WA 98278–3500
Landholding Agency: Navy
Property Number: 77199930071
Status: Unutilized
Reason: Extensive deterioration
- Bldg. 119
Naval Air Station, Whidbey Island
Oak Harbor Co: WA 98278–3500
Landholding Agency: Navy
Property Number: 77199930072
Status: Unutilized
Reason: Extensive deterioration
- Bldg. 853
Naval Air Station, Whidbey Island
Oak Harbor Co: WA 98278–3500
Landholding Agency: Navy
Property Number: 77199930073
Status: Unutilized
Reason: Extensive deterioration
- Bldg. 854
Naval Air Station, Whidbey Island
Oak Harbor Co: WA 98278–3500
Landholding Agency: Navy
Property Number: 77199930074
Status: Unutilized
Reason: Extensive deterioration
- Bldg. 166
Puget Sound Naval Shipyard
Bremerton Co: WA 98314–5000
Landholding Agency: Navy
Property Number: 77199930101
Status: Excess
Reason: Secured Area
- Bldg. 287
Puget Sound Naval Shipyard
Bremerton Co: WA 98314–5000
Landholding Agency: Navy
Property Number: 77199930102
Status: Excess
Reason: Secured Area
- Bldg. 418
Puget Sound Naval Shipyard
Bremerton Co: WA 98314–5000
Landholding Agency: Navy
Property Number: 77199930103
Status: Excess
Reason: Secured Area
- Bldg. 858
Puget Sound Naval Shipyard
Bremerton Co: WA 98314–5000
Landholding Agency: Navy
Property Number: 77199930104
Status: Excess
Reason: Secured Area
- Bldg. 17
Naval Radio Station
Jim Creek
Arlington Co: WA 98223–8599
Landholding Agency: Navy
Property Number: 77200010073
Status: Excess
Reasons: Secured Area; Extensive
deterioration
- Bldg. 47
Naval Undersea Warfare
Keyport Co: Kitsap WA 98345–7610
Landholding Agency: Navy
Property Number: 77200010074
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
- Whitney Point Complex
Brimmon Co: Jefferson WA 98320–9899
Landholding Agency: Navy
Property Number: 77200010102
Status: Excess
Reason: Extensive deterioration
- Bldg. 398
Naval Station
Bremerton Co: WA 98314–5000
Landholding Agency: Navy
Property Number: 77200020038
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
- Bldg. 976
Naval Station
Bremerton Co: WA 98314–5020
Landholding Agency: Navy
Property Number: 77200020039
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
Extensive deterioration
- 8 Bldgs.
Naval Station 902, 903, 905, 907, 909–911,
915
Bremerton Co: WA 98314–5020
Landholding Agency: Navy
Property Number: 77200020040
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
- Bldg. 109
Naval Weapons Station
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200030020
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration
- Bldg. 157
Naval Weapons Station
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200030021
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration
- Bldg. 161
Naval Weapons Station
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200030022
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration
- Bldg. 170
Naval Weapons Station
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200030023
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration
- Bldg. 262
Naval Weapons Station
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200030024
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration
- Bldg. 482
Puget Sound Naval Shipyard
Bremerton Co: WA 98314–5000
Landholding Agency: Navy
Property Number: 77200040019
Status: Excess
Reason: Secured Area
- Bldg. 529
Puget Sound Naval Shipyard
Bremerton Co: WA 98314–5000
Landholding Agency: Navy
Property Number: 77200040020
Status: Excess
Reason: Secured Area
- Bldg. 133
Naval Undersea Warfare Station
Keyport Co: Kitsap WA 98345–7610
Landholding Agency: Navy
Property Number: 77200120133
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration
- Bldg. 2511
NAS Whidbey Island
Oak Harbor Co: Island WA 98278–3500
Landholding Agency: Navy
Property Number: 77200120157
Status: Excess
Reason: Secured Area
- Bldg. 98
Naval Air Station
Oak Harbor Co: Whidbey Island WA 98278–
Landholding Agency: Navy
Property Number: 77200220022
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Floodway; Extensive
deterioration
- Bldg. 2667

Naval Air Station
Oak Harbor Co: Whidbey Island WA 98278–
Landholding Agency: Navy
Property Number: 77200220023
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Floodway; Extensive
deterioration
Bldg. 899
Puget Sound Naval Shipyard
Bremerton Co: WA 98314–5000
Landholding Agency: Navy
Property Number: 77200230032
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
Bldgs. 935, 936, 956, 957
Naval Station
Bremerton Co: WA 98314–5020
Landholding Agency: Navy
Property Number: 77200230041
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
Bldg. 1990
Naval Station
Everett Co: Snohomish WA 98207–5001
Landholding Agency: Navy
Property Number: 77200230044
Status: Excess
Reasons: Secured Area; Extensive
deterioration
Bldg. 530
Naval Station
Bremerton Co: WA 98314–5020
Landholding Agency: Navy
Property Number: 77200230058
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
Bldg. 878
Naval Station
Bremerton Co: WA 98314–5020
Landholding Agency: Navy
Property Number: 77200230059
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
Bldg. 904
Naval Station
Fort Lawton
Everett Co: Snohomish WA 98207–5001
Landholding Agency: Navy
Property Number: 77200230060
Status: Excess
Reason: Extensive deterioration
Bldg. 66
Naval Magazine
Indian Island
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200240032
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration
Bldg. 67
Naval Magazine
Indian Island
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200240033
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration
Bldg. 180
Naval Magazine
Indian Island
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200240034
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration
Bldg. 182
Naval Magazine
Indian Island
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200240035
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration
Bldg. 214
Naval Magazine
Indian Island
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200240036
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration
Bldg. 273
Naval Magazine
Indian Island
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200240037
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area;
Extensive deterioration
Bldg. 937
Naval Undersea Warfare
Keyport Co: Kitsap WA 98345–7610
Landholding Agency: Navy
Property Number: 77200240038
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
Bldg. 2801A
Naval Undersea Warfare
Keyport Co: Kitsap WA 98345–7610
Landholding Agency: Navy
Property Number: 77200240039
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
Bldg. 7634
Naval Undersea Warfare
Keyport Co: Kitsap WA 98345–7610
Landholding Agency: Navy
Property Number: 77200240040
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area
Wisconsin
Rawley Point Light
Two Rivers Co: Manitowoc WI
Landholding Agency: DOT
Property Number: 87199540004
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration

Land (by State)
California
Space Surv. Field Station
Portion/Off Heritage Road
San Diego CA 90012–1408
Landholding Agency: Navy
Property Number: 77199820049
Status: Excess
Reason: Within 2000 ft. of flammable or
explosive material
Land
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77199940001
Status: Underutilized
Reason: Secured Area
PCL–4 (11.60 acres)
Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200020095
Status: Underutilized
Reason: Secured Area
Parcel 8
Naval Base
Port Hueneme Co: Ventura CA 93043–4300
Landholding Agency: Navy
Property Number: 77200110040
Status: Underutilized
Reason: Secured Area
Parcel 10
Naval Base
Port Hueneme Co: Ventura CA 93043–4300
Landholding Agency: Navy
Property Number: 77200110041
Status: Underutilized
Reason: Secured Area
Parcel 12
Naval Base
Port Hueneme Co: Ventura CA 93043–4300
Landholding Agency: Navy
Property Number: 77200110043
Status: Underutilized
Reason: Secured Area
Parcel 13
Naval Base
Port Hueneme Co: Ventura CA 93043–4300
Landholding Agency: Navy
Property Number: 77200110044
Status: Underutilized
Reason: Secured Area
Parcel 14
Naval Base
Port Hueneme Co: Ventura CA 93043–4300
Landholding Agency: Navy
Property Number: 77200110045
Status: Underutilized
Reason: Secured Area
Eniwetok Playgrounds
Marine Corps Logistics Base
Barstow Co: San Bernardino CA 92311–
Landholding Agency: Navy
Property Number: 77200220034
Status: Underutilized
Reason: Secured Area
CB Rifle Range
Point Mugu Co: Ventura CA 93042–5000
Landholding Agency: Navy
Property Number: 77200230001
Status: Underutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Secured Area

District of Columbia	Topsham Co: Cumberland ME 04086–	Reason: Secured Area
1600 sq. ft./T–88	Landholding Agency: Navy	5 (0.91) Parcels
Naval Research Lab	Property Number: 77200130028	Marine Corps Base
Washington Co: DC 20375–5320	Status: Unutilized	Camp Lejeune Co: NC
Landholding Agency: Navy	Reason: Secured Area	Landholding Agency: Navy
Property Number: 77200110118	Maryland	Property Number: 77200210080
Status: Unutilized	6 Acres	Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material	Naval Air Station	Reason: Secured Area
Florida	Patuxent River Co: MD 20670–	3 (0.91) Parcels
Land—approx. 220 acres	Landholding Agency: Navy	Marine Corps Base
Cape San Blas	Property Number: 77199940023	Greater Sandy Run
Port St. Joe Co: Gulf FL	Status: Unutilized	Camp Lejeune Co: NC
Landholding Agency: DOT	Reason: Secured Area	Landholding Agency: Navy
Property Number: 87199440018	Land—5000 sq. ft.	Property Number: 77200210081
Status: Underutilized	Naval Air Station	Status: Underutilized
Reasons: Floodway; Secured Area	Patuxent River Co: MD 20670–1603	Reasons: Within airport runway clear zone; Secured Area
Maine	Landholding Agency: Navy	Virginia
Parcel 2	Property Number: 77200010023	1.6 acres
Naval Air Station	Status: Unutilized	Naval Amphibious Base
Canam Drive	Reason: Secured Area	Norfolk Co: VA 23521–2616
Topsham Co: Cumberland ME 04086–	Michigan	Landholding Agency: Navy
Landholding Agency: Navy	Middle Marker Facility	Property Number: 77200240063
Property Number: 77200130026	Ypsilanti Co: Washtenaw MI 48198–	Status: Unutilized
Status: Unutilized	Location: 549 ft. north of intersection of Coolidge and Bradley Ave. on East side of street	Reason: Secured Area
Reason: Secured Area	Landholding Agency: DOT	Washington
Parcel 3	Property Number: 87199120006	Land–Port Hadlock Detachment
Naval Air Station	Status: Unutilized	Naval Ordnance Center Pacific Division
Canam Drive	Reason: Within airport runway clear zone	Port Hadlock Co: Jefferson WA 98339–
Topsham Co: Cumberland ME 04086–	North Carolina	Landholding Agency: Navy
Landholding Agency: Navy	0.85 parcel of land	Property Number: 77199640019
Property Number: 77200130027	Marine Corps Air Station, Cherry Point	Status: Underutilized
Status: Unutilized	Havelock Co: Craven NC 28533–	Reasons: Within 2000 ft. of flammable or explosive material; Secured Area
Reason: Secured Area	Landholding Agency: Navy	[FR Doc. 03–4160 Filed 2–21–03; 8:45 am]
Parcel 5	Property Number: 77199740074	BILLING CODE 4210–29–P
Naval Air Station	Status: Unutilized	
Canam Drive		



Federal Register

**Monday,
February 24, 2003**

Part III

Securities and Exchange Commission

17 CFR Part 240

**Definition of Terms in and Specific
Exemptions for Banks, Savings
Associations, and Savings Banks Under
Sections 3(a)(4) and 3(a)(5) of the
Securities Exchange Act of 1934; Final
Rule**

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-47364; File No. S7-41-02]

RIN 3235-A119

Definition of Terms in and Specific Exemptions for Banks, Savings Associations, and Savings Banks Under Sections 3(a)(4) and 3(a)(5) of the Securities Exchange Act of 1934

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission is adopting amendments to its rule granting an exemption to banks from dealer registration for a *de minimis* number of riskless principal transactions, and to its rule that defines terms used in the bank exception to dealer registration for asset-backed transactions. The Commission also is adopting a new exemption for banks the definition of broker and dealer under the Securities Exchange Act of 1934 for certain securities lending transactions. In addition, the Commission is extending the exemption from rescission liability under Exchange Act Section 29 to contracts entered into by banks acting in a dealer capacity before March 31, 2005. These rules address certain of the exceptions for banks from the definitions of “broker” and “dealer” that were added to the Securities Exchange Act of 1934 by the Gramm-Leach-Bliley Act.

DATES: *Effective Date:* March 26, 2003.
Compliance Date: September 30, 2003.

FOR FURTHER INFORMATION CONTACT: Catherine McGuire, Chief Counsel; Lourdes Gonzalez, Assistant Chief Counsel; or Linda Stamp Sundberg, Attorney Fellow; (202) 942-0073, Office of the Chief Counsel, Division of Market Regulation, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549-1001.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission (“Commission”) is adopting amendments to Rules 3a5-1 [17 CFR 240.3a5-1], 3b-18 [17 CFR 240.3b-18], and 15a-8 [17 CFR 240.15a-8] under the Securities Exchange Act of 1934 (“Exchange Act”). The Commission also is adopting an exemption from the definitions of “broker” and “dealer” for banks engaging in securities lending transactions pursuant to new Exchange Act Rule 15a-11 [17 CFR 240.15a-11].

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Text of Rules and Rule Amendments	

I. Introduction

On October 30, 2002, the Commission proposed amendments to the Interim Final Rules¹ (“the Rules”) under the Exchange Act concerning the definition

¹ Definition of Terms in and Specific Exemptions for Banks, Savings Associations, and Savings Banks Under Sections 3(a)(4) and 3(a)(5) of the Securities Exchange Act of 1934, Release No. 34-44291, 66 FR 27760 (May 18, 2001).

of “dealer.”² Today, the Commission adopts these “dealer” rules substantially as proposed with some technical amendments to the exemptions in response to comments received. In addition, the Commission is, by separate order, extending the banks’ temporary exemption from the definition of dealer until September 30, 2003. Finally, the Commission is amending Rule 15a-8 to give practical effect to the exemption from rescission liability under Exchange Act Section 29 on contracts entered into by banks in a dealer capacity for a finite transition period until March 31, 2005. This exemption was previously adopted, subject to comment.

The Commission previously adopted Exchange Act Rules 3a5-1, 3b-18, and 15a-8 on May 11, 2001 as part of the Rules, which were designed to implement the specific transactional exceptions for banks from the definitions of “broker” and “dealer.” The definitions of “broker” and “dealer,” in Exchange Act Sections 3(a)(4) and 3(a)(5), respectively, were amended by the Gramm-Leach-Bliley Act (“GLBA”).³

² Definition of Terms in and Specific Exemptions for Banks, Savings Associations, and Savings Banks Under Sections 3(a)(4) and 3(a)(5) of the Securities Exchange Act of 1934, Release No. 34-46745, 67 FR 67495 (November 5, 2002) (“the Proposing Release”).

³ Pub. L. No. 106-102, 113 Stat. 1338 (1999). On November 12, 1999, the President signed the GLBA into law. The GLBA changed federal statutes governing the scope of permissible activities and the supervision of banks, bank holding companies, and their affiliates. The GLBA lowered barriers between the banking and securities industries erected by the Banking Act of 1933 (popularly known as the “Glass-Steagall Act”) Pub. L. No. 73-66, ch. 89, 48 Stat. 162 (1933) (as codified in various sections of 12 U.S.C.). Section 101 of the GLBA repealed Sections 20 (12 U.S.C. 377) and 32 (12 U.S.C. 78) of the Banking Act of 1933. The GLBA did not repeal Sections 16 (12 U.S.C. 24 (Seventh)) and 21 (12 U.S.C. 377) of the Banking Act of 1933, which were retained as continuing safeguards. Section 16 prohibits national banks from underwriting, selling, or dealing in securities, except for certain bank-eligible securities such as U.S. government securities, and section 5(c) of the Glass-Steagall Act applies those same Section 16 restrictions to state-chartered banks that are members of the Federal Reserve System. See 12 U.S.C. 24 (Seventh) and 12 U.S.C. 335. Section 16 excludes from its prohibitions securities transactions in which the bank acts as agent for its customers, which is considered agency activity under banking law. Under state banking law, insured state banks also generally may act as agent for their customers. Under federal law, insured state banks are prohibited from engaging as principal in any activities that are not permissible for national banks, unless the state banks comply with applicable capital standards and the Federal Deposit Insurance Corporation (“FDIC”) has determined that the activity will not pose a significant risk to the appropriate insurance fund. Federal Deposit Insurance Corporation Improvement Act of 1991, Pub. L. 102-242, Title III, Section 303, 12 U.S.C. 1831a. Glass-Steagall Act Section 21, which is also still in effect, prohibits investment banks from offering checking or savings accounts. See 12 U.S.C. 378a.

Among other things, the GLBA provided for functional regulation of securities activities by eliminating the complete exception for banks from the definitions of "broker" and "dealer" and replacing them with specific transaction-based exceptions. Before the GLBA amendments, Sections 3(a)(4) and 3(a)(5) of the Exchange Act provided that the terms "broker" and "dealer" did not include a "bank."⁴ Accordingly, banks⁵ that engaged in securities activities were excepted from the requirement to register as broker-dealers under the Exchange Act.⁶ The amended statutory definitions create eleven "broker" and four "dealer" exceptions for banks.

In response to interpretive questions as well as industry-specific concerns, the Commission adopted the Rules on May 11, 2001 to give the banking industry guidance on the parameters of these new bank exceptions. Although

The GLBA also lowered barriers between the banking and the insurance industries erected by the 1982 amendments to the Bank Holding Company Act of 1956 (the "Bank Holding Company Act"). The Garn-St. Germain Depository Institutions Act of 1982, Pub. L. No. 97-320, 96 Stat. 1469 (1982) (as codified in various sections of 12 U.S.C.), amending section 4(c)(8) of the Bank Holding Company Act, 12 U.S.C. 1841-1850 (1994).

⁴ Before the GLBA, Exchange Act Section 3(a)(4) defined the term "broker" as "any person engaged in the business of effecting transactions in securities for the account of others, but does not include a bank." Before the GLBA, Exchange Act Section 3(a)(5) defined the term "dealer" as "any person engaged in the business of buying and selling securities for his own account, through a broker or otherwise, but does not include a bank * * *"

⁵ Exchange Act Section 3(a)(6) [15 U.S.C. 78c(a)(6)] defines the term "bank" as:

(A) a banking institution organized under the laws of the United States, (B) a member bank of the Federal Reserve System, (C) any other banking institution, whether incorporated or not, doing business under the laws of any State or of the United States, a substantial portion of the business of which consists of receiving deposits or exercising fiduciary powers similar to those permitted to national banks under the authority of the Comptroller of the Currency * * * and which is supervised and examined by State or Federal authority having supervision over banks, and which is not operated for the purpose of evading the provisions of this title, and (D) a receiver, conservator, or other liquidating agent of any institution or firm included in clauses (A), (B), or (C) of this paragraph.

⁶ Exchange Act Section 15(a) [15 U.S.C. 78o(a)] generally provides that:

[i]t shall be unlawful for any broker or dealer which is either a person other than a natural person or a natural person not associated with a broker or dealer which is a person other than a natural person (other than such a broker or dealer whose business is exclusively intrastate and who does not make use of any facility of a national securities exchange) to make use of the mails or any means or instrumentality of interstate commerce to effect any transactions in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances, or commercial bills) unless such broker or dealer is registered in accordance with [the provisions] of this section.

the GLBA became law in November 1999, these amended statutory definitions had a delayed effective date of May 12, 2001. Because the exceptions from the definition of "broker" and "dealer" are exceptions to the Exchange Act, the Commission is statutorily charged with interpreting them. The Rules were designed to provide guidance by defining certain key terms used in the new statutory exceptions and provided additional exemptions from the definition of "broker" and "dealer" for banks that were engaged in certain types of securities transactions. Although the Rules were adopted as interim final rules, the Commission specifically solicited public comment on them.

The amendments we are adopting today generally are limited to certain of the "dealer" exceptions under GLBA. While there are four statutory dealer exceptions, these amendments only define terms used in one of them—the exception for asset-backed transactions. These amendments also make the counting of riskless principal transactions more flexible under the *de minimis* exemption and create a new exemption for securities lending transactions, which will be an exception to the definitions of both broker and dealer for qualifying transactions.

Congress believed that, given the expansion of the activities and affiliations in the financial marketplace, functional regulation was important in building a coherent financial regulatory scheme.⁷ The Commission supported modernizing the legal framework governing financial services consistent with a system of functional regulation to ensure that investors purchasing securities through banks received the same protections as when they purchased securities through registered broker-dealers.⁸

II. Temporary Exemption From the Definition of "Dealer"

In order to give banks time to ensure that their securities transactions conform to the requirements of the GLBA, the Rules included a temporary exemption that effectively extended the general bank exception from broker-dealer registration.⁹ To further accommodate the industry's continuing

⁷ H.R. Rep. No. 106-74, pt. 3, at 113 (1999).

⁸ See, e.g., letter from Arthur Levitt, Chairman, U.S. Securities and Exchange Commission, to Senator Phil Gramm, Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate (Oct. 14, 1999) (stating that "the Securities and Exchange Commission has long supported financial modernization legislation that provides the protections of the securities laws to all investors.").

⁹ 17 CFR 240.15a-7.

compliance concerns, the Commission delayed the effective date of the bank "dealer" rules through a series of orders that ultimately extended the temporary exemption to February 10, 2003.¹⁰ Concurrently with issuing this Release, the Commission is issuing an additional Order extending the temporary exemption from the effective date of the bank "dealer" rules through September 30, 2003.¹¹

III. General Comments on the Proposed Amendments

We received 12 comments on the proposed amendments to the Rules relating to the definition of "dealer" for banks and the proposed exemption for securities lending.¹² These comments

¹⁰ Through an earlier order, the Commission delayed the effective date of the bank "broker" exceptions through orders that extended the temporary exemption to May 12, 2003.

¹¹ Rule 15a-9 continues to exempt savings associations and savings banks from the definitions of "broker" and "dealer" under Exchange Act Sections 3(a)(4) and 3(a)(5) on the same terms and conditions that apply to banks. This exemption is limited to savings associations and savings banks that have deposits insured by the FDIC under the Federal Deposit Insurance Act ("FDIA"). 12 U.S.C. 1811 *et. seq.*

¹² See letter dated November 19, 2002, signed by Jackie G. Prester of Baker, Donelson, Bearman & Caldwell, on behalf of First Tennessee Bank, N.A. ("the First Tennessee Letter"); letter dated December 2, 2002, received incomplete and unsigned ("the Anonymous letter"); letter dated December 9, 2002, signed by Edward Rosen of Cleary, Gottlieb, Steen & Hamilton on behalf of an ad hoc coalition of banks consisting of The Bank of New York, Barclays Global Investors, N.A., Citibank, Credit Suisse First Boston, Deutsche Bank, HSBC, and JP Morgan Chase Bank ("the Coalition of Banks" Letter"); letter dated December 10, 2002, signed by J. Virgil Mattingly, Board of Governors of the Federal Reserve System ("Federal Reserve"), William F. Kroener, FDIC, and Julie L. Williams, Office of the Comptroller of the Currency ("OCC") ("the General Counsels" Letter"); letter dated December 5, 2002, signed by Lawrence R. Uhlick of the Institute of International Bankers ("the IIB Letter"); letter dated December 5, 2002, signed by Sarah A. Miller of the American Bankers Association and ABA Securities Association ("the ABA/ABASA Letter"); letter dated December 6, 2002, signed by Jeffrey P. Neubert of the New York Clearinghouse Association, whose members are: Bank of America, National Association; The Bank of New York; Bank One, National Association; Citibank, N.A.; Deutsche Bank Trust Company Americas; Fleet National Bank; HSBC Bank USA; JPMorgan Chase Bank; LaSalle Bank National Association; Wachovia Bank, National Association; and Wells Fargo Bank, National Association ("the NYCH Letter"); letter dated December 5, 2002, signed by Jeffrey S. Missman of the Compliance Department of Commerce Bancshares ("the Commerce Banc Letter"); letter dated December 5, 2002, signed by Joanne F. Shephard of the Independent Community Bankers of America ("the ICBA Letter"); letter dated December 12, 2002, signed by Christine A. Bruenn of the North American Securities Administrators Association ("the NASAA Letter"); letter dated December 13, 2002, signed by Jose Arau of CalPERS ("the CalPERS Letter"); and letter dated December 24, 2002, signed by Richard Whiting of the Financial Services Roundtable ("the Roundtable Letter").

were from two banks, five bank associations, a coalition of banks, the general counsels of the Federal banking agencies, the state securities administrators' association, a pension fund, and one unknown person.¹³

Generally, the commenters supported the efforts of the Commission and its staff in listening to the concerns of the banking industry, making the dealer rules more flexible, and making banks' compliance with the dealer rules easier.¹⁴ Several commenters also generally praised the Commission and its staff for proposing the securities lending exemption to provide banks with greater legal certainty in connection with their activities as custodians, clearing agents, and noncustodial agents or intermediaries, and in facilitating securities lending and borrowing transactions.¹⁵

The General Counsels of the Federal Reserve, the OCC, and the FDIC ("the General Counsels") stated that they appreciate the efforts of the SEC reflected in the proposed rules as well as the opportunity provided to discuss how the Interim Final Rules would affect the activities and customer relationships of banks.¹⁶

Finally, one commenter noted that the proposing Release included a discussion of the background of the GLBA.¹⁷ This commenter acknowledged that the primary purpose of the federal securities laws is to protect investors and that the primary purpose of the federal banking laws is to protect the solvency of banks. The Commenter, however, stated that federal banking laws, "implement the banking laws" purpose of protecting investors."¹⁸

We note, however, that the federal securities laws are unique in providing a comprehensive, uniform, and coordinated system of regulation of securities activities under the oversight of a single expert regulator with the protection of investors as its overarching purpose.¹⁹

¹³ One comment letter was received in an unsigned and incomplete form.

¹⁴ See the First Tennessee Letter, the Coalition of Banks' Letter, the Commerce Banc Letter, the ICBA Letter, the IIB Letter, the ABA/ABASA Letter, the NYCH Letter, the NASAA Letter, and the CalPERS Letter.

¹⁵ See the Coalition of Banks' Letter, the NYCH Letter, the CalPERS Letter, the ICBA Letter, the NASAA Letter, the IIB Letter, and the ABA/ABASA Letter.

¹⁶ See the General Counsels' Letter.

¹⁷ See the NYCH Letter.

¹⁸ *Id.*

¹⁹ Among the unique investor protections provided by the federal securities laws are:

(1) Uniform qualifications and testing requirements, including continuing education, of the registered representative sales force.

The remainder of the comments dealt with specific issues related to the proposal and will be discussed in connection with the final rules, below.

IV. Dealer Activities and the Dealer/Trader Distinction

Exchange Act Section 3(a)(5) defines a "dealer" generally as a person that is "engaged in the business of buying and selling securities" for its own account through a broker or otherwise, and excepts persons, whether banks or non-banks, who do not buy or sell securities "as part of a regular business."²⁰ Therefore, banks, like other active participants in the securities markets need not register unless they satisfy these criteria.

As developed over the years, the dealer definition has been interpreted to exclude "traders." The dealer/trader distinction recognizes that dealers normally have a regular clientele, hold themselves out as buying or selling securities at a regular place of business, have a regular turnover of inventory (or participate in the sale or distribution of new issues, such as by acting as an underwriter²¹), and generally provide

(2) Explicit supervision of sales personnel through liability that is imposed on a registered broker-dealer and its supervisory personnel under statutory provisions addressing responsibility for "failure to supervise" and "controlling person liability." See Exchange Act Sections 15(b)(4)(E) and 20 [15 U.S.C. 78o(b)(4)(E) and 78t(a)]. These provisions hold broker-dealers and broker-dealer supervisory personnel responsible for the conduct of line personnel.

(3) Membership in the Securities Investor Protection Corporation (SIPC), which provides insurance in the event of broker-dealer insolvency. Missing securities and cash of investors are guaranteed up to \$500,000, including a maximum of \$100,000 for cash claims. Transactions with affiliates of SIPC insured broker-dealers, such as banks, are not covered by SIPC.

(4) Self-Regulatory Organization rules governing broker-dealer sales practices aimed at protecting investors, as well as other market-oriented rules aimed at fostering fair and competitive securities markets.

See generally Statement of the U.S. Securities and Exchange Commission Concerning Bank Securities Issues to the Subcommittee on Oversight and Investigations, Committee on Commerce, U.S. House of Representatives Testimony of Arthur Levitt, Chairman, U.S. Securities and Exchange Commission, Concerning Financial Modernization Legislation, Before the Committee on Banking, Housing, and Urban Affairs, U.S. Senate (February 24, 1999).

²⁰ Exchange Act Section 3(a)(5) [15 U.S.C. 78c(a)(5)]. See also Proposing Release at 67 FR 67498.

²¹ The term "underwriter" is defined in Section 2(a)(11) of the Securities Act of 1933 [15 U.S.C. 77b(a)(11)]. In determining whether a bank is acting as an underwriter when it undertakes particular securities activities, the Commission is not expressing any views on whether those activities would constitute "underwriting" for purposes of Section 16 of the Glass-Steagall Act. The Commission wishes to emphasize that the determination of dealer status with respect to

liquidity services in transactions with investors (or, in the case of dealers who are market makers, for other professionals).²²

The question of whether a bank acts as a "dealer" that must register with the Commission therefore turns upon a two-stage analysis. The first stage of the analysis, which is the general "dealer/trader" distinction,²³ focuses on two factual questions: (1) Whether the bank is "buying and selling securities" for its own account; and (2) whether the bank is "engaged in the business" of that activity "as part of a regular business." A bank would not be a dealer unless both of those factual tests are met. The second stage of the analysis focuses on whether the bank can take advantage of bank-specific transactional exceptions or exemptions from the definition of dealer. If all of the bank's securities activities fall within one or more of those bank-specific exceptions or exemptions, the bank does not have to register as a broker-dealer.

We received two comments on the dealer/trader analysis that we set forth in the proposing Release.²⁴ One commenter stated: "The Release also recognized the customary distinction under the securities laws between a 'dealer' and a 'trader,' observing that 'banks may have a legitimate need to, on occasion, lend or borrow securities on their own behalf for hedging or for other reasons' and that, in such circumstances, 'they should be subject to the same dealer/trader distinction that applies to all other market participants.'" We agree wholeheartedly with all of these statements."²⁵

securities transactions, including those that do not involve a public offering, must be made by reference to the federal securities laws. It is the Commission's view, however, that the fact that an offering is exempt from registration under the Securities Act of 1933 ("Securities Act") [15 U.S.C. 77a, *et seq.*] does not necessarily affect the status of a participant in that offering as an "underwriter" as defined in Securities Act Section 2(a)(11). Furthermore, in general the determination of broker or dealer status under the Exchange Act primarily depends on the broader definitions of "purchase" and "sale." See Exchange Act Section 3(a)(13) and 3(a)(14) [15 U.S.C. 78c(a)(13) and 78c(a)(14)].

²² See, e.g., Rel. No. 34-11742 (October 5, 1975) (noting that a bank might be subject to registration as a municipal securities dealer if it engaged in underwriting, maintained a trading account or carried a dealer inventory, advertised itself as a dealer or otherwise held itself out as a dealer).

²³ A person that is buying securities for its own account may still not be a "dealer" because it is not "engaged in the business" of buying and selling securities for its own account as part of a regular business. See generally L. Loss & J. Seligman, Securities Regulation, §§ 8-A-2 and 8-A-3 nn.115 and 143 (3d ed. 2001).

²⁴ See the NYCH letter and the Coalition of Banks' letter.

²⁵ See the NYCH Letter.

Our dealer/trader discussion was meant to give guidance on the underlying principles that should be applied to any factual situation.²⁶ The question of whether a bank acts as a dealer under the securities laws is entirely separate from the question of whether it acts as a dealer under the banking laws, and it is possible for a bank to be a “dealer” under the securities laws but not under the banking laws. A bank therefore should look to the securities laws and the Commission’s rules and interpretations in conducting its analysis under the Exchange Act.²⁷

The other commenter asked whether the failure to meet a condition of a statutory exception or Commission exemption was sufficient reason to presume dealer activity.²⁸ A bank has

²⁶ We have given recent guidance on what constitutes “dealer” activity. See OTC Derivatives Dealers, Release No. 34-40594, Section II.A.1., n. 61, 63 FR 59362 at 59370 (November 3, 1998). As we explained with respect to a group of derivative dealers that engage in limited activities:

[E]xcept to the extent expressly permitted under the rules and rule amendments, an OTC derivatives dealer may not engage directly or indirectly in any activity that may otherwise cause it to be a “dealer” as defined in Section 3(a)(5) of the Exchange Act (15 U.S.C. § 78c(a)(5)). This includes, but is not limited to, without regard to the security, (1) purchasing or selling securities as principal from or to customers; (2) carrying a dealer inventory in securities (or any portion of an affiliated broker-dealer’s inventory); (3) quoting a market in or publishing quotes for securities (other than quotes on one side of the market on a quotations system generally available to non-broker-dealers, such as a retail screen broker for government securities) in connection with the purchase or sale of securities permitted under Rule 15a-1; (4) holding itself out as a dealer or market-maker or as being otherwise willing to buy or sell one or more securities on a continuous basis; (5) engaging in trading in securities for the benefit of others (including any affiliate), rather than solely for the purpose of the OTC derivatives dealer’s investment, liquidity, or other permissible trading objective; (6) providing incidental investment advice with respect to securities; (7) participating in a selling group or underwriting with respect to securities; or (8) engaging in purchases or sales of securities from or to an affiliated broker-dealer except at prevailing market prices.

²⁷ Of course, a bank also should continue to determine whether any proposed securities activity is permitted under banking law, and should consult its appropriate Federal banking agency, if necessary, to assist it in that analysis.

²⁸ See the Coalition of Banks’ letter. This commenter also urged the Commission to confirm that in analyzing whether a particular activity undertaken by a non-bank person, the existence or non-existence of a GLBA bank exception or exemption for that activity is not relevant to the analysis of whether that activity would constitute “broker” activity. Although we believe that this statement is generally true, we will address “broker” activity later when we propose amendments to the Rules pertaining to banks’ exceptions from the definition of broker. In addition, this commenter noted that because so much of the dealer/trader distinction is set forth in the context of the Commission staff’s no-action and interpretive letters, it would be helpful for the Commission to note the existence of these letters,

flexibility when it analyzes whether its securities activities would require it to register with the Commission as a dealer. As we stated in the proposing Release, as an analytical matter, a bank may opt first to consider whether its proprietary securities purchases and sales cause it to be “engaged in the business” of buying and selling securities for its own account “as part of a regular business.” If the bank meets that part of the test, then the bank would have to consider whether those securities activities fall within one of the bank-specific transaction exceptions or exemptions from the dealer definition in Exchange Act Section 3(a)(5). Alternatively, a bank may simply analyze whether its proprietary securities purchases and sales fall within an exception or exemption from Section 3(a)(5). If all of the bank’s securities activities fall within one or more exceptions or exemptions from the dealer definition, then the bank could avoid having to determine separately whether it satisfies the “engaged in the business” component of the definition. A bank that relies on a transaction exception or an exemption must meet all of the terms of that exception or exemption in order to claim it.

Finally, we note that our analysis of what constitutes “dealer” activity has not changed for persons that are not banks merely because banks have specific transactional exceptions and exemptions. These bank exceptions and exemptions provide banks with legal certainty for transactions conducted in accordance with the terms of these exceptions and exemptions. The bank-specific exceptions and exemptions from the definition of “dealer” for specific products or transactions are independent of the question of whether a person would satisfy the general definition of “dealer” in the first instance.

In general, the bank dealer exceptions apply to transactions in specified products and contain limiting conditions. Some of these bank exceptions and exemptions are more restrictive than others. For example, while some bank dealer exceptions permit a bank to buy and sell securities, the asset-backed transactions exception only permits a bank to issue and sell securities through a grantor trust or

clarify that these letters are still valid, and confirm that the proposing Release was intended to summarize, but not to modify, the traditional “dealer/trader” distinction. Because the Commission staff’s letters have been written over the seven decades of the Commission’s existence and are based on specific factual situations, we do not believe that it is appropriate to re-visit these letters in the context of adopting these amendments to the Rules.

other separate entity to qualified investors.²⁹ In addition, the investment transactions exception only permits the bank to buy or sell securities “for investment purposes” for its own account or in the accounts for which it acts as a trustee or fiduciary.³⁰

In sum, as a bank considers its securities activities, it must evaluate the totality of these activities to determine if they are permissible under banking law, meet the definition of dealer (or broker) activities under the securities laws, and are excepted or exempted from the dealer (or broker) registration requirements under the Exchange Act.³¹

V. Discussion of Comments and Adoption of “Dealer” Rules

The GLBA provides four exceptions to banks from the definition of “dealer.” Each of these exceptions permits a bank to act as a dealer with respect to specified securities products if the bank complies with the enumerated statutory conditions. The GLBA bank “dealer” exceptions are outlined briefly below.³²

- *Investment transactions:* permits banks to buy and sell securities for investment purposes for the bank and in its customers’ trustee and fiduciary accounts.

- *Permissible securities transactions:* permits banks to buy and sell exempted securities, certain Canadian government obligations, and Brady bonds.

- *Identified banking products:* permits banks to buy and sell certain “identified banking products,” as defined in Section 206 of the GLBA.

- *Asset-backed transactions:* permits banks through a grantor trust or other separate entity to issue and sell to qualified investors certain asset-backed securities representing obligations predominantly originated by a bank, an affiliate of the bank other than a broker-

²⁹ See Exchange Act Section 3(a)(5)(C)(iii). [15 U.S.C. 78c(a)(5)(C)(iii).]

³⁰ See Exchange Act Section 3(a)(5)(C)(ii). [15 U.S.C. 78c(a)(5)(C)(ii).]

³¹ A bank that contemplates a new securities activity may also seek an exemption or no-action relief from the Commission. Exchange Act Section 36 [15 U.S.C. 78mm] authorizes us to exempt any person, security, or transaction from the provisions of the Exchange Act, to the extent that such exemption is necessary or appropriate in the public interest, and consistent with the protection of investors. We authorized the Director of the Division of Market Regulation to consider, on a case-by-case basis, individual requests for exemptive relief from banks, savings associations, and savings banks. Exchange Act Rule 30-3 [17 CFR 200.30-3(a)(72)]. In appropriate circumstances, the staff also may provide guidance in the form of no-action letters. See Release No. 33-5127 (January 25, 1971). See also Release No. 33-6279 (December 5, 1980).

³² This outline is a summary. It does not describe the exceptions in full. See Exchange Act Section 3(a)(5). [15 U.S.C. 78c(a)(5).]

dealer, or a syndicate in which the bank is a member for some types of products.

With respect to the “dealer” exceptions, the Rules defined terms found in the asset-backed transactions exception and provided an exemption for a *de minimis* number of riskless principal transactions. In the proposing Release, we proposed amendments to those definitions as well as to the exemption for a *de minimis* number of riskless principal transactions. We also proposed a new exemption for securities lending transactions. The changes we have made in response to comments are discussed below.

A. Rule 3a5-1—the De Minimis Exemption for Riskless Principal Transactions

In the Rules, the Commission provided an exemption that permits riskless principal transactions³³ as well as brokerage transactions to be counted under the 500-transaction limit.³⁴ The proposed amendment would permit a riskless principal transaction, even if it involves two separate counterparties, to count as only one transaction against the annual 500-transaction limit.

1. Discussion of Comments Received on the Amendment to Rule 3a5-1—the De Minimis Exemption

Only two commenters addressed this exemption.³⁵ Both commenters commended the Commission for proposing to count the buy and sell components of a “riskless principal”

³³ “Riskless principal” transactions are generally described as trades in which, after receiving an order to buy (or sell) from a customer, the broker-dealer purchases (or sells) the security from (or to) another person in a contemporaneous offsetting transaction. See Exchange Act Rule 10b-10(a)(2)(ii)(A) [17 CFR 240.10b-10(a)(2)(ii)(A)]; Release No. 34-33743 (Mar. 9, 1994) at n.11.

Under the securities laws, riskless principal transactions are dealer activity. One commenter urged the Commission to adopt the position that riskless principal transactions are agency transactions and suggested that the Commission bring its views into accord with long-held banking practice. See the ICBA Letter. Because the securities laws’ interpretations of riskless principal transactions are also long-standing and specifically designed for the protection of investors, we decline to adopt the banking law view. We note that the statutory bank exceptions from the definitions of broker and dealer are limited by their terms to the statutory language, and do not extend to transactions that are the legal or economic equivalent of the statutory exceptions.

³⁴ Exchange Act Section 3(a)(4)(B)(xi) [15 U.S.C. 78c(a)(4)(B)(xi)] exempts a bank from the definition of broker if it effects no more than 500 securities transactions per calendar year, other than transactions that qualify for one of the other statutory exceptions. A transaction in which a bank is acting as an agent for a customer would count as one transaction toward the 500-transaction limit. The GLBA provisions did not extend this *de minimis* exemption to dealer transactions.

³⁵ See the ICBA Letter and the IIB Letter.

transaction as one transaction for purposes of the *de minimis* exemption.³⁶

2. Amendment to Rule 3a5-1—the De Minimis Exemption

After considering the comments, we are adopting this amendment without substantive change.³⁷ We believe that this amendment will simplify the rule and make it easier for banks to understand and apply its terms to a small annual number of riskless principal securities transactions. Thus, under Rule 3a5-1, a riskless principal transaction, even if it involves two separate counterparties, would count as only one transaction against the annual 500-transaction limit.³⁸

B. Rule 3b-18—Definition of Terms Used in Asset-Backed Transaction Exemption to Dealer Registration

The GLBA asset-backed exception provides that a bank may engage in the issuance or sale to qualified investors, through a grantor trust or other separate entity, of securities backed by or representing an interest in notes, drafts, acceptances, loans, leases, receivables, other obligations (other than securities of which the bank is not the issuer), or pools of any of these obligations predominantly originated by the bank, an affiliate of the bank other than a broker-dealer, or a syndicate in which the bank is a member.³⁹ As we explained when we adopted the Rules, this statutory exception only allows banks to *issue and sell* asset-backed securities to qualified investors through a grantor trust or other separate entity. It does not allow banks to *deal in* asset-backed securities. In other words, this exception is not broad enough to permit banks to regularly purchase and sell

³⁶ *Id.*

³⁷ We are, however, making a technical amendment to the rule to conform to a technical comment we received on the securities lending exemption. Because of that comment, we are changing the language of this rule. Instead of a bank being exempt, “solely for engaging in,” it will be exempt from the definition of the term dealer “to the extent that it engages in or effects,” riskless principal transactions. We are persuaded that this language more clearly sets forth the limited conduct permitted under the exemption. Although the comment was directed only to the securities lending exemption, we believe that the language of the exemptions should be consistent and are adopting this rule with this amendment.

³⁸ If, however, a bank acts as an intermediary between one counterparty and multiple counterparties by arranging multiple transactions, the bank must count each of the transactions on the side of the intermediation that involves the largest number of transactions as a separate transaction against the annual 500 transaction-limit.

³⁹ Exchange Act Section 3(a)(5)(C)(iii) [15 U.S.C. 78c(a)(5)(C)(iii)].

these securities in the secondary market.⁴⁰

Exchange Act Rule 3b-18 defines terms used in the asset-backed transactions exception to clarify the parameters of this exception. In particular, Rule 3b-18 defines the terms: “affiliate,” “consumer-related receivable,” “member of a syndicate of banks,” “obligation,” “originated,” “pool,” “predominantly originated,” and “syndicate of banks.” After consulting the banks that engage in this business and considering their business practices, we proposed amendments to some of the definitions of terms used in the asset-backed transactions exception.

In particular, we proposed expanding the definition of “originated” in Rule 3b-18(e) by considering obligations that a bank initially approves and underwrites, or agrees to purchase, to be “originated” by the bank as long as the bank meets two conditions. First, the obligation must conform to the bank’s underwriting standards or be evidenced on the bank’s documents. This requirement is intended to ensure that the bank and the entity from which it obtains the loan have an established arrangement prior to the time the loan is made to either use the bank’s underwriting standards or documentation prepared by the bank. Second, the bank must fund the obligation in a timely manner, not to exceed six months after the obligation is created.

As we explained in the proposing Release, a bank should be able to use loan origination channels such as automobile dealers, mortgage companies, and other banks, even though the bank does not “make and fund” the obligation at the exact time that the obligation is created. Conversely, a bank that purchases an obligation that does not meet the conditions of this exemption would not have “originated” the particular obligation for the purpose of meeting the test that the obligations in the pool backing an issuance of securities were predominately originated by the bank and its affiliates.

Rule 3b-18(g) defines “predominantly originated” so that a bank may engage in the issuance or sale of asset-backed securities without registration as a dealer if at least 85% of the obligations underlying the securities were originated by the bank or its affiliates, other than its broker-dealer affiliates, or any permitted syndicate of which the bank is more than an insignificant member. Specifically, the bank, its affiliates, or any such syndicate must

⁴⁰ 66 FR 27760 at 27785 (May 18, 2001).

have originated 85% of the obligations in any pool as measured by the value of the obligations. We did not change the 85% requirement for the purpose of the asset-backed transaction exception. To enhance clarity, however, we proposed a change to the definition of “predominantly originated” in Rule 3b-18(g) to expressly set forth the meaning of the term in the context of a syndicate of banks. Thus, the banks, and their affiliates other than broker-dealer affiliates, participating in any such syndicate must have originated 85% of the obligations in any pool as measured by the value of the obligations. We received no comments on this change.

To enhance clarity, we also proposed to substitute two separate definitions for the definition of “member of a syndicate of banks” found in Rule 3b-18(c). In particular, we first proposed to define “member” as it relates to the term “syndicate of banks” in proposed Rule 3b-18(c) to make clear that the individual banks and their affiliates other than their broker or dealer affiliates, originate the obligations, rather than the syndicate. This change recognizes that the syndicate of banks only comes together to issue and sell the obligations. Second, we proposed to modify the definition of “syndicate of banks” in Rule 3b-18(h) to mean a group of banks that acts jointly, on a temporary basis, to issue securities backed by obligations originated by each of the individual banks and their affiliates other than their broker or dealer affiliates.

We proposed to keep the requirement found in Rule 3b-18(c) that when a syndicate of banks issues asset-backed securities through a grantor trust or other separate entity, each bank and its affiliates other than its broker or dealer affiliates selling the securities, and thus acting as a dealer in the transaction, must have originated at least 10% of the value of the pool of obligations backing the securities. This 10% requirement is applicable only to the bank or banks that actively sell the securities backed by the pool because these are the only banks that need to use an exception from the definition of dealer.⁴¹ We believe that it is reasonable as well as

in accordance with the legislative history to retain this requirement for the bank or banks that need the exception because they sell the securities secured by the pool of obligations originated by banks that are members of a syndicate of banks. We did, however, propose a change to the rule to clarify that the affiliates of the banks other than broker or dealer affiliates also may originate the obligations.

1. Discussion of Comments Received on the Amendment to Rule 3b-18— Definition of Terms Used in Asset- Backed Exception to Dealer Registration

We received four comments regarding the proposed amendments to Rule 3b-18.⁴² One commenter supported the proposed amendments and specifically agreed with our clarification of when a bank “predominantly originates” obligations.⁴³ One commenter stated that requiring a bank to originate at least 85% of the loans under an asset-backed transaction is likely to be a barrier to community banks’ ability to sell loans on the secondary market and recommended that we adopt a definition that would allow a bank to originate only a simple majority (*i.e.* 51%) of the underlying loans.⁴⁴

Two commenters stated that the use of the term “initially” in the definition of “originate” could be interpreted to require a correspondent bank to enter into a firm contractual commitment to sell a loan prior to funding for the loan to be considered “originated” by the bank utilizing the asset-backed transactions exception.⁴⁵ These commenters suggested eliminating the word “initially” or changing the term “provided that” to “as evidenced by” to indicate that the test would be met by fulfilling the conditions. Alternatively, they suggested that the Commission provide guidance as to the meaning of “initially approving and underwriting” and “initially agreeing to purchase” to clarify when the approval or agreement must be in place and whether a contractual commitment must be in place to fund a loan for the loan to be considered originated by the purchasing bank.

2. Amendments to Rule 3b-18— Definition of Terms Used in Asset- Backed Exception to Dealer Registration

In the proposing Release, we noted we had been informed that very few banks

issue and sell asset-backed securities without employing a registered broker-dealer. Indeed, we had identified only two banks that conduct this business without a broker-dealer. Although we requested comment on whether any additional banks engage in issuing and selling asset-backed securities without utilizing a broker-dealer, we received no comments on this question.

Based on the comments received, we expect that the amendments we are adopting will permit the banks that currently issue and sell asset-backed securities directly to continue to do so under the terms of the exception without having to employ a broker-dealer. Thus, while not necessarily covering all hypothetical business practices, the proposed amendments appear to accommodate current business practice. We are, therefore, adopting the definitions as proposed.

Although we are sensitive to the concerns expressed by the two commenters regarding the definition of “originated,” we continue to believe that to meet the test of having “originated” a loan, a bank must have some established relationship to the entity making the loan at the time the loan is initially made. The proposed definition does not require the bank to have a binding contractual relationship with the person making the loan at the time the loan is made. Rather, the rule requires the bank to have some established relationship to the entity making the loan. In addition, the loan must be made using the underwriting standards of the bank. We believe the proposed definition of the term “originated” permits a bank to have some flexibility in the way that it structures its relationship to the borrower and to the person who deals directly with the borrower. We believe that the proposed definition of the term “originated” appropriately balances the needs of banks for flexibility while also giving effect to the statutory requirement that the bank and its affiliates predominantly originate the loans backing the securities.

With respect to the 85% test, as we explained in the proposing Release, we included this requirement to define “predominantly originated” because the test closely tracks the language of the statute.⁴⁶ We did not propose changing

⁴¹ We proposed to retain this requirement because the legislative history indicates that each bank selling the securities should be more than an insignificant member of the syndicate. The legislative history suggests that threshold is met when a bank together with its affiliates other than broker or dealer affiliates provided at least 10% of the obligations in the pool. The legislative history states that, “[t]he Committee expects this provision shall be interpreted so that the bank will [have] not less than ten percent of the assets in the syndicate or pool of obligations.” H.R. Rep. No. 106-74, pt. 3, at 171 (1999).

⁴² See the ICBA Letter, the First Tennessee Letter, the General Counsels’ Letter, and the NASAA Letter.

⁴³ See the NASAA Letter.

⁴⁴ See the ICBA Letter.

⁴⁵ See the First Tennessee Letter and the General Counsels’ Letter.

⁴⁶ In defining the term “predominantly,” which modifies the term “originated,” we looked to other sections of the GLBA in which the term is used. Section 103(n) of the GLBA uses the term “predominately” to modify “financial” and to allow analysis of whether nonfinancial activities and affiliations may be retained. Bank Holding Company Act Section 4(n)(2) [12 U.S.C. 1843(n)(2)].

this test, and only one trade group urged us to relax this requirement. Because the definition closely tracks the statutory provision, we are retaining the current test.

We received no comments on the technical, clarifying changes that we proposed. First, we revised the definition of “predominantly originated” in Rule 3b-18(g) to expressly set forth the meaning of the term in the context of a syndicate of banks. Second, we substituted the definitions of “member” as it relates to the term “syndicate of banks” for the definition of “member of a syndicate of banks” found in Rule 3b-18(c). Third, we proposed a change to Rule 3b-18(c) to clarify that the affiliates of banks other than broker-dealer affiliates, also may originate the obligations in a pool of obligations issued by a syndicate of banks. We are adopting each of these amendments without substantive change.⁴⁷

C. Rule 15a-11—Exemption From the Definitions of “Broker” and “Dealer” for Banks Engaging in Securities Lending Transactions

Institutional investors often place securities in custody with banks. These custodian banks effect and administer securities loans in return for an agreed fee. Banks also may engage in securities lending transactions when they do not have custody of the securities. A non-custodial securities lending arrangement permits a customer to divide custody and securities lending management between two expert entities. For example, a custodian may be selected for efficiency and low cost, while a lending agent may be selected for its ability to maximize the profitability of the portfolio.

Although banks play a role in both custodial and non-custodial securities lending transactions, the GLBA bank exceptions to the definitions of broker and dealer provide only one exception for securities lending and borrowing transactions. Exchange Act Section 3(a)(4)(B)(viii) addresses securities lending by custodian banks as an

exception to the definition of broker.⁴⁸ Under paragraph (cc) of this section, a bank is permitted, without being considered a broker, to effect securities lending or borrowing transactions by custodian banks with or on behalf of customers in two situations: (1) As part of the services provided to safekeeping and custody customers; and (2) when facilitating the transfer of funds or securities as a custodian or a clearing agency in connection with the settlement of customers’ transactions in securities.

We proposed the exemption in Rule 15a-11 in part because we had been advised that the existence of this limited statutory bank exception from the definition of broker creates uncertainty for banks that may engage in securities lending, or borrowing transactions without having custody of the underlying securities or in situations where a bank might meet the definition of dealer under the securities laws. To provide legal certainty to banks engaging in securities lending transactions, we proposed to add an exemption from the definition of broker for banks engaging in non-custodial securities lending activities as well as an exemption from the definition of dealer for banks engaging in certain custodial and non-custodial securities lending activities. This exemption was also intended to enhance legal certainty for banks that have custody of collateral or that have custody of the securities subject to a lending arrangement for less than the entire period of the stock loan.

Industry representatives advised our staff that banks’ primary role in securities lending transactions, whether operating with or without custody of the securities, is to act in an agency capacity.⁴⁹ Less frequently, banks may engage in securities lending as principal while acting as a conduit between the parties.⁵⁰ We did not propose extending the securities lending exemption to a bank borrowing securities for, or lending from, its own accounts, except as a conduit lender. For the purposes of this exemption, we proposed to define the term conduit lender as a bank that borrows (or loans) securities, as principal, for its own account, and contemporaneously loans (or borrows) the same securities, as principal, for its

own account.⁵¹ When banks conduct conduit transactions, they are conducting principal transactions that involve principal risk, including reliance by the counterparty on the creditworthiness of the bank.⁵² We proposed that a bank that qualifies under our definition of a conduit lender at the commencement of a transaction would continue to qualify as long as the original securities lending transaction remains outstanding, even though substitutions of collateral may occur on the securities borrowing side of the transaction.

The proposed exemption required a written securities lending agreement, which would be any contract to conduct securities lending transactions on behalf of a qualified investor. In connection with a securities lending transaction, a bank may select and negotiate with a borrower and execute, or direct the execution of, the loan with the borrower; receive, deliver, or take custody of loaned securities; receive, deliver, or take custody of collateral; provide mark-to-market, corporate action, recordkeeping or other services incidental to the administration of the securities lending transaction; reinvest, or direct the reinvestment of, cash collateral; or indemnify the lender of securities with respect to various matters.

We proposed to limit the exemption to transactions with “qualified investors,” as defined in Exchange Act Section 3(a)(54).⁵³ We proposed a requirement that a bank deal with a qualified investor on both sides of the transaction as a condition of this exemption because we are making this exemption available for banks’ current securities lending business. Broker-dealers are currently the most frequent borrowers of securities. We understand that borrowers of securities that are not qualified investors do not directly borrow securities from noncustodial banks. Any borrowers of securities that do not meet the qualified investor test generally borrow securities through

Section 103(n)(2) of the GLBA expressly provides that a firm is predominantly engaged in financial activities when at least 85% of the annual gross revenues of the consolidated company derive from financial activities, excluding any revenue from banks. To be consistent, we applied the same numerical test found in Section 103(n)(2) of GLBA for loan product originations for the purpose of the asset-backed securities exception from the definition of dealer.

⁴⁷ We are, however, making a technical amendment to paragraph (e) of the rule to conform the language in the definition of “originate” to include obligations of an affiliate of a bank, other than a broker-dealer affiliate within the broader reading of the term.

⁴⁸ 15 U.S.C. 78c(a)(4)(B)(viii).

⁴⁹ Under banking law, with some limited exceptions, banks are not permitted to own equity securities.

⁵⁰ See the Coalition of Banks’ Letter, which stated that by confirming that banks may continue to engage in securities lending as riskless principals, the proposed exemption will help ensure that institutional lenders can still achieve the benefits of credit intermediation and anonymity when lending through banks.

⁵¹ This conduit role is similar to a riskless principal transaction, but does not involve activities that could be characterized as running a matched book. Running a matched book of repurchase agreements or other stock loans is a dealer activity because the “book running dealer” holds itself out as willing to buy and sell and thus as engaged in the business of buying and selling securities.

⁵² This is not meant to indicate that an agent for an undisclosed principal would not also have direct personal liability to the parties with whom it dealt because the counterparty would be relying on the credit of the agent, rather than the principal. See Restatement (Second) of Agency § 322 (1958).

⁵³ See discussion at Section D, *infra*.

intermediaries that would be qualified investors.

In the proposing Release, we specifically acknowledged that engaging in securities lending transactions involves taking risks that require effective internal controls, and highlighted the fact that we were not proposing a requirement that banks meet the conditions that are applicable to broker-dealers engaging in stock lending. We proposed an exemption for banks because we believe that it will assist institutional investors in obtaining stock loan services from banks that do not act as their custodians and because it would cause less disruption to the market if banks were permitted to continue to engage in these transactions.

1. Discussion of Comments Received on the Amendment to Rule 15a-11—Exemption From the Definitions of “Broker” and “Dealer” for Banks Engaging in Securities Lending Transactions

Several commenters strongly supported the Commission for proposing the adoption of the exemption for securities lending to allow banks to continue engaging in custodial and non-custodial securities lending activities.⁵⁴

One of these commenters specifically urged the Commission to adopt the securities lending exemption to provide banks with greater legal certainty in connection with their activities as custodians, clearing agents, and noncustodial agents or intermediaries, and in facilitating securities lending and borrowing transactions.⁵⁵ The same commenter also stated that by confirming that banks may engage in securities lending transactions regardless of whether they are also custodians or clearing agents, the proposed exemption will help ensure that institutional investors can continue to “unbundle” securities lending services from other bank services and obtain such services in the manner that best addresses their needs.⁵⁶

The General Counsels, however, expressed the view that an SEC-granted exemption for non-custodial agency activities is unnecessary because the custody exception in Exchange Act Section 3(a)(4) is sufficiently broad to encompass situations where a bank acts as a non-custodial agent in securities lending transactions.⁵⁷ They stated that

the statute “protects securities lending services that a bank provides as agent and ‘as part of’ the bank’s custodial and safekeeping activities. They also stated that both the custodial and non-custodial securities lending services offered by banks have grown out of, and remain integrally related to, the custody business of banks and, thus, are offered ‘as part of’ customary custody services.”⁵⁸

We disagree with the interpretation of the Exchange Act bank exceptions advanced in this comment letter. The exceptions found in the GLBA and the additional exemptions granted by the Commission apply to specific, qualifying transactions that permit banks to engage in these transactions without having to register as broker-dealers under the securities laws. The exceptions found in the GLBA and the additional exemptions granted by the Commission are limited by their terms to the transactions listed and do not extend to transactions that are related, incidental, or the economic equivalent of the transactions listed in an exception or exemption. They are also not activity-based exceptions and exemptions that should be read to include any related transactions that might be performed by the same employees that engage in transactions that are covered within the terms of the exceptions or exemptions.

Specifically, paragraph (cc) of Exchange Act Section 3(a)(4)(B)(viii) limits securities lending to two situations.⁵⁹ A bank is permitted, without being considered a broker, to effect securities lending or borrowing transactions: (1) As part of customary banking activities provided to safekeeping and custody customers; and (2) when facilitating the transfer of funds or securities as a custodian or a clearing agency in connection with the settlement of customers’ transactions in securities as part of customary banking activities.

In response to the exemption we proposed, General Counsels advanced a general argument that no securities lending exemption was necessary, except with respect to conduit transactions. This argument fails to address the limits that Congress imposed on securities lending transactions within the custody exception, or to give effect to all of the terms found in the statutory provisions.

⁵⁸ *Id.*

⁵⁹ Exchange Act Section 3(a)(4)(B)(viii)(cc) [15 U.S.C. 78c(a)(4)(B)(viii)(cc)] provides that a bank may effect “securities lending or borrowing transactions with or on behalf of customers as part of services provided to customers pursuant to division (aa) or (bb)” or invest “cash collateral pledged in connection with such transactions.”

Thus, we believe that this argument disregards the plain meaning of the statute.

Moreover, the argument advanced by the General Counsels, even if we were to accept it, would not give banks legal certainty for engaging in securities lending transactions because the argument fails to address all of the uncertainty that banks have identified. For example, their interpretation would only permit a bank to be excepted from the definition of broker without having custody of the underlying securities when it invests cash collateral pledged in connection with a securities lending transaction. Their interpretation would not address any other actions the bank might take in connection with the securities lending transaction, and also would not address any transactions that would not be excepted from the bank definition of dealer. In contrast, we believe that our interpretation gives effect to all of the statutory provisions, and that the exemption we are adopting will permit banks to continue to engage in securities lending transactions with the legal certainty they requested.

Two commenters agreed with limiting the exemption to transactions with qualified investors.⁶⁰ In particular, a pension fund in support of the exemption stated that: “[a]s a supplier of securities for lending, CalPERS believes that a leveling of the playing field for non-custodial banks should lead to increased competition between custodial and non-custodial banks, expanded liquidity, greater trading efficiencies, and lower borrowing and execution costs. As a major institutional investor, CalPERS believes the limitation of the exemption to “qualified investors” ensures that the regulatory gap between banking law (concerned about bank solvency) and securities law (concerned about investor protection) has been successfully narrowed.”⁶¹ The state securities administrators also specifically agreed with limiting the securities lending exemption to “qualified investors.”⁶²

The General Counsels, however, stated that they believed that an exemption for conduit lending activities is appropriate but should not be limited to qualified investors.⁶³

Although they conceded that the securities lending market is institutional in nature, they stated that the proposed “qualified investor” restriction is inconsistent with the statutory framework and should be deleted

⁶⁰ See the CalPERS Letter and the NASAA Letter.

⁶¹ See the CalPERS Letter.

⁶² See the NASAA Letter.

⁶³ See the General Counsels’ Letter.

⁵⁴ See the Coalition of Banks’ Letter, the NYCH Letter, the CalPERS Letter, the ICBA Letter, the NASAA Letter, the IIB Letter, and the ABA/ABASA Letter.

⁵⁵ See the Coalition of Banks’ Letter.

⁵⁶ See the Coalition of Banks’ Letter.

⁵⁷ See the General Counsels’ Letter.

because Congress did not place any such restriction on the statutory exception for securities lending.⁶⁴ Another commenter noted that the “qualified investor” requirement may limit the scope of securities lending activities that banks might otherwise engage in, but also indicated that it does not believe that there is a substantial amount of securities lending transactions conducted by banks in a non-custodial or non-clearing capacity with persons other than qualified investors.⁶⁵ In adopting this exemption, we plan to retain the requirement that securities lending transactions be conducted only with qualified investors.

We specifically asked banking regulators to advise us if the securities lending exemption would pose any risks that the Commission should address. Neither the banking regulators, nor any other commenter identified any risks that we should address. The General Counsels specifically stated that: “we do not believe there are any risks related to the securities lending activities of banks that the Commission needs to address in this rulemaking.”⁶⁶

We also requested comment on whether our choice not to impose conditions to the exemption that would require that banks conform to the standards applicable to registered broker-dealers that engage in securities lending transactions was appropriate.⁶⁷ Three commenters stated that no additional conditions were necessary and that the conditions applicable to broker-dealers should not be imposed on banks’ securities lending transactions.⁶⁸ One of these commenters stated that any such conditions would create an unfair burden on banks and would be unnecessary due to the exemption’s limit to transactions with qualified investors.⁶⁹ The General Counsels’ Letter stated, “it would be unnecessary and inappropriate for the Commission to impose any additional restrictions on the securities lending activities of banks.”⁷⁰ No commenters suggested that those conditions should be imposed on banks under this exemption.

One commenter agreed that securities lending should be conducted under a written agreement.⁷¹ Some commenters suggested technical and other

clarifications, or changes.⁷² These specific suggestions will be discussed and responded to in the next section.

2. Amendment to Rule 15a-11—Exemption From the Definitions of “Broker” and “Dealer” for Banks Engaging in Securities Lending Transactions

We received a number of comments that requested technical changes to the language in the securities lending exemption. We agree that many of these changes will enhance the clarity of the securities lending exemption as well as the legal certainty afforded to banks. In addition, some of the comments requested that we expand the exemption in certain respects to give banks greater flexibility in conducting securities lending transactions. We also agree with many of these changes and are adopting a more flexible rule.

One commenter asked the Commission to confirm that term loans of securities are as “agreed by the parties” in Rule 15a-11(b).⁷³ We agree that term loans of securities would be considered as “agreed by the parties” under the exemption.

Two commenters urged the Commission to change the required form of the documentation in Rule 15a-11(a) as long as the bank is dealing with a “qualified investor.”⁷⁴ These commenters argued that the availability of the exemption should not turn on the form of documentation used by the parties.⁷⁵ In their view, where a bank is acting as a conduit lender, it may not enter into a separate “agreement to provide securities lending services” with the lender. Instead, it may have two “securities lending agreements”: one with the lender and one with the borrower. The terms of the agreement with the lender would normally include those items listed in the proposed exception that the parties deemed relevant. These commenters suggested that the bank would still, in effect, be providing securities lending services to the lender by borrowing securities in accordance with the securities lending agreement between the parties and in turn lending those securities to a third party.⁷⁶ We agree. We believe that it is unnecessary for a bank taking advantage of this exemption to develop a form of agreement solely to meet the terms of the wording of our exemption. Thus, we are eliminating the requirement that

there be a securities lending agreement. We believe that in many instances, banks will have a securities lending agreement, especially for agency lending transactions, but we do not believe that it is necessary for us to make the existence of a securities lending agreement a condition of this exemption. We are, however, retaining the list of securities lending services that may be conducted in connection with a securities lending transaction within a definition of “securities lending services.”

Two commenters urge that replacement transactions for a conduit lender should be permitted under this exemption.⁷⁷ One of these commenters states that “[p]ermitting a replacement transaction would maintain the bank’s matched loan and borrow of securities.”⁷⁸ We proposed an exemption that did not permit conduit lenders to replace transactions, because we believed that these bank conduit transactions should be riskless principal transactions as evidenced by being entered into contemporaneously. We considered limiting the number of substitutions of parties that could occur. Although we continue to have some reservations about the risk that we may be permitting banks to have a book of matched securities loans, we have become convinced that limiting the number of substitutions of parties that could occur would require banks to prepare additional documentation without necessarily limiting their dealer transactions. We continue to believe, however, that any substitution of parties to securities lending transactions should occur within one business day of the termination of the securities lending contract by the other party. We are, therefore, adopting this change to the rule.

We also proposed amendments providing only for substitutions of collateral on the securities borrowing side of the transaction. In re-evaluating the language of Rule 15a-11(d), however, we are deleting the words, “on the securities borrowing side of the transaction” to permit substitutions of collateral to occur on both sides of the securities lending transaction as suggested by one of the commenters.⁷⁹ We have been persuaded that we should permit a conduit lender to replace collateral on either side of a conduit transaction under this rule.

This same commenter stated that the position of the word “solely” in the

⁶⁴ *Id.*

⁶⁵ See the Coalition of Banks’ Letter.

⁶⁶ See the General Counsels’ Letter.

⁶⁷ See *e.g.*, Rule 15c3-3(b)(3) [17 CFR 240.15c3-3(b)(3)].

⁶⁸ See the General Counsels’ Letter, the NYCH Letter, and the Coalition of Banks’ Letter.

⁶⁹ See the NYCH Letter.

⁷⁰ See the General Counsels’ Letter.

⁷¹ See the ICBA Letter.

⁷² See *e.g.*, the Coalition of Banks’ Letter and the NYCH Letter.

⁷³ See the Coalition of Banks’ Letter.

⁷⁴ See the Coalition of Banks’ Letter and the NYCH Letter.

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ See the Coalition of Banks’ Letter and the NYCH Letter.

⁷⁸ See the NYCH Letter.

⁷⁹ See the NYCH Letter.

context of the exemption may be confusing because it might be interpreted as attempting to narrow in certain respects the statutory custodial lending exception by imposing a restriction to “qualified investors.”⁸⁰ This commenter asks that we replace “solely to engage in or effect” with “to the extent that it engages in or effects.” We agree that the language suggested by the commenter avoids this ambiguity and have incorporated this suggestion into the final rule we are adopting today.⁸¹

Another commenter stated that the use of the word “solely” in the securities lending exemption could be read to mean that a bank may not provide any other services in connection with non-custodial securities lending transactions.⁸² That commenter asked that we clarify that the securities lending exemption and fiduciary exception could both be used for the same client. Although both the exemption and the exception could be used for the same client, each transaction would have to meet all of the elements of one of them.⁸³

Two commenters recommended adding the words “or on behalf of” prior to the words “qualified investor” in two instances in paragraph (a) with conforming language in paragraph (c) to more closely track the statutory language found in the custody exception.⁸⁴ We agree that the language suggested by these commenters avoids this ambiguity and have incorporated this suggestion in the final rule.

Two commenters recommended deleting the words “[e]xcept as otherwise provided in paragraph (d) of this section * * *” as an unnecessary reference to the definition of “conduit

lender.”⁸⁵ We agree that this technical suggestion would improve the clarity of the rule and have incorporated this suggestion in the final rule.

These same two commenters also made two other technical suggestions with which we agree. First, they recommended that we clarify that a bank may *direct* the receipt and delivery of loaned securities and collateral by third parties in Rule 15a-11(c)(2) and (3). Second, they suggested that we revise the rule language to refer to a bank *investing or directing* the investment of cash collateral, rather than to the reinvesting of such collateral in Rule 15a-11(c)(5).

In sum, we are adopting the exemption for securities lending, Rule 15a-11, with the technical changes described above. We continue to believe that, because it is limited to qualified investors,⁸⁶ the exemption is appropriate in the public interest and is consistent with the protection of investors.

D. Definition of “Qualified Investor”

Exchange Act Section 3(a)(54) expressly defines the term “qualified investor,” and provides authority to the Commission by rule or order to expand the definition to include any other person, taking into consideration such factors as the person’s financial sophistication, net worth, and knowledge and experience in financial matters.⁸⁷

The definition of “qualified investor” was added to the Exchange Act by the GLBA and has application to several of the bank exceptions from broker-dealer registration, including:⁸⁸ (1) The broker

exception for identified banking products when the product is an equity swap agreement;⁸⁹ (2) the dealer exception for identified banking products when the product is an equity swap agreement;⁹⁰ and (3) the dealer exception for asset-backed securities.⁹¹ Under these exceptions, banks may sell certain securities to qualified investors.

Exchange Act Section 3(a)(54)(A) enumerates an extensive list of persons that are “qualified investors.”⁹² Some of these entities meet the definition by merely being certain types of entities, while other entities must both be a certain type of entity and meet an ownership and investment test. For example, Subsection (xi) of Section 3(a)(54)(A) provides that “any corporation, company, or partnership that owns and invests on a discretionary basis, not less than \$25,000,000 in investments” is a qualified investor.

In considering this definition, we first looked to Exchange Act Section 3(a)(9), which defines the term “person” to mean “a natural person, company, government, or political subdivision, agency, or instrumentality of a government.”⁹³ We also looked to Investment Company Act Section 2(a)(8), which provides that the term “company” means a corporation, a partnership, an association, a joint-stock company, a trust, a fund, or any organized group of persons whether incorporated or not; or any receiver, trustee in a case under title 11 of the United States Code or similar official or any liquidating agent for any of the foregoing, in his capacity as such.”⁹⁴

In light of these other definitions, for the purposes of the GLBA provisions in the Exchange Act, we interpreted the term “company” as used in the definition of “qualified investor” in subsection (xi) of Section 3(a)(54)(A) to have a broad meaning that encompasses types of entities other than those specifically listed in Section 3(a)(54)(A).

We asked for comment on our interpretation of this term. One

purchaser. See Section 206(a)(5) of Public Law 106-102 [15 U.S.C. 78c note] as incorporated into Exchange Act Section 3(a)(4)(B)(ix) [15 U.S.C. 78c(a)(4)(B)(ix)] and Section 3(a)(5)(C)(iv) [15 U.S.C. 78c(a)(5)(C)(iv)].

⁸⁹ Section 206(a)(6) of Public Law 106-102 [15 U.S.C. 78c note] as incorporated into Exchange Act Section 3(a)(4)(B)(ix) [15 U.S.C. 78c(a)(4)(B)(ix)].

⁹⁰ Section 206(a)(6) of Public Law 106-102 [15 U.S.C. 78c note] as incorporated into Exchange Act Section 3(a)(5)(C)(iv) [15 U.S.C. 78c(a)(5)(C)(iv)].

⁹¹ Exchange Act Section 3(a)(5)(C)(iii) [15 U.S.C. 78c(a)(5)(C)(iii)].

⁹² Subsections (i) through (xiv) of Section 3(a)(54)(A) list entities that are qualified investors.

⁹³ Exchange Act Section 3(a)(9) [15 U.S.C. 78c(a)(9)].

⁹⁴ Investment Company Act Section 2(a)(8) [15 U.S.C. 80a-2(a)(8)].

⁸⁰ *Id.*

⁸¹ For consistency, we made a similar change in the language of Rule 3a5-1.

⁸² See the ABA/ABASA Letter.

⁸³ This issue arises only in the context of the “broker” exception for trust and fiduciary activities. The issue does not arise in the context of the “dealer” exception for fiduciary transactions because the “dealer” exception for trustee and fiduciary transactions only applies when the bank buys or sells securities for investment purposes for the bank, or in accounts for which the bank acts as a trustee or fiduciary. We note, however, that in giving meaning to the term “fiduciary” in Section 3(a)(5)(C)(ii), we look to the legislative history. The legislative history states that [Exchange Act Section 3(a)(5)] “excepts a bank from the definition of ‘dealer’ when it buys and sells securities for investment purposes for the bank or for accounts for which the bank acts as trustee or fiduciary. This mirrors existing law distinguishing between investors and dealers, and is limited to the portfolio trading of the bank and accounts for which it makes investment decisions.” H.R. Rep. No. 106-74, pt. 3, at 170-171 (1999).

⁸⁴ See the Coalition of Banks’ Letter and the NYCH Letter.

⁸⁵ See the Coalition of Banks’ Letter and the NYCH Letter.

⁸⁶ See additional discussion of “qualified investors” at Section D, *infra*.

⁸⁷ 15 U.S.C. 78c(a)(54)(A). Under this definition qualified investors include persons such as investment companies, banks, small business investment companies, any State sponsored employee benefit plan, institutional trusts, market intermediaries, and natural persons, corporations or partnerships that own and invest on a discretionary basis more than \$25,000,000. 15 U.S.C. 78c(a)(54)(C) gives the Commission additional authority to define a “qualified investor.”

⁸⁸ In addition to these three provisions, a participation in a loan, to be an “identified banking product,” also must either be sold to: (1) A qualified investor; or (2) to other persons that have an opportunity to review and assess any material information regarding the borrower’s creditworthiness and based on such factors as financial sophistication, net worth, and knowledge and experience in financial matters, have the capability to evaluate the information available, as determined under generally applicable banking standards or guidelines. Thus, a bank utilizing the exceptions to broker and dealer registration to sell a participation interest would either have to sell such an interest to a qualified investor or undertake a more extensive factual assessment of the

commenter urged caution in applying the expanded definition of “qualified investor” in all circumstances.⁹⁵ This commenter stated that while it may be appropriate to utilize a single definition of a “qualified investor” as a means to simplify compliance, the application should be limited to securities lending activities pending more careful and thorough analysis.⁹⁶ In contrast, three other commenters advocated using one interpretation of the definition of qualified investor.⁹⁷

We believe that the simplicity of having one interpretation of the statutory definition of “qualified investor” outweighs any risk that it could be overbroad in other circumstances. Thus, we believe that it is appropriate to utilize this interpretation in all circumstances where the term is used in the GLBA exceptions. We continue, however, to apply the statutory requirements to the entities expressly listed in Exchange Act Section 3(a)(54)(A). For example, a government or political subdivision, agency, or instrumentality of a government is required to invest on a discretionary basis at least \$50 million in investments in order to be considered a qualified investor.⁹⁸ The statutory requirement for these governmental entities would not be changed by this interpretation.

Similarly, any State sponsored employee benefit plan, or any other employee benefit plan, within the meaning of the Employee Retirement Income Security Act of 1974, other than an individual retirement account, qualifies only if the investment decisions are made by a plan fiduciary, as defined in section 3(21) of that Act, which is either a bank, savings and loan association, insurance company, or registered investment adviser.⁹⁹ GLBA expressly limited the definition of “qualified investor” to these types of employee benefit plans, and this interpretation does not cover other types of employee benefit plans.

In the interest of clarity and legal certainty, two commenters also recommended that the Commission adopt a rule to implement its interpretation of the definition of a qualified investor.¹⁰⁰ We believe the Commission’s interpretation suffices to

enhance legal certainty for entities that are not as precisely described as others in the list of entities expressly listed as “qualified investors.” It, therefore, is not necessary to adopt a general rule at this time.

In the context of the securities lending exemption, we are, however, revising the regulation so that the exemption encompasses not only securities lending transactions with or on behalf of any “qualified investor” (as that term is defined in Exchange Act Section 3(a)(54)(A) and interpreted above), but also securities lending transactions with or on behalf of any employee benefit plan that owns and invests on a discretionary basis not less than \$25,000,000 in investments. Thus, we are amending Rule 15a-11 to add certain employee benefit plans that do not meet the terms of Exchange Act Section 3(a)(54)(A)(v).¹⁰¹ We are making this change in response to a request by one of the commenters.¹⁰² We believe that this addition to the exemption is appropriate. This addition will permit banks to engage in or effect securities lending transactions, and any securities lending services in connection with such transactions, with or on behalf of a person the bank reasonably believes to be a pension plan that, although it would not meet the qualitative standard set forth in paragraph (v),¹⁰³ may own and invest on a discretionary basis, not less than \$25,000,000 in investments.¹⁰⁴

Two commenters suggested that it would be helpful if the Commission would confirm that banks may enter into securities lending transactions with parties that they reasonably believe are “qualified investors.” These commenters suggested that one non-exclusive means by which a bank should be able to reasonably conclude that a party is a “qualified investor” could be to obtain a representation to that effect by a party, unless reliance on that representation would not be

¹⁰¹ 15 U.S.C. 78c(a)(54)(A)(v).

¹⁰² See the Coalition of Banks’ Letter, which asked for clarification of the status of foreign pension plans.

¹⁰³ This provision relates to pension plans that are “any State sponsored employee benefit plan, or any other employee benefit plan, within the meaning of the Employee Retirement Income Security Act of 1974, other than an individual retirement account, if the investment decisions are made by a plan fiduciary, as defined in section 3(21) of that Act, which is either a bank, savings and loan association, insurance company, or registered investment adviser.” 15 U.S.C. 78c(a)(54)(A)(v).

¹⁰⁴ Rule 15a-11(e). [17 CFR 240.15a-11.] When the individual plan participants or beneficiaries of a pension plan make their own investment decisions, the plan itself would not meet the requirement that it invests the plan assets on a discretionary basis. See Section 3(a)(35) of the Exchange Act [15 U.S.C. 78c(a)(35)].

reasonable under the circumstances.¹⁰⁵ After considering this suggestion, we have modified the definition of “qualified investor” within the context of the securities lending exemption to provide a reasonable belief standard.¹⁰⁶

With regard to the places where the statutory provisions require that banks deal only with “qualified investors,” we have reviewed the legislative history in this area, as well as the statutory language, and find no indication that it was Congress’ intent to provide a reasonable belief standard with regard to transactions that are limited to qualified investors.¹⁰⁷ Although our exemptive authority would permit us to add a reasonable belief standard if we found that it is necessary or appropriate in the public interest, and consistent with the protection of investors,¹⁰⁸ we believe that this kind of a change should properly be made in a rule that has been subject to public notice and comment. Further, we believe that there are competing interests in this area that should be considered and that banks may be in a position to ascertain whether their customers meet the criteria of qualified investors so that they may engage in transactions that are restricted by statute to qualified investors. We also believe that we should consider whether banks should conduct the transactions that are limited by statute to qualified investors only with persons with which they have a sufficient relationship to know whether those persons are indeed “qualified investors.” For all of these reasons, we will consider this question further to determine whether to propose a

¹⁰⁵ See the Coalition of Banks’ Letter and the NYCH Letter.

¹⁰⁶ For guidance on how to ascertain whether a person is a qualified investor, see Rule 144A(d)(1) under the Securities Act of 1933 [17 CFR 230.144A(d)(1)]. We note that the determination of whether a person is a qualified investor may involve both a qualitative analysis and a quantitative analysis. The source materials listed in Rule 144A would provide information that could be used in both types of determinations.

¹⁰⁷ See H.R. Rep. No. 106-74, pt. 3, at 175 (1999).

¹⁰⁸ Under Exchange Act Section 36(a), “the Commission, by rule, regulation, or order, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of this title or of any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.” 15 U.S.C. 78mm(a). The Commission also has authority to issue exemptive orders that grant relief from specific provisions of the Exchange Act as well as from specific Commission rules promulgated thereunder. For example, either by rule or by order, the Commission may, pursuant to Section 15(a)(2) of the Exchange Act, conditionally or unconditionally exempt any broker or dealer from the registration provisions of Section 15(a)(1). 15 U.S.C. 78o(a)(1).

⁹⁵ See the ICBA Letter.

⁹⁶ *Id.*

⁹⁷ See the NYCH Letter, the ABA/ABASA Letter, and the Coalition of Banks’ Letter.

⁹⁸ Section 3(a)(54)(A)(xiii) of the Exchange Act [15 U.S.C. 78c(a)(54)(C)(xiii)].

⁹⁹ Section 3(a)(54)(A)(v) of the Exchange Act [15 U.S.C. 78c(a)(54)(C)(v)].

¹⁰⁰ See the NYCH Letter and the Coalition of Banks’ Letter.

reasonable belief standard applicable to transactions other than securities lending.

E. Temporary Exemption

1. Discussion of Comments on the Temporary Exemption

Several commenters stated that the final implementation of the rules pertaining to the bank exceptions from the definition of dealer should be coordinated with the upcoming revisions to the rules pertaining to the bank exceptions from the definition of broker. These commenters expressed concern that banks would have to contend with multiple implementation dates.¹⁰⁹ None of the comments we received were supported by specific examples or references to any specific costs that would be incurred by any bank. We received only one comment from a bank stating that the dealer rules should be delayed until the broker rules were finalized.¹¹⁰ Moreover, the bank commenter offered no indication that it engages in significant dealer activities.

We have carefully considered this view in light of the few banks that actually conduct dealer activities other than as riskless principal. We note that the provisions of Section 16 of the Glass-Steagall Act continue to prohibit national banks from underwriting, selling, or dealing in most securities.¹¹¹ After extensive discussions with the banks that conduct significant dealer activities, and our efforts to accommodate existing practices, we continue to believe that this rule will not require banks to make significant changes to their existing dealer activities, except in connection with riskless principal transactions, and that a longer phase-in period will not be necessary. Moreover, based on our discussions with banks engaged in limited dealer activities, other than riskless principal transactions, we believe that there is insignificant overlap in the broker and dealer activities conducted by banks, and that most riskless principal transactions can be restructured as agency transactions, which remain exempt under the blanket broker exemption. In addition, because the broker and dealer activities are

sufficiently distinct, we believe that there would not be a significant compliance benefit to banks in coordinating the effective dates of the broker and dealer rules.

Implementing the dealer rule first will permit banks to use the entire 500-transaction limit set forth in the *de minimis* exception to broker for riskless principal transactions under the dealer exemption. We believe that having this much room available to banks to conduct riskless principal transactions will give banks an opportunity to realistically assess their use of the *de minimis* exemption in an environment that provides them with the maximum flexibility to do so. Later, when the broker rules also are effective, banks will have to consider their use of the *de minimis* exception for broker transactions as well as any riskless principal transactions they may conduct while utilizing the same 500-transaction limit. We believe that this transition period when only the dealer requirements, exceptions, and exemptions are effective will permit banks to gain experience in identifying securities transactions in the most forgiving environment, not only because of the full availability of the 500 transactions for riskless principal transactions but also because the temporal exemption for broker transactions remains in place. Thus, transactions that may previously have been done on a principal basis in the bank may instead be carried out by the bank on an agency basis, until the blanket broker exemption ends.

This experience may lead some banks to conclude that other arrangements, such as affiliating with a broker-dealer or shifting transactions to a broker-dealer, may be necessary when all of the broker-dealer exceptions and exemptions become effective. In those instances, we believe that the banks will benefit from having this knowledge sooner and may be able to use this knowledge to take steps that will make their transition smoother.

In addition, we believe that implementing the dealer exceptions and exemptions will permit banks to gain experience in identifying securities transactions before they are required to implement compliance with the broker exceptions and exemptions. Thus, we believe that staggering the implementation dates may actually enhance compliance and permit banks to achieve a more orderly transition to conducting their securities activities in accordance with the mandates of the GLBA.

We are, however, sympathetic to individual banks that may have specific

transactions in progress for which they may need an extension of the implementation date of these rules. We urge those banks to contact our staff to determine if specific relief may be available to any such bank on a case-by-case basis for specified transactions for which a demonstrated burden could be avoided or alleviated through a reasonable short extension of the compliance date, or during any period when additional specific exemption requests are being considered.¹¹²

2. Adoption of Temporary Exemption and Effective Date of Dealer Rules

Concurrent with this release, the Commission, through separate order, is further extending the temporary exemption from the definition of "dealer" for banks until September 30, 2003. On that date, the rules we are adopting today will apply to dealer transactions of banks, savings associations, and savings banks.

F. Extension of Rule 15a-8—Section 29 Liability Exemption

Two commenters asked the Commission to extend the exemption from liability under Exchange Act Section 29, since it applied only to contracts made before January 1, 2003.¹¹³ Other commenters asked for some type of regulatory "safe harbor," or cure period.¹¹⁴ Exchange Act Section 29(b)¹¹⁵ provides that any contract made in violation of the Exchange Act or rules adopted under the Exchange Act shall be void as regards the rights of any person who made or engaged in the performance of any such contract.¹¹⁶ Private parties have invoked this equitable remedy rarely¹¹⁷ in instances involving broker-dealer registration violations by the opposite party.¹¹⁸

¹¹² See *supra* note 109.

¹¹³ See the ABA/ABASA Letter and the NYCH Letter.

¹¹⁴ See the General Counsels' Letter, the ABA/ABASA Letter, the NYCH Letter, the Coalition of Banks' Letter, and the Roundtable Letter.

¹¹⁵ 15 U.S.C. 78cc(b).

¹¹⁶ Exchange Act Section 29(b) does not make the contract automatically a nullity. Rather, the contract is voidable at the option of the innocent party. *Mills v. Electric Auto-Lite Co.*, 396 U.S. 375, 387 (1970). In this manner, "the interests of the victim are sufficiently protected by giving him the right to rescind; to regard the contract as void where he has not invoked the right would only create the possibility of hardships to him or others without necessarily advancing the statutory policy of disclosure." *Id.* at 388.

¹¹⁷ *Id.* at 388; see also *Occidental Life Ins. Co. v. Pat Ryan and Assoc.*, 496 F.2d 1255, 1267 (4th Cir.), *cert. denied*, 419 U.S. 1023 (1974) (principles of equity, like estoppel and waiver, apply to actions brought under Exchange Act Section 29(b)).

¹¹⁸ See *Boguslavsky v. Kaplan*, 159 F.3d 715, 722 (2nd Cir. 1998) (under the liberal pleading standard

¹⁰⁹ See the ABA/ABASA Letter, the General Counsels' Letter, the IIB Letter, the Commerce Banc Letter, and the Roundtable Letter.

¹¹⁰ See the Commerce Banc Letter.

¹¹¹ This section excepted certain bank-eligible securities such as U.S. government securities. Section 5(c) of the Glass-Steagall Act also applied the same Section 16 restrictions to state-chartered banks that are members of the Federal Reserve System. Savings Associations and savings banks did not have the exemption from broker-dealer registration until we adopted the Rule 15a-9 as part of the Interim Final Rules.

Rule 15a-8¹¹⁹ was included in the Rules because we recognized that the amended Exchange Act contains numerous broker-dealer definitional provisions that apply only to banks, which were previously excepted from broker-dealer regulation.¹²⁰ We understand that banks may need to adjust their procedures to shift their securities activities to registered broker-dealers or to comply with the conditions of the specific functional exceptions or exemptions to the definitions of broker and dealer. We also are aware that there may be instances where, despite having reasonable procedures in place, a bank may inadvertently fail to meet the terms and conditions of the specific functional exceptions or exemptions upon which it is relying. This could result in the bank engaging in securities activities in violation of the registration requirements of Exchange Act Section 15 and the rules promulgated under that section. We, therefore, adopted Rule 15a-8.

Now that we are adopting an effective date for the bank dealer rules, banks may need time to adjust to these definitional provisions and exemptions. Thus, we continue to believe that it is appropriate to provide a transitional period before these provisions fully apply.

To provide certainty to banks while they become fully familiar with the operation of the exceptions, we are,

accorded pro se litigants, an investor properly presented an identifiable claim for rescission under Exchange Act Section 29(b) in asserting that the firm operated without director of compliance and thus was not properly registered as securities broker-dealer); *Regional Properties, Inc. v. Financial and Real Estate Consulting Co.*, 752 F.2d 178, 182 (5th Cir. 1985) (subject to equitable defenses, real estate developers were entitled to rescind agreement with broker to structure and market limited partnership interest where broker had failed to register as required by the Exchange Act); *Regional Properties v. Financial and Real Estate Consulting Co.*, 678 F.2d 552, 557, 566-67 (5th Cir. 1982), aff'd on other grounds, 752 F.2d 178 (5th Cir. 1985) (later appeal) (recognizing that Exchange Act Section 29(b) provides for a private, equitable cause of action for the rescission of a contract where the securities broker was unlicensed); *Eastside Church of Christ v. National Plan, Inc.*, 391 F.2d 357, 362 (5th Cir.), cert. denied, 393 U.S. 913 (1968) (churches could void a transaction with broker under Exchange Act Section 29(b) because the broker was unregistered); *Couldock and Bohan, Inc. v. Societe Generale Securities, Corp.*, 93 F. Supp. 2d 220, 233 (D. Conn. 2000) (a contract violating broker registration requirements of the Exchange Act is voidable at the option of the innocent party under Exchange Act Section 29(b)).

¹¹⁹ 17 CFR 240.15a-8.

¹²⁰ In the past, the Commission has been asked for this type of relief and has declined to grant it. See Registration Requirements for Foreign Broker-Dealers, Release No. 34-27017, 54 FR 30013 at 30021 (July 18, 1989). Our research indicates that there was not an increase in suits against foreign broker-dealers under Section 29 of the Exchange Act.

therefore, adopting an amended Rule 15a-8.¹²¹ This amendment provides an exemption for contracts entered into by banks before March 31, 2005 from being considered void or voidable by reason of Exchange Act Section 29 because a bank that is a party to the contract violated the registration requirements of Section 15(a) of the Exchange Act or any applicable provision of this Act and the rules and regulations thereunder based solely on a bank's status as a dealer when the contract was created. Banks may have inadvertent, technical violations as they become accustomed to the new regulatory requirements. This exemption is designed to recognize the unique compliance problems that banks may have by preventing any inadvertent failures by banks to meet the conditions of the functional exceptions from triggering potential rescission under Exchange Act Section 29 during this transitional period.

We note that this provision does not relieve a bank of the obligation to register as a dealer if their securities activities do not fit within a specific functional exception or exemption. We also note that a bank's securities activities continue to be subject to the antifraud provisions of the federal

¹²¹ 17 CFR 240.15a-8. On May 11, 2001, we adopted Rule 15a-8 as part of the Rules and sought comment on it. See Release No. 34-44291, 66 FR 27760 (May 18, 2001). At that time, we provided and anticipated that the general exemption for banks from the definition of dealer would end on October 1, 2001, and that an additional conditional exemption from the definition would end on January 1, 2002. Accordingly, to provide for sufficient transition time, we adopted Rule 15a-8 to provide for exemption from Section 29 rescission liability until January 1, 2003. During the comment period on the Rules, we received no comments suggesting that such an exemption was inappropriate.

Ultimately, however, to allow sufficient time to address concerns raised about the Rules, we further extended the exemption from the definition of dealer until September 30, 2003 (with today's extension). Accordingly, the transition period that we proposed and adopted in Rule 15a-8 has not yet commenced, because the existing Rule includes a specific termination date of January 1, 2003. Thus, the Rule as currently written would provide no adjustment period for banks. Accordingly, the recommended amendment to 15a-8 does nothing more than amend the Rule to establish a transition period commencing on the date that the general exemption from the definition actually expires, exactly as was contemplated when the existing Rule was adopted on an interim basis and published for public comment. Under these circumstances, we find good cause to conclude that this amendment to Rule 15a-8 may be accomplished without our separately and specifically providing notice of and an opportunity to comment on the amendment. We also believe that such notice is "unnecessary" within the meaning of 5 U.S.C. 553(b)(3)(B). Moreover, the proposing Release did include questions seeking input about any necessary accommodations for an orderly transition, and two commenters specifically suggested the accommodation that this amendment to Rule 15a-8 provides.

securities laws, irrespective of the bank's lack of registration or failure to comply with the provisions of the Exchange Act and the rules thereunder that otherwise apply to banks based on their status as broker-dealers. We, therefore, find that this exemption for dealer contracts entered into by banks before March 31, 2005 from being considered void or voidable by reason of Exchange Act Section 29 is appropriate in the public interest and consistent with the protection of investors.¹²²

VI. Procedural Matters

A. Paperwork Reduction Act

These rule amendments and new exemption do not impose recordkeeping or information collection requirements, or other collections of information that require approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.* Accordingly, the Paperwork Reduction Act does not apply.¹²³ We received no comments on this issue.

B. Consideration of Comments on Benefits and Costs

We believe that these rule amendments and the new exemption are consistent with Congress's intent in enacting the GLBA and are responsive to the comments we received. These rule amendments and the new exemption are very limited in scope. The amendments adopt four changes. In particular, we are adopting rules that: (1) Modify the way in which transactions are counted under the exemption from the definition of "dealer" for a bank engaged in riskless principal transactions, which would permit the bank to engage in more transactions under the *de minimis* exception to broker and dealer registration; (2) modify certain definitions under the dealer exception that permits banks to issue and sell asset-backed securities to qualified investors to permit banks to possibly issue and sell more such securities; (3) add a new exemption from the definitions of both "broker" and "dealer" to provide banks with enhanced legal certainty when they engage in securities lending transactions; and (4) extend the exemption from liability under Section 29(b) to contracts entered into before March 31, 2005 based solely on a bank's

¹²² Exchange Act Section 36(a)(1) [15 U.S.C. 78mm(a)(1)].

¹²³ We would expect banks, as a matter of good business practice, to be able to demonstrate that they meet the terms of a particular exemption. We also note that Section 204 of the GLBA specifically requires the bank agencies to promulgate recordkeeping requirements.

status as dealer when the contract was created. The amendments to the first two rules are being adopted as proposed. The new exemption is being adopted with minor, technical changes from the proposal. We received no comments on the costs and benefits of the proposed amendments or new exemptions.

1. Benefits

Both of the rule amendments modify the exceptions and the interpretations found in Rules 3a5-1 and 3b-18 in a way that expands the scope of activity in which banks may engage without registering as dealers. The new exemption for banks to engage in securities lending transactions, new Rule 15a-11, also provides increased legal certainty to banks. All of these rule amendments make it easier for banks to conduct these activities in light of the changes to the Federal securities laws. We received no comments directed to this issue.

The amendment to Rule 3a5-1, the *de minimis* exemption, changes the way riskless principal transactions are counted to allow banks to engage in more such transactions before triggering the dealer registration requirement.

Directly engaging in asset-backed transactions without employing a broker-dealer is very unusual for banks. We found only two banks that regularly issue and sell asset-backed securities. Based on staff discussions with these two banks, we believe that the amendments to Rule 3b-18 will permit these two banks to continue to utilize their existing business models with little or no change in their procedures. These amendments modify the definition of "originate" to permit banks to use loan origination channels that would not be permitted under the Rules. We believe that the amendments to the definitions under the asset-backed transactions exception will accommodate these banks' business without sacrificing the statutory limits Congress imposed on banks' dealer activities. In response to the comments on these proposed amendments, we have clarified certain matters in this adopting release.

Lending securities is a highly specialized business for which Congress provided partial relief under the custody exception to broker registration. As discussed above, some banks were concerned about legal certainty for securities lending transactions that may not meet the terms of the custody exception to broker registration and to the extent that some securities lending transactions might be considered to be subject to dealer registration. We believe

that banks provide an important function in this market and that it is in the public interest that they continue to do so. The exemption will provide banks that lend securities with enhanced legal certainty that will permit them to continue to engage in this activity without broker-dealer registration. In the final rule, we are making the securities lending exemption more flexible by eliminating the requirement that these transactions be conducted pursuant to a securities lending agreement.

In addition, we are adopting an amended Rule 15a-8 that will provide an exemption for contracts entered into by banks before March 31, 2005 from being considered void or voidable by reason of Exchange Act Section 29 because a bank that is a party to the contract violated the registration requirements of Section 15(a) of the Exchange Act or any applicable provision of this Act and the rules and regulations thereunder based solely on a bank's status as a dealer when the contract was created. This temporary exemption provides banks with relief from being subject to rescission rights while they become accustomed to the new bank exceptions and exemptions from the definition of dealer under the Exchange Act. This relief should provide banks with savings from being spared potential liability under this statutory section.

2. Costs

Although banks may incur certain costs to comply with the GLBA, these costs will be necessary because of the statutory change. Congress determined that all securities activities should be functionally regulated by the expert securities regulator to ensure investor protection, regardless of the entity in which the activities occur. Thus, any regulatory costs arise from Congress's determination that amendment of the Exchange Act was necessary. There are no out-of-pocket costs as a result of these rules and rule amendments. Because all of these amendments make it easier for banks to conduct these activities in light of the changes to the federal securities laws, any costs would be those associated with moving the supervision of these limited securities transactions or products from the regulatory oversight of the Commission and placing them under the banking agencies. We do not believe any such cost to be significant.

In addition, because the types of dealer activities that are the subject of these rules are not the types of activities in which small banks or small broker-dealers participate, there should be no

competitive costs to small broker-dealers due to the way in which these rules modify the terms of the bank exceptions and exemptions. We did not receive any comments on this issue, nor did we receive any comments that identified specific costs related to complying with these rules.

C. Consideration of Burden on Competition, and on Promotion of Efficiency, Competition, and Capital Formation

In accordance with our responsibilities under Section 3(f) of the Exchange Act, we have considered both the protection of investors and whether these rule amendments would promote efficiency, competition, and capital formation in determining whether they are consistent with the public interest.¹²⁴ In addition, Section 23(a)(2) of the Exchange Act¹²⁵ requires us, in adopting rules under the Exchange Act, to consider the anticompetitive effects of such rules, if any, and to refrain from adopting a rule that will impose a burden on competition not necessary or appropriate in furthering the purpose of the Exchange Act. We received no comments on these issues.

We do not believe that the interpretations, definitions, and exemptions contained in these amendments, the interpretation of the term "qualified investor," or the new exemption will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The Rules define terms in the statutory exceptions to the definitions of broker and dealer added to the Exchange Act by Congress in the GLBA, and provide guidance to banks regarding the scope of those exceptions. The rule amendments and exemption also do not impose any additional competitive burdens on banks engaging in a securities business, other than those imposed by Congress through functional regulation in the GLBA.

Because the types of dealer activities that are the subject of these rules are not the types of activities in which small banks or small broker-dealers directly participate, there should be no competitive costs to small banks or small broker-dealers due to the way in which these rules modify the terms of the bank exceptions and exemptions.

The new conditional exemption from broker-dealer registration in Rule 15a-11 would provide banks increased legal certainty when they engage in securities lending transactions without any new

¹²⁴ 15 U.S.C. 78c(f).

¹²⁵ 15 U.S.C. 78w(a)(2).

burdens on banks seeking to use this limited exemption. Nothing in the rule amendments, in the new exemption, or in the Commission's interpretation of the term qualified investor will adversely affect capital formation. Banks that alter their securities-related activities in accordance with the GLBA will continue to be able to provide securities services to their customers. In enacting the GLBA, Congress determined that functional regulation was appropriate—that is, when a bank was conducting a securities business outside of the enumerated exceptions, that bank should be registered as a broker-dealer or shift its securities activities to a registered broker-dealer. In the interest of protecting the public and ensuring orderly markets, Congress determined that banks conducting a broad securities business should be subject to the same regulatory oversight as broker-dealers conducting the same types of activities. These rule amendments and the new exemption promote Congress' intent and make it easier for banks to comply with the requirements of the GLBA.

Since certain of these rule amendments define statutory exceptions mandated by Congress, we do not believe that those rules impose any extra-statutory adverse effects on efficiency, competition, or capital formation. We also are making three exemptive amendments to the Rules. We are adding a rule that provides banks with exemptive relief for certain securities lending transactions, amending the *de minimis* exemption for banks to make the counting of riskless principal transactions more flexible, and extending the exemption from liability under section 29(b) to contracts entered into before March 31, 2005 based solely on a bank's status as dealer when the contract was created. Each of these exemptive rules would make it easier for banks to comply with the GLBA in light of the changes to the federal securities laws and will give banks enhanced legal certainty for their securities activities. We also do not believe that those rules impose any extra-statutory adverse effects on efficiency, competition, or capital formation. When Congress passed the GLBA, it effectively determined that regulation of banks conducting a securities operation outside of certain exceptions was necessary, appropriate, and in the public interest.

D. Regulatory Flexibility Act Certification

Pursuant to Section 605(b) of the Regulatory Flexibility Act,¹²⁶ the Commission certified that the amendment to the rule would not have a significant economic impact on a substantial number of small entities. This certification was incorporated into the Proposing Release.¹²⁷ We received no comments concerning the impact on small entities or the Regulatory Flexibility Act Certification.

Statutory Authority

The Commission is adopting amendments Rules 3a5-1, 3b-18 and 15a-8, and a new exemption for securities lending transactions in Rule 15a-11 under the Exchange Act, pursuant to authority set forth in Sections 3(b), 15, 23(a), and 36 of the Exchange Act (15 U.S.C. 78c(b), 78o, 78w(a), and 78mm, respectively).

Text of Rules and Rule Amendments

List of Subjects in 17 CFR Part 240

Broker-dealers, Reporting and recordkeeping requirements, Securities.

For the reasons set forth in the preamble, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. The authority citation for Part 240 continues to read, in part, as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z-2, 77z-3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78e, 78f, 78g, 78i, 78j, 78j-1, 78k, 78k-1, 78l, 78m, 78n, 78o, 78p, 78q, 78s, 78u-5, 78w, 78x, 78ll, 78mm, 79q, 79t, 80a-20, 80a-23, 80a-29, 80a-37, 80b-3, 80b-4 and 80b-11, unless otherwise noted.

* * * * *

2. Section 240.3a5-1 is revised to read as follows:

§ 240.3a5-1 Exemption from the definition of "dealer" for a bank engaged in riskless principal transactions.

(a) A bank is exempt from the definition of the term "dealer" to the extent that it engages in or effects riskless principal transactions if the number of such riskless principal transactions during a calendar year combined with transactions in which the bank is acting as an agent for a customer pursuant to section 3(a)(4)(B)(xi) of the Act (15 U.S.C. 78c(a)(4)(B)(xi)) during that same year does not exceed 500.

¹²⁶ 5 U.S.C. 605(b).

¹²⁷ See Proposing Release, *supra* note 2.

(b) For purposes of this section, the term riskless principal transaction means a transaction in which, after having received an order to buy from a customer, the bank purchased the security from another person to offset a contemporaneous sale to such customer or, after having received an order to sell from a customer, the bank sold the security to another person to offset a contemporaneous purchase from such customer.

3. Section 240.3b-18 is revised to read as follows:

§ 240.3b-18 Definitions of terms used in Section 3(a)(5) of the Act.

For the purposes of section 3(a)(5)(C) of the Act (15 U.S.C. 78c(a)(5)(C):

(a) The term *affiliate* means any company that controls, is controlled by, or is under common control with another company.

(b) The term *consumer-related receivable* means any obligation incurred by any natural person to pay money arising out of a transaction in which the money, property, insurance, or services (being purchased) are primarily for personal, family, or household purposes.

(c) The term *member* as it relates to the term "syndicate of banks" means a bank that is a participant in a syndicate of banks and together with its affiliates, other than its broker or dealer affiliates, originates no less than 10% of the value of the obligations in a pool of obligations used to back the securities issued through a grantor trust or other separate entity.

(d) The term *obligation* means any note, draft, acceptance, loan, lease, receivable, or other evidence of indebtedness that is not a security issued by a person other than the bank.

(e) The term *originated* means:

(1) Funding an obligation at the time that the obligation is created; or

(2) Initially approving and underwriting the obligation, or initially agreeing to purchase the obligation, provided that:

(i) The obligation conforms to the underwriting standards or is evidenced by the loan documents of the bank or its affiliates, other than its broker or dealer affiliates; and

(ii) The bank or its affiliates, other than its broker or dealer affiliates, fund the obligation in a timely manner, not to exceed six months after the obligation is created.

(f) The term *pool* means more than one obligation or type of obligation grouped together to provide collateral for a securities offering.

(g) The term *predominantly originated* means that no less than 85% of the

value of the obligations in any pool were originated by:

(1) The bank or its affiliates, other than its broker or dealer affiliates; or

(2) Banks that are members of a syndicate of banks and affiliates of such banks, other than their broker or dealer affiliates, if the obligations or pool of obligations consist of mortgage obligations or consumer-related receivables.

(3) For this purpose, the bank and its affiliates include any financial institution with which the bank or its affiliates have merged but does not include the purchase of a pool of obligations or the purchase of a line of business.

(h) The term *syndicate of banks* means a group of banks that acts jointly, on a temporary basis, to issue through a grantor trust or other separate entity, securities backed by obligations originated by each of the individual banks or their affiliates, other than their broker or dealer affiliates.

4. Section 240.15a-8 is revised to read as follows:

§ 240.15a-8 Exemption for banks from Section 29 liability.

(a) No contract entered into before January 1, 2003 shall be void or considered voidable by reason of section 29 of the Act (15 U.S.C. 78cc) because any bank that is a party to the contract violated the registration requirements of section 15(a) of the Act (15 U.S.C. 78o(a)) or any applicable provision of the Act (15 U.S.C. 78a *et seq.*) and the rules and regulations thereunder based solely on the bank's status as a broker or dealer when the contract was created.

(b) No contract entered into before March 31, 2005, shall be void or considered voidable by reason of section

29 of the Act (15 U.S.C. 78cc) because any bank that is a party to the contract violated the registration requirements of section 15(a) of the Act (15 U.S.C. 78o(a)) or any applicable provision of the Act (15 U.S.C. 78a *et seq.*) and the rules and regulations thereunder based solely on the bank's status as a dealer when the contract was created.

5. Section 240.15a-11 is added to read as follows:

§ 240.15a-11 Exemption from the definitions of "broker" and "dealer" for banks engaging in securities lending transactions.

(a) A bank is exempt from the definitions of the terms "broker" and "dealer" under sections 3(a)(4) and 3(a)(5) of the Act (15 U.S.C. 78c(a)(4) and (a)(5)), to the extent that, as a conduit lender, or as an agent, it engages in or effects securities lending transactions, and any securities lending services in connection with such transactions, with or on behalf of a person the bank reasonably believes to be:

(1) A qualified investor as defined in section 3(a)(54)(A) of the Act (15 U.S.C. 78c(a)(54)(A)); or

(2) Any employee benefit plan that owns and invests on a discretionary basis, not less than \$25,000,000 in investments.

(b) *Securities lending transaction* means a transaction in which the owner of a security lends the security temporarily to another party pursuant to a written securities lending agreement under which the lender retains the economic interests of an owner of such securities, and has the right to terminate the transaction and to recall the loaned securities on terms agreed by the parties.

(c) *Securities lending services* means:

(1) Selecting and negotiating with a borrower and executing, or directing the execution of the loan with the borrower;

(2) Receiving, delivering, or directing the receipt or delivery of loaned securities;

(3) Receiving, delivering, or directing the receipt or delivery of collateral;

(4) Providing mark-to-market, corporate action, recordkeeping or other services incidental to the administration of the securities lending transaction;

(5) Investing, or directing the investment of, cash collateral; or

(6) Indemnifying the lender of securities with respect to various matters.

(d) For the purposes of this section, the term *conduit lender* means a bank that borrows or loans securities, as principal, for its own account, and contemporaneously loans or borrows the same securities, as principal, for its own account. A bank that qualifies under this definition as a conduit lender at the commencement of a transaction will continue to qualify, notwithstanding whether:

(1) The lending or borrowing transaction terminates and so long as the transaction is replaced within one business day by another lending or borrowing transaction involving the same securities; and

(2) Any substitutions of collateral occur.

Dated: February 13, 2003.

By the Commission.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 03-4095 Filed 2-21-03; 8:45 am]

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HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Grants:
Faith-based organizations;
equal treatment with other
participants in HUD
programs; comments due
by 3-7-03; published 1-6-
03 [FR 03-00133]

JUSTICE DEPARTMENT

Privacy Act; implementation;
comments due by 3-3-03;
published 1-31-03 [FR 03-
02251]

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Copyright Office, Library of Congress

Copyright Arbitration Royalty
Panel rules and procedures:
Digital performance of
sound recordings by
preexisting subscription
services; reasonable rates
and terms determination;
comments due by 3-3-03;
published 1-30-03 [FR 03-
02081]

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(FAR):
Section 508 micro-purchase
exception sunset
provision; comments due
by 3-3-03; published 12-
31-02 [FR 02-32743]

PEACE CORPS

Standards of conduct;
comments due by 3-7-03;
published 2-5-03 [FR 03-
02703]

POSTAL SERVICE

Domestic Mail Manual:
Outside-country periodicals
co-palletization and drop-
ship classification;
experimental testing;
comments due by 3-3-03;
published 1-30-03 [FR 03-
02198]

SMALL BUSINESS ADMINISTRATION

Business loans:
Certified Development
Company Loan Program;
comments due by 3-6-03;
published 2-3-03 [FR 03-
02399]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Air carrier certification and
operations:
Transport category
airplanes—
Passenger and flight
attendant seats;
improved
crashworthiness;
comments due by 3-3-

03; published 12-3-02
[FR 02-30695]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:
Boeing; comments due by
3-3-03; published 1-2-03
[FR 02-32884]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:
Bombardier; comments due
by 3-3-03; published 1-30-
03 [FR 03-02098]
Dassault; comments due by
3-3-03; published 1-30-03
[FR 03-02148]
Empresa Brasileira de
Aeronautica S.A.
(EMBRAER); comments
due by 3-3-03; published
1-30-03 [FR 03-02096]
Eurocopter France;
comments due by 3-3-03;
published 12-31-02 [FR
02-32889]
Hartzell Propeller, Inc.;
comments due by 3-3-03;
published 1-2-03 [FR 02-
33074]
Raytheon; comments due by
3-3-03; published 1-27-03
[FR 03-01678]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:
Rolls-Royce Ltd.; comments
due by 3-3-03; published
1-2-03 [FR 02-32888]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness standards:
Special conditions—
Bombardier Model BD-
100-1A10 airplanes;
comments due by 3-5-
03; published 2-3-03
[FR 03-02422]

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 "PLUS" (Public Laws
Update Service) on 202-741-
6043. This list is also
available online at [http://
www.nara.gov/fedreg/
plawcurr.html](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](http://www.access.gpo.gov/nara/nara005.html). Some laws may
not yet be available.

H.R. 16/P.L. 108-6

To authorize salary
adjustments for Justices and
judges of the United States
for fiscal year 2003. (Feb. 13,
2003; 117 Stat. 10)

Last List February 11, 2003

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laws. The text of laws is not
available through this service.
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specific inquiries sent to this
address.

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869-048-00001-1)	9.00	Jan. 1, 2002
3 (1997 Compilation and Parts 100 and 101)	(869-048-00002-0)	59.00	¹ Jan. 1, 2002
4	(869-048-00003-8)	9.00	⁴ Jan. 1, 2002
5 Parts:			
1-699	(869-048-00004-6)	57.00	Jan. 1, 2002
700-1199	(869-048-00005-4)	47.00	Jan. 1, 2002
1200-End, 6 (6 Reserved)	(869-048-00006-2)	58.00	Jan. 1, 2002
7 Parts:			
1-26	(869-048-00001-1)	41.00	Jan. 1, 2002
27-52	(869-048-00008-9)	47.00	Jan. 1, 2002
53-209	(869-048-00009-7)	36.00	Jan. 1, 2002
210-299	(869-048-00010-1)	59.00	Jan. 1, 2002
300-399	(869-048-00011-9)	42.00	Jan. 1, 2002
400-699	(869-048-00012-7)	57.00	Jan. 1, 2002
700-899	(869-048-00013-5)	54.00	Jan. 1, 2002
900-999	(869-048-00014-3)	58.00	Jan. 1, 2002
1000-1199	(869-048-00015-1)	25.00	Jan. 1, 2002
1200-1599	(869-048-00016-0)	58.00	Jan. 1, 2002
1600-1899	(869-048-00017-8)	61.00	Jan. 1, 2002
1900-1939	(869-048-00018-6)	29.00	Jan. 1, 2002
1940-1949	(869-048-00019-4)	53.00	Jan. 1, 2002
1950-1999	(869-048-00020-8)	47.00	Jan. 1, 2002
2000-End	(869-048-00021-6)	46.00	Jan. 1, 2002
8	(869-048-00022-4)	58.00	Jan. 1, 2002
9 Parts:			
1-199	(869-048-00023-2)	58.00	Jan. 1, 2002
200-End	(869-048-00024-1)	56.00	Jan. 1, 2002
10 Parts:			
1-50	(869-048-00025-4)	58.00	Jan. 1, 2002
51-199	(869-048-00026-7)	56.00	Jan. 1, 2002
200-499	(869-048-00027-5)	44.00	Jan. 1, 2002
500-End	(869-048-00028-3)	58.00	Jan. 1, 2002
11	(869-048-00029-1)	34.00	Jan. 1, 2002
12 Parts:			
1-199	(869-048-00030-5)	30.00	Jan. 1, 2002
200-219	(869-048-00031-3)	36.00	Jan. 1, 2002
220-299	(869-048-00032-1)	58.00	Jan. 1, 2002
300-499	(869-048-00033-0)	45.00	Jan. 1, 2002
500-599	(869-048-00034-8)	42.00	Jan. 1, 2002
600-End	(869-048-00035-6)	61.00	Jan. 1, 2002
13	(869-048-00036-4)	47.00	Jan. 1, 2002

Title	Stock Number	Price	Revision Date
14 Parts:			
1-59	(869-048-00037-2)	60.00	Jan. 1, 2002
60-139	(869-048-00038-1)	58.00	Jan. 1, 2002
140-199	(869-048-00039-9)	29.00	Jan. 1, 2002
200-1199	(869-048-00040-2)	47.00	Jan. 1, 2002
1200-End	(869-048-00041-1)	41.00	Jan. 1, 2002
15 Parts:			
0-299	(869-048-00042-9)	37.00	Jan. 1, 2002
300-799	(869-048-00043-7)	58.00	Jan. 1, 2002
800-End	(869-048-00044-5)	40.00	Jan. 1, 2002
16 Parts:			
0-999	(869-048-00045-3)	47.00	Jan. 1, 2002
1000-End	(869-048-00046-1)	57.00	Jan. 1, 2002
17 Parts:			
1-199	(869-048-00048-8)	47.00	Apr. 1, 2002
200-239	(869-048-00049-6)	55.00	Apr. 1, 2002
240-End	(869-048-00050-0)	59.00	Apr. 1, 2002
18 Parts:			
1-399	(869-048-00051-8)	59.00	Apr. 1, 2002
400-End	(869-048-00052-6)	24.00	Apr. 1, 2002
19 Parts:			
1-140	(869-048-00053-4)	57.00	Apr. 1, 2002
141-199	(869-048-00054-2)	56.00	Apr. 1, 2002
200-End	(869-048-00055-1)	29.00	Apr. 1, 2002
20 Parts:			
1-399	(869-048-00056-9)	47.00	Apr. 1, 2002
400-499	(869-048-00057-7)	60.00	Apr. 1, 2002
500-End	(869-048-00058-5)	60.00	Apr. 1, 2002
21 Parts:			
1-99	(869-048-00059-3)	39.00	Apr. 1, 2002
100-169	(869-048-00060-7)	46.00	Apr. 1, 2002
170-199	(869-048-00061-5)	47.00	Apr. 1, 2002
200-299	(869-048-00062-3)	16.00	Apr. 1, 2002
300-499	(869-048-00063-1)	29.00	Apr. 1, 2002
500-599	(869-048-00064-0)	46.00	Apr. 1, 2002
600-799	(869-048-00065-8)	16.00	Apr. 1, 2002
800-1299	(869-048-00066-6)	56.00	Apr. 1, 2002
1300-End	(869-048-00067-4)	22.00	Apr. 1, 2002
22 Parts:			
1-299	(869-048-00068-2)	59.00	Apr. 1, 2002
300-End	(869-048-00069-1)	43.00	Apr. 1, 2002
23	(869-048-00070-4)	40.00	Apr. 1, 2002
24 Parts:			
0-199	(869-048-00071-2)	57.00	Apr. 1, 2002
200-499	(869-048-00072-1)	47.00	Apr. 1, 2002
500-699	(869-048-00073-9)	29.00	Apr. 1, 2002
700-1699	(869-048-00074-7)	58.00	Apr. 1, 2002
1700-End	(869-048-00075-5)	29.00	Apr. 1, 2002
25	(869-048-00076-3)	68.00	Apr. 1, 2002
26 Parts:			
§§ 1.0-1.60	(869-048-00077-1)	45.00	Apr. 1, 2002
§§ 1.61-1.169	(869-048-00078-0)	58.00	Apr. 1, 2002
§§ 1.170-1.300	(869-048-00079-8)	55.00	Apr. 1, 2002
§§ 1.301-1.400	(869-048-00080-1)	44.00	Apr. 1, 2002
§§ 1.401-1.440	(869-048-00081-0)	60.00	Apr. 1, 2002
§§ 1.441-1.500	(869-048-00082-8)	47.00	Apr. 1, 2002
§§ 1.501-1.640	(869-048-00083-6)	44.00	⁶ Apr. 1, 2002
§§ 1.641-1.850	(869-048-00084-4)	57.00	Apr. 1, 2002
§§ 1.851-1.907	(869-048-00085-2)	57.00	Apr. 1, 2002
§§ 1.908-1.1000	(869-048-00086-1)	56.00	Apr. 1, 2002
§§ 1.1001-1.1400	(869-048-00087-9)	58.00	Apr. 1, 2002
§§ 1.1401-End	(869-048-00088-7)	61.00	Apr. 1, 2002
2-29	(869-048-00089-5)	57.00	Apr. 1, 2002
30-39	(869-048-00090-9)	39.00	Apr. 1, 2002
40-49	(869-048-00091-7)	26.00	Apr. 1, 2002
50-299	(869-048-00092-5)	38.00	Apr. 1, 2002
300-499	(869-048-00093-3)	57.00	Apr. 1, 2002
500-599	(869-048-00094-1)	12.00	⁵ Apr. 1, 2002
600-End	(869-048-00095-0)	16.00	Apr. 1, 2002
27 Parts:			
1-199	(869-048-00096-8)	61.00	Apr. 1, 2002

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200-End	(869-048-00097-6)	13.00	Apr. 1, 2002	100-135	(869-048-00151-4)	42.00	July 1, 2002
28 Parts:				136-149	(869-048-00152-2)	58.00	July 1, 2002
0-42	(869-048-00098-4)	58.00	July 1, 2002	150-189	(869-048-00153-1)	47.00	July 1, 2002
43-end	(869-048-00099-2)	55.00	July 1, 2002	190-259	(869-048-00154-9)	37.00	July 1, 2002
29 Parts:				260-265	(869-048-00155-7)	47.00	July 1, 2002
0-99	(869-048-00100-0)	45.00	⁸ July 1, 2002	266-299	(869-048-00156-5)	47.00	July 1, 2002
100-499	(869-048-00101-8)	21.00	July 1, 2002	300-399	(869-048-00157-3)	43.00	July 1, 2002
500-899	(869-048-00102-6)	58.00	July 1, 2002	400-424	(869-048-00158-1)	54.00	July 1, 2002
900-1899	(869-048-00103-4)	35.00	July 1, 2002	425-699	(869-048-00159-0)	59.00	July 1, 2002
1900-1910 (§§ 1900 to 1910.999)	(869-048-00104-2)	58.00	July 1, 2002	700-789	(869-048-00160-3)	58.00	July 1, 2002
1910 (§§ 1910.1000 to end)	(869-048-00105-1)	42.00	⁸ July 1, 2002	790-End	(869-048-00161-1)	45.00	July 1, 2002
1911-1925	(869-048-00106-9)	29.00	July 1, 2002	41 Chapters:			
1926	(869-048-00107-7)	47.00	July 1, 2002	1, 1-1 to 1-10		13.00	³ July 1, 1984
1927-End	(869-048-00108-5)	59.00	July 1, 2002	1, 1-11 to Appendix, 2 (2 Reserved)		13.00	³ July 1, 1984
30 Parts:				3-6		14.00	³ July 1, 1984
1-199	(869-048-00109-3)	56.00	July 1, 2002	7		6.00	³ July 1, 1984
200-699	(869-048-00110-7)	47.00	July 1, 2002	8		4.50	³ July 1, 1984
700-End	(869-048-00111-5)	56.00	July 1, 2002	9		13.00	³ July 1, 1984
31 Parts:				10-17		9.50	³ July 1, 1984
0-199	(869-048-00112-3)	35.00	July 1, 2002	18, Vol. I, Parts 1-5		13.00	³ July 1, 1984
200-End	(869-048-00113-1)	60.00	July 1, 2002	18, Vol. II, Parts 6-19		13.00	³ July 1, 1984
32 Parts:				18, Vol. III, Parts 20-52		13.00	³ July 1, 1984
1-39, Vol. I		15.00	² July 1, 1984	19-100		13.00	³ July 1, 1984
1-39, Vol. II		19.00	² July 1, 1984	1-100	(869-048-00162-0)	23.00	July 1, 2002
1-39, Vol. III		18.00	² July 1, 1984	101	(869-048-00163-8)	43.00	July 1, 2002
1-190	(869-048-00114-0)	56.00	July 1, 2002	102-200	(869-048-00164-6)	41.00	July 1, 2002
191-399	(869-048-00115-8)	60.00	July 1, 2002	201-End	(869-048-00165-4)	24.00	July 1, 2002
400-629	(869-048-00116-6)	47.00	July 1, 2002	42 Parts:			
630-699	(869-048-00117-4)	37.00	July 1, 2002	1-399	(869-048-00166-2)	56.00	Oct. 1, 2002
700-799	(869-048-00118-2)	44.00	July 1, 2002	400-429	(869-048-00167-1)	59.00	Oct. 1, 2002
800-End	(869-048-00119-1)	46.00	July 1, 2002	430-End	(869-048-00168-9)	61.00	Oct. 1, 2002
33 Parts:				43 Parts:			
1-124	(869-048-00120-4)	47.00	July 1, 2002	1-999	(869-048-00169-7)	47.00	Oct. 1, 2002
125-199	(869-048-00121-2)	60.00	July 1, 2002	1000-end	(869-048-00170-1)	59.00	Oct. 1, 2002
200-End	(869-048-00122-1)	47.00	July 1, 2002	44	(869-048-00171-9)	47.00	Oct. 1, 2002
34 Parts:				45 Parts:			
1-299	(869-048-00123-9)	45.00	July 1, 2002	1-199	(869-048-00172-7)	57.00	Oct. 1, 2002
300-399	(869-048-00124-7)	43.00	July 1, 2002	200-499	(869-048-00173-5)	31.00	⁹ Oct. 1, 2002
400-End	(869-048-00125-5)	59.00	July 1, 2002	500-1199	(869-048-00174-3)	47.00	Oct. 1, 2002
35	(869-048-00126-3)	10.00	⁷ July 1, 2002	1200-End	(869-048-00175-1)	57.00	Oct. 1, 2002
36 Parts:				46 Parts:			
1-199	(869-048-00127-1)	36.00	July 1, 2002	1-40	(869-048-00176-0)	44.00	Oct. 1, 2002
200-299	(869-048-00128-0)	35.00	July 1, 2002	41-69	(869-048-00177-8)	37.00	Oct. 1, 2002
300-End	(869-048-00129-8)	58.00	July 1, 2002	70-89	(869-048-00178-6)	14.00	Oct. 1, 2002
37	(869-048-00130-1)	47.00	July 1, 2002	90-139	(869-048-00179-4)	42.00	Oct. 1, 2002
38 Parts:				140-155	(869-048-00180-8)	24.00	⁹ Oct. 1, 2002
0-17	(869-048-00131-0)	57.00	July 1, 2002	156-165	(869-048-00181-6)	31.00	⁹ Oct. 1, 2002
18-End	(869-048-00132-8)	58.00	July 1, 2002	166-199	(869-048-00182-4)	44.00	Oct. 1, 2002
39	(869-048-00133-6)	40.00	July 1, 2002	200-499	(869-048-00183-2)	37.00	Oct. 1, 2002
40 Parts:				500-End	(869-048-00184-1)	24.00	Oct. 1, 2002
1-49	(869-048-00134-4)	57.00	July 1, 2002	47 Parts:			
50-51	(869-048-00135-2)	40.00	July 1, 2002	0-19	(869-048-00185-9)	57.00	Oct. 1, 2002
52 (52.01-52.1018)	(869-048-00136-1)	55.00	July 1, 2002	20-39	(869-048-00186-7)	45.00	Oct. 1, 2002
52 (52.1019-End)	(869-048-00137-9)	58.00	July 1, 2002	40-69	(869-048-00187-5)	36.00	Oct. 1, 2002
53-59	(869-048-00138-7)	29.00	July 1, 2002	70-79	(869-048-00188-3)	58.00	Oct. 1, 2002
60 (60.1-End)	(869-048-00139-5)	56.00	July 1, 2002	80-End	(869-048-00189-1)	57.00	Oct. 1, 2002
60 (Apps)	(869-048-00140-9)	51.00	⁸ July 1, 2002	48 Chapters:			
61-62	(869-048-00141-7)	38.00	July 1, 2002	1 (Parts 1-51)	(869-048-00190-5)	59.00	Oct. 1, 2002
63 (63.1-63.599)	(869-048-00142-5)	56.00	July 1, 2002	1 (Parts 52-99)	(869-048-00191-3)	47.00	Oct. 1, 2002
63 (63.600-63.1199)	(869-048-00143-3)	46.00	July 1, 2002	2 (Parts 201-299)	(869-048-00192-1)	53.00	Oct. 1, 2002
63 (63.1200-End)	(869-048-00144-1)	61.00	July 1, 2002	3-6	(869-048-00193-0)	30.00	Oct. 1, 2002
64-71	(869-048-00145-0)	29.00	July 1, 2002	7-14	(869-048-00194-8)	47.00	Oct. 1, 2002
72-80	(869-048-00146-8)	59.00	July 1, 2002	15-28	(869-048-00195-6)	55.00	Oct. 1, 2002
81-85	(869-048-00147-6)	47.00	July 1, 2002	29-End	(869-048-00196-4)	38.00	⁹ Oct. 1, 2002
86 (86.1-86.599-99)	(869-048-00148-4)	52.00	⁸ July 1, 2002	49 Parts:			
86 (86.600-1-End)	(869-048-00149-2)	47.00	July 1, 2002	1-99	(869-048-00197-2)	56.00	Oct. 1, 2002
87-99	(869-048-00150-6)	57.00	July 1, 2002	100-185	(869-048-00198-1)	60.00	Oct. 1, 2002
				186-199	(869-048-00199-9)	18.00	Oct. 1, 2002
				200-399	(869-048-00200-6)	61.00	Oct. 1, 2002
				400-999	(869-048-00201-4)	61.00	Oct. 1, 2002
				1000-1199	(869-048-00202-2)	25.00	Oct. 1, 2002

Title	Stock Number	Price	Revision Date
1200-End	(869-048-00203-1)	30.00	Oct. 1, 2002
50 Parts:			
1-17	(869-048-00204-9)	60.00	Oct. 1, 2002
18-199	(869-048-00205-7)	40.00	Oct. 1, 2002
200-599	(869-048-00206-5)	38.00	Oct. 1, 2002
600-End	(869-048-00207-3)	58.00	Oct. 1, 2002
CFR Index and Findings			
Aids	(869-048-00047-0)	59.00	Jan. 1, 2002
Complete 2001 CFR set		1,195.00	2001
Microfiche CFR Edition:			
Subscription (mailed as issued)		298.00	2000
Individual copies		2.00	2000
Complete set (one-time mailing)		290.00	2000
Complete set (one-time mailing)		247.00	1999

¹ Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

² The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

³ The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

⁴ No amendments to this volume were promulgated during the period January 1, 2001, through January 1, 2002. The CFR volume issued as of January 1, 2001 should be retained.

⁵ No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2001. The CFR volume issued as of April 1, 2000 should be retained.

⁶ No amendments to this volume were promulgated during the period April 1, 2001, through April 1, 2002. The CFR volume issued as of April 1, 2001 should be retained.

⁷ No amendments to this volume were promulgated during the period July 1, 2000, through July 1, 2001. The CFR volume issued as of July 1, 2000 should be retained.

⁸ No amendments to this volume were promulgated during the period July 1, 2001, through July 1, 2002. The CFR volume issued as of July 1, 2001 should be retained.

⁹ No amendments to this volume were promulgated during the period October 1, 2001, through October 1, 2002. The CFR volume issued as of October 1, 2001 should be retained.